

Public Document Pack
SOUTHEND-ON-SEA CITY COUNCIL

Development Control Committee

Date: Wednesday, 28th February, 2024

Time: 2.00 pm

Place: Jubilee Room (Committee Room 1) - Civic Suite

Contact: Tim Row - Principal Democratic Services Officer

Email: committeesection@southend.gov.uk

A G E N D A

1 Apologies for Absence

2 Declarations of Interest

3 Minutes of the meeting held on Wednesday, 31st January 2024
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4 Supplementary Report
The supplementary report by the Executive Director (Environment and Place) will provide additional information (if any) on the items referred to on the Agenda and will be available on the morning of the meeting.

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(Pages 61 - 86)

7 23/00644/FUL - 25 Towerfield Road, Shoeburyness (West Shoebury Ward)
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8 23/01639/FUL - Elmtree Lodge, 66 Cranleigh Drive, Leigh-on-Sea (Leigh Ward)
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9 23/01966/FUL - 51 Old Southend Road, Southend-on-Sea (Kursaal Ward)
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10 23/01664/FUL - Land North of Roach Vale, Eastwood, Leigh-on-Sea (Eastwood Park Ward)
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- 11 **23/01974/FULH - 27 Hadleigh Road, Leigh-on-Sea (Leigh Ward)**
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**** **Report on Tree Preservation Order**

- 12 **23/01785/TPO - The Bellhouse Public House, 321 Rayleigh Road, Eastwood, Leigh-on-Sea (Eastwood Park Ward)**
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**** **Reports on Enforcement of Planning Control**

- 13 **20/00324/UNAU_B - 203 Westborough Road, Westcliff-on-Sea (Westborough Ward)**
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- 14 **20/00036/UNAU_B - 296 London Road, Westcliff-on-Sea (Milton Ward)**
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- 15 **22/00099/UNAU_B - 19 High Street, Leigh-on-Sea (Leigh 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

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 31st January, 2024

Place: Committee Room 1 - Civic Suite

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Present: Councillor N Ward (Chair)
Councillors B Beggs, M Berry, M Borton, S Buckley, C Campbell*,
A Dear, M Dent, J Harland, A Jones, R Longstaff, C Mulroney,
M Sadza and R Woodley
(*Substitute in accordance with Council Procedure Rule 30.)

In Attendance: Councillors P Collins, T Cowdrey and S Habermel
K Waters, P Keyes, C Galforg, S Mouratidis, C White, G Fairley,
O Hart, M Warren, A Brown and T Row

Start/End Time: 2.00 pm - 6.20 pm

80 Apologies for Absence

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

81 Declarations of Interest

The following interests were declared at the meeting:

(i) Councillor Buckley – Minute No. 86 (Application Ref. No. 22/01827/FULM -
1285 London Road, Leigh-on-Sea) – Husband is a Member of Leigh Town
Council;

(ii) Councillor A Jones – Minute No. 85 (Application Ref. No. 23/00264/OUTM - 7
Tylers Avenue, Southend-on-Sea) – Public Transport was mentioned in the
debate and a family member works in the Council's Transport Team; and

(iii) Councillor Mulroney – Minute No. 86 (Application Ref. No. 22/01827/FULM -
1285 London Road, Leigh-on-Sea) – Non planning member of Leigh Town
Council.

82 Minutes of the Meeting held on Wednesday, 13th December, 2023

Resolved:-

That the Minutes of the meeting held on Wednesday, 13th December 2023 be
confirmed as a correct record and signed.

83 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.

84 23/01329/BC3 - Bishop House, 40 Western Approaches, Eastwood (St Laurence Ward)

Proposal: Install 6no. prefabricated mobility scooter stores within rear garden

Applicant: Mr Kevin Auger

Agent: Miss Elizabeth Williams of Calfordseaden LLP

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 the decision.

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

02 The development hereby approved shall be carried out in accordance with the approved plans and details: Location plan, PSM-3_LHH_SW TGV+FB_EU (FB ROOF) Unit Dimensions; PSM-3_LHH_SW TGV+FB_EU (FB ROOF) Foundation Pads; PSM-3_LHH_SW TGV+FB_EU (FB ROOF) Foundation Slab, C 18-01 Revision A, C 18-02 Revision A.

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, the development hereby permitted shall be finished externally in a green colour which blends in with the surrounding amenity space, or in an alternative blending colour details of which have previously been submitted to and approved in writing by the Local Planning Authority under the scope of this planning condition.

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with Policy DM1 of the Development Management Document (2015) and the advice 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set

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

Informatives:

1. You are advised that as the 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.

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.

- 85 23/00264/OUTM - 7 Tylers Avenue, Southend-on-Sea (Milton Ward)**
Proposal: Erect 14 storey building comprising of 58 self-contained flats (Class C3) and commercial units at ground floor level (Class E) with ancillary bike and bin store on vacant land (Outline Application)
Applicant: M r Kotecha
Agent: Mr Steven Kearney of SKArchitects

Resolved:-

That planning permission be REFUSED for the following reason:

The proposed development would, by reason of its scale, form, detailed design and subsequent visibility from longer public vistas, create an excessively scaled, visually dominant and incongruous feature, out of keeping with and significantly harmful to the character and appearance of the application site, the streetscene and wider surrounding area which is typically of much lower scale. The harm of granting permission would significantly and demonstrably outweigh the public benefits when considered against the policies of the National Planning Policy Framework taken as a whole. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015), Policies DS2, DS3, PA1 and PA7 of the Southend Central Area Action Plan (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and the National Design Guide (2021)."

Informative

The applicant is advised that in relation to the agreed planning obligations, in the event an appeal is lodged, the Local Planning Authority would expect a S106 legal agreement is finalised before an appeal decision is formally issued and significant progress should have been made before the appeal statement submission stage.

In any other event the Local Planning Authority would request the Planning Inspector to dismiss the appeal additionally on the grounds that the development will not secure the necessary contributions for secondary education, tree replanting and removal, biodiversity mitigation or Travel Information Packs and a viability review mechanism for a late stage affordable housing viability review 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).

- 86 **22/01827/FULM - 1285 London Road, Leigh-on-Sea (Belfairs Ward)**
Proposal: Demolish existing buildings, erect part three/part four storey building and form 17no. self-contained flats and 1no. commercial unit, layout parking and associated landscaping
Applicant: Carlton Group Developments
Agent: Mr John Ferguson of Collective Planning

Resolved:-

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

- Secondary education contribution of £19,780.30
- RAMS contribution – 17 x £156.76 = £2,664.92
- Provision of Travel Information Packs to all residents.
- Travel Plan Monitoring fee up to £2,500 (£500 x 5 years)
- Affordable Housing Financial Contribution= £131,955
- Monitoring fee of up to £10,000.

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

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

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

02 The development hereby approved shall be carried out in accordance with the approved plans: 1222-CYA-AA-XX-DR-A-00001A; 1222-CYA-AA-ZZ-DR-A-00002A; 1222-CYA-AA-00-DR-A-00009H; 1222-CYA-AA-00-DR-A-00010M; 1222-CYA-AA-01-DR-A-00011I; 1222-CYA-AA-02-DR-A-00012I; 1222-CYA-AA-02-DR-A-00013H; 1222-CYA-AA-02-DR-A-00014H; 1222-CYA-AA-ZZ-DR-A-00015F; 1222-CYA-AA-ZZ-DR-A-00016D; 1222-CYA-AA-ZZ-DR-A-00017I; 1222-CYA-AA-ZZ-DR-A-00018G; 1222-CYA-AA-ZZ-DR-A-00019D; 1222-CYA-AA-ZZ-DR-A-00020D; 1222-CYA-AA-XX-DR-A-00025C; 1222-CYA-AA-XX-DR-A-00026C; 1222-CYA-AA-ZZ-DR-A-00027C; 1222-CYA-AA-ZZ-DR-A-00028C; 1222-CYA-AA-ZZ-DR-A-00029A; 1222-CYA-AA-XX-DR-A-00030I; 1222-CYA-AA-XX-DR-A-00031E; 1222-CYA-AA-XX-DR-A-00032 E.

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

03 Notwithstanding the details shown on the plans and the materials schedule submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full product details of the materials to be used on all the external elevations of the development, including but not limited to the exterior walls and associated brick and cladding details; roof, including coping; windows and doors including entrance curtain walling; bi-fold shutters for dwellings; commercial shutters, signage details; waste and recycling store doors; shopfronts including awnings and fascias, privacy screening measures and balcony specifications and rainwater goods have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall be carried out in accordance with the approved details before it is first occupied or brought into first use.

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

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition.

The approved hard landscaping details shall be delivered in full accordance with the approved details prior to first occupation of the development. The approved soft landscaping details shall be delivered in full accordance with the approved details within the first planting season following first use of the development hereby approved. The details submitted shall include, but not be limited to:

- (i.) Existing and proposed finished site levels or contours;
- (ii.) Details and specifications of all means of enclosure of the site, including boundary walls, Acoustic boundary fencing for the north, west and east boundaries of the development site's car park (as denoted on Drawing No 1222-CYA-AA-00-DR-A-00009H) and details of the boundary treatments to subdivide the private amenity areas;
- (iii.) Hard surfacing materials for forecourt and vehicle access, turning and parking areas and the balconies;
- (iv.) Full details of the number, size and location of the trees, shrubs and plants to be planted together with a planting specification and management plan;
- (v.) Measures to enhance the biodiversity of 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: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping are implemented pursuant to Policy DM1 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007)

05 Prior to the first occupation of the development hereby approved, the separate residential and commercial cycle and bin storage facilities shown on the approved plan 1222-CYA-AA-00-DR-A-00010M shall be provided and made available for use by the occupiers of the development. These areas shall be retained for the lifetime of the development in accordance with the approved details included in the approved plan 1222-CYA-AA-00-DR-A-00010M.

Reason: To ensure that satisfactory cycle and bin storage is provided in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP3, Development Management Document (2015) Policy DM15 and the guidance in the Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019).

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

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

07 No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy (to include Noise and Dust Mitigation Strategies) has been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Strategy shall provide, amongst other things, for:

- (i) the parking of vehicles of site operatives and visitors,
- (ii) loading and unloading of plant and materials,
- (iii) storage of plant and materials used in constructing the development,
- (iv) the erection and maintenance of security hoarding,
- (v) measures to control the emission of dust, dirt, mud being carried onto the road and noise during construction,
- (vi) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.
- (vii) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction. and
- (viii) details of the duration and location of any noisy activities.

Reason: A pre-commencement condition is justified in the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

08 The ten (10No) car parking spaces shown on approved plan '1222-CYA-AA-00-DR-A-00009H' shall be provided and made available for use at the site prior to

the first occupation of the dwellings hereby approved. The parking spaces shall each be fitted with an active electric vehicle charging point. The car parking spaces shall thereafter be permanently retained solely for the parking of vehicles of the occupiers and visitors to the approved dwellings.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of highway safety, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP3, Development Management Document (2015) Policy DM15 and the guidance in the Electric Vehicle Charging Infrastructure for New Development Supplementary Planning Document (2021).

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

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

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

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2023), 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).

11 A - Site Characterisation

Notwithstanding the details submitted with this application, no development shall commence other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of any underground tanks and old structures until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. 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 extent, scale and nature of 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

The development hereby permitted shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended uses 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 under the terms of 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 remediation.

C - Remediation Implementation and Verification

The development hereby permitted shall not commence 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, unless otherwise agreed in writing by the Local Planning Authority under the terms of this condition. The Local Planning Authority must be given at least 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 is subject to the approval in writing of the Local Planning Authority.

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 the development must stop and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared and submitted for the approval in writing of the Local Planning Authority.

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

The above works shall be conducted by competent persons and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land

Contamination, CLR 11' and other current guidance deemed authoritative for the purposes. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

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

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

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

The development must be implemented in full accordance with the mitigation and other details submitted in the report approved under this condition before the dwellings are first occupied and thereafter be maintained as such 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 contained within the Southend-on-Sea Design and Townscape Guide (2009).

13 The commercial unit hereby approved shall only be used for purposes falling within Use Class E as defined under the Town and Country Planning (Use Classes) Order 1987 (as amended) on the date this application was submitted. That excludes any use as a gymnasium which, notwithstanding the provisions of the Use Classes Order, shall not take place without express planning permission first having been obtained. The development shall not be used for any other purpose, including any purpose otherwise permitted under the Town and Country Planning (Use Classes) Order 1987 (as amended) nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provision equivalent to those Orders in any statutory instrument revoking and re-enacting these Orders, with or without modification.

Reason: To define the scope of this permission in the interests of residential amenities and environmental quality, further to the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy

(2007) and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015)

14 No dust or fume extraction or filtration equipment or air conditioning, ventilation, or refrigeration equipment shall be installed in association with the development hereby approved unless and until details of its design, siting, discharge points, predicted acoustic performance and details of any necessary noise and odour mitigation measures to be used have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The equipment shall be installed only in accordance with the approved details and shall be maintained in good working order thereafter 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).

15 Notwithstanding the details shown on the documents submitted and otherwise hereby approved, with reference to British Standard BS7445:2003, the noise rating level arising from any equipment, plant or activities associated with the ground floor commercial unit hereby approved shall be at least 10dB(A) below the background noise level as measured at 1m from the facades of the nearest noise sensitive premises.

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).

16 Prior to first use or occupation of the commercial unit hereby approved, a delivery and servicing plan shall first have been submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. Thereafter, the delivery and servicing needs of the commercial unit shall only take place in accordance with the approved details.

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).

17 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 residents within the development 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).

18 The development hereby approved shall be constructed solely in accordance with the drainage details contained within the Surface Water Drainage Strategy (Issue 06) by Cole Easdon. The approved drainage works shall be maintained in good working condition for the lifetime of the development.

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

19 Before the development is occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that 2No of the flats hereby approved comply with the building regulation M4 (3) 'wheelchair user dwellings' standard and the remaining 15No flats comply with building regulation part M4(2) 'accessible and adaptable dwellings' standard.

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

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

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

21 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, obscurity, materials and location of all privacy screens to be fixed to the proposed development. Before any part of the development hereby approved is first occupied the privacy screens shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter 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).

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

- The proposed second floor west-flank bedroom window serving Flat 11;
- The proposed third floor rear (north) facing stairwell windows;
- The proposed third floor rear (north) facing windows serving Flat 17's storage, WC and single occupancy bedroom.

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

23 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not be first occupied unless and until a car park management plan has been submitted to and approved in writing by the local planning authority. The development shall be brought into first use only in full accordance with the details approved under this condition and shall be operated and maintained as such in perpetuity thereafter."

Reason: To ensure that adequate car parking arrangements are provided to serve the development in accordance with Policy DM15 of the Council's Development Management Document (2015) and Policy CP3 of the Core Strategy (2007).

(c) In the event that the planning obligation referred to in part (a) above has not been completed before 2nd February 2024 or an extension of this time as may be agreed by the Director of Planning and Economy or Service Manager of Development Control, authority is delegated to the Director of Planning and Economy or Service Manager of Development Control to refuse planning permission for the application on grounds that the development will not secure the necessary contributions for affordable housing, secondary education, RAMs, Travel Plan, monitoring of travel plan and provision of Travel Information Packs, and for a Monitoring fee 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 development which is the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development, it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).

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

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 to affordable housing in lieu of on-site provision, a financial contribution in relation to education, a financial RAMS contribution, the provision of Travel Information Packs and a Travel Plan inclusive of monitoring fee and monitoring of the agreement.

4. Advertisement signage associated with the development may require consent under separate Advertisement legislation.

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.

- 87 23/00443/FUL - 13 Cobham Road, Westcliff-on-Sea (Chalkwell Ward)**
Proposal: Change of use from hotel (Class C1) to 15 bed HMO (Class Sui Generis), install rooflight, infill window, layout bin store to front and bike store to rear
Applicant: Mr Ben Adler of Green Eagle Estates Ltd
Agent: Mr Dwight Breley of Breley Design Ltd

Resolved:-

That planning permission be REFUSED for the following reason:

The application does not demonstrate that the established use as a hotel is not feasible or viable. The site is located within a key area for visitor accommodation and on this basis the proposal is found to be harmful to the provision of visitor accommodation within the city, and the harm is not outweighed by any public benefits of the development. This is unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP1, KP2, CP4 and CP8 of the Southend-on-Sea Core Strategy (2007) and Policy DM12 of the Southend-on-Sea Development Management Document (2015).

- 88 23/01735/FUL - 11 Hartington Road, Southend-on-Sea (Kursaal Ward)**
Proposal: Change of use from dwellinghouse (Class C3) to short term let rental unit (Sui Generis) (retrospective)
Applicant: Mr And Mrs Grice
Agent: Mr Kunal Desai of KVD Plans Ltd

Resolved:-

That planning permission be REFUSED for the following reason:

The development would result in the loss of a dwelling to the detriment of the quantity and quality of the City's housing stock against the background of an unmet strategic housing need. The application is therefore found to be unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP2, CP4 and CP8 of the Southend-on-Sea Core Strategy (2007)

- 89 23/01708/FUL - 29 Parkanaur Avenue, Thorpe Bay (Thorpe Ward)**
Proposal: Erect two storey detached dwellinghouse on land adjacent 29 Parkanaur Avenue with garage to side and vehicular access onto Parkanaur Avenue (amended proposal)
Applicant: Peter Emptage
Agent: Peter Emptage of EAV2 Architects

Resolved:-

That planning permission be REFUSED for the following reason:

The proposed development would, by reason of its size, scale and proximity to the southern site boundary have an unduly dominant impact on the setting of No 17 Parkanaur Avenue to the significant detriment of its occupiers' amenities. The harm of granting permission would significantly and demonstrably outweigh the public benefits when considered against the policies of the National Planning Policy Framework taken as a whole. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2023), Policies DM1 and DM3 of the Development Management Document (2015), and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 90 23/01670/FULH - 112 Pinewood Avenue, Eastwood (Eastwood Park Ward)**
Proposal: Erect first floor side extension
Applicant: Mr Daniel Carey
Agent: Mr Alan Green of A9 Architecture

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: Location plan, Proposed 3D Views, 02 (Rev A), 03 (Rev A), 04 (Rev A), 05 (Rev A), 06 (Rev A), 07 (Rev A), 08 (Rev A).

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 be rendered to match the render used on the external surfaces of the original dwelling element of the existing property.

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).

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 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.

91 23/01771/FULH - 38 Chalkwell Avenue, Westcliff-on-Sea (Chalkwell Ward)

Proposal: Erect part single/part two storey rear extension and two storey front extension with new porch, convert integral garage into habitable accommodation and alter elevations

Applicant: Mr I Jennings

Agent: Ms R Warren of SKArchitects

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: P01; P02; P03 Rev E

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 proposed first-floor window in the southern 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 shall be 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 rear roofs of the development hereby approved shall not be used as a balcony, roof garden or terrace or for any other purpose at any time without express planning permission being granted. 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).

Positive and Proactive Statement:

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

Informatives:

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

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

- 92 20/00296/UNAU_B - 66 Westcliff Park Drive, Westcliff-on-Sea
(Westborough Ward)
Breach of Planning Control: Erection of garage and covered walkway**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to secure:

(a) the removal from the site in their entirety the southern side garage and covered walkway.

AND

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

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

- 93 21/00033/UNAU_B - 404 - 406 Rayleigh Road, Eastwood (Eastwood Park Ward)
Breach of Planning Control: Extensions and balcony not completed in full accordance with approved plans**

Resolved:-

That the closure of the case be AUTHORISED.

Chair: _____

DEVELOPMENT CONTROL COMMITTEE**28th February 2024**

WARD	APP/REF NO.	ADDRESS
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Main Plans Report		
Leigh	23/02012/FUL	10 Broadway Leigh-on-sea
West Leigh	24/00046/FULH	37 Medway Crescent Leigh-on-sea
West Shoebury	23/00644/FUL	25 Towerfield Road Shoeburyness
Leigh	23/01639/FUL	Elmtree Lodge 66 Cranleigh Drive
Kursaal	23/01966/FUL	51 Old Southend Road Southend-on-Sea
Eastwood Park	23/01664/FUL	Land North Of Roach Vale
Leigh	23/01974/FULH	27 Hadleigh Road Leigh-on-sea
Eastwood Park	23/01785/TPO	The Bellhouse Public House 321 Rayleigh Road

Enforcement Report		
Westborough	20/00324/UNAU_B	203 Westborough Road Westcliff-On-Sea
Milton	20/00036/UNAU_B	296 London Road Westcliff-On-Sea
Leigh	22/00099/UNAU_B	19 High Street Leigh-on-sea

DEVELOPMENT CONTROL COMMITTEE

DEVELOPMENT CONTROL COMMITTEE

INTRODUCTION

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

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

DEVELOPMENT CONTROL COMMITTEE

Background Papers

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

DEVELOPMENT CONTROL COMMITTEE

Use Classes

(Generally in force from 1st September 2020)

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

Deleted Use Classes

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

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

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Reference:	23/02012/FUL	5
Application Type:	Full Application	
Ward:	Leigh	
Proposal:	Erect single storey rear extension, change of use from bank (Class E) to café (Class E) at ground floor front and service accommodation (Sui Generis) at ground floor rear and above with associated cycle parking and refuse stores and reconfigure steps to east elevation.	
Address:	10 Broadway, Leigh-on-Sea, Essex, SS9 1AP	
Applicant:	Mr M Hassan of Fish to Go Ltd	
Agent:	Mr Colin Stone of Stone Me Ltd	
Consultation Expiry:	01.02.2024	
Expiry Date:	01.03.2024	
Case Officer:	Abbie Greenwood	
Plan Nos:	Location Plan, 2132-01, 2132-02, 2132-03F, 2132-04E, 2132-06, 2132-07, 2132-08	
Additional information:	Design and Access and Heritage Statement Rev B	
Recommendation:	GRANT PLANNING PERMISSION, subject to conditions	



1 Site and Surroundings

- 1.1 The application site is the former Barclays Bank on the south side of Leigh Broadway and within the boundary of Leigh Conservation Area. The 3-storey building with single and two storey elements to its rear dates from the early twentieth century and has a well detailed and imposing stone façade in neo- Renaissance style which is typical of this era and use. It is described as ‘elegant’ and ‘grand’ in the Leigh Conservation Area Appraisal in which it is identified as making a positive contribution to the character of the Conservation Area as a local landmark.
- 1.2 The eastern flank of the building faces Stables Mews has a simpler design with red brick and some stonework to the front section closest to Broadway then transitioning to a plainer yellow stock brick at its southern end. Both sections have an ordered arrangement of timber sash windows providing natural surveillance to the Mews. The building also has a fairly utilitarian flat roof modern extension to the rear with more modern metal casement windows and a timber clad fire escape stair. This steps down to the former brick bank vault at the very southern end of the site. Stable Mews is the original yard to The Broadway public house, a former hotel adjacent to the site to the east, and is enclosed by the application building and a row of historic buildings along its southern boundary formerly the stables to the hotel but now in various commercial uses (Use Class E). It has significant historic character but also the potential for enhancement.
- 1.3 Leigh Broadway is a busy and popular shopping street within the heart of Leigh district centre. It is an important part of the history and development of Leigh during its period of most rapid growth in its Victorian and Edwardian heyday. The buildings fronting Broadway are a mix of designs mainly from this era which make for an eclectic streetscene. There are some locally listed buildings opposite the site at Nos 9-11 and 21-23a Broadway and St Clements Church nearby to the west is a Grade II* listed building. To the southwest of the site is a terrace of locally listed houses, Nos 98-108 Leigh Hill plus 2-4 Broadway. This section of Broadway is designated as primary shopping frontage. All these buildings including the application site are within Leigh Conservation Area. Leigh Cliff Conservation Area is a short distance to the east.

2 The Proposal

- 2.1 The proposal seeks to change the use of the building from a bank (Class E) to a café (patisserie) (Class E) at ground floor to the front and western side of the building and to serviced visitor accommodation on the upper floors with communal facilities for the serviced accommodation at ground floor level on the rear, eastern side of the building. Two windows are proposed to the east side of the building at second floor level and the fire escape stair to the rear is proposed to be enlarged by 3m x 1m across the rear of the taller section of the building following the same form. A privacy screen 1.7m above first floor roof level is proposed between the site boundary and the western neighbour adjacent to the taller section of the building.
- 2.2 The former bank vault at the rear will be increased in height by some 0.5m to some 2.8m and converted to a refuse and recycling store for the serviced accommodation and a cycle store with timber doors accessed from Stable Mews. A separate freestanding commercial refuse and recycling store is also proposed at the southern end of the site. There is no on-site parking presently and none is proposed.
- 2.3 The hours of use for the proposed café are stated as 07:30 – 19:30 daily. The application form states that the proposal is expected to provide 7 full time and 8 part time employees (11 full-time equivalent employees). The proposed plan shows 52 covers in the café.

The serviced accommodation comprises 6 double bedrooms and 3 triple bedrooms for 3 persons, all of which have en-suites. It also has a communal kitchen/dining area for guests to use to the rear of the ground floor. This will be accessed via reconfiguring the steps on the east elevation to create a landing at the entrance.

3 Relevant Planning History

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

Table 1: Relevant Planning History of the Application Site

Reference	Description	Outcome
22/01495/FUL	Remove advertising fascia signage and projecting signs, ADT alarm box and CCTV camera and make good, remove existing ATM and replace with new glazing, remove existing night safe and infill with matching stonework all to front elevation (Retrospective)	Approved
09/02036/FUL	Install panel surround to automatic teller machine, CCTV camera to front elevation and install four air conditioning condenser units to side elevation	Approved
09/02033/ADV	Install one non-illuminated fascia sign and one non-illuminated projecting box sign	Approved
03/01599/FUL	Alter front elevation to accommodate new automatic teller machine (amended proposal)	Approved
03/01598/ADV	Install internally illuminated sign to proposed automatic teller machine (amended proposal)	Refused
03/01092/ADV	Install internally illuminated sign to proposed automatic teller machine	Refused
03/01091/FUL	Alter front elevation to accommodate new automatic teller machine	Refused

4 Representation Summary

Public Consultation

- 4.1 Seventeen (17) neighbouring properties were consulted via letter, a site notice displayed and press notice published. 5 letters of representation have been received from 3 addresses raising the following summarised issues:

- Impact on neighbour amenity.
- Concern over impact of possible extraction system.
- Lack of Parking.
- Concern over servicing and deliveries.
- Too many cafes in this area.
- There should be no alcohol licence for this site.
- Concern that serviced accommodation could be converted to HMO.
- Overlooking and loss of privacy. Concern that the flat roof to the rear will be used as a terrace – even if this is not proposed how can it be controlled? A privacy screen should be required on the west boundary / west facing windows should be obscured.
- A condition on hours of use should be attached.
- Concern that serviced accommodation is cheap housing by the back door.

Officer Comment: These concerns are noted and those that represent material planning considerations have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

Environmental Health

- 4.2 No objections to change of use. If a full kitchen an extract system will be required. The flue termination point should be at eaves level or above and appropriate filtration will be required. Noise and vibration from the extract system will need to be addressed and a Noise Impact Assessment will be needed. Appropriate sound insulation should be provided between the commercial use and accommodation above. Conditions relating to waste storage and construction hours are also required. Informatives are recommended relating to construction outside of normal hours and asbestos.

Highways

- 4.3 There are no highway objections to this proposal. Secure cycle parking has been provided. It is not considered that the proposal will have a detrimental impact on the local highway network.

Strategic Planning

- 4.4 There is sufficient relationship with the Seafront to comply with Policy DM12.

Essex Fire Service

- 4.5 No objections.

5 Procedural matters

- 5.1 This application is presented to the Development Control Committee because it has been called in by Cllr Mulroney.

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 Core Strategy (2007): Policy KP1 (Spatial Strategy), Policy KP2 (Development Principles), Policy CP1 (Employment Generating Development), Policy CP3 (Transport and Accessibility), Policy CP4 (The Environment and Urban Renaissance)
- 6.5 Development Management Document (2015): Policy DM1 (Design Quality), Policy DM2 (Low Carbon and Development and Efficient Use of Resources), Policy DM3 (Efficient and Effective Use of Land), Policy DM5 (Southend-on-Sea's Historic Environment), Policy DM12 (Visitor Accommodation), Policy DM13 (Shopping Frontage Management outside the Town Centre), Policy DM15 (Sustainable Transport Management).
- 6.6 Southend-on-Sea Design and Townscape Guide (2009).

- 6.7 Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019).
- 6.8 Community Infrastructure Levy (CIL) Charging Schedule (2015).
- 6.9 Leigh Conservation Area Appraisal (2010) and Leigh Cliff Conservation Area Appraisal (2021).

7 Planning Considerations

- 7.1 The main considerations in relation to this application are the principle of the development including the change of use, the design and impact on the character and appearance of the existing historic building, the wider conservation area and other nearby heritage assets including listed buildings, the impact on residential amenity, traffic and parking implications, energy and water use, sustainability, refuse and recycling storage and CIL liability.

8 Appraisal

Principle of Development

- 8.1 Policy DM13 states '*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.*' The policy also requires an active frontage to be provided to the main street frontage.
- 8.2 The proposal seeks to convert the ground floor from a bank to a cafe. Both these uses fall within the Use Class E (Business, Commercial and Service) so there no material change of use of the ground floor is involved here. It is considered that the proposal to use the ground floor as a cafe would enable an active frontage to be maintained to Broadway so meeting the requirements of Policy DM13 in this respect.
- 8.3 Policy DM11 seeks to protect employment space (B class uses including former class B1). In this case the upper floors of the building were offices and storage ancillary to the bank so they would have been within former Use Class A2, not B1. They therefore fall outside the scope of Policy DM11. There is therefore no objection in principle to their conversion to other employment generating uses in terms of employment space.
- 8.4 Policy DM12 supports the provision of new visitor accommodation but only in appropriate locations which are consistent with the regeneration and economic objectives of the City. In relation to 'hotel locations' it directs new provision to the central area, the airport and '*at locations with good access and a clear and strong relationship with the Seafront*'. It also states that '*Proposals must relate well to strategic routes and the distributor road network, have good public transport accessibility, and meet the requirements of other relevant planning policies.*' In relation to the seafront locations the document states that '*The Seafront will not be considered as a defined area, [unlike the Central Area which has a set boundary] but as relating to an area that clearly has a strong relationship with the Seafront. This relationship will be considered on a site-by-site basis and will take account of an area's function and connectivity with the Seafront and specifically whether there are clear, convenient and direct walking routes to the Seafront.*'
- 8.5 The application site is close to the junction of Broadway with Leigh Hill and other routes aligned in the direction of the seafront area. The boundary of the defined seafront area

in this instance is some 130m from the application site and on the north side of the railway line. The environs of the application site enjoy several attractive routes to the seafront area. This site is a sustainable location on a main road with good public transport links and close to local amenities making it an attractive prospect for visitor accommodation. This employment-generating proposal would not reduce the supply of housing in the City as the existing floorspace is not residential.

- 8.6 The Strategic Policy Team have confirmed that this location for visitor accommodation would be compliant with the objectives of Policy DM12.
- 8.7 Any change of use to residential would require separate planning permission which would include an assessment of the standard of accommodation. This is not applicable to serviced accommodation. In order to prevent this being used as long term lets it is considered reasonable to restrict the maximum length of stay at any one time to 90 days. This can be controlled by condition.
- 8.8 The principle of a café and visitor accommodation at this site is therefore acceptable subject to the detailed considerations set out below.

Design and Impact on the Character of the Area including Heritage assets

- 8.9 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 8.10 Section 69 of the Planning and Listed Buildings and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 8.11 Paragraph 131 of the NPPF states *'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations and how these will be tested, is essential for achieving this.'*
- 8.12 Paragraph 207 of the NPPF states *'where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or total loss...'*
- 8.13 Paragraph 208 of the NPPF states *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*
- 8.14 Policy DM1 of the Development Management Document advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.
- 8.15 Policy DM5 of the Development Management Document seeks to protect the character and significance of the City's heritage assets including conservation areas and listed

and locally listed buildings.

- 8.16 The proposed uses are compatible with the existing character of the building, the streetscene and wider context so there are no concerns in this regard. No alterations are proposed to the front elevation of the building except for signage, details of which can be controlled by condition and via separate advertisement consent. Therefore, subject to agreement of these details, the historic character of the Broadway frontage will be preserved.
- 8.17 Two new windows are proposed to the east elevation at second floor level. These will be timber sashes to match other windows on this elevation and will align with existing windows at ground level thereby preserving the order of this elevation. Full design details of the new windows have been provided which demonstrate they would be a good match to the existing. This alteration will not look out of place and is considered to have an acceptable impact on the historic character of the building and the conservation area and setting of nearby listed and locally listed buildings.
- 8.18 The enlargement of the covered staircase to the rear will match the form of the existing enclosure and is appropriate. This modest extension will use matching materials except for a small UVPC window which will not be visible from any public areas. It will have a neutral impact on the character and appearance of the building.
- 8.19 The proposal to increase the height of the former vault at the rear make it more useable. Using matching materials and adding timber doors is also acceptable in terms of its impact on the character of the Mews. This part of the building will be used for waste and cycle storage so access is important. In order to prevent cars blocking the doors it is the area in front of the stores includes a strategically placed planter. This will have the benefit of adding some additional softening to the area. The proposed free standing bin store in this location is proposed to have a green roof to improve the biodiversity of the site. The screening of the bins associated with the commercial use is also positive. The agent has confirmed that the placement of wheelie bins and parking by others across this area is unauthorised and will be precluded by the proposed design.
- 8.20 Overall, it is considered that the design of the proposal would preserve the historic character of the building and the wider conservation area and would not harm the character, appearance or setting of the nearby locally listed buildings and the proposal is therefore acceptable and policy compliant in this regard.

Amenity Impacts

- 8.21 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.
- 8.22 The application site adjoins No 8 Broadway to the west which comprises a shop at ground floor with yard to the rear and a 3-bed maisonette with roof terrace above. The maisonette has no access to the rear yard.
- 8.23 To the west of the site, across the yard area of No 8 Broadway are residential properties in Leigh Hill. These are sited on an angle to the site with the rear boundary of No 98 Leigh Hill adjoining the southern corner of the site, with the separation between the rear

boundaries of the houses increasing to 6.35m at the northern end opposite No 108 Leigh Hill with the commercial yard of No 8 Broadway forming the buffer between the site and the rear boundary of these dwellings. The properties in Leigh Hill have relatively short gardens and the buildings are generally set around 5m off their rear boundaries. No 6 Broadway has a shop at ground level and flat above but is screened from the proposed development by No 8.

- 8.24 To the south the gardens of Nos 96-98 Leigh Hill are close to the roof of the former vault but are some 18m from the main taller section of the application building.
- 8.25 To the east, The Broadway Public House is situated across the opposite side of the vehicular access to Stable Mews. This has residential accommodation at its upper floors with a terrace in the centre to the rear which is some 16.5m from the east elevation of the application building.
- 8.26 The only alterations proposed to the existing building are 2 new windows on the east elevation at second floor level facing Stable Mews, and a small extension to the enclosed rear access stair in the centre of the site including a small new window facing south over the flat roof of the former vault, 9m from the southern boundary. This provides light to the fire escape only as it provides access from the flat roof to the street. The proposed increase in the height of the vault is some 0.5m taking it to an overall height of some 2.8m which is an acceptable change. These particular alterations would not have a material impact on the amenities of neighbours in any relevant regard as the new windows face into the site or public areas and the extensions and height increases are minor in scale and nature and impact.
- 8.27 The impact of the change of use of the building on these neighbours' amenity is also assessed. The building generally has its outlook to the front (north), rear (south) and east sides overlooking Stable Mews and the proposed windows would be some 16.5m from the amenity terrace of the residential unit above the public house which has no windows facing the development site. These windows, serving serviced accommodation would therefore not give rise to unacceptable overlooking of neighbouring properties.
- 8.28 One large bay window at first floor faces the neighbours to the west. This room was previously used by the bank as a storeroom and is proposed to be converted to visitor accommodation. The bay window is some 2.2m from the west boundary with the commercial yard and No 8 Broadway. As this is a commercial use there are no material concerns with this relationship, but this yard is very narrow at this point and this window is between 6.8m and 8.1m from the rear garden boundaries of the neighbours to the west in Leigh Hill and a further 5.7m to their bedroom windows. This impact therefore needs to be reasonably mitigated. It would be feasible to require the west facing windows of the bay to be obscure glazed but this would severely restrict outlook from the room. Alternatively, a screen can be required by condition to be installed along the boundary next to the bay window, to a height of 800mm above the existing 900mm high parapet (1.7m in total). This would prevent materially harmful overlooking of these neighbours. The proposed screen is shown on the submitted plans and would satisfactorily mitigate any harm in terms of overlooking and loss of privacy.
- 8.29 There are some existing air conditioning units on the flat roof area associated with the former bank but the agent has confirmed that these are to be removed and that there is no intention to use the flat roof areas to the rear of the building as amenity terraces, however there is access from two separate rooms to this area as part of the existing fire escape route. Access to this terrace can be controlled by condition restricting it to emergency access only. If in the future this area were proposed to be used as a functioning terrace, there would be potential for the screen to be extended along the

west boundary to protect the privacy of neighbours. That would be subject to separate future control and assessment should any future application be made. Any screen along this boundary would be sufficiently offset from the rear residential garden boundaries by the commercial yard so as not to appear obtrusive and dominant from the gardens or rear windows. On that basis it is considered that the proposal would not give rise to unacceptable overlooking of neighbours, subject to the described conditions.

- 8.30 The change of use to short term lets will also change the nature and pattern of the building's occupation compared with the former commercial use. This will be restricted to the building only as there is no intention to use the external area as a terrace and this can be controlled by a planning condition. It is considered that this change in use would not significantly harm neighbour's amenity in this context close to the district centre where there are frequent comings and goings throughout the day and a degree of noise and disturbance is to be reasonably expected. Any proposal to add amenity areas would require separate planning permission which would include its own assessment of amenity impact. Environmental Health have raised no concerns in this respect. It is therefore considered that the development has no unacceptable impacts on residential amenity in any relevant regards.
- 8.31 Environmental Health have requested a condition requiring details of sound insulation to be agreed between the proposed commercial unit and the accommodation. This is covered separately by building regulations, so a planning condition is not warranted in this case. They also recommend a condition in relation to plant noise. The agent has confirmed that the café will be a patisserie with no requirement for any plant. This can also be controlled by condition. It is also considered appropriate to condition the hours of use to those proposed in paragraph 2.3 above and delivery and collection hours, to control noise and disturbance around, and from within, the café area. Due to the absence of any proposed plant the Noise Impact Assessment for Plant condition requested by Environmental Health is not considered relevant to this case.
- 8.32 Overall, subject to the conditions above, it is considered that the proposal would have an acceptable impact on residential amenity of neighbours in all relevant regards.

Traffic and Transportation

- 8.33 Paragraph 115 of the NPPF states that: *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe.'*
- 8.34 CP3 of the Core Strategy and Policy DM15 of the Development Management Document aim to improve road safety, quality of life and equality of access for all. Policy DM15 states that development will be allowed where there is, or it can be demonstrated that there will be physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.
- 8.35 There is no parking on the site at present and none proposed as the site has no land around the building. The site is in a sustainable location on a bus route and walkable to public car parks in Elm Road and North Road and Leigh and Chalkwell Stations. It is in a district centre, close to a range of shops and services.
- 8.36 Maximum parking standards are set out in relation to the proposed uses in Appendix 6 of the Development Management Document. For comparison purposes here, the parking standards require a maximum of 1 space per bedroom for hotel uses. 8 bedrooms are proposed in this case equating to a maximum of 8 spaces. The parking standards require a maximum of 1 space per 5sqm for cafes. The ground floor is some

130sqm which would equate to a maximum of 26 spaces, totalling a maximum requirement of 34 spaces for the whole development.

- 8.37 The former use of this building as a bank (formerly A2 now E class) would require a maximum of 1 space per 20sqm to meet the parking standards. The net internal area of the building is some 460 sqm which would equate to 23 spaces. The difference between the existing and proposed standards is +11 spaces, however, this is a maximum not minimum standard. The café use is generating the bulk of the quota, however, visits to this business are likely to be as part of linked trips to the Broadway rather than as a single destination. It is also noted that none of the other cafes in this area have any off-street parking with restricted public parking available on street. 12 secure cycle spaces are provided for the proposal for staff and visitors which is well in excess of the minimum policy requirement of 5 (1 space per 100sqm for staff plus 1 space per 100sqm for customer for the café and 1 space per 10 bedrooms for visitor accommodation). Given the sustainable location, the physical circumstances of the site and the likelihood of linked trips, the parking position is considered acceptable and policy compliant. This is supported by the Council's Highways Officer.
- 8.38 Secure refuse and recycling storage is provided to the rear of the site for both proposed uses. Given that these are both a commercial operation, the applicant will need to make arrangements for the collection of the waste. This can be controlled via the conditioning of a waste management plan.
- 8.39 The agent has confirmed that deliveries will take place from the roadside similar to other commercial operators along the Broadway. There is also the opportunity for smaller delivery vehicles to pull into Stable Mews to unload. This is considered to be reasonable in this context. Hours of delivery can be controlled by condition to minimise disturbance of neighbours. The Council's Highways Officer has no objections to this aspect of the proposal.
- 8.40 Overall, it is considered that, the proposal is policy compliant in this regard subject to the conditions noted above.

Sustainability

- 8.41 Policies KP2 and DM2 require new development to be sustainable. As a conversion in a sensitive heritage location with only very minor external changes sought to the building itself, the requirement for renewables is not appropriate or applicable however, given the use of the building as visitor accommodation it is reasonable to require the use of water efficient fittings. This can be controlled by condition. The proposal is therefore considered to be acceptable with reference to these matters subject to such a condition.

Community Infrastructure Levy (CIL)

- 8.42 As the proposed extensions/change of use to the 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.

Equality and Diversity Issues

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

equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. 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

- 8.44 For the reasons outlined above the development 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.

9 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 this decision.**

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

- 02 The development hereby permitted shall be carried out solely in accordance with the following approved plans Location Plan, 2132-01, 2132-02, 2132-03D, 2132-04D, 2132-06, 2132-07 Location Plan, 2132-01, 2132-02, 2132-03F 2132-04E, 2132-06, 2132-07, 2132-08.**

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 for the external surfaces of the extensions and alterations hereby approved shall be as set out on approved plan references 2132-04E, 2132-06 and 2132-07 or any other materials, details of which shall have previously been 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 character and appearance of the Leigh Conservation Area in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and National Design Guide (2021).

- 04 Notwithstanding the plans hereby approved, the development shall not be brought into first use unless and until a signage strategy has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. This shall include details of the location, materials and design approach to signage at the site. The signage at the site shall then be installed in full accordance with the agreed strategy. Any illuminated signage or signage above first floor window level will also require advertisement consent.**

Reason: To ensure the development suitably maintains and enhances the character and appearance of the Leigh Conservation Area in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the

Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and the Leigh Conservation Area Appraisal (2021).

- 05 The development hereby approved shall not be first used unless and until the refuse and recycling stores to serve the development as shown on approved drawings 2132-03D and 2132-07 have been provided at the site and made available for use by users of the development in full accordance with the approved plans. The approved refuse and recycling facilities shall be permanently retained thereafter and used only for the approved purpose. In addition, prior to the first use or occupation of the development hereby approved, a waste management plan shall be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall be implemented and operated in accordance with the approved details from first use and shall be maintained as such thereafter in perpetuity.**

Reason: To ensure that satisfactory refuse and recycling facilities are provided in the interests of highway safety and visual amenity and to protect the character of the surrounding area including the Leigh Conservation Area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007), Policies DM1, DM5 and DM15 of the Development Management Document (2015) and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 06 The development hereby approved shall not be brought into first use unless and until the 12 secure, covered cycle parking spaces to serve the development as shown on approved plan 2132-04E have been provided on site and made available for use in line with the approved plans. The approved cycle parking spaces shall thereafter be permanently maintained solely for use by users of the development.**

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

- 07 Prior to first use of the development hereby approved a timber privacy screen not less than 1.7m high above first floor flat roof level shall be fitted to the west elevation of the building on the higher section of flat roof opposite room 01 in accordance with approved plan 04E and in accordance with further details of design, construction and appearance that have previously been submitted to and approved in writing by the Local Planning Authority. The screen shall be retained for the lifetime of the development in accordance with the approved details.**

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (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).

- 08 No flat roof areas of the development hereby approved, including the enclosed western first floor flat roof area forward of room 01 shown on approved drawing 2132 - 03F shall 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 areas 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 Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 09** Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works to the former vault shown on existing drawing 2132 - 03F shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved hard and soft landscaping works shall be carried out prior to first use or first occupation of the development hereby approved. The details submitted shall include, but not be limited to:

- i) Full design details including materials for the replacement external steps to the east elevation of the building.
- ii) Full design details and materials for the external planter at the south-east corner of the site required to prevent unauthorised parking and to enable unobstructed use of the approved refuse and cycle storage area.
- iii) Full details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification and landscaping management plan.
- iv) 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 agreed with the Local Planning Authority under the terms of this condition.

Reason: In the interests of visual amenity of the area including the appearance of the Leigh Conservation Area and to ensure a satisfactory standard of landscaping pursuant to Policies DM1 and DM5 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007), and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009) and the Leigh Conservation Area Appraisal (2021).

- 10** Prior to the occupation of the serviced accommodation hereby approved, details of water efficiency measures at the site, including for showers, W.Cs and appliances shall be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved efficiency measures shall be implemented before the first use of the development and shall be retained as such thereafter for the lifetime of the development.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 11** No externally mounted extraction or ventilation plant or equipment including ducting, flues, ventilation grilles, fans and air conditioning units shall be installed on or in association with the development hereby approved without express planning permission having first been obtained from the Local Planning Authority.

Reason: In the interests of residential amenity of nearby residents and in the interests of visual amenity and to ensure that the building makes a positive contribution to the character of the Leigh Conservation Area. This is as set out in the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and advice in the Southend-on-Sea Design and Townscape Guide (2009) and the Leigh Conservation Area Appraisal (2021).

- 12** The ground floor cafe hereby approved shall not be open for customers outside the following hours: 0730 hours to 19:30 hours on any day.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

- 13** Deliveries to and refuse and recycling collection from the development hereby approved 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 or Public Holidays.

Reason: In order to protect the amenities of surrounding occupiers and to protect the character 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).

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

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

- 15** The serviced accommodation at ground, first and second floor hereby approved shall only be used only as a short term lets to provide visitor accommodation (Sui Generis). It shall not be used for any other purpose.

Reason: To ensure the development accords with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace specified so that the development maintains the provision of visitor accommodation within the City, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), and Policies DM1, DM3, and DM12 of the Development Management Document (2015).

- 16** The maximum number of consecutive nights any guest may stay at the visitor accommodation available within the development hereby approved shall be limited to 90 nights. No guest shall stay at the visitor accommodation available at the property for more than 90 nights in any single calendar year.

Reason: To ensure the development accords with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace specified so that the development maintains the provision of visitor

accommodation within the City and that occupation of the premises does not prejudice amenity, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3, DM8 and DM12 of the Development Management Document (2015).

Positive and Proactive Statement:

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

Informatives:

- 01 You are advised that as the proposed development 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.
- 03 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 for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.
- 04 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.
- 05 The applicant is reminded that separate Advertisement Consent may be required for new signage on the building.

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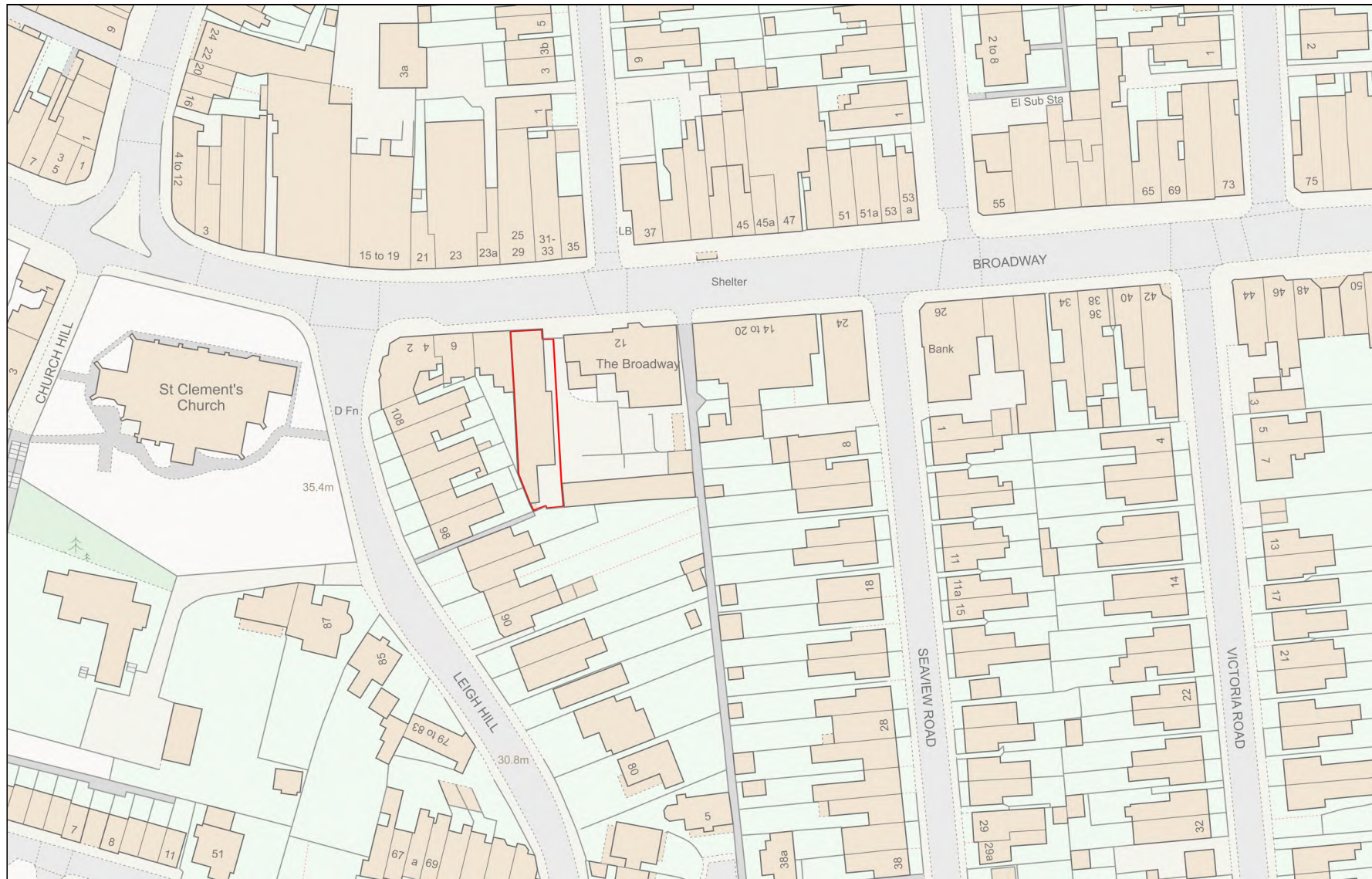
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Site Address: Barclays, 10, Broadway, Leigh-on-sea, SS9 1AP

Date Produced: 20-Dec-2023

Scale: 1:1250 @A4

43

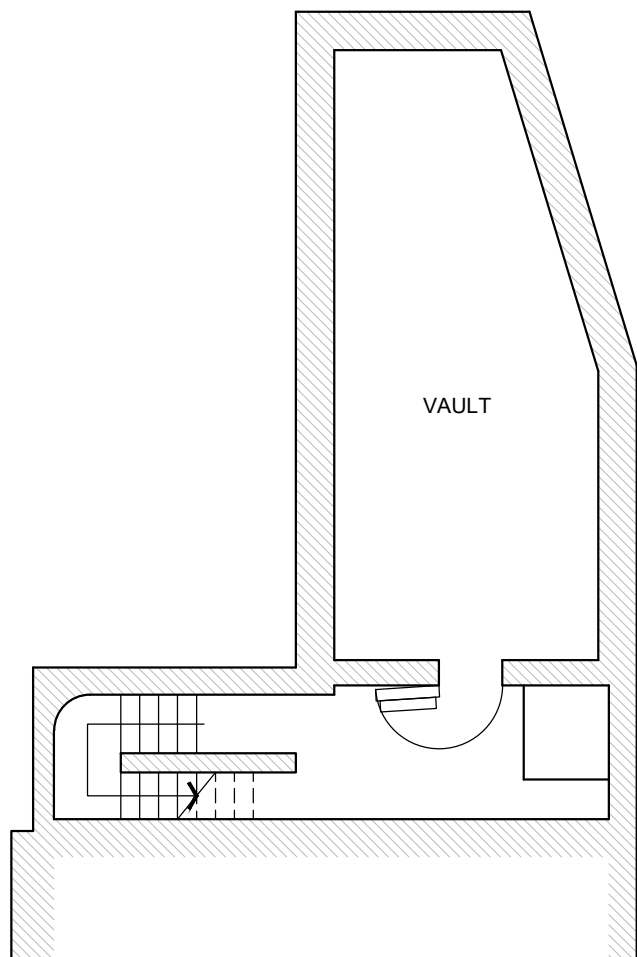


Planning Portal Reference: PP-12583941v1

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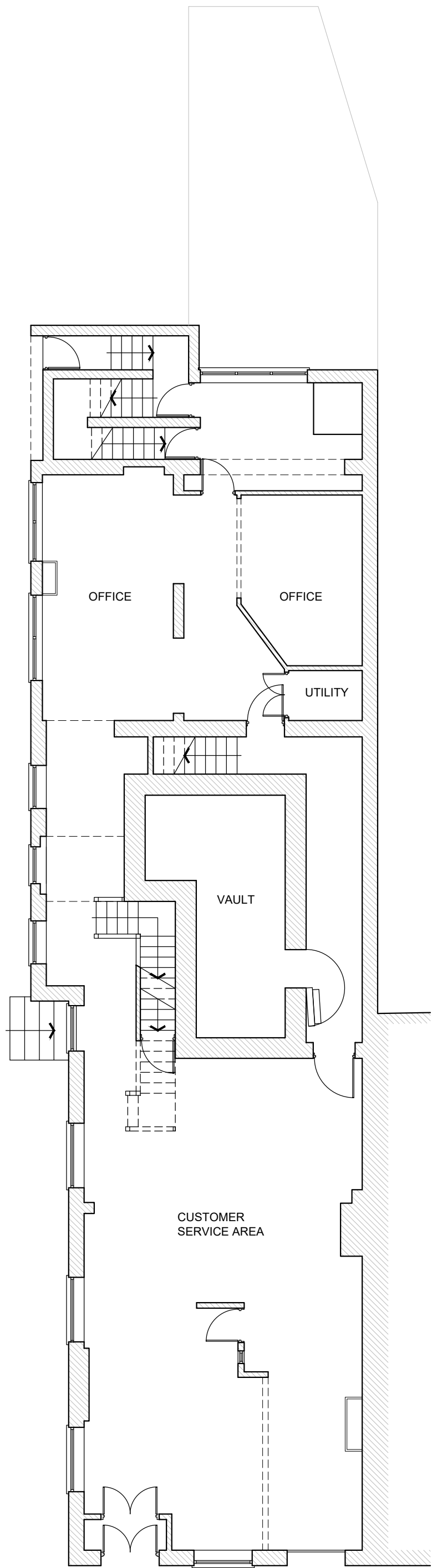
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LOWER GROUND FLOOR PLAN
SCALE 1:100



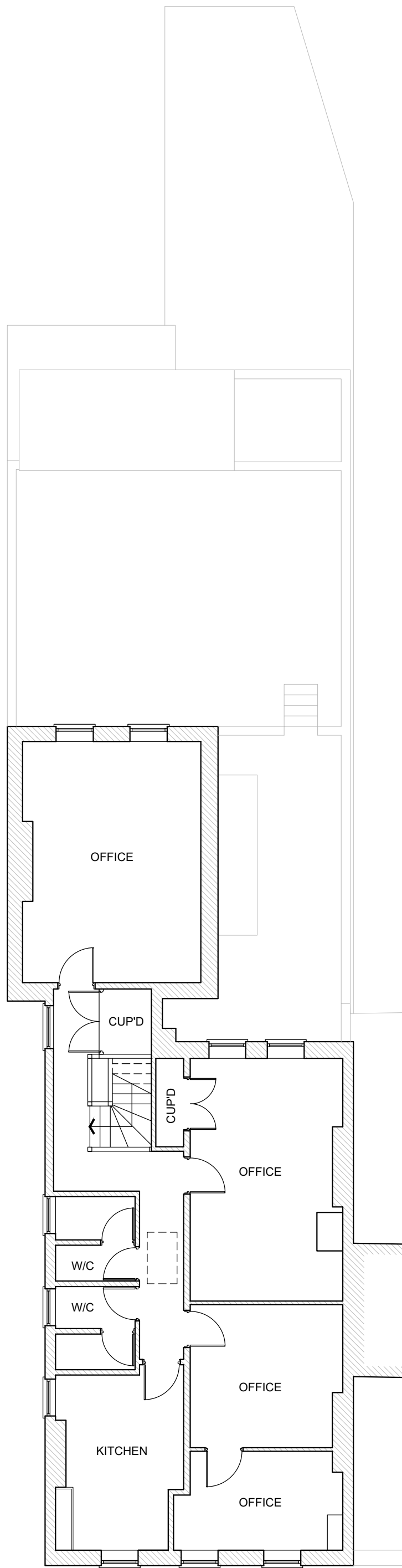
SITE BLOCK PLAN
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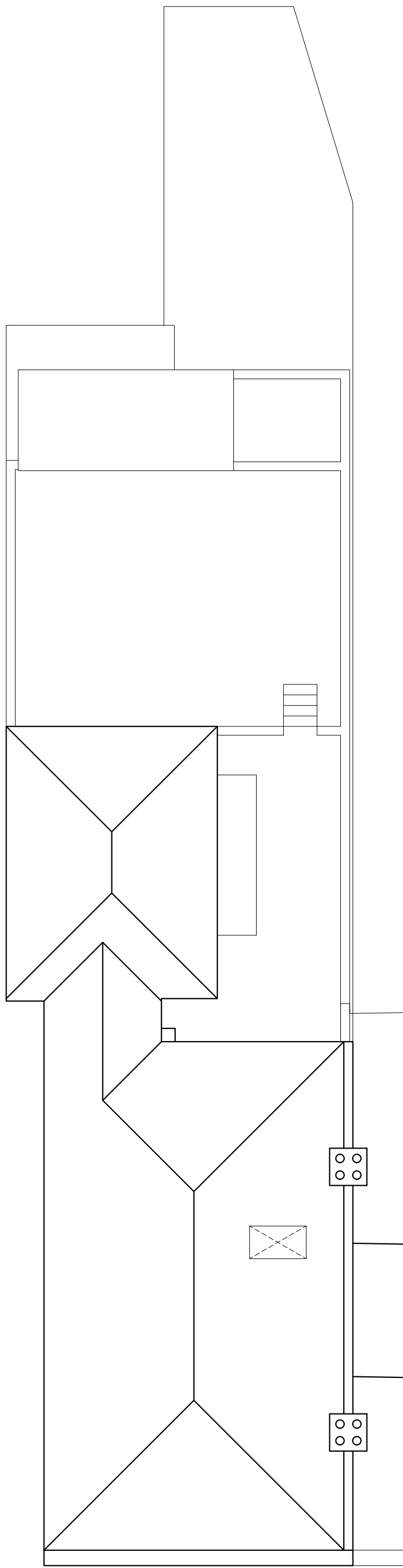
GROUND FLOOR PLAN
1:100
0m 1 2 3 4 10.0m



FIRST FLOOR PLAN
SCALE 1:100



SECOND FLOOR PLAN
SCALE 1:100



ROOF FLOOR PLAN
SCALE 1:100

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

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

Any discrepancies found on this drawing are to be notified to STONE MEI DESIGN LTD prior to commencement of work.

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

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

This drawing is to be read in conjunction with all other standard STONE MEI DESIGN LTD specifications and documentation.

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REV: DATE: AMENDMENT:

STONEMe!
ARCHITECTURE & INTERIOR DESIGN
5 FOUNTAIN LANE, HOCKLEY, ESSEX, SS5 4ST
Tel: 01702 203333
E: info@stoneme.com W: www.stoneme.com

Client: M. HASSAIN

Project: 10 BROADWAY
LEIGH-ON-SEA
ESSEX, SS9 1AP


Drawing: EXISTING PLANS AND
SITE BLOCK PLAN

Date: 06.11.2023 Scale: AS SHOWN @ A1

Project No.: 2132 Drawing No.: 01

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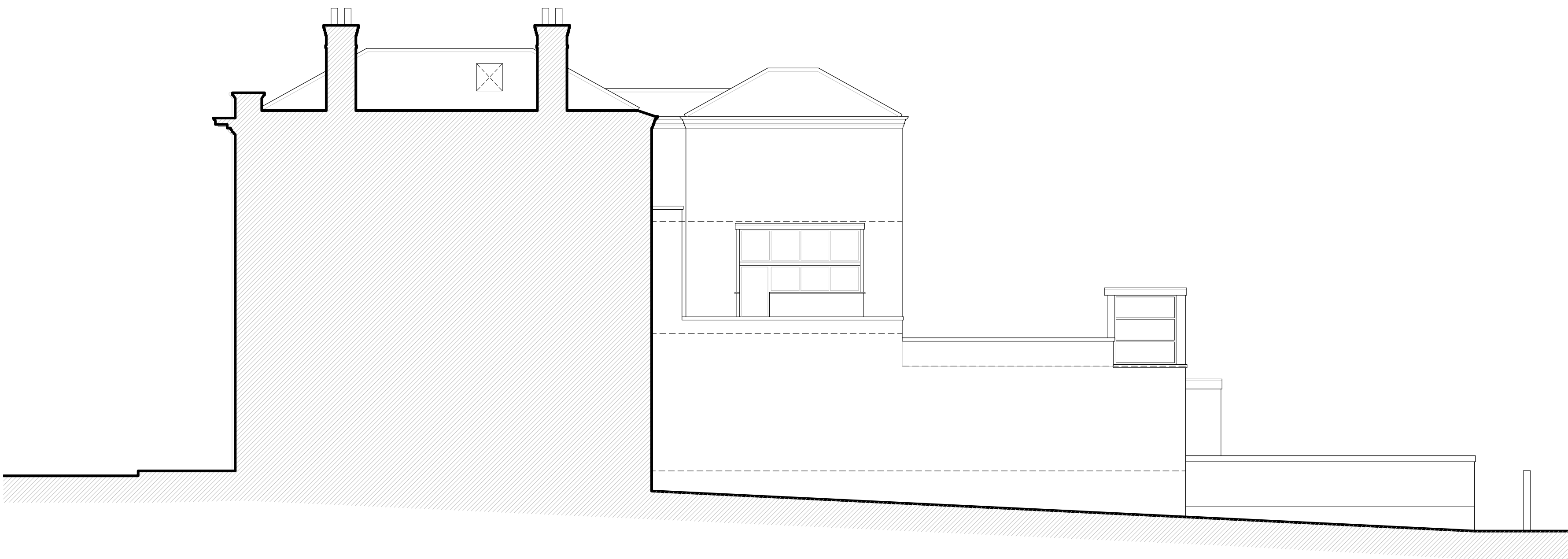
 SITE LOCATION PLAN
1:1250
0m 25 50 125.0m



EAST ELEVATION
SCALE 1:100



NORTH ELEVATION
SCALE 1:100



WEST ELEVATION
SCALE 1:100



SOUTH ELEVATION
SCALE 1:100

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

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REV:	DATE:	AMENDMENT:
STONE Me! ARCHITECTURE & INTERIOR DESIGN 5 FOUNTAIN LANE, HOCKLEY, ESSEX, SS5 4ST Tel: 01702 203333 E: info@stoneme.com W: www.stoneme.com		
Client:	M. HASSAIN	
Project:	10 BROADWAY LEIGH-ON-SEA ESSEX, SS9 1AP	
Drawing:	EXISTING ELEVATIONS AND SITE LOCATION PLAN	
Date:	19.12.2023	Scale: AS SHOWN @ A1
Project No.:	2132	Drawing No.: 02



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SITE BLOCK PLAN

1:500
0m 10 20 50m



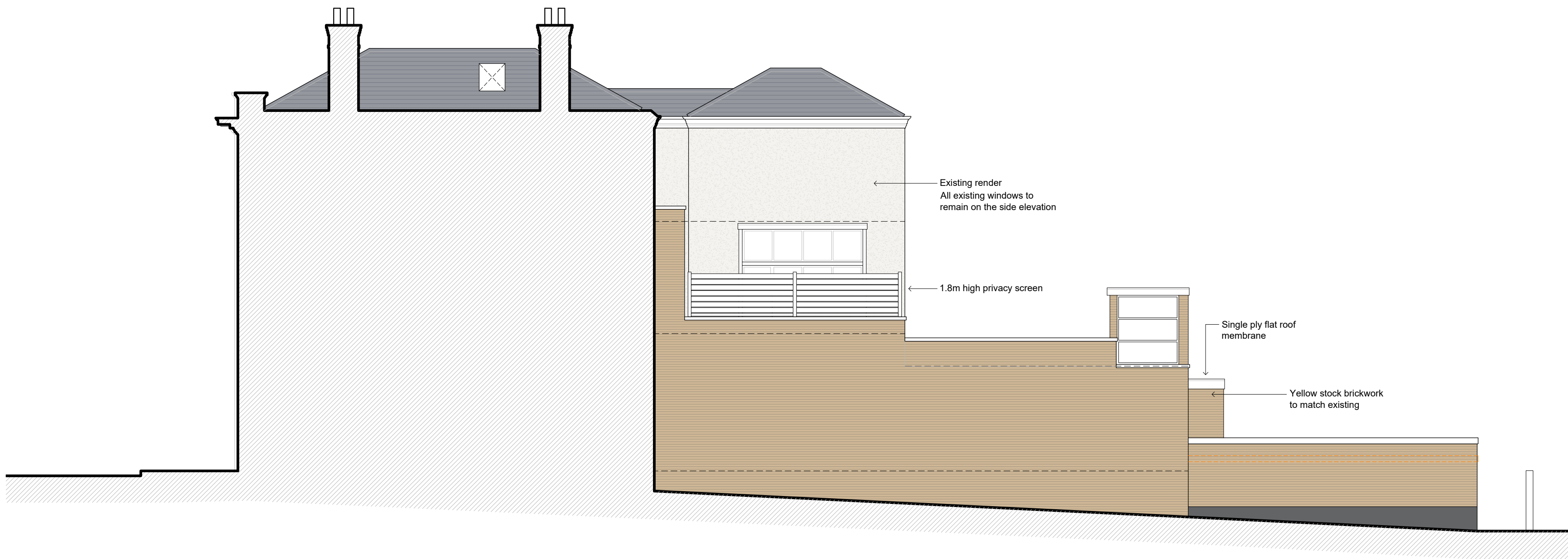
EAST ELEVATION

SCALE 1:100



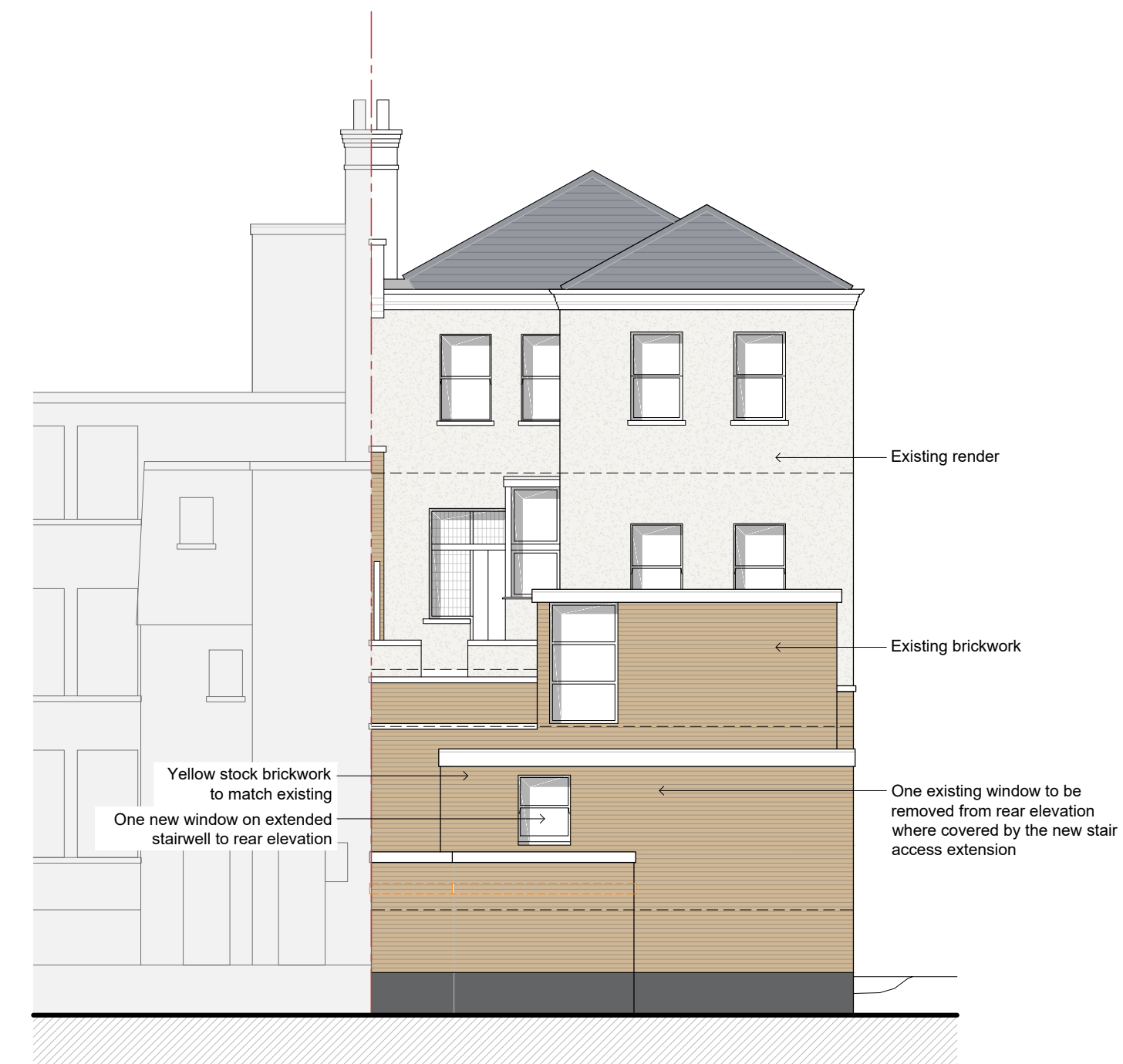
NORTH ELEVATION

SCALE 1:100



WEST ELEVATION

SCALE 1:100



SOUTH ELEVATION

SCALE 1:100

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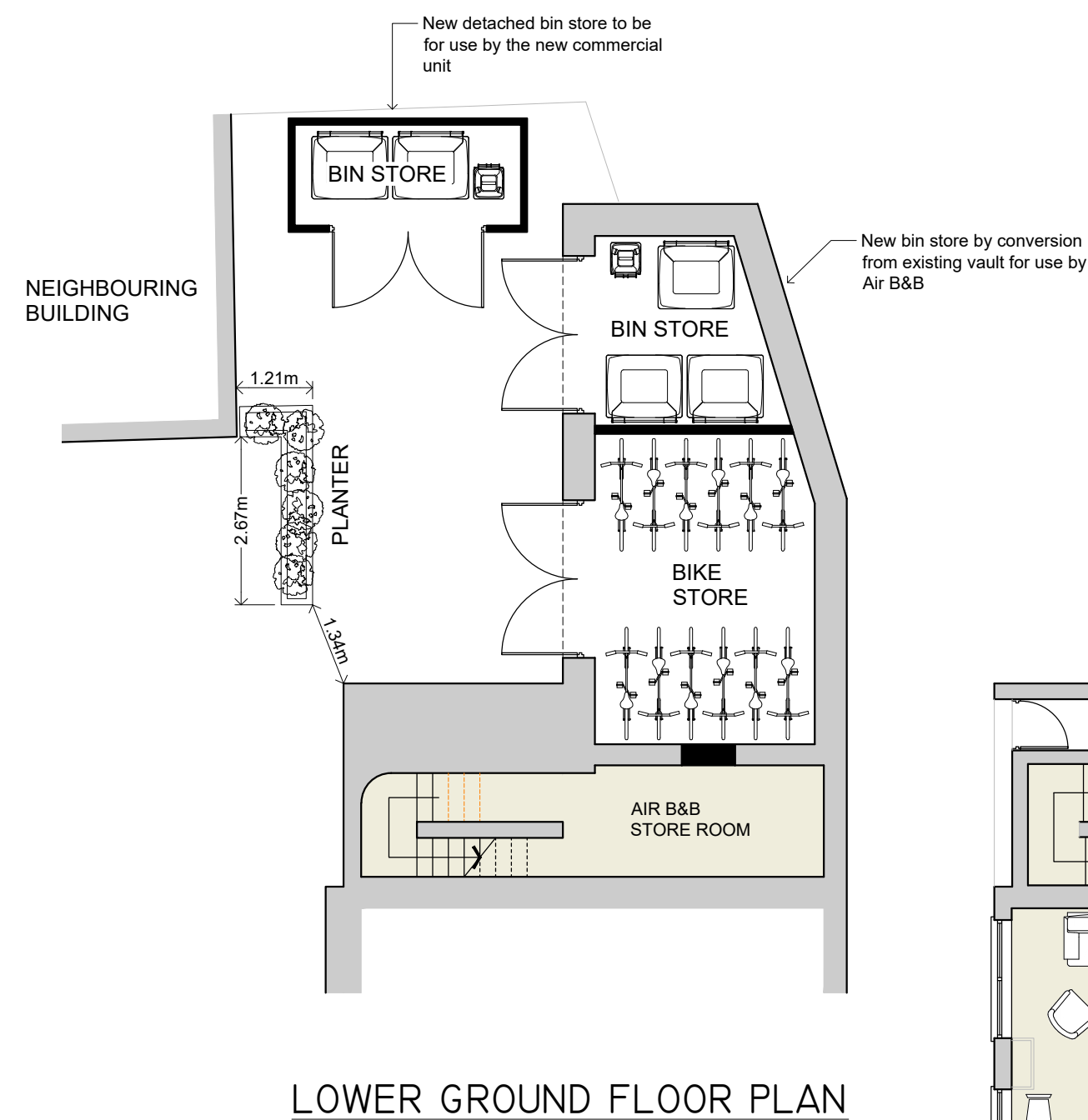
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REV:	DATE:	AMENDMENT:
STONE Me! ARCHITECTURE & INTERIOR DESIGN 5 FOUNTAIN LANE, HOCKLEY, ESSEX, SS5 4ST Tel: 01702 203333 E: info@stoneme.com W: www.stoneme.com		
Client:	M. HASSAIN	
Project:	10 BROADWAY LEIGH-ON-SEA ESSEX, SS9 1AP	
Drawing:	EXISTING ELEVATIONS AND SITE LOCATION PLAN	
Date:	05.02.2024	Scale: AS SHOWN @ A1
Project No.:	2132	Drawing No.: 04E

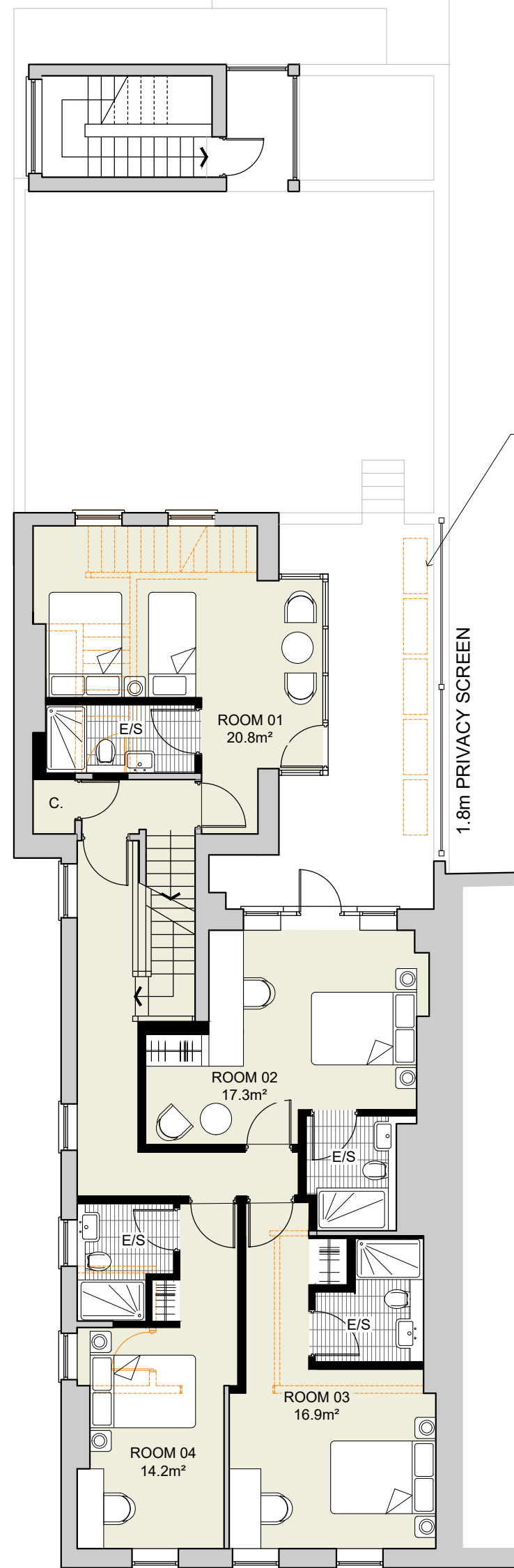
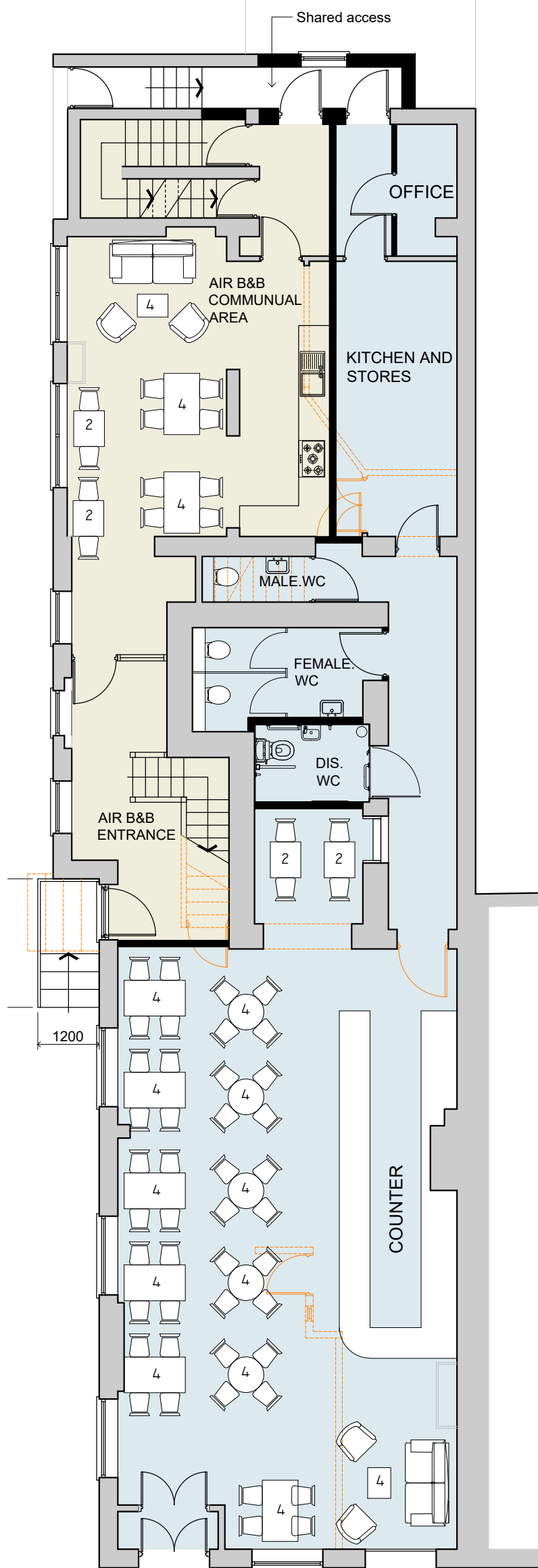
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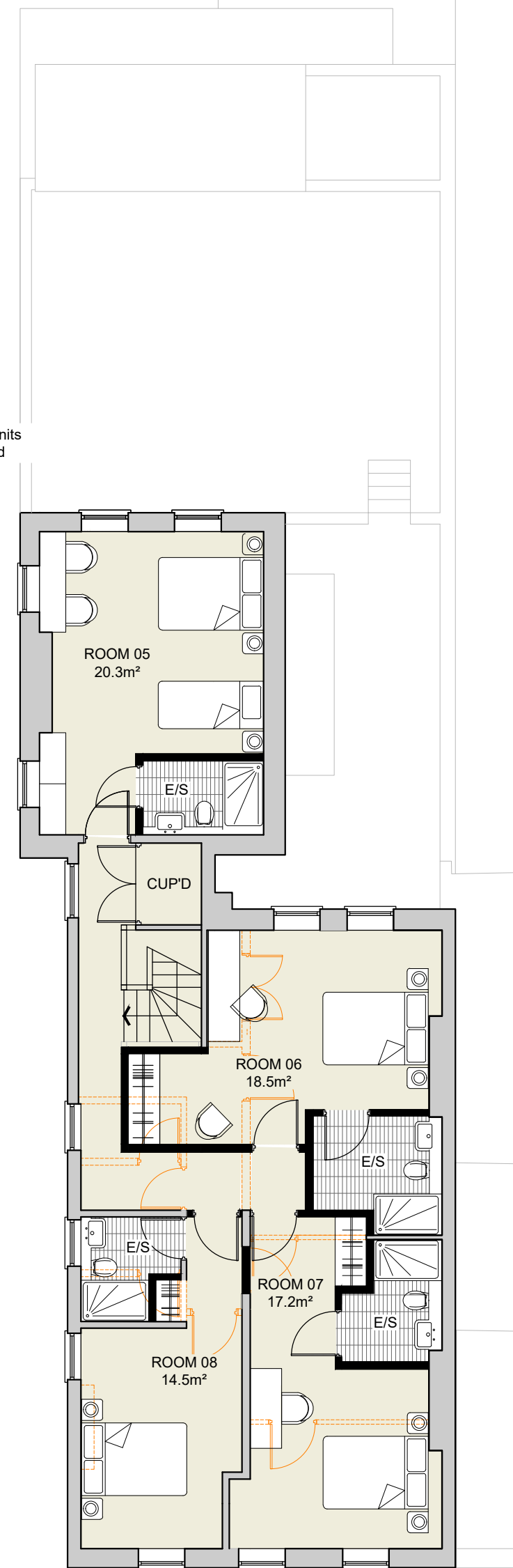


AIR B&B

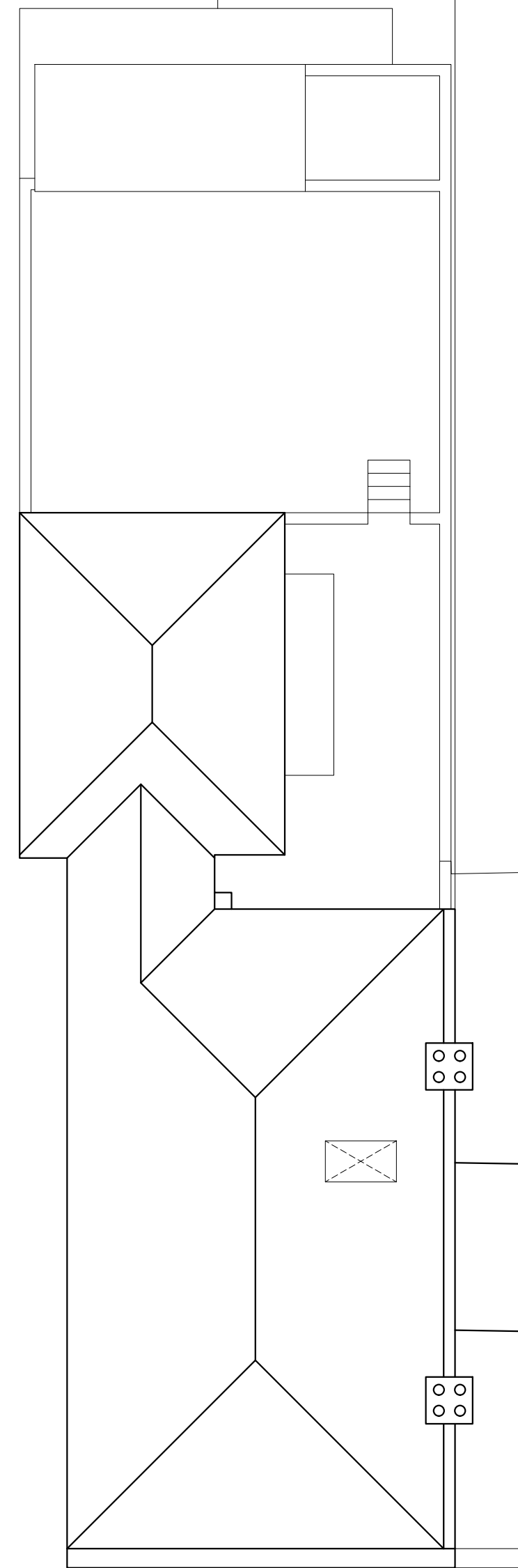
NEW COMMERCIAL UNIT



FIRST FLOOR PLAN



SECOND FLOOR PLAN



ROOF PLAN

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REV: DATE: AMENDMENT:

STONE Me!
ARCHITECTURE & INTERIOR DESIGN

5 FOUNTAIN LANE, HOCKLEY, ESSEX, SS5 4ST
Tel: 01702 203333
E: info@stoneme.com W: www.stoneme.com

Client: M. HASSAIN

Project: 10 BROADWAY
LEIGH-ON-SEA
ESSEX, SS9 1AP

Drawing: PROPOSED
CONVERSION

Date: 12.02.2024 Scale: 1:100 @ A1

Project No.: 2132 Drawing No.: 03F

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FIRST FLOOR PLAN (EXPANDED)
SCALE 1:100

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Any discrepancies found on this drawing are to be notified to STONE MEI DESIGN LTD prior to commencement of work.

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REV: DATE: AMENDMENT:

STONE Me!
ARCHITECTURE & INTERIOR DESIGN

5 FOUNTAIN LANE, HOCKLEY, ESSEX, SS5 4ST
Tel: 01702 203333
E: info@stoneme.com W: www.stoneme.com

Client: M. HASSAIN

Project: 10 BROADWAY
LEIGH-ON-SEA
ESSEX, SS9 1AP

Drawing: PROPOSED PLANS

Date: 05.02.2024 Scale: 1:100 @ A1

Project No.: 2132 Drawing No.: 08



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10 Broadway Photos

23/02012/FUL

Front Elevation onto Broadway

56



East Elevation onto Stable Mews



Site of Proposed Extension



Relationship with Neighbours in Leigh Hill

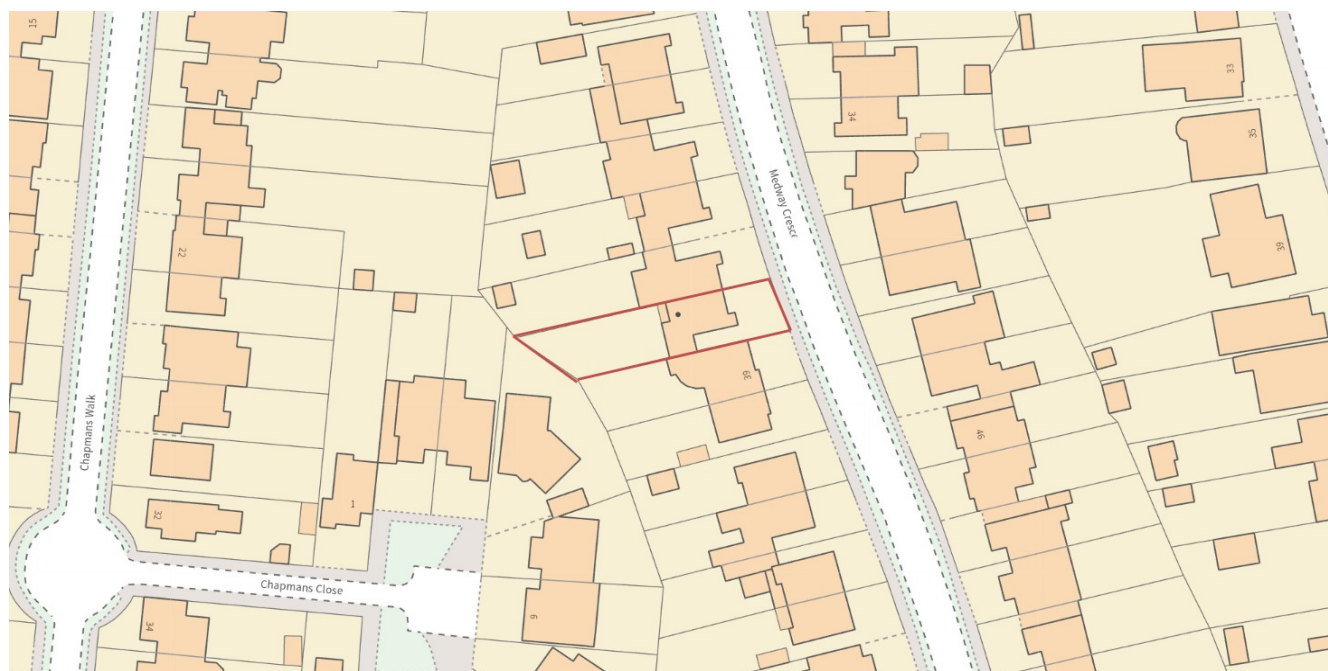


Neighbours in Stable Mews



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Reference:	24/00046/FULH	6
Application Type:	Full Application - Householder	
Ward:	West Leigh	
Proposal:	Erect single storey front/side extension and rear extension with new raised terrace to rear	
Address:	37 Medway Crescent, Leigh-on-Sea, Essex	
Applicant:	Mr and Mrs Christou	
Agent:	Knight Gratrix Architects	
Consultation Expiry:	9th February 2024	
Expiry Date:	6th March 2024	
Case Officer:	Gabriella Fairley	
Plan Nos:	012 (Rev A), 014 (Rev C)	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The site contains a two-storey, semi-detached dwelling on the west side of Medway Crescent. It has a hipped roof and an original two-storey flat roof side projection, with a decorative parapet to its front. This feature is seen at the adjoining neighbour No 35, as well as Nos. 31 and 33 Medway Crescent. Ground levels slope from west to east.
- 1.2 The area is residential in nature comprising detached and semi-detached two-storey dwellings, with a variety of designs.
- 1.3 The site is not within a conservation area or subject to any site-specific planning policy designations.

2 The Proposal

- 2.1 The application seeks planning permission to erect a single storey rear extension with a new raised terrace to the rear and a single storey front/side extension.
- 2.2 The proposed front/side extension would be 4.97m deep, 2.67m wide and 3.7m high to the parapet and 3.3m high to the flat roof, finished in materials to match the existing dwelling. A set of garage doors would match the existing. The extension would contain a store and utility room.
- 2.3 The proposed single storey rear extension would have a part flat and part pitched roof, part of which would form a canopy. The extension would be some 5m wide, maximum 3.1m deep and 4.5m high to the ridge, 2.8m high to the eaves. The canopy section would be some 2.2m wide and 2.4m high. The proposal would be finished in materials to match the existing dwelling. There would be two sets of doors on the rear elevation, with glazing above one of the doors. One of the doors wraps around to the south side elevation of the proposal. The proposal would have two roof lights.
- 2.4 It is also proposed to erect a raised patio and terraced area to the rear of the proposed extension some 9m wide, maximum 4.5m deep and minimum 2m deep, maximum 0.5m high, minimum 0.15m high. There would be an obscure glazed screen some 1.8m high adjacent to the boundary with No. 35 Medway Crescent.

3 Relevant Planning History

- 3.1 None.

4 Representation Summary

Public Consultation

- 4.1 Seven (7) neighbouring properties were notified of the application by letter. No letters of representation have been received.

5 Procedural matters

- 5.1 This application is presented to the Development Control Committee because the applicant is a member of staff at Southend City Council.

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 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance)
- 6.5 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM15 (Sustainable Transport Management)
- 6.6 Southend-on-Sea Design and Townscape Guide (2009)
- 6.7 Community Infrastructure Levy (CIL) Charging Schedule (2015)

7 Planning Considerations

- 7.1 The main considerations in relation to this application are the principle of the development, the design and impact on the character and appearance of the area, residential amenity, traffic and parking implications and CIL liability.

8 Appraisal

Principle of Development

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

Design and Impact on the Character of the Area

- 8.2 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.
- 8.3 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Council's Design and Townscape Guide provide further details on how this can be achieved.
- 8.4 This is a semi-detached dwelling. With the exception of its roof, the attached property, No.35 Medway Crescent, mirrors the application dwelling. The character of Medway Crescent is varied with no strong uniformity within the streetscene. The proposed single storey front/side extension would be set back some 0.3m from the front elevation of the main dwelling. The extension's parapet would reflect the parapet detailing on the existing two- storey side projection. The proposal would be finished in materials to match

the existing dwelling and would contain a garage door at ground floor level. No. 31 has an existing single storey front projection joined to the original two-storey side projection and there are numerous examples of single storey side projections along Medway Crescent. It is considered that the proposed side/front extension would not harm the character and appearance of the host dwelling, the streetscene or area more widely.

- 8.5 The proposed single storey rear extension and raised terrace would be in the rear of the site and the extension would project a maximum 3.1m beyond the rear of the host dwelling. The proposal would be subservient to the main dwelling and would not harm the character and appearance of the host dwelling or wider surroundings.
- 8.6 It is considered that the design, including the proposed siting, form, scale, appearance and materials of the development proposed are such that it would not harm the character and appearance of the existing dwelling, the streetscene and the area more widely. Therefore, the proposal is acceptable and policy compliant in these regards.

Amenity Impacts

- 8.7 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 8.8 The proposed single storey front/side extension would be sited along the shared boundary with No. 35 Medway Crescent. No windows are proposed to the side elevation. The proposed front extension would be some 3m shallower than the closest front elevation at No. 35. In relation to No. 39 to the north, the proposal would be screened by the existing dwelling. Taking these factors into consideration, the proposed front extension would not significantly harm these properties' amenity in any relevant regards.
- 8.9 The proposed single storey rear extension would be sited along the shared boundary with No. 35 and would project some 0.6m beyond the extended rear elevation of No. 35. No. 35 has a conservatory to the rear with windows along part of the side elevation. The outlook from these windows would be impacted by the proposal but they are a secondary source of light and outlook for the conservatory, so they are afforded very limited protection within this assessment. The proposal would not significantly harm the principal sources of light or outlook for No 35. The proposal would lie adjacent to the shared boundary with No. 39 and would be some 1m shallower than the closest rear elevation at No. 39. The part of the roof that forms a part open canopy is next to No. 39. This part of the development is some 2.4m high. Taking these factors into consideration, this element of the proposal would not significantly harm these neighbours' amenity in any relevant regard.
- 8.10 The proposed raised terrace and patio area would be sited along the shared boundaries with Nos. 39 and 35. A 1.8m high obscure glazed screen is proposed along the boundary with No. 35, projecting some 2.6m beyond the rear elevation at No.35. A condition is recommended to ensure the proposed privacy screen is implemented. The proposed raised patio would project some 1.8m beyond the rear elevation of No. 39 and

would be some 0.15m high. Taking these factors into consideration, and subject to a condition, this element of the proposal would not significantly harm these properties' amenity in any relevant regard.

- 8.11 All other neighbouring properties are sufficiently removed such that they would not be significantly harmed by the proposal.
- 8.12 It is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in any regard. The proposal is therefore acceptable and policy compliant in these regards.

Traffic and Transportation Issues

- 8.13 Paragraph 115 of the NPPF states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe."
- 8.14 Policy CP3 of the Core Strategy and Policy DM15 of the Development Management Document aim to improve road safety, quality of life and equality of access for all. Policy DM15 of the Development Management Document states that development will be allowed where there is, or it can be demonstrated that there will be physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.
- 8.15 Taking into consideration the nature of the proposal, which would not impact the existing provision of off-street parking at the site, the proposal would not significantly harm parking availability, highway safety or the road network in the area. The proposal is therefore to be acceptable and policy compliant in these regards.

Community Infrastructure Levy (CIL)

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

Equality and Diversity Issues

- 8.17 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

- 8.18 The proposal is found to be acceptable and policy compliant in terms of design and impact on character and appearance of the area, impact on neighbours' amenity and

impact on highways. 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.

9 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 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: 012 (Rev A), 014 (Rev C).**

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

Reason: 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 Prior to the first use of the raised terrace area hereby approved, the proposed 1.8m high obscure glazed privacy screen shall be installed in accordance with details shown on the approved plans or in accordance with alternative details that shall previously have been submitted to and agreed in writing by the Local Planning Authority under the terms of this planning condition . The privacy screen shall be shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and shall be implemented in accordance with the approved details before first use of the terrace and maintained as such for the lifetime of the development.**

Reason: To protect residential amenity in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and the advice contained 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 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 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.**

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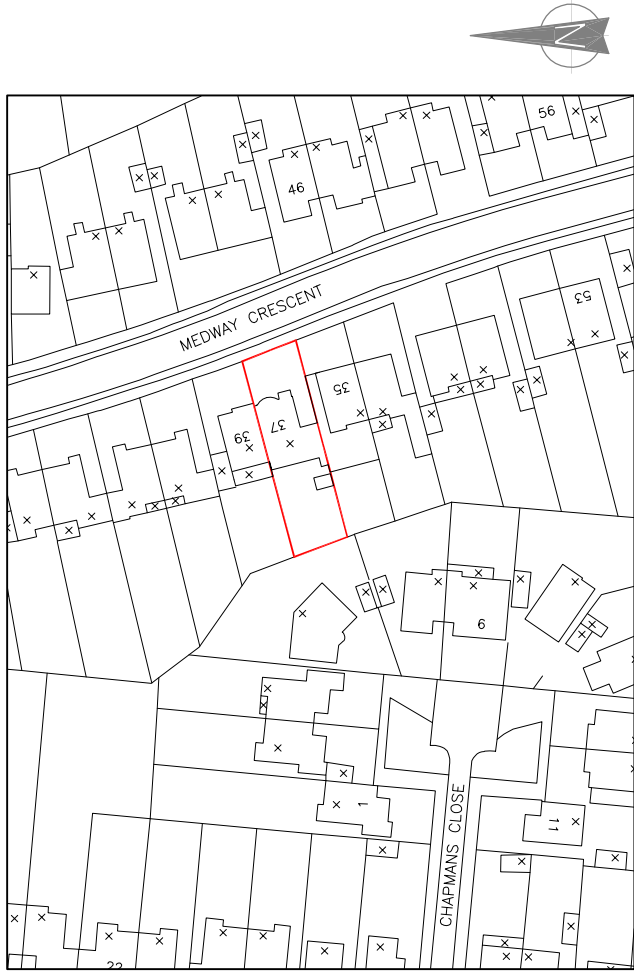
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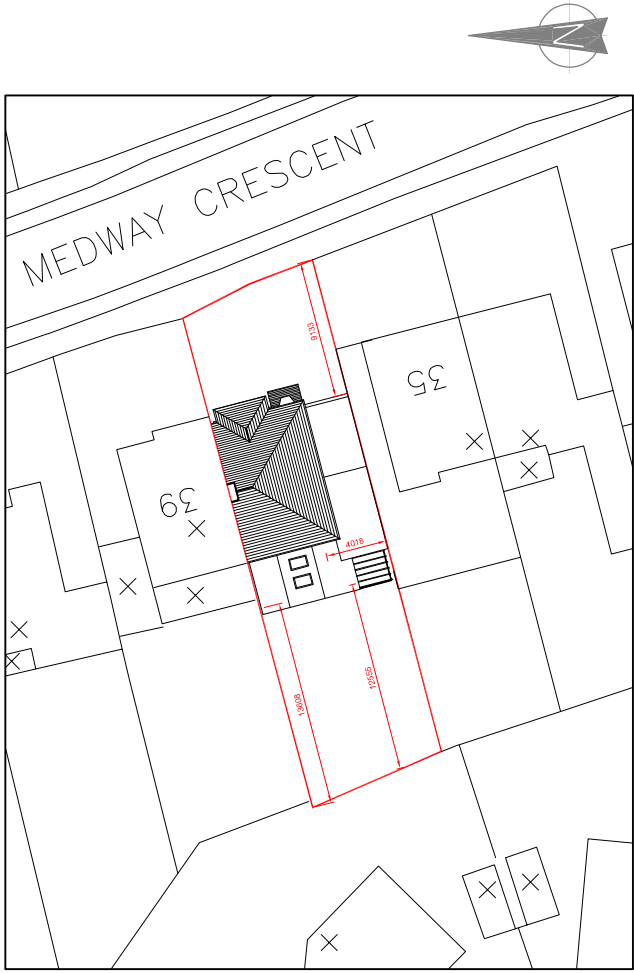
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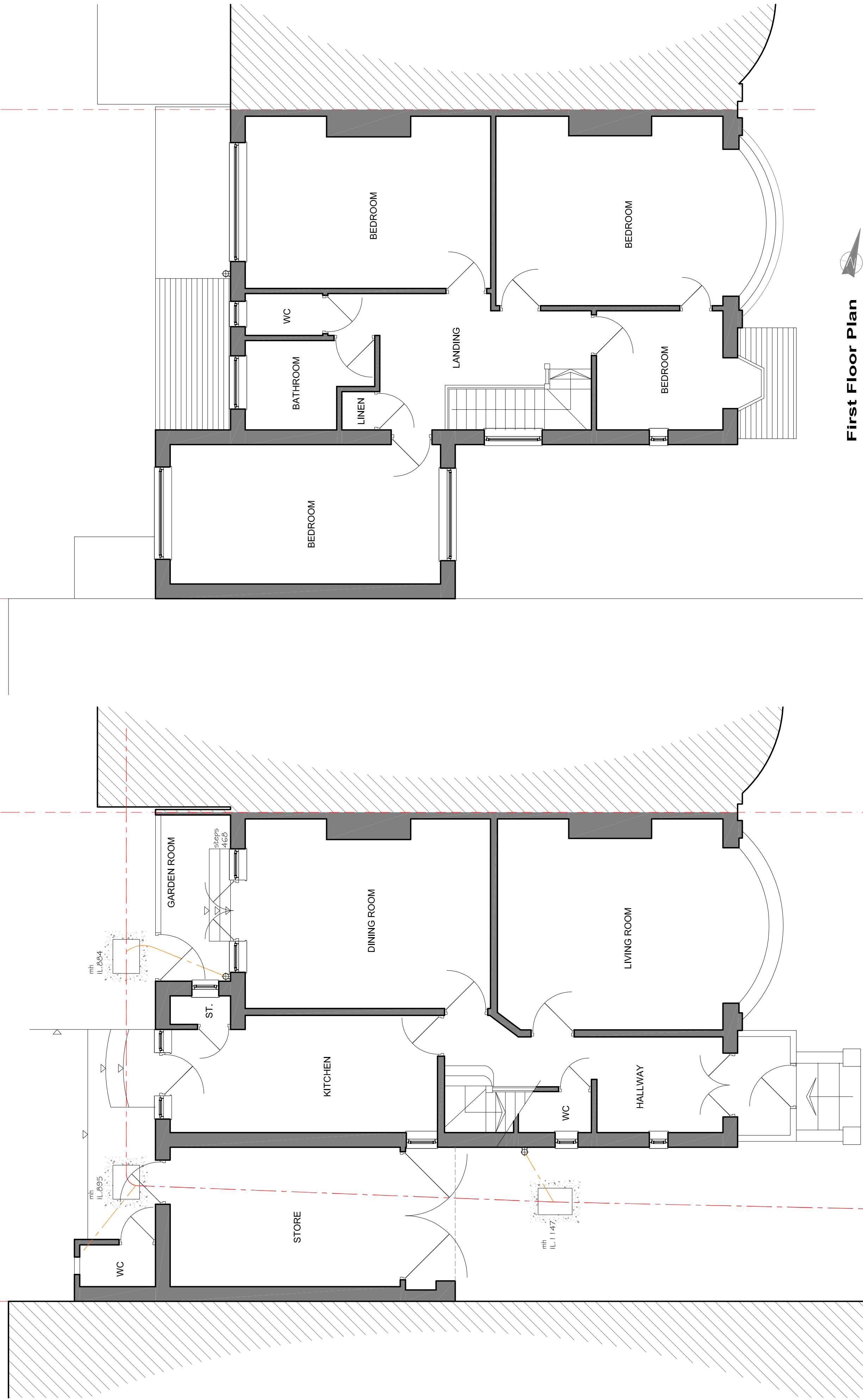
Revision	Date
A	Site Plans added 30.11.23



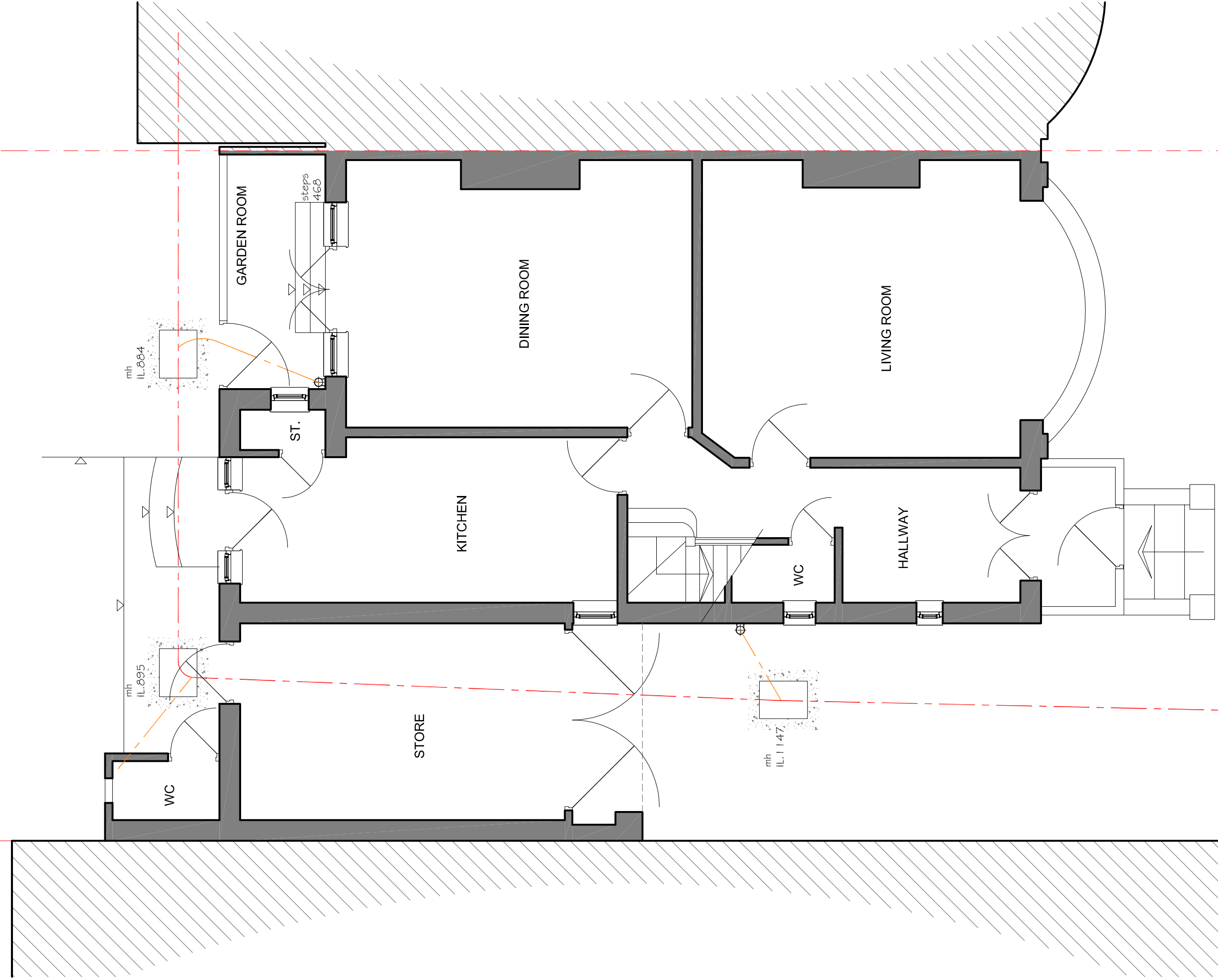
Existing Location Plan 1:1250



Proposed Block Plan 1:500

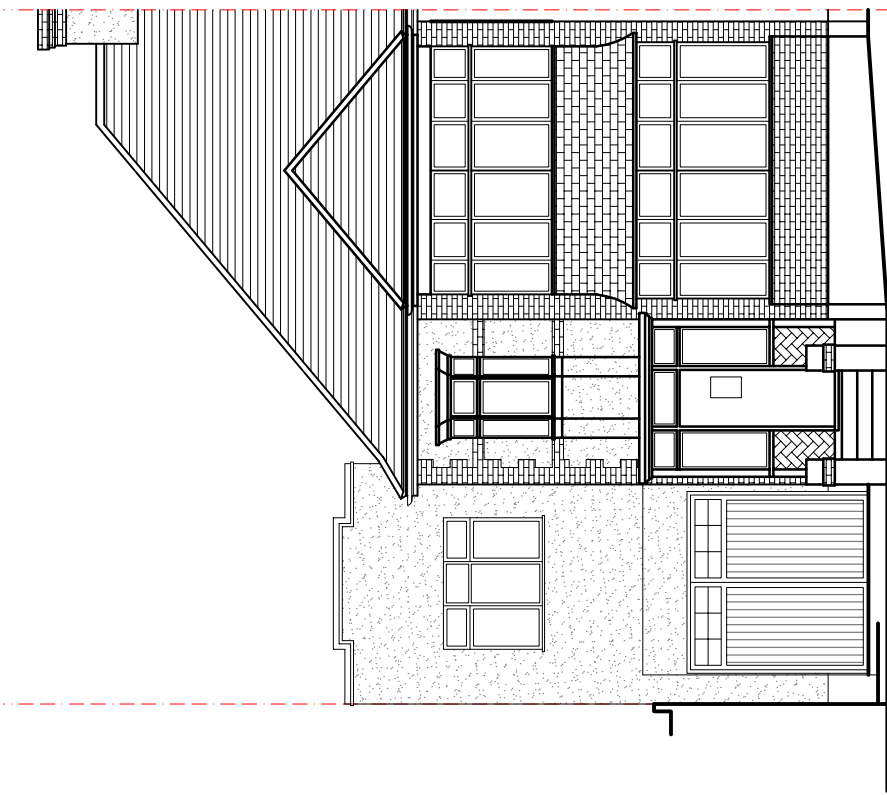


First Floor Plan

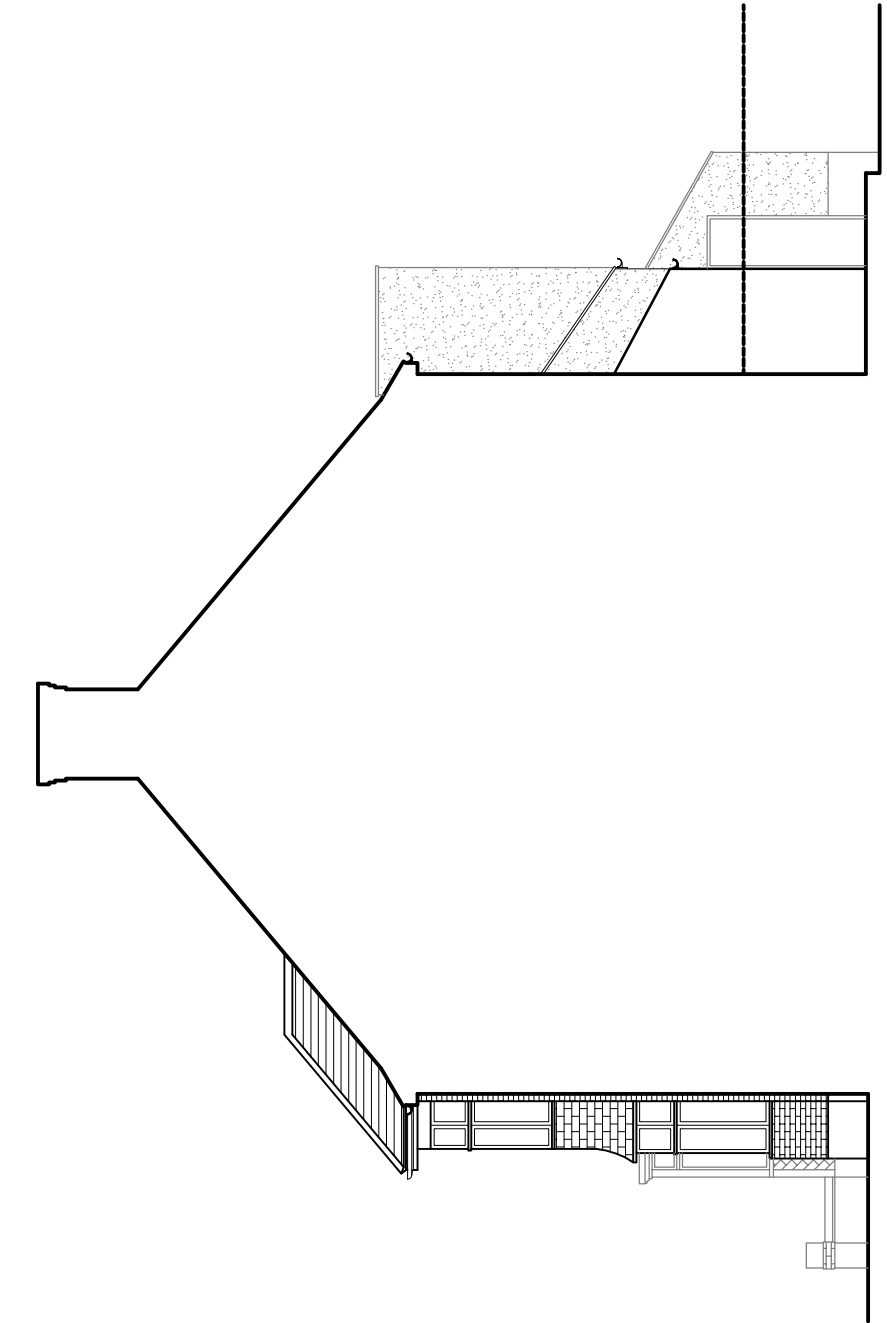


Ground Floor Plan

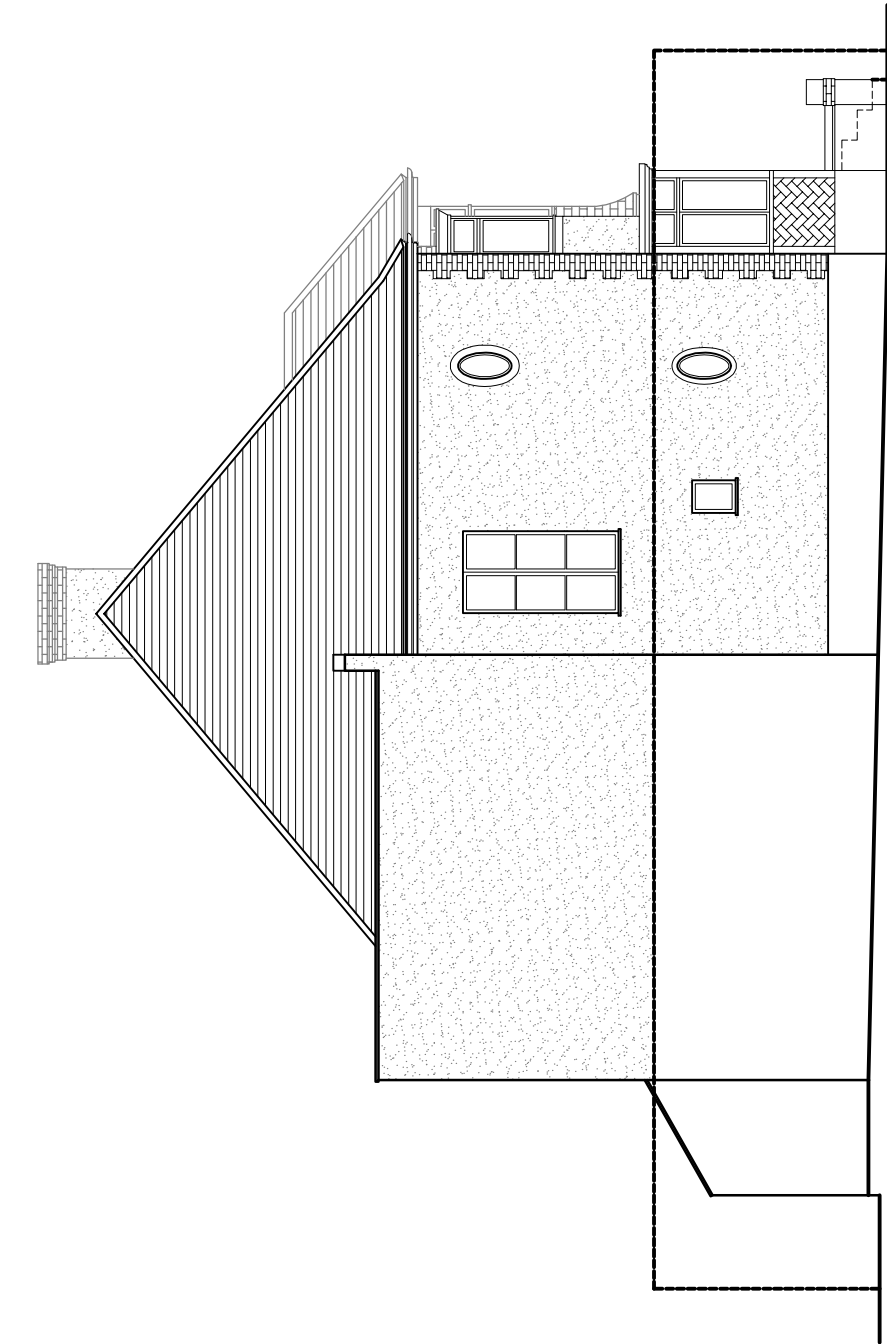
EXISTING PLANS



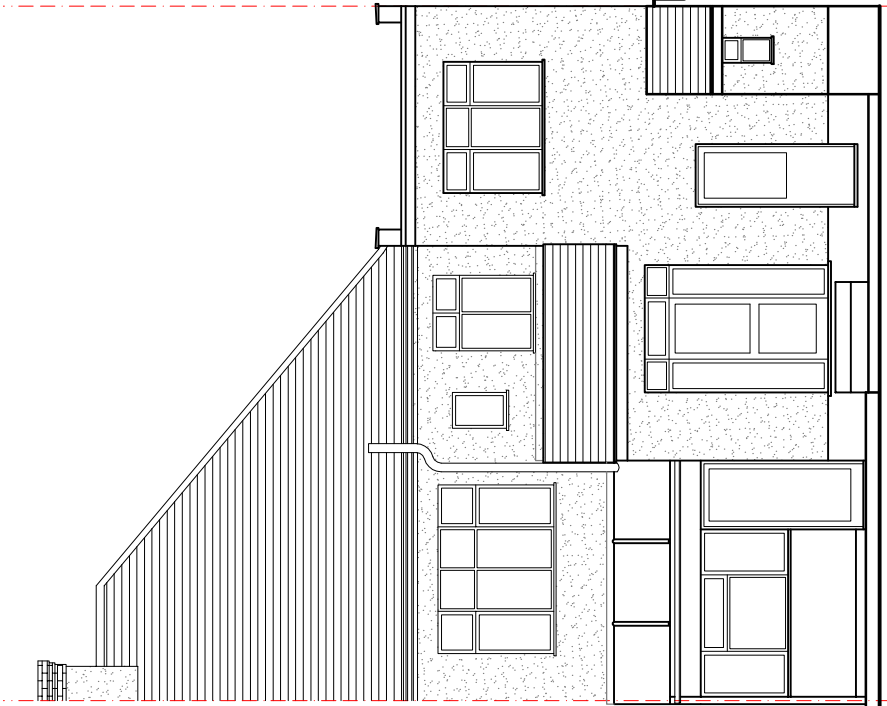
Front Elevation



Side Elevation



Side Elevation



Rear Elevation



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westcliff on sea
essex
ss0 9hw
t 01702 715517
e mail@knightgratrix.com
w www.knightgratrix.com

Client	Project	Description
Mr & Mrs Christou	37 Medway Crescent	Proposed Rear Extension Existing Plans
Shells	Planning	Scale
1:50/100	nr	Drawn
17/2	012	Date
11.04.23		Revision
A		

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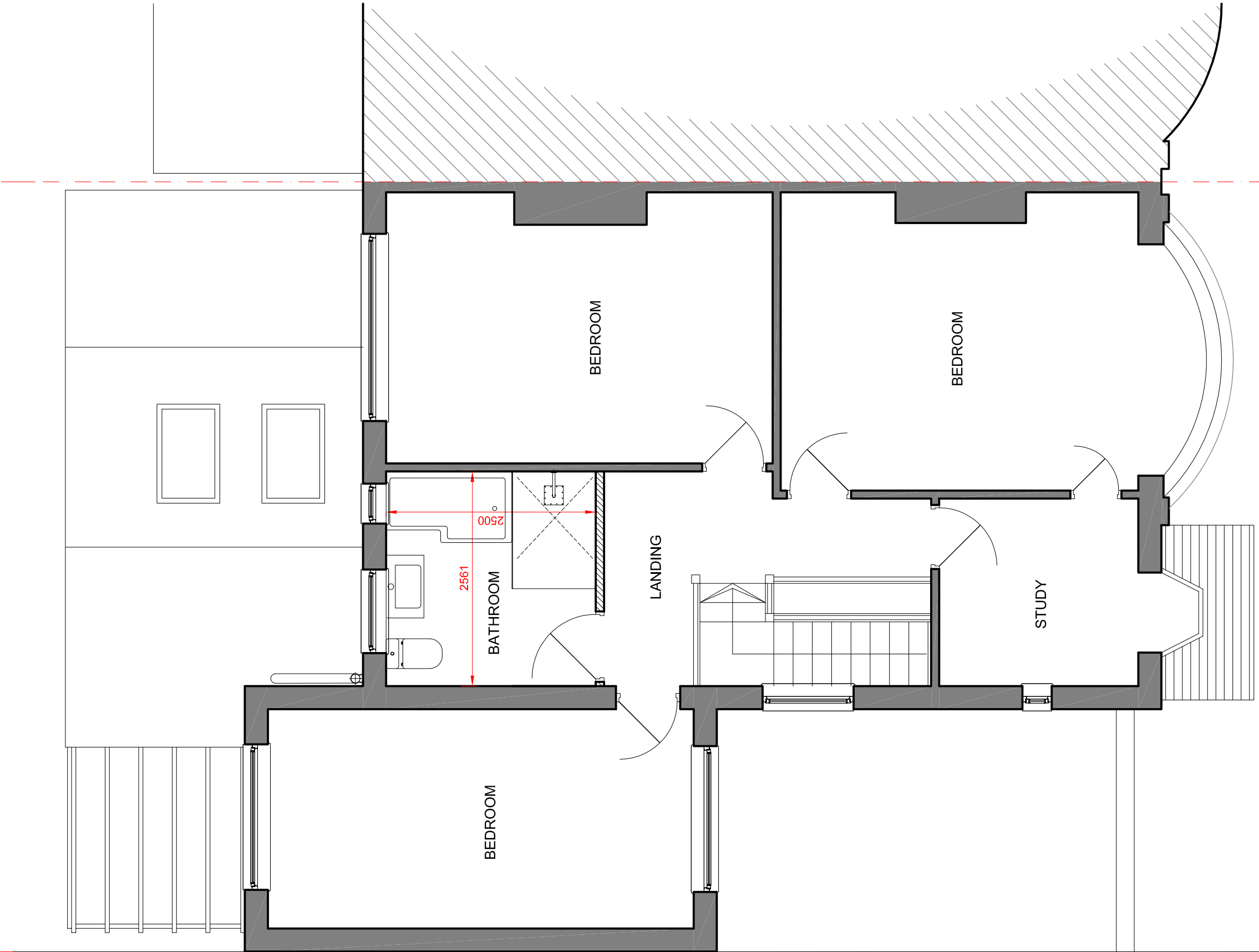
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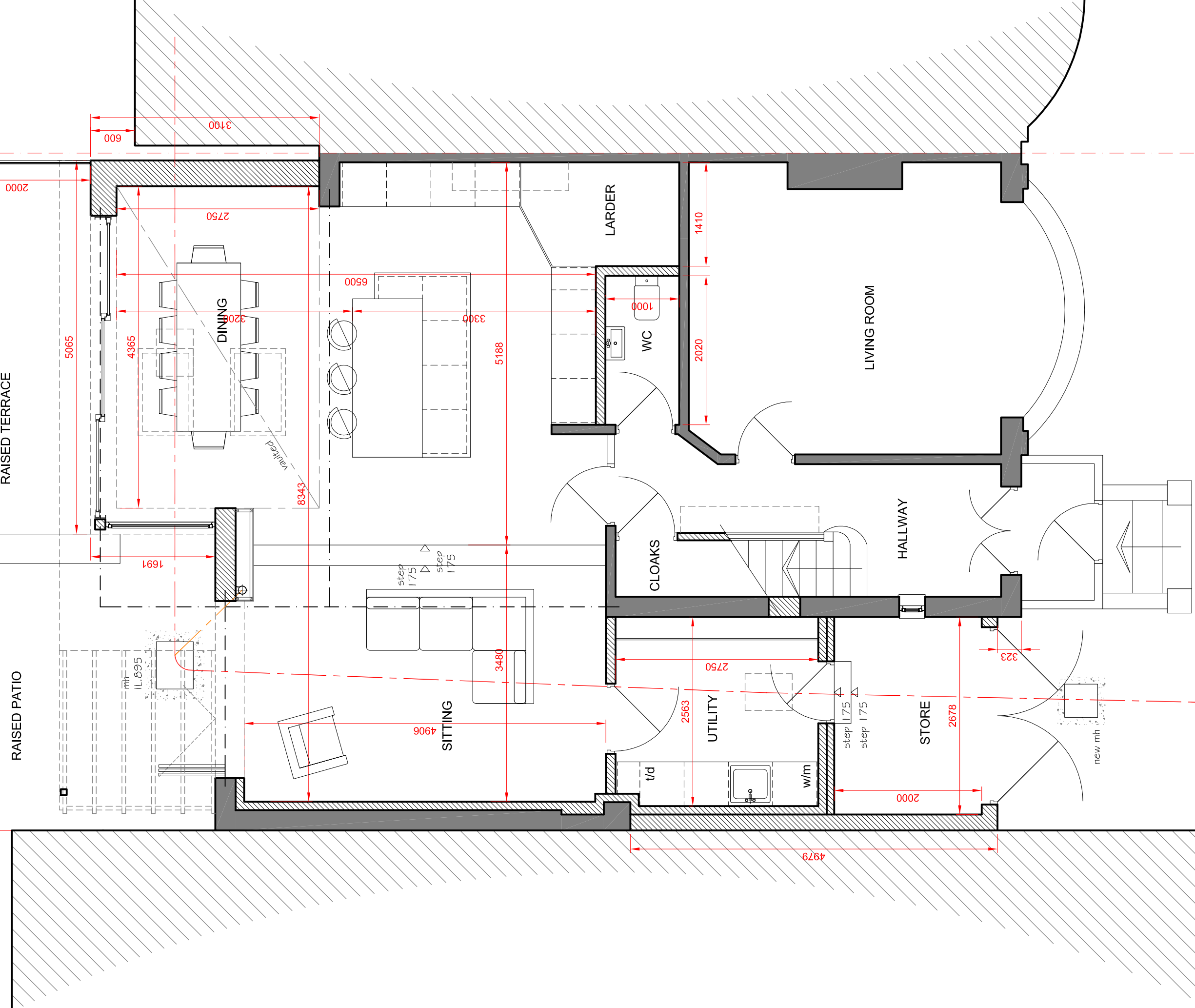
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Revision	Date
A	Amended to suit client comments 12.05.23
B	Amended to suit client comments 25.10.23
C	Amended to suit client comments 30.11.23

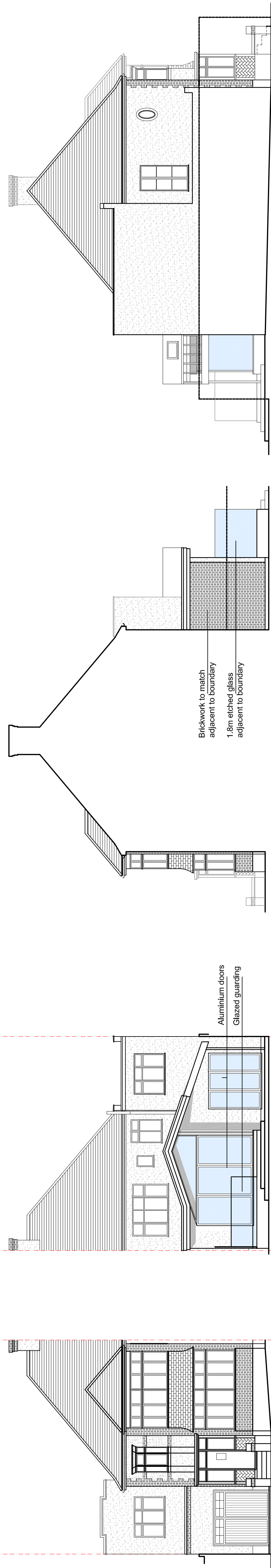


First Floor Plan



Ground Floor Plan

PROPOSED PLANS



Front Elevation

Rear Elevation

Side Elevation



Client	Mr & Mrs Christou
Project	37 Medway Crescent
Description	Proposed Rear Extension Proposed Plans
Status	Planning
Scale	1:50/100
Job number	nr
Drawing no.	014
Revision	C
Date	11.04.23

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Reference:	23/00644/FUL	7
Application Type:	Full Application	
Ward:	West Shoebury	
Proposal:	Change of use from commercial/light industrial use to a scrap metal recycling business (sui generis), erect two storey temporary office, single storey storage building, weighbridge with office and 3m screening (retrospective)	
Address:	25 Towerfield Road, Shoeburyness, Southend-on-Sea, SS3 9QE	
Applicant:	Mr Shaun Rowley	
Agent:	Mr Glen Eldridge	
Consultation Expiry:	29th December 2023	
Expiry Date:	1 st March 2024	
Case Officer:	Hayley Thompson	
Plan Nos:	GE2325/P01 Revision B, GE2325/P02	
Supporting Documents:	Design and Access Statement GE2322 [15 December 2023]; Acoustic Assessment 230525-R001A by ACA Acoustics [3 October 2023]; Flood Risk Assessment 2771/RE/07-21/01 Revision A by Evans Rivers and Coastal [November 2023].	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 This application site relates to a compound in Towerfield Road that is formed of a concrete hardstanding and is enclosed with fencing. The site was formerly occupied by a single-storey commercial building used by a packaging company, falling under Use Class E(g) or B8. The building was demolished following fire damage in 2019. The site is within an Employment Area as identified on the policies map of the Development Management Document and within Food Zone 3.
- 1.2 The surrounding area is characterised by commercial and industrial type buildings and uses. The site is at the periphery of the industrial estate, adjacent to a brook and an allocated allotment site. The site is also some 20m from the front elevation of a row of dwellings in Jena Close, to the north west, is separated by the brook and a landscaped southern perimeter of this residential area.

2 The Proposal

- 2.1 Planning permission is sought retrospectively to change the use of the site from a commercial light industrial/storage use to a scrap metal recycling business, a sui generis use, such that planning permission is needed to change to, or from, it. The application has been submitted following an enforcement enquiry.
- 2.2 The operations of the site involve the collection, separation and re-distribution of ferrous and non-ferrous (iron/non-iron) scrap material. Scrap metal is delivered to the site including by members of the public and small businesses and then sorted, weighed and loaded into the appropriate storage bins. No works to cut, grind or crush metals is described to be undertaken at the site.
- 2.3 Other works which have been undertaken at the site include a two-storey temporary office on the northern boundary of the site close to the site entrance. It is 5.3m high, 7.35m wide and 2.7m deep. A weighbridge is close to the southern site boundary near the site entrance. The weighbridge office is 2.9m high, 2.2m wide and 1.2m deep. A small items weighbridge is next to the office. Two single storey buildings used for storage are along the northern and western boundaries towards the rear in the processing area which are 2.6m high, 2.45m deep and 11.75m wide.
- 2.4 A 3m high fence/screening has been installed at the site entrance, between 20m and 23m from Towerfield Road, and is 35.5m wide along this boundary. The screening returns into the site along the northern boundary for 31m and into the site by 7.5m. A concrete wall enclosure, 3m high and 22m wide, is within the site along the northern boundary. It contains light and heavy iron drop off areas.
- 2.5 There are areas within the site allocated for storage purposes with varying associated paraphernalia. These include storage bins for plastic materials shown on the northern boundary, a processing area to the rear of the site on the western boundary, storage skips on the southern boundary towards the rear and storage bins close to the site entrance on the eastern boundary.
- 2.6 Off street parking for 9 vehicles is available to the front of the site accessed from Towerfield Road. The opening hours for the site are stated to be Monday to Friday 08:00-17:00 and Saturday 8:00-12:00 and closed on Sundays.
- 2.7 Revised plans have been submitted during the application process. These show buildings and other paraphernalia within the site in different locations compared to the original submission. The concrete wall installed within the site has been recently

constructed (December 2023) as part of the applicant's response to noise mitigation. Off street parking has been relocated from further within the site close to the two-storey office to the front of the site.

3 Relevant Planning History

- 3.1 21/01983/FUL - Erect new commercial/light industrial unit with Use Classes E(g), B2 and B8 including associated parking and hard/soft landscaping – Granted
- 3.2 04/01608/FUL- Erect 20 metre macro pole with three antennas, four dishes and six equipment cabins enclosed within a fenced compound to rear – Refused
- 3.3 91/0970 - Use offices (class b1) for general industrial fabrication (class b2) – Granted

4 Representation Summary

Public Consultation

- 4.1 23 neighbouring properties were consulted by letter, a site notice was displayed and the application was advertised in the press. Representations from three (3) interested parties, including Shoebury Residents Association were received which raised the following objections:
 - Concerns raised about noise and smells;
 - Site being open earlier and later than stated hours;
 - Concern about noise at unsociable hours;
 - Concerns raised about pollution and environmental impact;
 - Concern about dust and fumes;
 - Business is too close to residential;
 - The site does not have planning permission;
 - Lack of consideration shown to residents;
 - Request for conditions to control the use of the site.

[Officer Comment: All relevant planning considerations have been assessed within the appraisal section of the report and conditions to control the use of the site have been recommended. The remaining points of objection are not found to justify refusing planning permission in the circumstances of this case.]

LLFA

- 4.2 No objection subject to condition regarding drainage systems and pollution management methods.

Environment Agency

- 4.3 No comment – refer to EA standing advice note 6 about flood risk assessment for less vulnerable commercial uses.

Environmental Health

- 4.4 No objections raised subject to conditions regarding post completion testing, noise mitigation measures, site operating hours, restriction on processes, external illumination and informatives.

Highways

- 4.5 No objections raised.

5 Procedural Matters

- 5.1 The application is being presented to the Development Control Committee as it involves a departure from the development plan.

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 Essex and Southend-on-Sea Waste Local Plan (July 2017): Policies 6 (Open Waste Facilities on unallocated sites or outside Areas of Search), 10 (Development Management Criteria), 12 (Transport and Access).
- 6.5 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance)
- 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), DM10 (Employment Sectors) DM11 (Employment Areas) DM15 (Sustainable Transport Management)
- 6.7 Southend-on-Sea Design and Townscape Guide (2009)
- 6.8 Waste Storage, Collection and Management Guide for New Developments (2019)
- 6.9 Electric Vehicle Charging Infrastructure (EVCI) for new development Supplementary Planning Document (SPD) (2021).
- 6.10 Community Infrastructure Levy (CIL) Charging Schedule (2015)

7 Planning Considerations

- 7.1 The main considerations in relation to this application are the principle of the development, flood risk, design and impact on the character of the area, impact on residential occupiers, any traffic and transport issues, and CIL.

8 Appraisal

Principle of Development

- 8.1 Paragraph 123 of the NPPF states: "Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, while safeguarding and improving the environment and ensuring safe and healthy living conditions." Paragraph 124 continues to advise that "Planning policies and decisions should *"promote and support the development of under-utilised land and buildings"*.

- 8.2 Policy KP1 of the Core Strategy seeks sustainable development by focusing appropriate regeneration and growth towards Priority Urban Areas which includes identified existing industrial/employment areas. Policy CP1 of the Core Strategy offers support to development proposals involving employment which contribute to the creation and retention of a wide range of jobs, educational and re-skilling opportunities.
- 8.3 Policy DM11 of the Development Management Document advises that the retention and provision of employment sites is particularly necessary to enable balanced job and housing growth in line with the Core Strategy. Policy DM11 states that the Council will support the retention, enhancement and development of Class B uses within the Employment Areas and proposals that fall outside of a Class B employment use will only be granted permission where it conforms with one of the following four criteria:
- A. the development proposal is a 'sui generis' use of a similar employment nature, which is compatible with and will not compromise the operating conditions of the Employment Area; or
 - B. the development proposal is in conformity with a planning brief, or similar planning policy document, that has been adopted by the Council for the concerned site, which sets out other appropriate uses; or
 - C. it can be demonstrated to the Council's satisfaction that:
 - i. there is no long term or reasonable prospect of the site concerned being used for Class B purposes; and
 - ii. the use is compatible with and will not compromise the operating conditions for other employment uses or the potential future use of neighbouring sites for employment uses; and
 - iii. the alternative use cannot be reasonably located elsewhere within the area it serves; and
 - iv. the use will not give rise to unacceptable traffic generation, noise, odour or vehicle parking; or
 - D. it can be shown that the development will be a complementary and supporting use, which is both subservient and ancillary to the principal employment uses and serves the day time needs of the estate's working population and will not result in a material change to the Class B character and function of the area.
- 8.4 The site is located within an identified Employment Area which is a priority urban area for employment-led regeneration and growth. The development on site results in a loss of Class B employment land. However, the sui generis use at the site reuses previously developed land at a location that is designated for employment generating purposes. Towerfield Road is an existing industrial estate and the site, to a certain degree, is considered to be of a similar employment nature to other uses within the industrial estate, which is characterised by various employment uses such as warehouses, manufacturing and engineering units and vehicle repair units. The use of the site is therefore considered to be of a similar employment nature which is broadly compatible with, and is not considered to conflict with the operating conditions of the Employment Area. To this extent, the site is considered to meet the requirements of Criterion A of Policy DM11. It is not necessary to explore the other criteria.
- 8.5 Policy 6 of the Essex and Southend-on-Sea Waste Local Plan states that "proposals for new open waste management facilities will be permitted where:
- 1. the waste site allocations and the Areas of Search in this Plan are shown to be unsuitable or unavailable for the proposed development;
 - 2. although not exclusively, a need for the capacity of the proposed development has been demonstrated to manage waste arising from within the administrative areas of Essex and Southend-on-Sea; and
 - 3. it is demonstrated that the site is at least as suitable for such development as Site

Allocations or Areas of Search, with reference to the overall spatial strategy and site assessment methodology associated with this Plan.

- 8.6 Policy 6 of the Essex and Southend-on-Sea Waste Local Plan further states that: "in addition, proposals should be located at or in:
- a. redundant farm land (in the case of green waste and/or biological waste); or
 - b. demolition and construction sites, where the inert waste materials are to be used on the construction project on that site; or
 - c. existing permitted waste management sites or co-located with other waste management development; or
 - d. the curtilages of Waste Water Treatment Works (in the case of biological waste); or
 - e. mineral and landfill sites where waste material is used in conjunction with restoration, or proposed waste operations are temporary and linked to the completion of the mineral/landfill operation; or
 - f. areas of Previously Developed Land; or
 - g. employment areas that are existing or allocated in a Local Plan for general industry (B2) and storage and distribution (B8).

Any proposals that come forward on land use types not identified above will be assessed on their merits, based on the policies in this Plan."

- 8.7 Policy 10 of the Essex and Southend-on-Sea Waste Local Plan states that: "Proposals for waste management development will be permitted where it can be demonstrated that the development would not have an unacceptable impact (including cumulative impact in combination with other existing or permitted development) on:
- a. local amenity (including noise levels, odour, air quality, dust, litter, light pollution and vibration);
 - b. b. water resources with particular regard to:
 - the quality of water within water bodies:
 - Preventing the deterioration of their existing status; or
 - Failure to achieve the objective of 'good status' and
 - the quantity of water for resource purposes within water bodies.
 - c. the capacity of existing drainage systems;
 - d. the best and most versatile agricultural land;
 - e. farming, horticulture and forestry;
 - f. aircraft safety due to the risk of bird strike and/or building height and position;
 - g. the safety and capacity of the road and other transport networks;
 - h. the appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness;
 - i. the openness and purpose of the Metropolitan Green Belt;
 - j. Public Open Space, the definitive Public Rights of Way network and outdoor recreation facilities;
 - k. land stability;
 - l. the natural and geological environment (including internationally, nationally or locally designated sites and irreplaceable habitats);
 - m. the historic environment including heritage and archaeological assets and their settings; and n. the character and quality of the area, in which the development is situated, through poor design.

- 8.8 In principle, the application represents a departure from policy with regards to Policy 6 of the Waste Local Plan because the application site is not part of the allocated sites or areas of search of the Waste Local Plan and it has not been demonstrated that these sites are unsuitable or unavailable for the development nor that the site is at least as suitable for such development as these sites. Furthermore, it has not been demonstrated that there is either a need for this additional capacity created by the facility

for waste generated within Essex and Southend or that the waste processed in the facility would be generated within Essex and Southend.

- 8.9 Whilst the application represents a departure from policy in principle for the reasons discussed above, the development in principle complies with the rest of the requirements of Policy 6 insofar that the site is located in an employment area for general industry. As discussed in the relevant sections of the report, the application is not considered to have an unacceptable impact on the relevant provisions of Policy 10. Other detailed considerations are discussed below.

Flooding and Drainage

- 8.10 Paragraph 165 of the NPPF states that 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.
- 8.11 Policy KP1 states that all development proposals within identified flood risk zones 'shall be accompanied by a detailed flood risk assessment appropriate to the scale and the nature of the development and the risk'. It states that 'development will only be permitted where that assessment clearly demonstrates that it is appropriate in terms of its type, siting and the mitigation measures proposed, using appropriate and sustainable flood risk management options'.
- 8.12 The site is within Flood Zone 3. With regard to flood risk, the Environment Agency did not provide any comments but directed the LPA to their Standing Advice Note 6. In this no objections are raised in principle for this type of development as a 'less vulnerable' use not requiring an increase in impermeable surfacing. The (Flood Risk Assessment) FRA submitted with this application contains a flood emergency response and evacuation plan for the development. A condition to ensure compliance with these details is recommended. Subject to adherence to the recommendations of the FRA, the development is considered to be sufficiently capable of managing the risk of flooding.
- 8.13 The LFFA has raised no objection to the development subject to conditions. They advised that specific details from the FRA have not been included, such as details for existing drainage systems on site and pollution management methods. These details can be secured by a condition. Subject to these details, it is considered that the development would not increase the risk of flooding elsewhere and pollution to bodies of water can be managed satisfactorily.
- 8.14 Subject to the described conditions, the development is considered acceptable and policy compliant in terms of flood risk mitigation and flood risk impacts elsewhere.

Design and Impact on the Character of the Area

- 8.15 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.
- 8.16 The NPPF requires new development to respond positively to its surroundings. Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document, and the Design and Townscape Guide, advocate the need for new development to respect and complement local character.

- 8.17 The site is formed of an area of concrete hardstanding and is enclosed with palisade fencing around the site boundary and a 3m high fence at the site entrance along the width of the site. There are no significant public views into the site, as a result of the existing boundary treatment. It is not considered that the nature of the site, as a scrap metal business and an industrial use, would be out of character in the context of the wider industrial estate and employment area, subject to its visual and environmental impact.
- 8.18 The surrounding area is characterised by functional buildings typical of a designated industrial area/designated employment site. Directly north west of the site, the area is residential in character. The buildings on site, comprising the two-storey office building, the single storey storage unit located on the northern boundary of the site and the weighbridge office, have an industrial appearance which is considered to integrate with, and be comparable to, surrounding buildings within the industrial estate. The maximum height of the structures (the two-storey office) is 5.3m. The buildings are of no significant design merit. However, as a result of the nature of the development, dispersed across the site, and their individually small to modest size they do not have overall significant scale or bulk and as such they do not significantly harm the character and appearance of the area.
- 8.19 The boundary treatments, comprising the 3m high fence and concrete walled area within the site are functional in their appearance. There are various types of boundary treatments of varying heights found within the surrounding industrial estate setting, such as fences, gates and walls, therefore no objection is raised to these works. It is considered that the maximum height to fences should be the maximum height for external storage of materials and waste to ensure that the development would not have a detrimental visual impact on the character and appearance of the area.
- 8.20 Given its position and the subsequent industrial character of the surrounding area, it is not considered the development does not appear unduly prominent or harmfully out of keeping.

Amenity Impacts

- 8.21 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.
- 8.22 In terms of dominance and any overbearing impact, the closest neighbouring dwellings in Jena Close are separated from the site by 22.5m. With the condition controlling the maximum height and locations of stored waste, explained in the previous section, it is considered that the development would not result in any material impact in terms of visual dominance, an overbearing impact, loss of light and outlook or a material sense of enclosure to neighbouring development. In terms of overlooking, the site does not contain any machinery with cabs elevated above ground level and the nature of the use of the site is such that the development would not result in any material overlooking or loss of privacy.
- 8.23 The applicant has provided a Noise Impact Assessment (NIA) which concludes that calculated rating levels for the development is 10dB below the background levels in the

area. High level fencing and a concrete wall on the northern boundary has been erected at the site to serve as a noise mitigation measure. However, no specific details have been provided in terms of their actual measured acoustic qualities. The Council's Environmental Health team has raised no objection to the methodology used in the NIA. They advised that post completion validation testing will be required to ensure that the predicted reduction in noise has been achieved on site.

- 8.24 The Environmental Health team have reported they received complaints from Jena Close residents about the noise from the site. Furthermore, representations from interested parties for this application have raised concerns about noise from the site including banging, cutting and grinding. The application Design and Access Statement Dec 2023 confirms that the sole operation of the development is to be the collection, separation and re-distribution of ferrous and non-ferrous metals only. It confirms that the site is not used for the cutting, grinding and crushing of metals, and does not have the facilities to undertake this work. A planning condition to secure this is recommended. It is also considered necessary to include a condition to require post completion testing at Jena Close prior to any use of the site continuing and within 2 months from any permission being granted. This condition will require the use of the site to cease until the time that the post completion testing has taken place and its findings have been approved in writing in the interest of residential amenity and to mitigate against any unacceptable noise impacts on nearby occupiers.
- 8.25 In light of the above, and given the current uncontrolled usage of the site, it is also appropriate to apply conditions to restrict operating hours to 8am to 5pm Monday to Friday and 8am to 1pm on Saturday and not at all on Sundays and Bank and Public Holidays.
- 8.26 No details accompany this application with regards to external lighting. This matter can be conditioned so that details are submitted and agreed including luminance levels, to ensure the amenities of neighbouring uses are preserved.
- 8.27 It is therefore considered, subject to conditions, that the development would not result in any significant harm to the amenity of the adjoining occupiers, in accordance with local and national policy.

Refuse and Recycling

- 8.28 The submitted plans indicate refuse storage in various locations of the site which are collected by a private contractor. Full details of the waste storage and provision can be secured through a condition.

Traffic and Transportation Issues

- 8.29 The NPPF states at Paragraph 115 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."
- 8.30 The industrial estate in Towerfield Road hosts a wide variety of commercial and industrial uses that generate varying levels of vehicle movements. The application site has an area of vacant concrete hardstanding which is accessed via an existing vehicular access from Towerfield Road. This area serves as a parking area for the site for 9 vehicles.
- 8.31 While the adopted parking standards do not identify a maximum provision for a sui generis use, the standards identify a maximum provision of 1 space per 50sqm of floor

area for a B2 general industrial use; this would equate to 29 spaces in this case. Given the site's relative sustainability, readily accessible by public transport from other parts of the City, it is considered that a lower parking provision would be acceptable and these details can be secured by condition. Electric vehicle charging infrastructure in line with policy requirements can be secured with a condition. The Council's Highway's Officer has raised no objection to the development.

- 8.32 Cycle parking standards are expressed as a minimum requirement and in this instance at least 5 spaces would be required. The application does not include cycle storage, however, this matter can reasonably be required through a condition.

Community Infrastructure Levy (CIL)

- 8.33 As the development does not create more than 100m² of 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.

Equality and Diversity Issues

- 8.34 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.
- 8.35 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

- 8.36 For the reasons outlined above, whilst the development in principle represents a departure from local waste policy, in other regards it is found to be acceptable and compliant with other relevant planning policies and guidance. Although the application represents a departure from policy, the application is not considered to prejudice the strategic aims and objectives of local and national policy given the low scale of the operations proposed. The report summarises that the development is acceptable subject to relevant planning conditions in terms of flood risk, design and impact on the character and appearance of the area, impact on residential amenity, waste management and impact on highways. 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.

9 Recommendation

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

- 01 The development hereby approved shall be retained and operated in accordance with the approved plans: GE2325/P01 Revision B, GE2325/P02.**

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

- 02 The development hereby approved shall only operate during the following hours: 8am to 5pm Monday to Friday and 8am to 1pm on Saturday and not at all on Sundays and Bank and Public Holidays.**

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

- 03 The use of the site subject of this permission shall cease, with the exception of facilitating testing for a noise impact assessment, until such time that the mitigation measures, as detailed in the report 'Acoustic Assessment of Waste Metal Processing Centre' by ACA Acoustics dated 3rd October (The Report) have been fully implemented at the site and the results of a post completion noise survey undertaken by a suitably qualified acoustic consultant have been submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in The Report. Noise measurements for the assessment must be undertaken at the boundary of nearest noise sensitive dwelling in Jena Close. If the mitigation measures tested in the post-completion report prove to be insufficient, the use shall cease to operate until such time as additional noise mitigation measures (where necessary to ensure the appropriate noise levels can be met), have been submitted to and approved in writing by the Local Planning Authority and installed and tested prior to operation. The final noise mitigation measures must be retained and maintained thereafter for the lifetime of the development.**

Reason: In the interests of resident amenities further to the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

- 04 The rating level of noise for all activities hereby approved at the site (including all process operations) shall be limited to 10dB(A) below the background noise level measured and expressed as a LA90,15minutes from the boundary of the nearest residential property.**

Reason: In the interests of residential amenities further to the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

- 05 No processing of metal shall take place and no equipment that involves the use of cutting, grinding or crushing metal shall be used on site at any time.**

Reason: In the interests of residential amenities further to the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

- 06 No more than 2 containers shall be stacked vertically on any part of the site to which this consent relates at any time. The total maximum height of any stacks of containers at the site to which this consent relates shall not exceed 5.3m above the immediately adjacent ground level at any time. Any external storage of materials or waste shall not exceed 3m above the immediately adjacent ground**

level at any time.

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

- 07** The use hereby approved shall cease and shall not operate unless within three months of the date of this decision, full details of refuse and recycling facilities for the development, including a waste management strategy, have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities and waste management strategy shall be provided and made available for use at the site in accordance with the approved details within one month from approval of details pursuant to this condition and shall thereafter be retained for the lifetime of the development.

Reason: In the interests of residential amenities and environmental quality further to the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

- 08** The use hereby approved shall cease and shall not operate unless within three months of the date of this decision, full details of drainage systems on site and pollution management methods have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details within one month from approval of details pursuant to this condition and shall be maintained as such thereafter in perpetuity.

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

- 09** The use hereby approved shall cease and shall not operate unless and until the recommendations, including the flood emergency response and evacuation plan for operation of the development, detailed in the Flood Risk Assessment by Evans Rivers and Coastal dated November 2023, have been implemented in full. The development shall solely be operated in accordance with these details of and maintained as such thereafter for its lifetime.

Reason: To reduce the risk of flooding to the proposed development and future users in accordance with National Planning Policy Framework (2023) and Policies KP1, KP2 and KP3 of the Core Strategy (2007).

- 10** The use hereby permitted shall cease and shall not operate unless within three months of the date of this decision, the 9 car parking spaces shown on the approved plan GE235/P01 Rev B have been fitted with electric vehicle charging infrastructure, at least 3 of them with active and the rest with passive infrastructure. The car parking spaces shall thereafter be retained, maintained and made available for use in association with the use of the site hereby approved.

Reason: To ensure that adequate off-street 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

requirements of the Electric Vehicle Charging Infrastructure (EVCI) for new development Supplementary Planning Document (SPD) (2021).

- 11 The use hereby permitted shall cease and shall not operate unless within three months of the date of this decision, full details of secure, covered cycle storage facilities for no fewer than 5 bicycles have been submitted to and approved in writing by the Local Planning Authority. The secure, covered cycle storage facilities shall be provided and made available for use at the site in accordance with the approved details within one month from the approval of details pursuant to this condition and shall be retained as approved for the lifetime of the development.

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

- 12 All existing external lighting shall be removed from site unless and until full details of all external lighting for the site have been submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed or retained solely in accordance with the approved details thereafter.

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

Positive and Proactive Statement:

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

Informatives:

- 1 You are advised that as the 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.
- 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 does not convey any form of consent for external advertisement signs, consent for which may be required under the provisions of the Town and Country Planning Advertisement Regulations.
- 4 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 becomes 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 is 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.

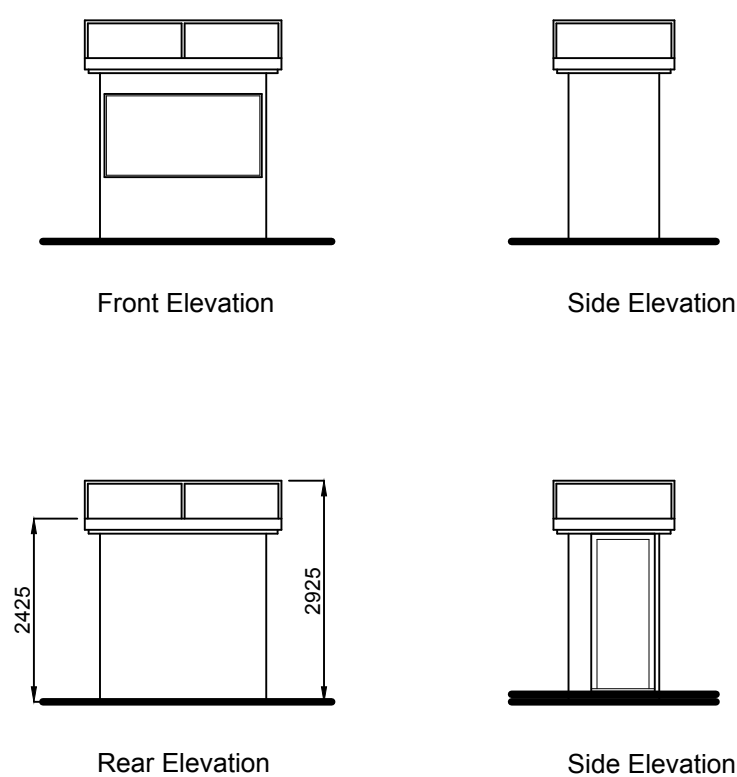
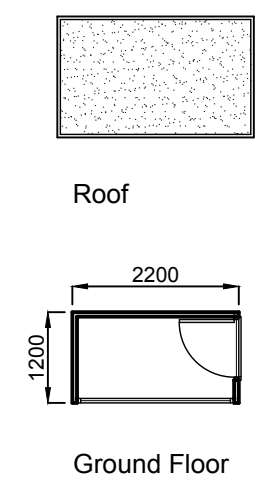
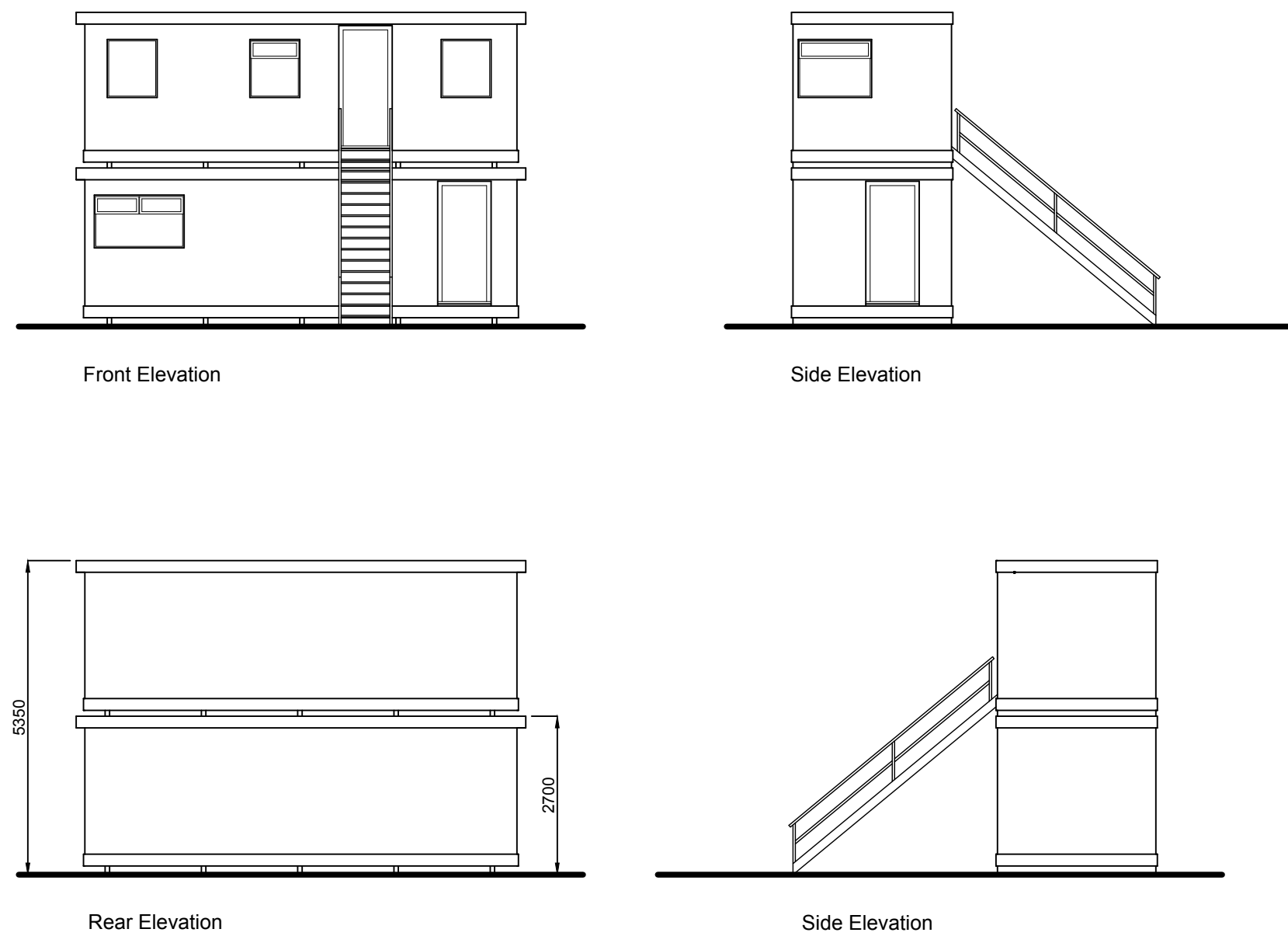
- 5 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and the noise provisions within the Control of Pollution 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.
- 6 The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. Application forms and further information can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Anyone carrying out these activities without a permit where one is required, is breaking the law.
- 7 Maintenance of the area close to and within the watercourse, out to the centreline of the channel, is a riparian responsibility and you will find more details about this in the Environment Agency's 'Living on the Edge' document which can be found at: <http://www.environment-agency.gov.uk/homeandleisure/floods/31626.aspx>.
- 8 The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant should contact Water Section at Service Headquarters, 01376 576000.
- 9 There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can

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

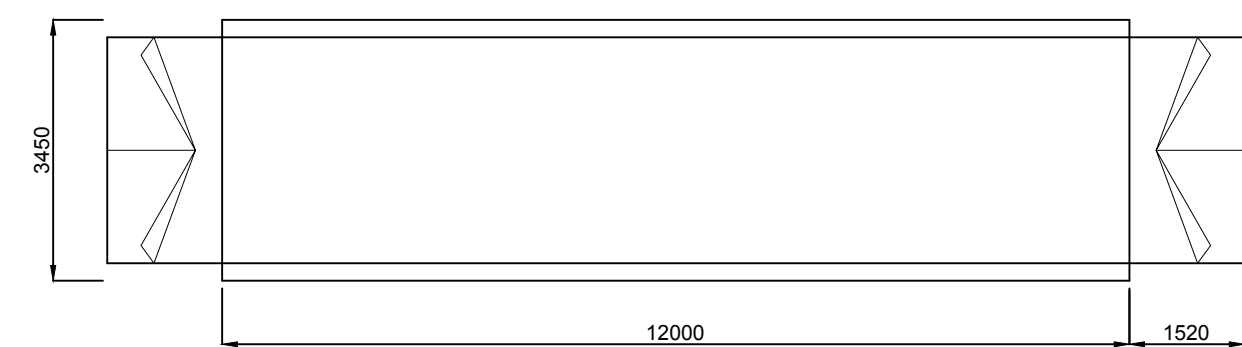
- 10 The applicant must assess whether the operation requires a permit under the Environmental Permitting (England and Wales) Regulations 2016 or any other Environmental Permit or Exemption. Details on process qualifications and applications can be found online. If you think the operations requires a permit please contact Southend-On-Sea City Council or the Environment Agency.

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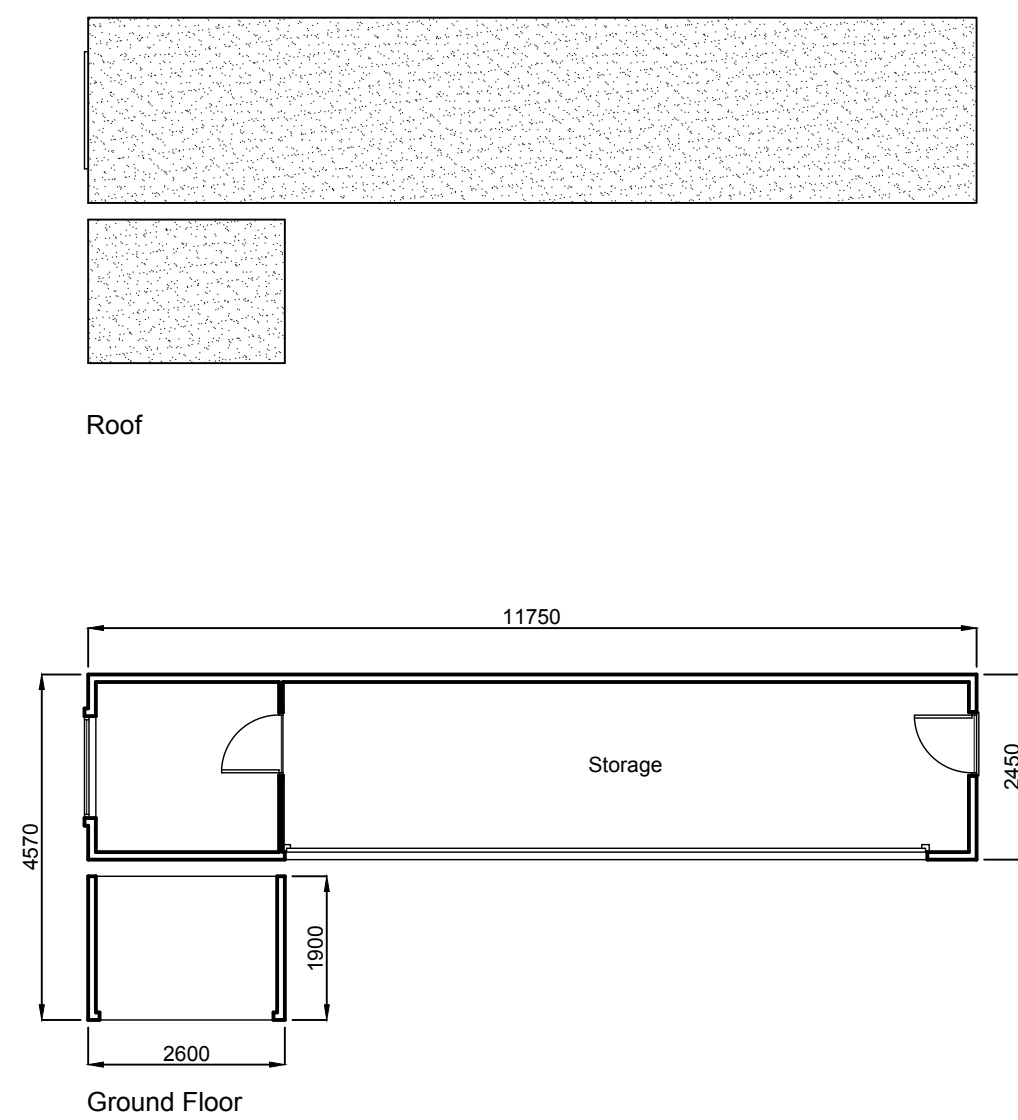
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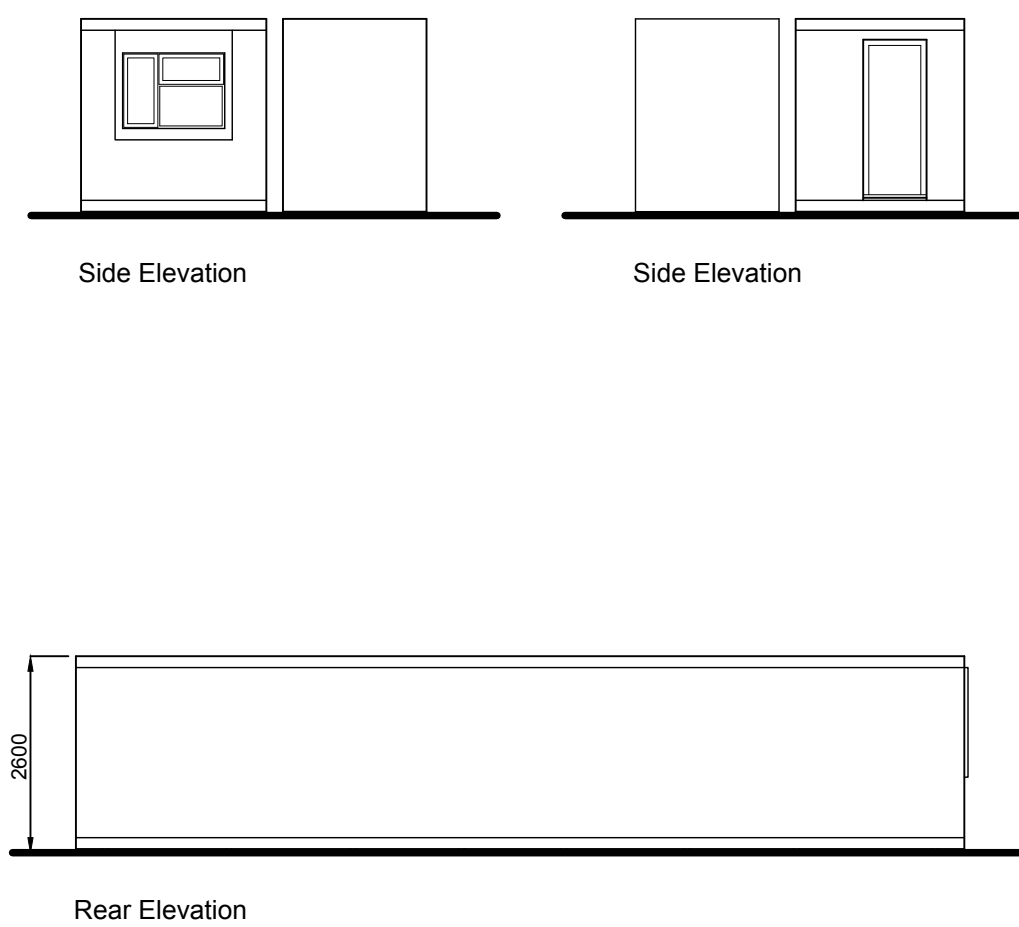
Weighbridge Office



Weighbridge



Storage Unit

[illegible]

GLEN ELDRIDGE
165 HAMSTEL ROAD
SOUTHEND-ON-SEA
ESSEX, SS2 4LA
T: 07554 181148
e:gleneldridge@lineone.net

Client:

S & W Metals Ltd

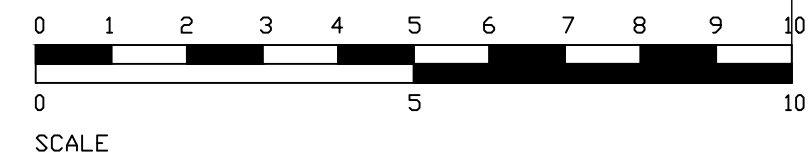
Project:

Proposed Change of Use at
25 Towerfield Road
Shoeburyness
Southend-on-Sea

Drawing:

Proposed Outbuildings - Elevations and Floor Plans

Scale: 1:100	Date: 14/04/2023
Drawing No: GE2325/P02	Rev:
Drawn by: GDE	Checked by:
	Approved by:



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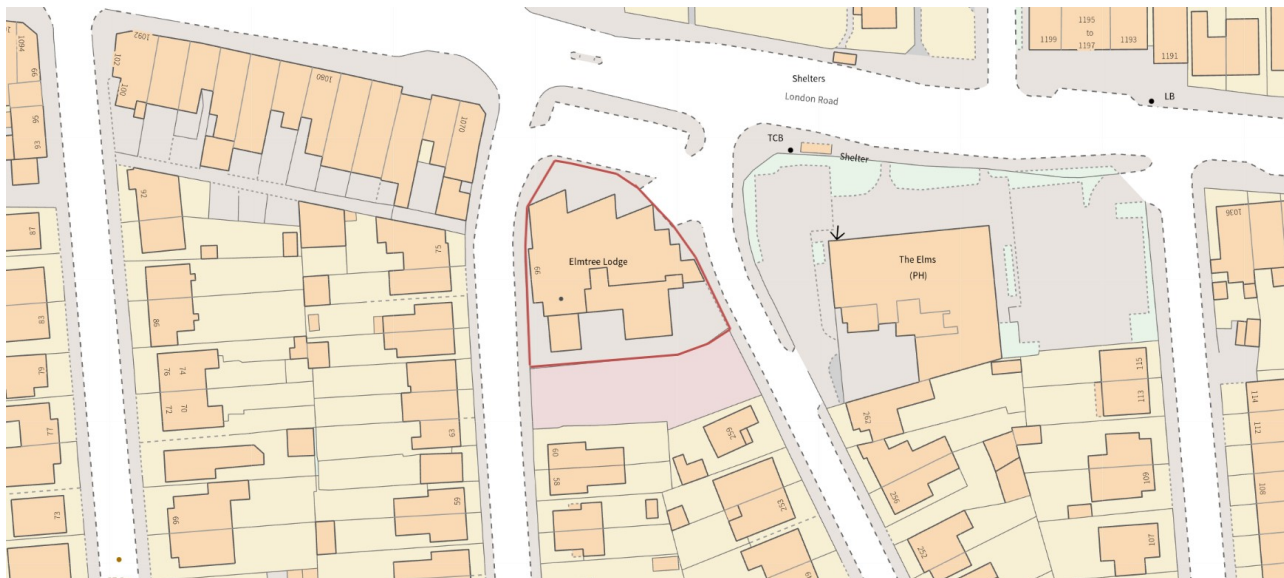
25 Towerfield Road







Reference:	23/01639/FUL	8
Application Type:	Full Application	
Ward:	Leigh	
Proposal:	Erect additional floor to roof of existing building to provide 3 self-contained sheltered flats, with south facing communal garden at roof level and additional mobility scooter storage at ground floor level	
Address:	Elmtree Lodge, 66 Cranleigh Drive, Leigh-on-Sea, Essex	
Applicant:	Mr Steve Pullan	
Agent:	Mr Alex Davison of Brian Davison Associates	
Consultation Expiry:	20.02.2024	
Expiry Date:	01.03.2024	
Case Officer:	Oliver Hart	
Plan Nos:	1724-200-B; 1724-201-B; 1724-202-B; 1724-203-B; 1724-204-B; 1724-210-B; 1724-300-C; 1724-304-C; 1724-310-J; 1724-320-C; 1724-L1-B	
Supporting information:	Design and Access Statement ref 1724.bda (October 2023); CGI Visuals photos 1-4; Property Management Letter regarding existing Resident Refuse and Bicycle Usage [dated 15/12/23]; Letter from the Freeholder (William Nelson Ltd.) regarding existing Commercial Refuse Usage [dated 28.12.2023]; Intended Construction Method Statement (by William Nelson Ltd.)	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application site is on the southern side of London Road, occupying a prominent corner plot between Cranleigh Drive and Elm Road. The application site itself comprises a mixed-use development four storeys in height with an office use at ground floor and 22no. apartments above. The apartments are age restricted (over 60s). The application building has a parapet flat roof and is finished externally in face brick. There is car parking available from Cranleigh Drive to the rear of the application site for 20No vehicles.
- 1.2 On the opposite side of London Road to the north are a mix of two- to two-and-a-half-storey mixed use properties and part four-/part five- storey blocks of flats. To the east, beyond Elm Road is the mainly two storey Elms Public House. To the west, beyond Cranleigh Drive is a commercial parade comprising two- to two-and-a-half-storey mixed use properties. To the south are traditional residential properties. Farther along London Road are some taller buildings of four to six storeys. Designs are mixed including both traditional and modern buildings.
- 1.3 London Road is a principal route through the city to the City's centre and is a main bus corridor. It has a very mixed character along its length. Some sections are designated as retail frontages but there are no policy designations affecting the application site.

2 The Proposal

- 2.1 Planning permission is sought to erect an additional storey to the application building to create 3No self-contained apartments with a communal roof terrace to the rear. The Design and Access Statement states that the apartments will be for 'sheltered housing'. This is a continuation of the existing age restriction on the existing development.
- 2.2 The additional storey would be flat-roofed, between 11.9m and 15.9m in maximum depth and between 21m and 26.3m in maximum width. It would increase the overall height of the building from 12.6m to 14.1m. The additional storey would be set back from all external elevations by 1.2m. External materials are shown as Hardie Panel cladding in dark grey.
- 2.3 The proposed internal floorspaces of the flats are set out below in Table 1.

Table 1: Proposed and required floorspaces.

Flat	Internal Floorspace	National Standards	Technical
Flat 1	80.8sqm (3 persons)	61sqm (3 persons)	
Flat 2	63sqm (2 persons)	50sqm (2 persons)	
Flat 3	62sqm (2 persons)	50sqm (2 persons)	

- 2.4 The flats would be served by a communal roof terrace positioned to the rear of the extension some 58sqm in area. No additional car parking is proposed. 3No additional mobility scooter parking spaces are proposed within an existing commercial storage area to the Elm Road frontage.

3 Relevant Planning History

- 3.1 05/00177/OUT – Demolish buildings, erect part 3/part 4 storey block comprising parking and commercial premises to ground floor and 22 flats above, lay out parking spaces; erect 2 detached dwellings with accesses onto Elm Road and Cranleigh Drive (Amended Proposal)- Refused. Appeal Allowed.
- 3.2 07/00890/RESM - Demolish buildings, erect part 3/part 4 storey block comprising parking and commercial premises to ground floor and 22 flats above, lay out parking spaces; erect 2 detached dwellings with accesses onto Elm Road and Cranleigh Drive (Amended Proposal) (Approval of reserved matters following outline permission SOS/05/00177/OUT granted 05/01/2006)- Refused. Appeal Allowed.
- 3.3 07/00945/FULM - Demolish buildings, erect part 3/part 4 storey block comprising parking and commercial premises to ground floor and 22 sheltered flats above, lay out parking spaces; erect 2 detached dwellings with accesses onto Elm Road and Cranleigh Drive (Amended Proposal) (261 Elm Road and 1066 London Road)- Refused. Appeal Allowed.
- 3.4 20/01763/CLP - Use as Physiotherapy, Rehabilitation, Pilates, Yoga & Personal Training purposes (Class D2) (Lawful Development Certificate- Proposed)- Granted

4 Representation Summary

Public Consultation

- 4.1 One-Hundred and Thirty-Four (134No) neighbouring properties were consulted, and a site notice was displayed. 36no. representations from 17no. interested parties raising objections have been received. Further consultation was undertaken following design changes to the submitted proposal. At the time of report preparation that additional consultation was continuing. Any further representations resulting from this will be summarised for Committee in the Supplementary agenda. Summary of comments:

- Design concerns;
- Resultant built-form would be too tall and appear overscaled and out of keeping with the area;
- Overlooking and loss of privacy concerns;
- Car parking concerns;
- Noise and disturbance concerns from construction activities;
- Health and safety concerns from construction activities;
- Damage to surrounding pavement from construction activities;
- Building only served by 1 lift which is prone to mechanical problems;

- Scaffolding during construction will have a significant impact on neighbour amenity;
- Mental Health impacts from construction;
- Security concerns from unmanned scaffolding;
- The proposal is only submitted because of financial interests; *[Officer Comment: This is not a material planning consideration]*
- Additional development not mentioned within existing lease ; *[Officer Comment: This is not a material planning consideration]*
- Detrimental impact on property value *[Officer Comment: This is not a material planning consideration]*.

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

Environmental Health

- 4.2 No objections subject to condition regarding construction management, refuse and recycling and noise impact assessment.

[Officer Comment;] The site is already served by adequate waste facilities. Moreover, given the proposed new dwellings' elevation above street level, it is considered that a condition requiring noise preventative glazing would be reasonable in this instance]

Highways

No objections. The site benefits from being in a sustainable location with regard to public transport with good links in close proximity. 20 off street parking spaces have been provided with the applicant providing information within the design and access statement that parking capacity does not usually exceed 12 spaces. Site visits have been undertaken by Highways staff to confirm the information provided by the applicant. It is not considered that the proposal will have a detrimental impact on the local highway network. Therefore no highway objections are raised. Future occupiers of the new dwellings will not be eligible for a residential parking permit.

Leigh Town Council

- 4.3 Objection. Overdevelopment of the site.

5 Procedural matters

- 5.1 This application is presented to the Development Control Committee because it has been called in by Councillor Carole Mulroney.

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), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), 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), DM6 (The Seafront), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM11 (Employment Areas), DM13 (Shopping Frontage Management outside the Town Centre), DM15 (Sustainable Transport Management).
- 6.7 Southend-on-Sea Design and Townscape Guide (2009)
- 6.8 Technical Housing Standards Policy Transition Statement (2015)
- 6.9 Waste Storage, Collection and Management Guide for New Developments (2019)
- 6.10 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 6.11 Community Infrastructure Levy (CIL) Charging Schedule (2015)

7 Planning Considerations

- 7.1 The main considerations in relation to this application are the principle of the development, the design and impact on the character of the streetscene and wider area, the standard of accommodation for future occupiers, the impact on residential amenity of neighbouring occupiers, any traffic and transportation issues, refuse and recycling storage, energy and water sustainability, compliance with the Essex Coast RAMS SPD and CIL liability.

8 Appraisal

Principle of Development

- 8.1 Amongst other policies to support sustainable development, the NPPF seeks to boost the supply of housing by delivering a wide choice of high-quality homes. Paragraph 123 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.’*
- 8.2 Furthermore, Paragraph 124 (e) of the NPPF states that planning decisions should *“support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards) and can maintain safe access and egress for occupiers.”*
- 8.3 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, 2017) 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.

- 8.4 Whilst the proposal would not result in any dwellings suitable for families, the provision is for additional 'sheltered' housing units which carries significant weight in the assessment of the application, particularly in light of the NPPF's tilted balance and how this proposed amount of housing would make a material tenure-specific contribution towards the needs of the City.
- 8.5 In respect of housing for older persons the Core Strategy states: 'The 2011 Census highlights that Southend has a higher proportion of older people when compared to the national average. Notably, Southend has more adults aged 75 or over, including those aged 90 or over, comparative to England (SHMA, 2013). Population projections indicate that the proportion of older people in Southend is expected to rise.'
- 8.6 The more recent demographic projections show that for Southend, the trend of an ageing population is expected to pick up significantly over the next 20 years. The number of people in this cohort was projected to rise by 38.5% (13,518) between 2018 and 2038, according to the 2018-based ONS population projections.
- 8.7 Overall, subject to a condition applying to the proposed units the existing age restriction currently in place for the rest of the host building, the principle of the development in this location is considered to be consistent with the policies noted above and is acceptable subject to the detailed considerations set out below.

Design and Impact on the Character of the Area

- 8.8 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 8.9 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and 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.
- 8.10 As noted, London Road is a principal route through the city and has a very mixed character along its length, including some taller buildings of 4-6 storeys. This is inclusive of development on the northern side of London Road opposite the application site at 'Sovereign Court' (part four/part five storeys) and the 'Yantlet' (part five/part six storeys) to the north-east. Consequently, an additional storey in this location is not considered to appear as an unduly incongruous or harmful feature in the immediate surrounds.
- 8.11 The application site presently holds a significant presence in the streetscene on account of its island position, bounded by roadway on either side and its juxtaposition with the two, to two and a half storey scale of neighbouring development to the immediate south, west and east. The application building is of a functional overall design with a box form and framed by thick, parapet capping.
- 8.12 The design of the additional storey proposed in this instance is functional in its form and consequently is considered to take its reference from the style and visual cues of the

existing building, inclusive of its roof form and flat roof capping which is exhibited at parapet and ground floor canopy levels as well as the arrangement and placement of the windows. The lift overruns in the existing building are replicated into the proposed design. The extension will be set back from each external elevation by a minimum of 1.2m reducing its prominence in the streetscene. In addition, the presence of the existing raised parapet of the building would further reduce the visibility and subsequent prominence of the proposed additional storey from public view given that the extent of built form visible will be some 1.5m above the existing parapet.

- 8.13 During the course of the application, the fenestration pattern was altered and amended external materials were submitted to include large, hardie panelling in 'dark grey' which is considered to better integrate with the character of the existing building. Proposed window/door openings would be finished in aluminium powder coated RAL 7016 to match and also better align with the existing openings on the building's lower floors.
- 8.14 Subject to a condition to secure the details of materials, the proposed additional storey is not considered to result in an incongruous development that would be harmful to the character and appearance of the existing building, the streetscene or wider surroundings.
- 8.15 Other minor changes include the conversion of a disused storage area to the ground floor Elm Road elevation to additional mobility scooter parking provision (for 3no. Scooters). The only external alteration would be the removal of the external access door fronting Elm Road which would be infilled and finished in a matching render. This is considered a minor and inconsequential change that would not harm the character and appearance of the existing building or the wider streetscene.
- 8.16 Overall, the proposal is acceptable and policy compliant in the above regards.

Standard of Accommodation and Living Conditions for Future Occupiers

- 8.17 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 on the living conditions and amenity of existing and future residents or neighbouring residents.

Space Standards and Quality of Habitable Rooms.

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

Table 1 - Minimum gross internal floor areas and storage (m²)					
Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		

- 8.19 The proposal provides 2No 1-bed 2-person and 1No 2-bed 3 person flats. All flats exceed the national technical housing standards. All habitable rooms will be provided with windows to provide adequate light, ventilation and outlook. The development is acceptable and policy compliant in this respect.
- 8.20 In relation to the provision of amenity space Policy DM8 states that all new dwellings should: "Make provision for usable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space. Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances, the reasons for which will need to be fully justified and clearly demonstrated."
- 8.21 The development would provide a communal amenity space at rooftop level a total some 58sqm. Such provision is acceptable and would provide adequate outside amenity space for the additional occupiers of the site. The development is acceptable and policy compliant in this respect.
- 8.22 As the proposal would not result in new-build development, namely it would be an extension to an existing building, compliance with building regulation M4(2) is not a policy requirement. However, it is noted there is an existing lift in operation that would be extended up to serve the proposed units. This is a positive element of the proposal noting the intended future occupants. Of further relevance is the proposed additional mobility scooter parking area to the Elm Road frontage, increasing capacity by 3No spaces.
- 8.23 Environmental Health have raised the matter of the application site's position adjacent to London Road, a busy road. A condition to require a full noise impact assessment is recommended to deal with this however, the site is already in residential use and, given the height of the new storey above street level, it is considered that a condition requiring acoustic glazing would be more reasonable in this instance.
- 8.24 Overall, and taken in the round, it is considered that the proposal, subject to conditions, would not result in substandard accommodation for future occupiers and would not be detrimental to their living conditions. The proposal is acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 8.25 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.
- 8.26 The nearest residential uses to the application site are the existing flats within the building and properties that bound the site to the south, primarily the two pairs of dwellinghouses under construction (one pair along Cranleigh Drive and the other fronting Elm Road).
- 8.27 The proposed additional storey would be contained within the footprint of the existing building. It would not compromise the light or outlook nor result in a greater sense of

enclosure to the existing flats within the building. With regards the proposed new dwellinghouses (under construction) to the immediate south, a separation in excess of 15m would be retained. Together with the position of the proposed additional storey to these new dwellings' north, it is not considered the proposed development would have a detrimental impact on the receipt of light and outlook, nor is it considered to give rise to an undue sense of enclosure or dominance impacts on the future occupants of those dwellings.

- 8.28 The area of flat roof between the proposed additional storey and the existing parapet boundary walls will not be used as private external amenity space. Instead, a rooftop level communal amenity space is proposed to the rear of the site to serve the proposed new units. Third party concerns have been raised about overlooking and loss of privacy of existing occupants within the building. The existing arrangement is of relevance in the assessment. The existing arrangement contains a series of external balconies across the site, as well as two external communal amenity spaces positioned to the rear of the site at third floor level. As a result, there is an existing degree of inter/overlooking across the site and on this basis, the provision of a rooftop level communal amenity space would not introduce a degree of overlooking that would be at variance with or significantly more harmful than the existing situation. The separations from the proposed additional storey to other neighbouring properties is such that the amenity impacts would be acceptable.
- 8.29 In terms of any additional noise and disturbance, it is not considered that use of the external communal amenity space would increase this noticeably above that experienced from the usual residential activity within a typical rear garden setting or to such a degree that would significantly harm the residential amenity of the neighbouring occupiers in any relevant regard.
- 8.30 The applicant has provided a document indicating intended measures proposed to limit and mitigate disturbance to existing occupants during construction. This is for general information purposes only and are summarised below for the Committee's information:
- Using as much pre-fabricated off site construction as possible, possibly using Structural Insulated Panels (SIPs) and engineered roof joists which can be manufactured off site and lifted into position.
 - No internal access of the existing building or use of the internal stairs or lift, other than when needed to connect or amend the existing services inside. It is anticipated to access the roof externally via a temporary covered in scaffold stair. This would be erected alongside one of the solid brickwork flanks to the south of the building so as not to pass by any windows or balconies.
 - No weekend working and limits on week time working hours.
 - The developer consulting with residents to agree most suitable hours for any particularly noisy operations that maybe required.
 - No external scaffolding of the existing building should be required as the new additional storey is 1.2m inside the existing parapet wall and this area can be used as a working platform.
- 8.31 Whilst these are positive measures to limit noise and disturbance, these types of measures would be expected to be included into a broader, more encompassing construction method statement and as such, conditions to control the hours of construction and to require a comprehensive construction method statement are recommended to avoid significant harm to neighbours' amenity during the construction period. The Council's Environmental Health service has raised no objections on this

basis.

- 8.32 Overall and subject to the described conditions, the proposal is acceptable and policy compliant in the above regards.

Traffic and Transportation Issues

- 8.33 The NPPF states at paragraph 115 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."
- 8.34 Policy DM15 of the Development Management Document states: "Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner". The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards. Residential vehicle parking standards may be applied flexibly where the development is proposed in a sustainable location with frequent and extensive links to public transport.
- 8.35 Assessed against parking standards, the minimum car parking requirements for retirement development flats under Policy DM15 is one space per unit and one cycle parking space per unit. Policy DM15 also states that residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these standards would have a clear detrimental impact on local character and context.
- 8.36 No additional parking spaces are proposed. The accompanying Design and Access Statement concludes that the existing apartments have adequate parking facilities which are currently under used. Of the existing 20 spaces, the applicant states there are usually spaces unoccupied.
- 8.37 This site benefits from being in a sustainable location with regard to public transport with good links in close proximity, particularly from London Road which is served by several bus routes including the Numbers 27 and 28 which go into Southend-on-Sea City Centre. 20No off street parking spaces would be retained. Highways officers conducted two site visits on separate days, one in the morning and one in the evening which support the applicants' position as expressed within the design and access statement. The provision of additional mobility scooter parking to accommodate existing and new occupants to the block is a positive element of the proposal and will be secured via condition.
- 8.38 No additional cycle parking is proposed on the site. To justify this, a supporting letter from this building's Property Management Team was submitted confirming that existing cycle storage at ground floor is already well under-used given that many of the existing residents are at advanced stages of life and deal with mobility issues. Given the circumstances of this case and subject to a condition to retain the age restriction, this cycle parking position is, in the round, considered to be justified.
- 8.39 On this basis, it is not considered that the proposal will harm the local highway network, highway safety or local parking conditions. Highway officers have raised no objections to the proposal.

Refuse and recycling storage

- 8.40 Refuse and recycling facilities would remain unchanged. It is considered that the capacity of these facilities is adequate and no excessive additional waste and recycle requirements would be generated as a result of the development. A condition to ensure that the existing facilities are available for use by the proposed units is recommended. The proposal is acceptable and policy compliant in the above regards.

Energy and Water Sustainability

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

Ecology - Essex Coast RAMS

- 8.44 The site falls within the Zone of Influence for one or more European designated sites scoped into the Essex Coast RAMS. It is the Council’s duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The Essex Coast RAMS SPD, which was adopted by the Council on 29 October 2020, requires that a tariff of £156.76 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.
- 8.45 The applicant has paid the relevant tariff. The development would offer suitable mitigation of the in-combination effect of the net increase of three dwellings on habitats and species. The development is acceptable and in line with policies in this regard.

Community Infrastructure Levy (CIL)

- 8.46 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of

the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed amended development includes a net gain internal floor area of 260sqm, which may equate to a CIL charge of approximately £22,860. Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

Equality and Diversity

- 8.47 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.

9 Conclusion

- 9.1 Having taken all material planning considerations into account, it is concluded that subject to compliance with the recommended conditions, the proposed development, which responds to Government guidance encouraging development above existing buildings where suitable, would be acceptable and compliant with the objectives of the relevant local and national policies and guidance. The proposal is acceptable in principle and when assessed on its individual merits it is found to have an acceptable impact on the living conditions of future occupiers, the amenity of neighbouring occupiers including those living in the building and the highway safety, traffic and parking conditions in the area. Subject to conditions, the proposed development would also be acceptable in terms of its impact on the character and appearance of the area. Conditions can satisfactorily deal with energy and water sustainability. The development offers suitable mitigation for its in-combination effects on protected ecology sites.
- 9.2 This proposal creates new 'sheltered' housing. Therefore, if any harm is identified, including in those areas for judgement identified within this report's analysis of the proposal, it would be necessary to demonstrate that in reaching the decision an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any such harm. The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development should be applied when determining the application as relevant. The test set out by the NPPF is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the NPPF taken as a whole. The proposal would make a contribution to the housing needs of the city which must be given increased weight in the planning balance, albeit the weight to be attached to this would not be so significant in this instance in view of the level of occupancy and number of units involved. This application is recommended for approval subject to conditions.

10 Recommendation

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

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

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

- 02 The development hereby approved shall be carried out in accordance with the approved plans: 1724-200-B; 1724-201-B; 1724-202-B; 1724-203-B; 1724-204-B; 1724-210-B; 1724-300-C; 1724-304-C; 1724-310-J; 1724-320-C; 1724-L1-B**

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

- 03 Each of the 3No additional sheltered housing units hereby permitted shall be occupied only by:**

- i. Persons aged 60 years or older;**
- ii. Persons living as part of a single household with such a person or persons;**
- iii. Persons who were living as part of a single household with such a person or persons who have since died.**

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

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

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

- 05 No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy (to include Noise and Dust Mitigation Strategies) has been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Strategy shall provide, amongst other things, for:**

- i) the parking of vehicles of site operatives and visitors**
- ii) loading and unloading of plant and materials**
- iii) storage of plant and materials used in constructing the development**
- iv) the erection and maintenance of security hoarding**
- v) measures to control the emission of dust, dirt, mud being carried onto the road and noise during construction**

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

Reason: A pre-commencement condition is justified in the interest of the residential amenity of occupiers of the building and nearby occupiers in accordance with 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).

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

Reason: In the interest of the residential amenity of occupiers of the building and nearby occupiers in accordance with 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).

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

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2023), 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** The dwellings hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lppd) (110 lppd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting before they are occupied.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2023), 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** Prior to occupation of the development hereby approved, adequately glazed windows shall have been installed for all habitable rooms in the front, northern elevation of the development (windows to meet Specification RW 35) to mitigate

Road Traffic Noise from London Road.

Reason: In the interest of the residential amenity of future occupiers in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

- 10** Notwithstanding the information submitted with this application, the future occupants of the 3no. new dwellings hereby approved shall have full access to and ability to use the existing waste and cycle facilities present at the existing development. This access and use entitlement shall be retained as such for the lifetime of the development.

Reason: To ensure the provision of adequate waste and cycle storage for future occupants in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2021), the Southend-on-Sea Design and Townscape Guide (2009), and the Waste Storage, Collection and Management Guide for New Developments (2019).

- 11** Notwithstanding the information submitted with this application, the future occupants of the 3no. new dwellings hereby approved shall have access to and ability to use the 20no. existing car parking spaces present at the existing development, as well as to the existing and additional mobility scooter storage hereby approved by the permission. This access and use entitlement shall be retained as such for the lifetime of the development.

Reason: In the interests of equality and diversity and to ensure that satisfactory off-street car parking is provided for future occupants, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP3 and Development Management Document (2015) Policy DM15.

Positive and proactive statement:

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

Informatives:

- 1** Please note that the development which is the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the

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

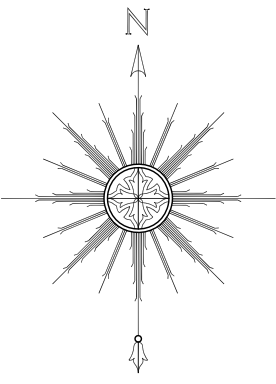
- 2 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when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



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EXISTING
GROUND FLOOR

Scale 1:100
0 1.0 2.0 3.0 4.0 5.0



CRANLEIGH DRIVE

ELM ROAD



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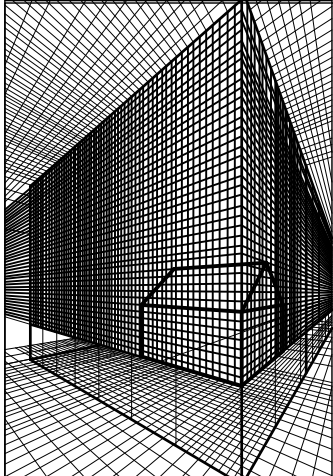
Any discrepancy should be reported to Brian Davison Associates. All materials to comply with current B.S. & C.P. requirements and work carried out in accordance with Local Authority regulations. All electrical & gas installations to conform with current safety regulations & standards.

Construction (Design & Management) Regulations 1994

The Client is hereby advised that the above Regulations may apply to these works. The client should appoint a planning supervisor; provide information on health and safety to the planning supervisor; appoint a principle contractor; ensure that those appointed are competent and adequately resourced to carry out their health and safety responsibilities; ensure that a suitable safety plan has been prepared by the principle contractor before construction work starts; and ensure that the health and safety file provided at the end of the contract is kept available for use.

The Party Wall Act, Act 1996

The client is hereby advised that notice must be served at least one month one month (two months if the work involves a party wall) of works that involves building on the party boundary, or within 3 metres of the neighbour's building where that work will go deeper than the neighbour's or within 6 metres where the work will cut a line drawn downwards at 45° from the bottom of the neighbour's foundations. Notice must be given in writing in the proper manner as laid down in the Act. The client is advised to seek advice.



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STRUCTURAL AND MEASURED SURVEY AND REPORTS.
ARCHITECTURAL, DESIGN, PLANNING APPROVALS,
AND SPECIALS.
PARTY WALL WORK.

**Brian Davison
Associates**

25 Gullon Road, Westcliff-on-Sea
Essex, SSO 9LE
Tel: 01702 304499 Fax: 01702 304499

Project:
Proposed Extension to Forth Floor at
1066 London Road
Leigh-on-sea
Essex

Client:
,
,

Drawing:
Existing Ground Floor
,

Scale: 1:100 Drawn by: A.Davison Date: April 2023

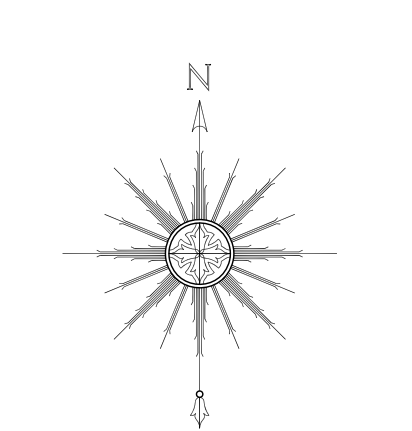
Drg no:
1724/200/B



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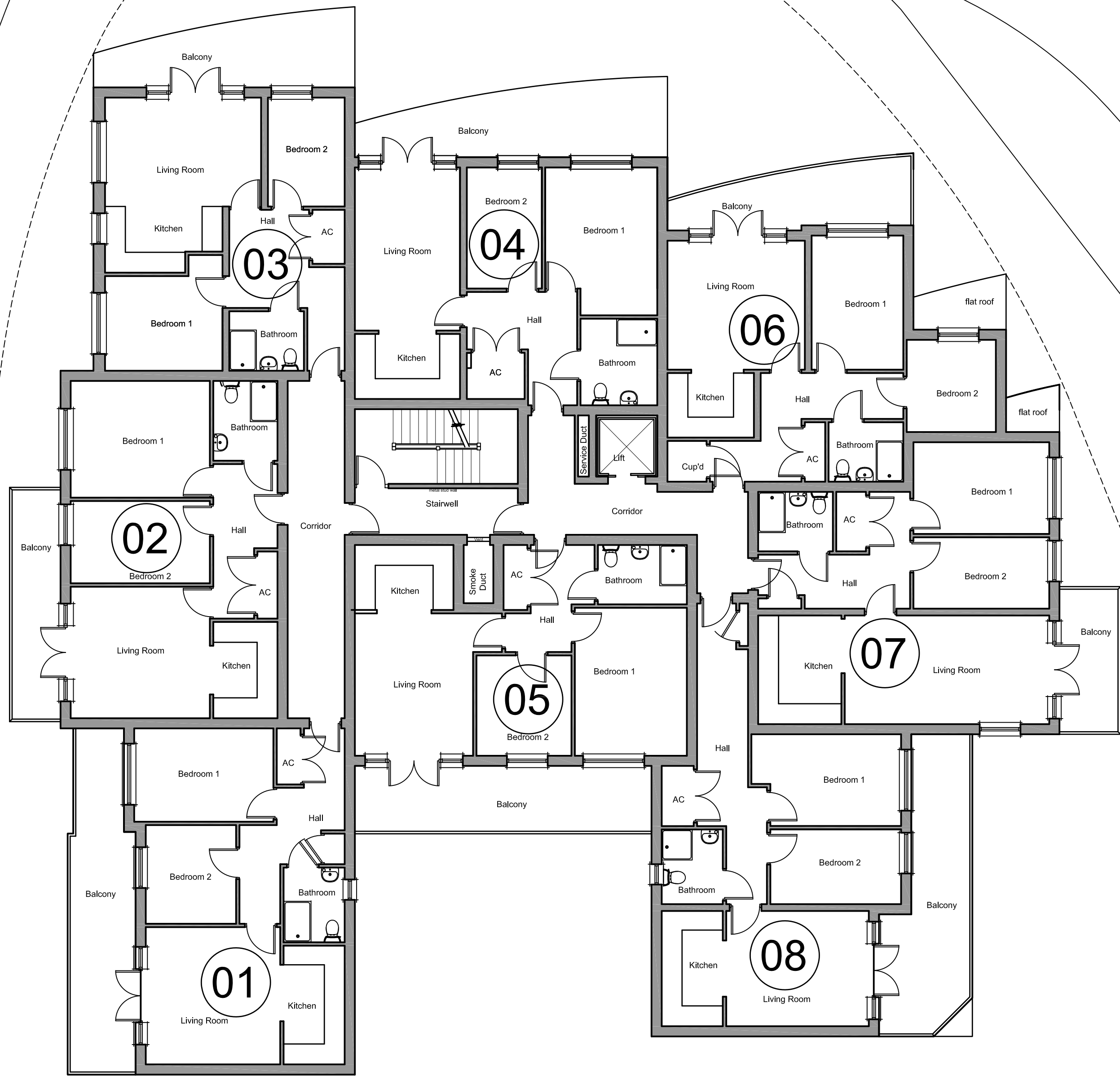
EXISTING & PROPOSED
FIRST FLOOR

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CRANLEIGH DRIVE

ELM ROAD



BUILDING UNDER CONSTRUCTION

BUILDING UNDER CONSTRUCTION

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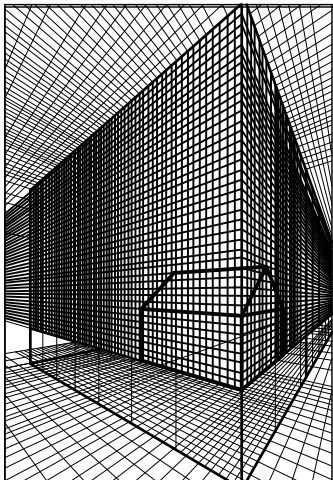
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PARTY WALL WORK.

**Brian Davison
Associates**

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Essex, SSO 9LE
Tel: 01702 304499 Fax: 01702 304499

Project:
Proposed Extension to Forth Floor at
1066 London Road
Leigh-on-sea
Essex

Client:
,
,

Drawing:
Existing/Proposed First Floor
,

Scale: 1:100 Drawn by: A.Davison Date: April 2023

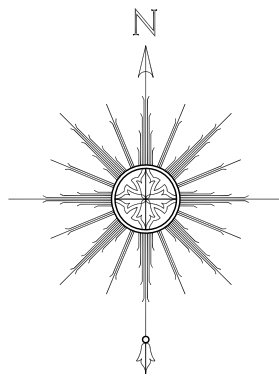
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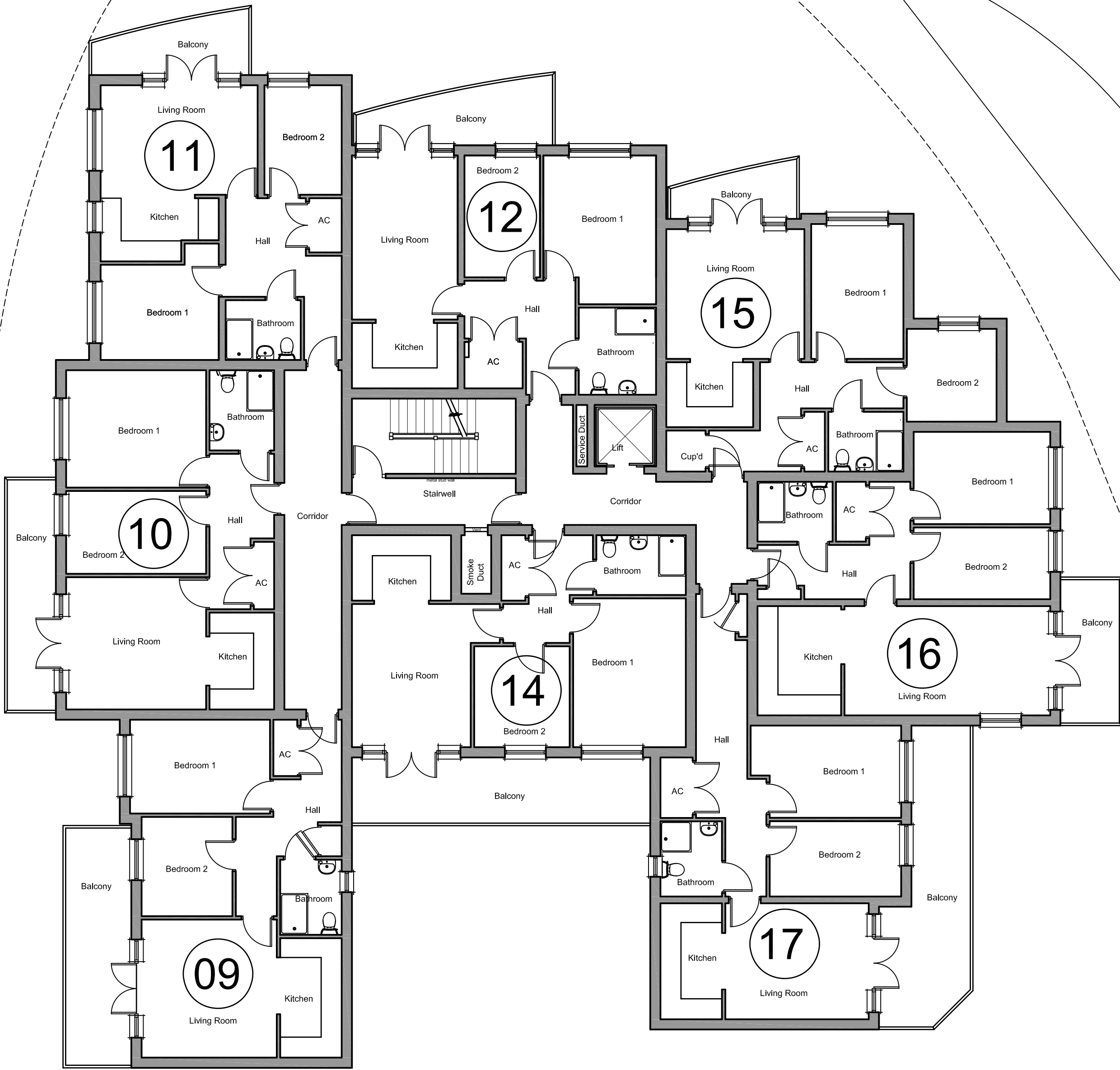
EXISTING & PROPOSED
SECOND FLOOR

Scale 1:100
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CRANLEIGH DRIVE

ELM ROAD



BUILDING UNDER CONSTRUCTION

BUILDING UNDER CONSTRUCTION

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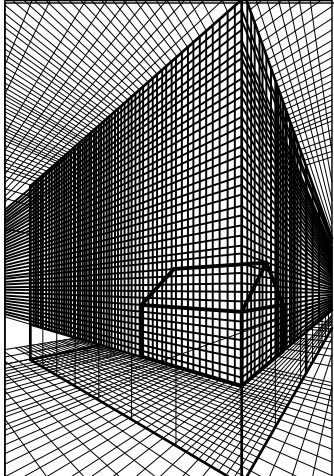
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PARTY WALL WORK.

*Brian Davison
Associates*

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Tel: 01702 304499 Fax: 01702 304499

Project:
Proposed Extension to Forth Floor at
1066 London Road
Leigh-on-sea
Essex

Client:
,
,

Drawing:
Existing/Proposed Second Floor
,

Scale: 1:100 Drawn by: A.Davison Date: April 2023

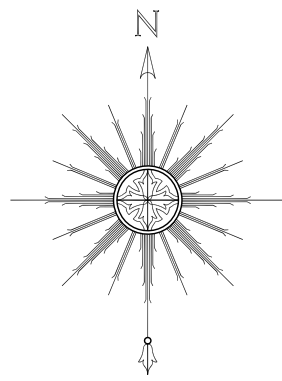
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1724/202/B



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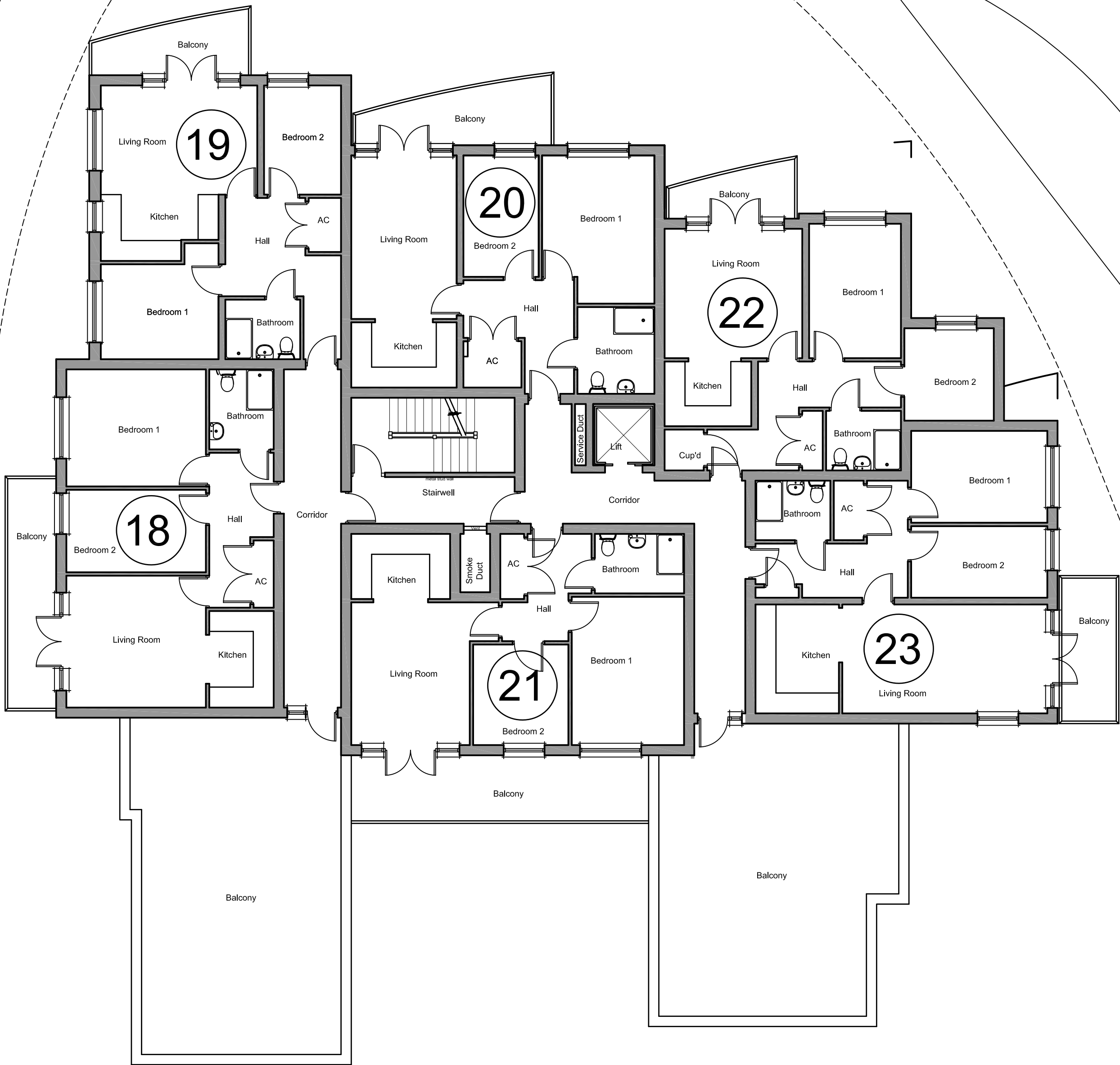
PROPOSED/EXISTING
THIRD FLOOR

Scale 1:100
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CRANLEIGH DRIVE

ELM ROAD



BUILDING UNDER CONSTRUCTION

BUILDING UNDER CONSTRUCTION

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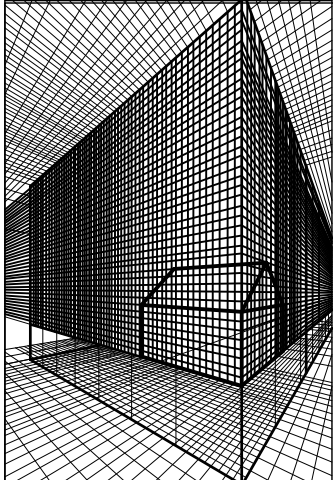
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**Brian Davison
Associates**

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Tel: 01702 304499 Fax: 01702 304499

Project:
Proposed Extension to Forth Floor at
1066 London Road
Leigh-on-sea
Essex

Client:
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,

Drawing:
Existing/Proposed Third Floor
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Scale: 1:100 Drawn by: A.Davison Date: April 2023

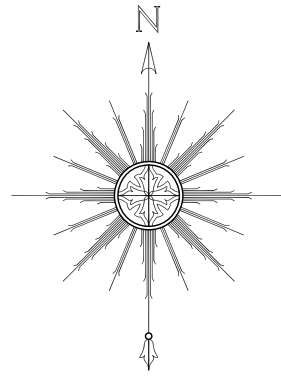
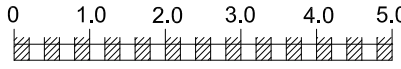
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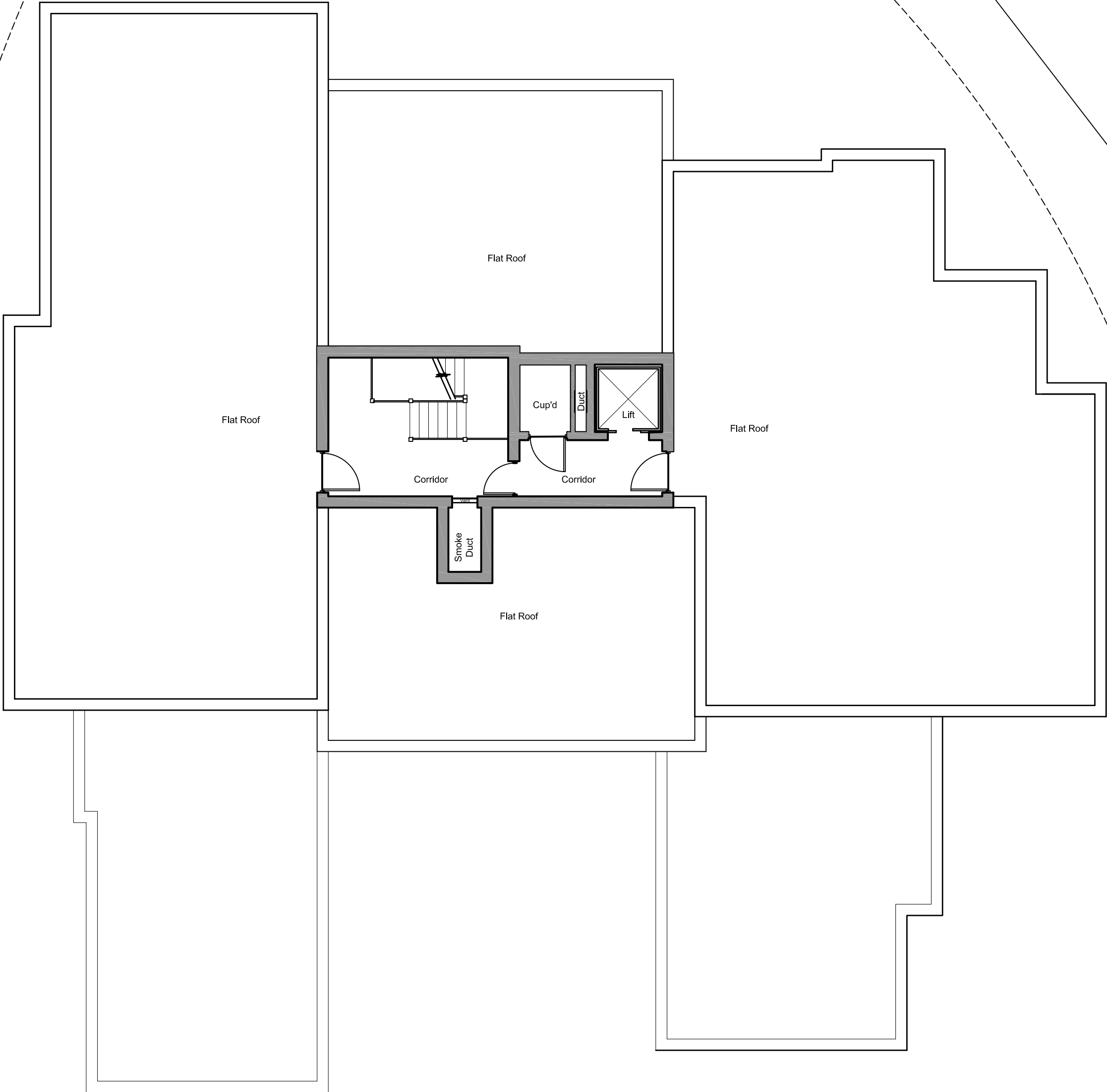
EXISTING
FORTH FLOOR

Scale 1:100



CRANLEIGH DRIVE

ELM ROAD



BUILDING UNDER CONSTRUCTION

BUILDING UNDER CONSTRUCTION

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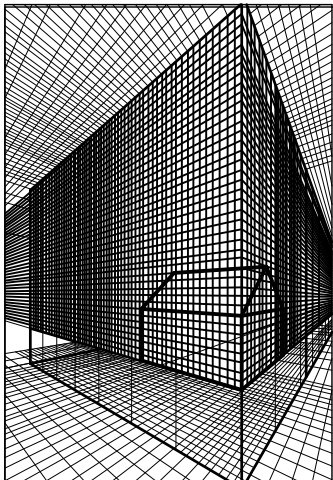
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PARTY WALL WORK.

**Brian Davison
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Tel: 01702 304499 Fax: 01702 304499

Project:
Proposed Extension to Forth Floor at
1066 London Road
Leigh-on-sea
Essex

Client:

,

Drawing:
Existing Forth Floor

Scale: 1:100
Drawn by: A.Davison
Date: April 2023

Drg no:
1724/204/B



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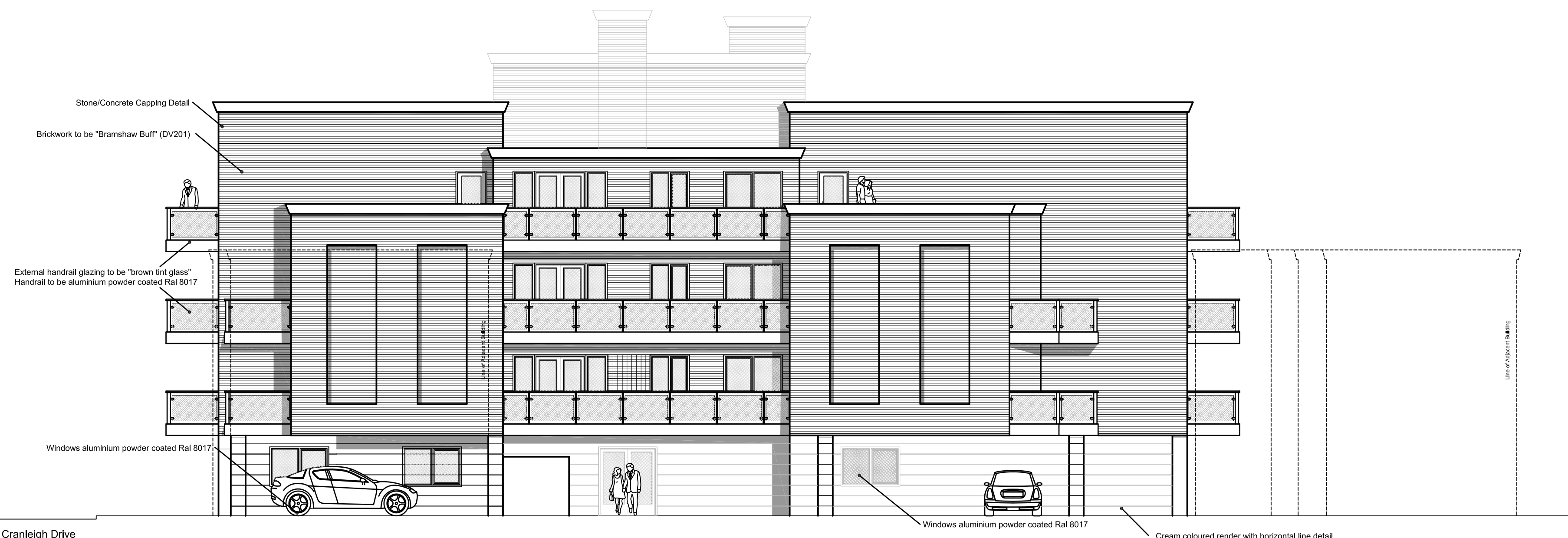


EXISTING SIDE ELEVATION
View from Cranleigh Drive



EXISTING FRONT ELEVATION
View from London Road

EXISTING SIDE ELEVATION
View from Elm Road



EXISTING REAR ELEVATION

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STRUCTURAL AND MEASURED SURVEY AND REPORTS.
ARCHITECTURAL, DESIGN, PLANNING APPROVALS,
AND SPECIFICATIONS.
PARTY WALL WORK.

Brian Davison Associates

25 Gullion Road, Westoff-on-Sea
Essex, SSO 9LE
Tel: 01702 304499 Fax: 01702 304499

Project:
Proposed Extension to Forth Floor at
1066 London Road
Leigh-on-sea
Essex

Client:
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.

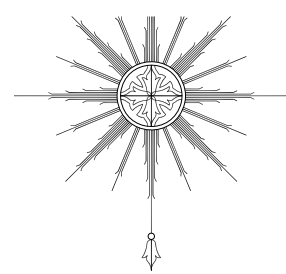
Drawing:
Existing Elevations

Scale: 1:100 Drawn by: A.Davison Date: April 2023

Drg no:
1724/210/B



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CRANLEIGH DRIVE

ELM ROAD

BUILDING UNDER CONSTRUCTION

BUILDING UNDER CONSTRUCTION

PROPOSED GROUND FLOOR

Scale 1:100
0 0.5 1.0 1.5 2.0 2.5

RL
* 44.39

RL
43.46

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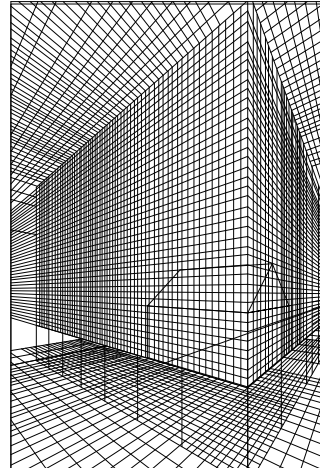
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**The Complete Building
Related Service**

STRUCTURAL AND MEASURED SURVEY AND REPORTS.
ARCHITECTURAL, DESIGN, PLANNING APPROVALS,
AND SPECIAL
PARTY WALL WORK.

**Brian Davison
Associates**

25 Gullion Road, Westcliff-on-Sea
Essex, SSO 9LE
Tel: 01702 304499 Fax: 01702 304499

Project:
Proposed Extension to Forth Floor at
1066 London Road
Leigh-on-sea
Essex

Client:
,
,

Drawing:
Proposed Ground Floor
,

Scale: 1:100 Drawn by: A.Davison Date: April 2023

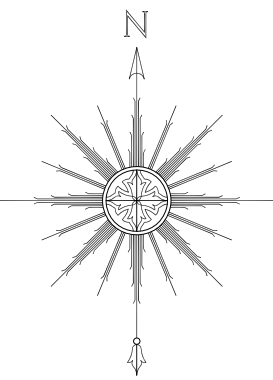
Drg no:
1724/300/C



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PROPOSED
FORTH FLOOR

Scale 1:100
0 1.0 2.0 3.0 4.0 5.0



CRANLEIGH DRIVE

ELM ROAD



BUILDING UNDER CONSTRUCTION

BUILDING UNDER CONSTRUCTION

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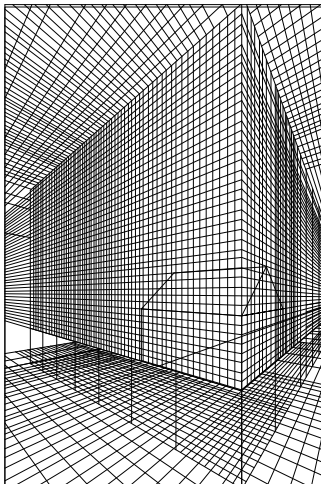
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Construction (Design & Management) Regulations 1994

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The Party Wall Act 1996

The client is hereby advised that notice must be served at least one month one month (two months if the work involves a party wall) of works that involves building on the party boundary, or within 3 metres of the neighbour's building where that work will go deeper than the neighbour's or within 6 metres where the work will cut a line drawn downwards at 45° from the bottom of the neighbour's foundations. Notice must be given in writing in the proper manner as laid down in the Act. The client is advised to seek advice.



*The Complete Building
Related Service*

STRUCTURAL AND MEASURED SURVEY AND REPORTS.
ARCHITECTURAL DESIGN, PLANNING APPROVALS,
AND SPECIFICATIONS
PARTY WALL WORK.

*Brian Davison
Associates*

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Essex, SSO 9LE
Tel: 01702 304499 Fax: 01702 304499

Project:

Proposed Extension to Forth Floor at
1066 London Road
Leigh-on-sea
Essex

Client:

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,

Drawing:

Proposed Forth Floor

,
,

Scale:
1:100

Drawn by:
A.Davison

Date:
April 2023

Drg no:

1724/304/C



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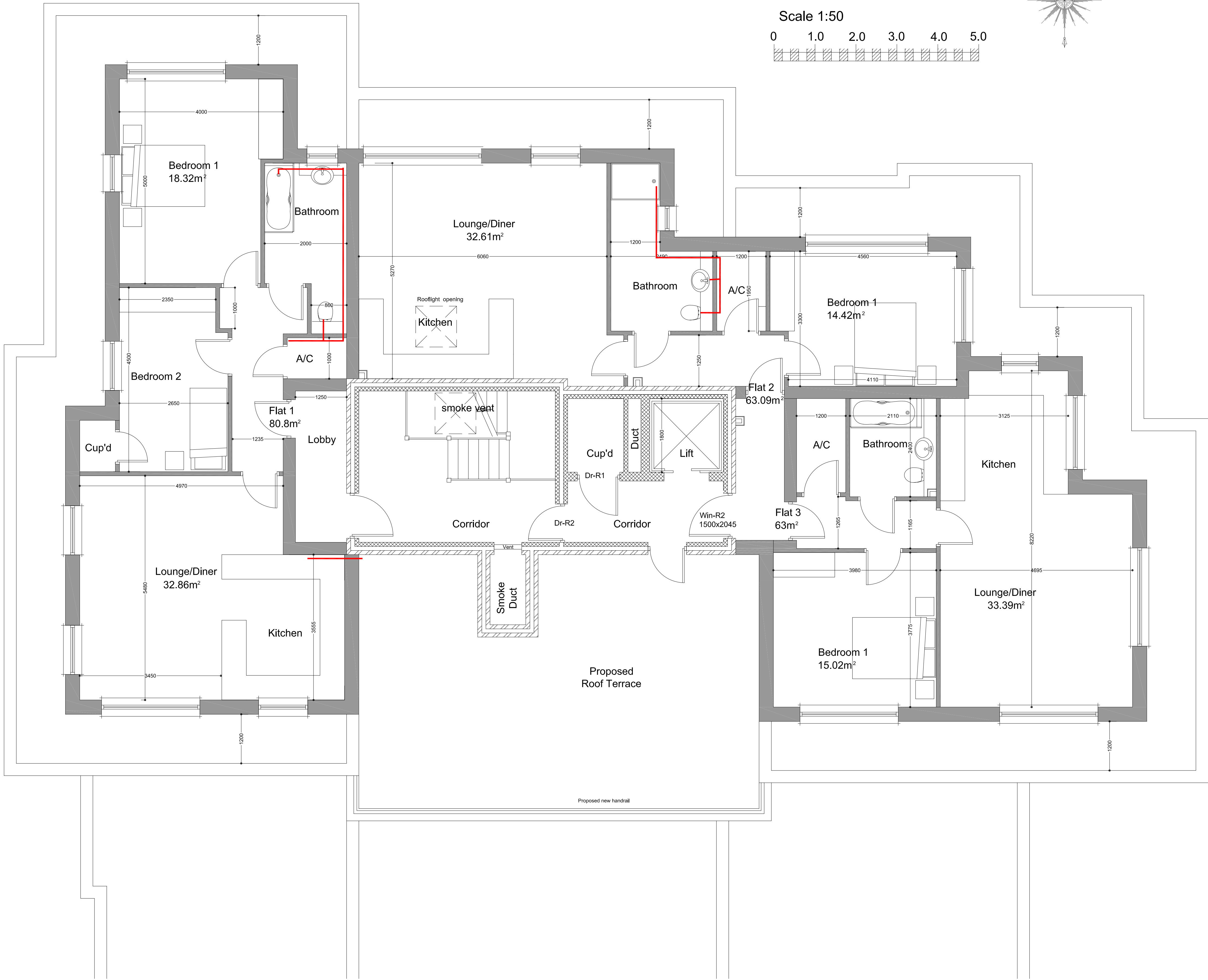
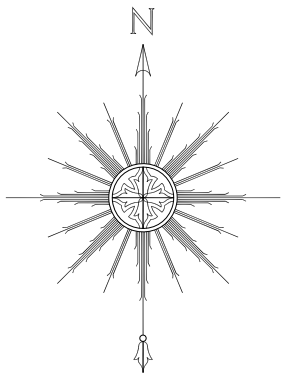
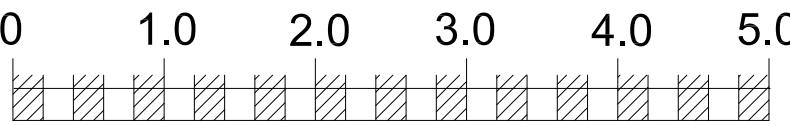
Construction (Design & Management) Regulations 1994

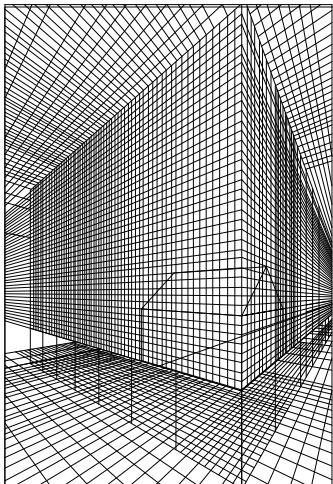
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PROPOSED FORTH FLOOR

Scale 1:50





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ARCHITECTURAL, DESIGN, PLANNING APPROVALS,
AND SPECIALIST PARTY WALL WORK.

Brian Davison Associates

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Project:

Proposed Extension to Forth Floor at
1066 London Road
Leigh-on-sea
Essex

Client:

.

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Drawing:

Proposed Forth floor

Scale:

1:50

Drawn by:


A.Davison

Date:

April 2023

Drg no:

1724/320/C



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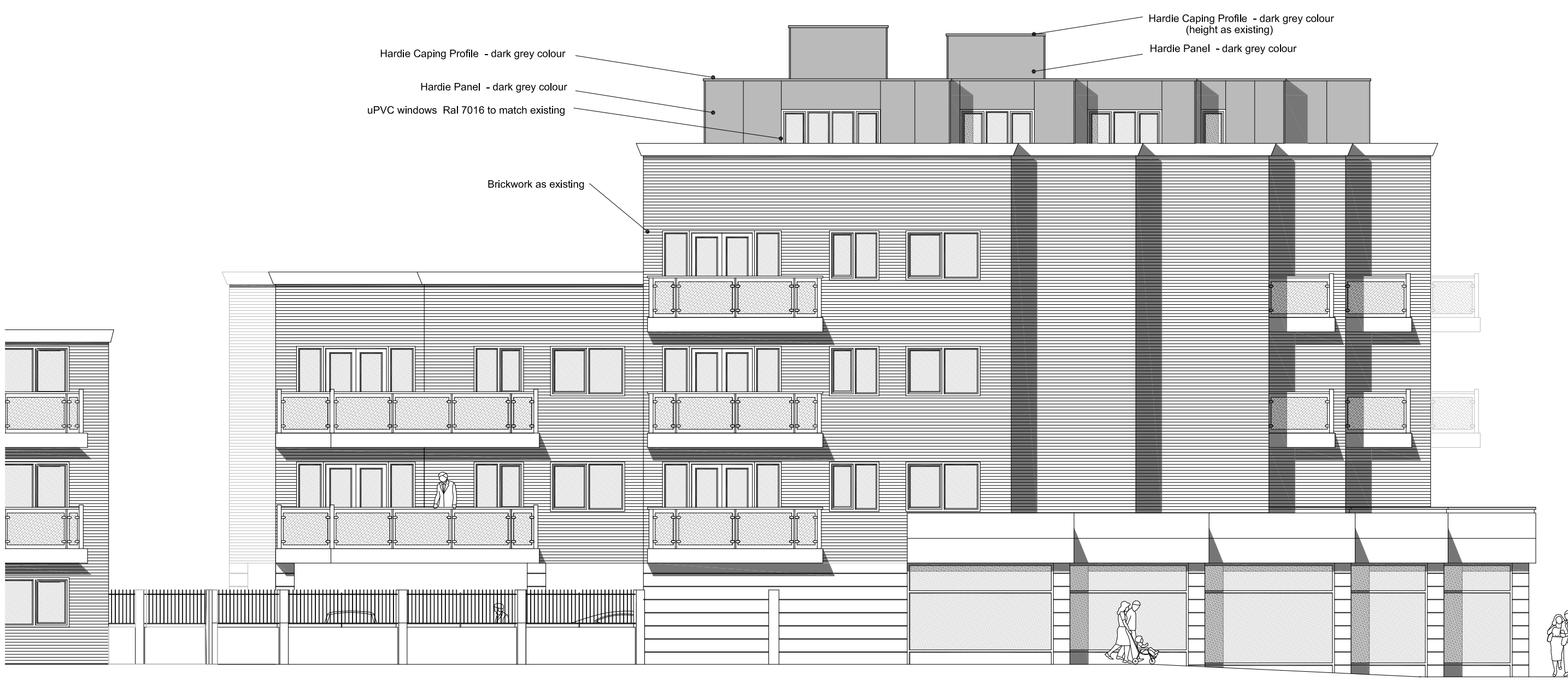
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PROPOSED SIDE ELEVATION
View from Cranleigh Drive



PROPOSED FRONT ELEVATION
View from London Road



PROPOSED SIDE ELEVATION
View from Elm Road



PROPOSED REAR ELEVATION

Scale 1:100
0 1.0 2.0 3.0 4.0 5.0

Cranleigh Drive

Elm Road

**The Complete Building
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ARCHITECTURAL, DESIGN, PLANNING APPROVALS
AND SPECIALS
PARTY WALL WORK.

**Brian Davison
Associates**

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Project:
Proposed Extension to Forth Floor at
1066 London Road
Leigh-on-sea
Essex

Client:
,
,

Drawing:
Proposed Elevations

Scale: 1:100
Drawn by: A.Davison
Date: April 2023

Drg no:
1724/310/J

RICS

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Application Site



149

View South-West across London Road to Application Site



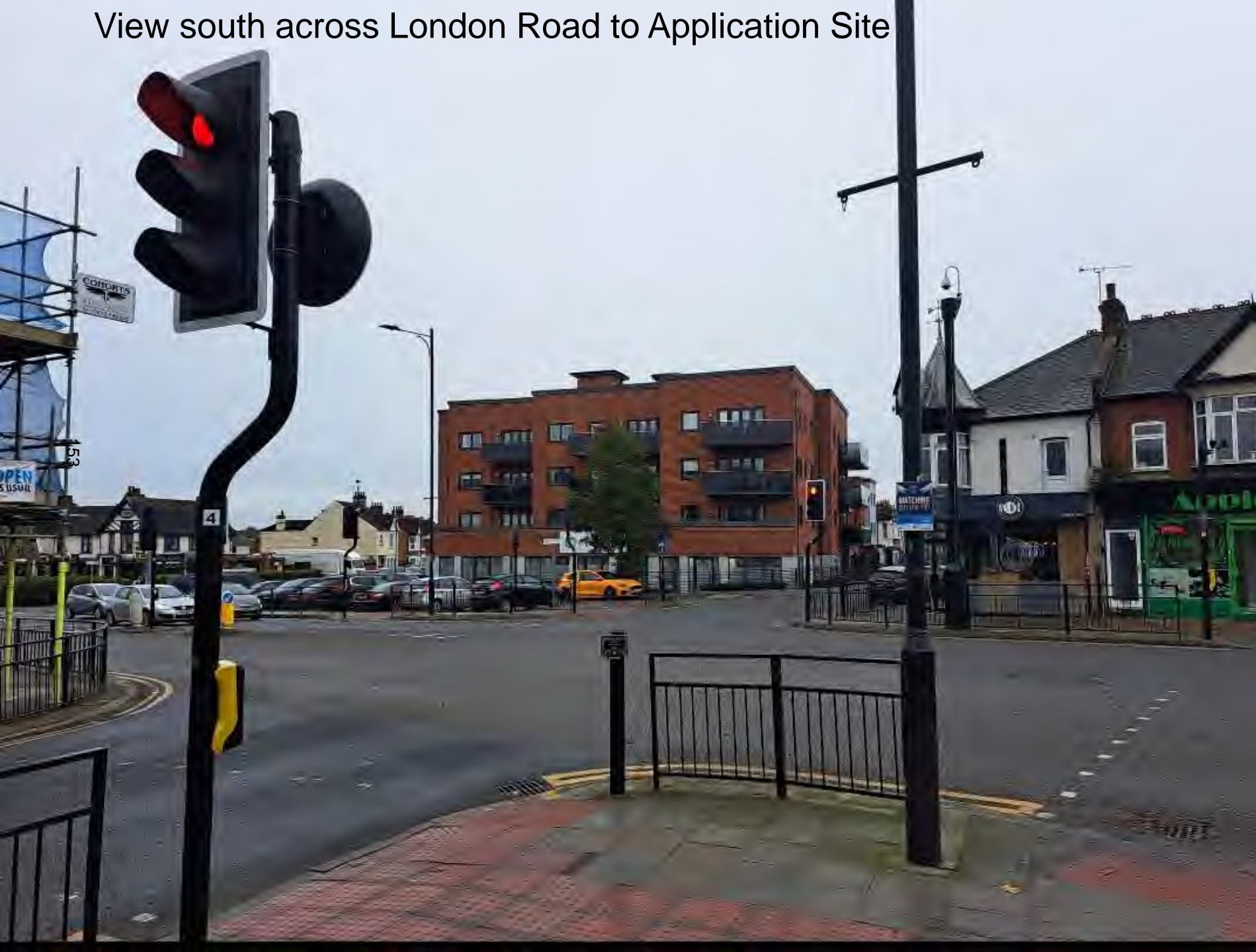
View to front/side elevation along Elm Road



View north to rear/side elevation along Elm Road



View south across London Road to Application Site



View north to rear/side elevation along Cranleigh Road

Application Site

Separate Development Site

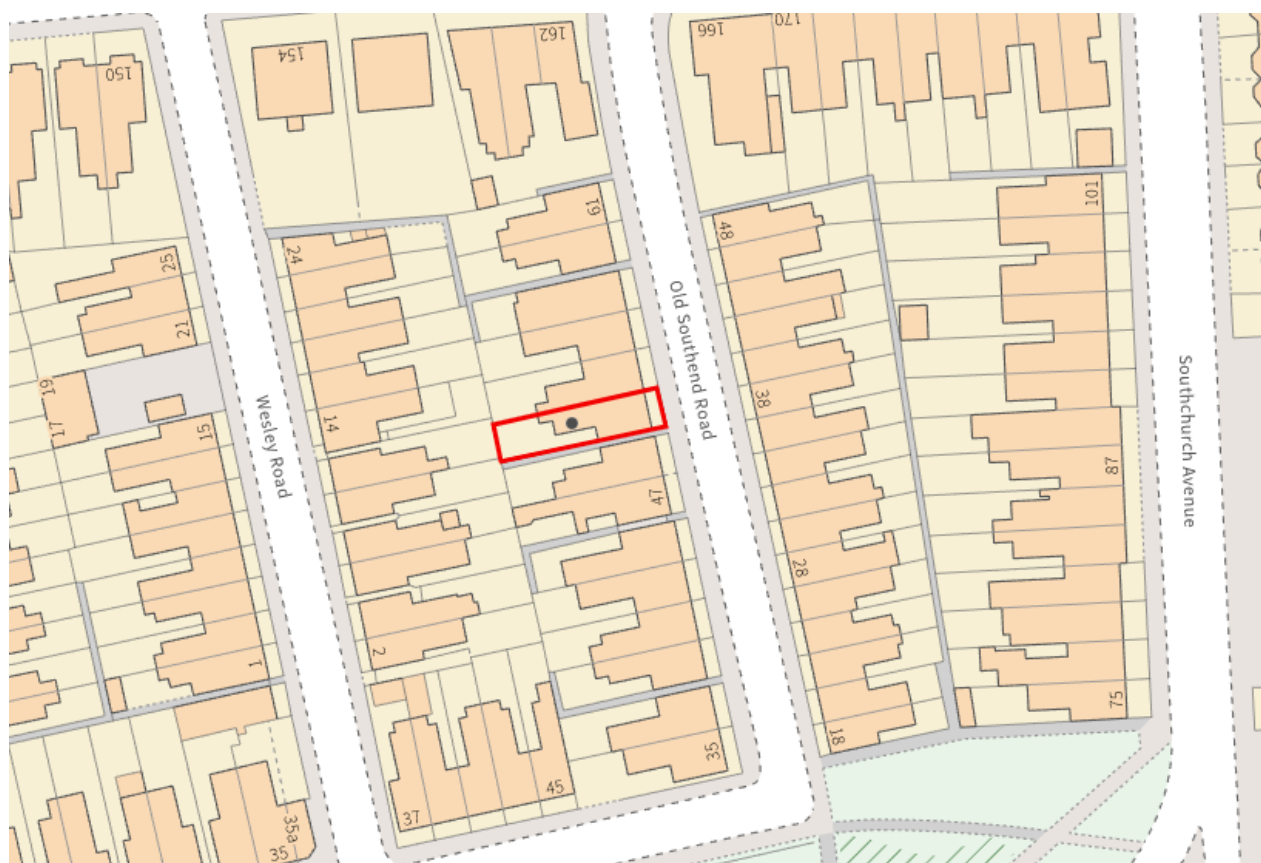


View to parking area



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Reference:	23/01966/FUL	9
Application Type:	Full Application	
Ward:	Kursaal	
Proposal:	Change of use from 6 person HMO (Class C4) to 7 person, 7 bedroom HMO (Sui-Generis), install dormer to rear and provide bin and cycle storage (Amended Proposal)	
Address:	51 Old Southend Road, Southend-on-Sea, Essex, SS1 2HA	
Applicant:	Mr Mitch Nunn of Nunn Group Ltd	
Agent:	Mr Jonathan McDermott of Town Planning Experts	
Consultation Expiry:	10th January 2024	
Expiry Date:	1st March 2024	
Case Officer:	James Benn	
Plan Nos:	865-101 Rev 02; 865-102 Rev 00; 865-103 Rev 00; 865-201 Rev 02; 865-202 Rev 01; 865-203 Rev 03.	
Additional information:	N/A	
Recommendation:	GRANT PLANNING PERMISSION, subject to conditions	



1 Site and Surroundings

- 1.1 The application relates to a two and a half storey, end-terrace building currently in use as a 6-person House in Multiple Occupation (HMO) on the western side of Old Southend Road. Land levels rise from south to north.
- 1.2 The surrounding area is residential in character. The streetscene is predominantly characterised by terraced two-storey dwellings, some with accommodation in the roof space, which are similar in scale, form and traditional appearance. The building has a two-storey rear outrigger similar to other buildings in the surrounding area.
- 1.3 The site is not within a conservation area or subject to any site-specific planning policy designations.

2 The Proposal

- 2.1 Planning permission is sought for a change of use of the building from the existing six-person HMO, falling within the definition of Use Class C4, to a seven-person, seven-room HMO which would be a Sui Generis Use. A flat roofed rear dormer is proposed to provide additional roof space. The building's internal layout would be altered to facilitate additional bedrooms.
- 2.2 The proposed rear dormer would be some 2.65m deep, 5.7m wide and 2.15m high. It would have two rear windows. Two roof lights in the rear roof slope would be removed to accommodate the rear dormer. The external materials of the rear dormer would be tiles to match the dwelling's existing roof tiles and UPVC windows.
- 2.3 An existing first-floor window in the flank wall of the rear outrigger would be removed and infilled to match the existing wall. An existing chimney would be removed to facilitate the development.
- 2.4 A wooden bike shed and a timber bin store are shown within the rear garden area of the site.
- 2.5 Shared kitchen/living/dining facilities would be provided. The submitted plans show that the proposed accommodation would comprise a kitchen at ground floor with a breakfast bar and sofa seating area. There would be an additional living room/TV room at first floor level.
- 2.6 Bedrooms range in size from 9sqm to 13.4sqm and would all have en-suites. There is an additional shower room at first floor level.
- 2.7 The submitted plans show the current accommodation as two double bedrooms, a single bedroom with unspecified rooms in the roof space and a dining room, living room and separate kitchen at ground floor level.
- 2.8 The application is an amended proposal following the refusal of application ref. 23/01522/FUL (the previous 2023 application). The main difference is the previous 2023 application was for an 8-bedroom, 8-person HMO whereas this application is for a 7-bedroom, 7-person HMO. A formerly-proposed first floor bedroom has been changed to a living/TV room. The proposed rear dormer is unchanged in size and position and was not a basis for refusal of the 2023 application.

3 Relevant Planning History

- 3.1 23/01522/FUL (the previous 2023 application): Change of use from 6 person HMO (Class C4) to 8 person, 8 bedroom HMO (Sui-Generis), install dormer to rear to provide further rooms in the loftspace and alter elevations – Refused.

Reason for refusal:

“01 The proposed development, by reason of the inadequate internal area of the shared communal facilities which does not meet the Essex Amenity Standards Approved Code of Practice (2019), would result in an inadequate living environment, significantly harmful to the amenities of the future occupiers of the proposed development. This is unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).”

- 3.2 23/00684/CLP: Change of use of the existing dwellinghouse (Class C3) to 6 bed HMO (Class C4), dormer to rear, alter elevations (Lawful development certificate-proposed) – Granted.

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 No objections. Future occupiers will not be eligible for a residential parking permit.

Environmental Health

- 4.3 No objections raised subject to conditions relating to construction/demolition management and refuse and recycling storage and informatives relating to construction outside of normal hours and asbestos.

[Officer Comment: Conditions are suggested at the last section of this report which are considered to pass the relevant tests of planning law, policy and guidance in the circumstances of this case.]

Essex County Fire and Rescue Service

- 4.4 No objections.

5 Procedural matters

- 5.1 This application is presented to the Development Control Committee because it has been called in by Cllr Cowdrey.

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 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP8 (Dwelling Provision).
- 6.5 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM6 (The Seafront), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards),

DM15 (Sustainable Transport Management).

- 6.6 The Southend-on-Sea Design and Townscape Guide (2009)
- 6.7 Technical Housing Standards – Nationally Described Space Standards (2015)
- 6.8 The Essex HMO Amenity Standards (2018)
- 6.9 The Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019)
- 6.10 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 6.11 Electric Vehicle Charging Infrastructure for new development SPD (2021)
- 6.12 The Essex Coast Recreation Disturbance Avoidance Strategy (RAMS) (2020)

7 Appraisal

Principle of Development

- 7.1 Paragraph 123 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.
- 7.2 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the City. Similarly, the Council’s Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the City. The HDT and 5YHLS carry weight in favour of the principle of the development given the proposed creation of additional housing.
- 7.3 Policy DM8 states that non-self-contained accommodation should be directed toward the central area of Southend or where such type of accommodation is needed by certain institutions, such as Southend Hospital or University of Essex. This Council’s development framework does not currently contain any policies that specifically relate to HMOs however the building is already in use as an HMO and of some relevance to this proposal is the location of Southend High Street less than a mile from the application site.
- 7.4 The NPPF encourages the effective use of land and seeks to create sustainable, inclusive and mixed communities. There is no objection to the principle of a larger HMO in this location, subject to the material considerations discussed in the following sections of the report.

Design and Impact on the Character of the Area

- 7.5 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.6 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Council’s Design and Townscape Guide

provide further details on how this can be achieved.

- 7.7 There are some examples of existing rear dormers within the rear garden scene. The proposed dormer would be set down from the ridge with a balanced fenestration and ratio of window to solid. It would appear incidental and subservient to the main building. Furthermore, it is exactly the same as that included within the 2023 scheme and which did not form a reason for refusal. It is also noted that the applicant has a Certificate of Lawfulness (ref. 23/00684/CLP) for exactly the same size, position and design of rear dormer. That informs a realistic permitted development fall-back position for the existing Class C4 HMO to which significant weight should be attached.
- 7.8 The infilled window and removal of the chimney would have limited visual impacts and is not considered to result in any significant harm in design terms.
- 7.9 Areas for waste and cycle storage are shown on the submitted plans within the rear garden area. No character-based objections are raised to the position of the stores within the rear of the site or their natures and designs.
- 7.10 Overall, consistent with the assessment of the previous 2023 application, it is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the character and appearance of the site, the streetscene and the area more widely. The proposal is therefore considered to be acceptable and policy compliant in terms of its impact on the character and appearance of the site, the streetscene and the area more widely.

Standard of Accommodation and Living Conditions for Future Occupiers

- 7.11 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.
- 7.12 In relation to residential standards for non-self-contained accommodation, Policy DM8 of the Development Management Document, states that all proposals of this nature will be required to meet the internal space standards set out in Policy Table 6 which states that a minimum bedroom size should be 6.5m² for single and 10.2m² for double bedrooms and that the accommodation must have some communal areas, such as a living room, kitchen, diner.
- 7.13 The Council has adopted the Essex Approved Code of Practice with respect to HMO's and this document represents a material planning consideration when read along with the above policy, although it is noted that the Code of Practice is not a planning policy document. This document sets out the following standards for HMOs:

Table 1: Minimum room size requirements

Room size requirements are given in sq.m. For clarity, a room size of 12sqm is equivalent to a room measuring 4m by 3m and also a room measuring 6m by 2m.

Room use	Number of occupants	HMO with shared facilities (kitchen/ dining/living)	HMO with shared kitchen facilities (no shared living room)	HMO without shared facilities (i.e. bedsits or studios)
Bedroom or Letting	1	6.51sqm	8.5sqm	11sqm
	2	10.22sqm	12sqm	15sqm
Shared Kitchen	Up to 5	7sqm	7sqm	
	6	8.5sqm	8.5sqm	
	7	10sqm	10sqm	
	8 -10	14sqm (or 2 rooms each 7sqm)	14sqm (or 2 rooms each 7sqm)	
Shared Living/Dining Room	up to 5	11sqm	*5sqm	
	6	12sqm	*6.5sqm	
	7	13sqm	*8sqm	
	8	14sqm	*10sqm (or 2 rooms each 5sqm)	
	9	15sqm	*10sqm (or 2 rooms each 5sqm)	
	10	16.5sqm	*10sqm (or 2 rooms each 5sqm)	

*In HMOs without a shared living room additional shared dining space is required close to a shared kitchen that is more than 1 floor distant from any letting room it serves.

Table 3: Minimum requirements for bathrooms/shower rooms and WC compartments

Occupants sharing	Bathrooms Comprising 1 Bath/Shower Unit (With Hot and Cold Water) and may contain a WC (but see * below)	Separate WC compartment with wash hand basin with H & C	Ventilation (suitable and adequate)	Adequate size and layout: Minimum floor area for safe use of bathroom
Less than 5	1	0	Mechanical ventilation is required in all bathrooms and WC compartments which lack natural ventilation via an openable window. It will also be required, in addition to any natural ventilation, where necessary, to mitigate problems of damp and mould. It is always recommended that where possible, in addition to any natural ventilation, mechanical ventilation is provided in all bathrooms and WC compartments.	Bath only 2.3sqm Bath & WHB 2.5sqm Bath,WC&WHB 2.8sqm Shower only 1.7sqm Shower&WHB 2.0sqm Shower,WC&WHB 2.2sqm WC & WHB 1.2sqm
	1	1		
6	2*	1		
7	2*	1		
8	2*	1		
9	2*	1		
10	2	2		
Ensuite for 1 or 2	1	0	Comments as above	

*For properties with 6-9 occupants sharing there shall be a minimum of 2 WCs and 2 bathrooms and one of the WCs must be separate.

7.14 The development would create a 7-bedroom HMO with capacity for 7-persons. The proposed rooms are as follows:

Bed 1 (ground floor)	13.4sqm	(2sqm ensuite)
Bed 2 (ground floor)	9.8sqm	(2sqm ensuite)
Bed 3 (first floor)	9sqm	(2sqm ensuite)
Bed 4 (first floor)	9.5sqm	(2sqm ensuite)
Bed 5 (first floor)	9.2sqm	(2sqm ensuite)
Bed 6 (second floor)	9.4sqm	(2sqm ensuite)
Bed 7 (second floor)	13.2sqm	(2sqm ensuite)

7.15 There would be a shared kitchen/dining/living room, some 19.1sqm, at ground floor and a shared living/TV room, some 8.6sqm, at first floor. There would also be a shared shower room, some 3sqm, at first floor. No other shared internal facilities are proposed. The rear garden amenity space for the residents is some 55sqm including the areas for the bike and bike stores.

7.16 The Essex HMO Standards state that each single occupancy bedroom must be a minimum of 6.51sqm. All of the proposed bedrooms would exceed the Essex HMO Standards for a 7 person HMO containing 7 x single occupancy rooms with shared kitchen/dining/living facilities. All rooms would benefit from acceptable outlook and natural light.

- 7.17 The Essex HMO Standards state that shared kitchen/dining/living facilities for a HMO of this occupancy should be a total of 23sqm in floor area comprised of a 10sqm kitchen and a 13sqm living/dining room. The proposed kitchen includes a breakfast bar and seating area (small sofa) to be considered as shared dining/living facilities and would be a total of 19.1sqm. There is a shared living room at first floor some 8.6sqm. In total the proposed shared kitchen/dining/living facilities would be some 27.7sqm in floor area which would exceed the Essex HMO standards of 23sqm. The proposal is therefore considered acceptable and has overcome the reason for refusal of the previous 2023 application in this regard.
- 7.18 The rear garden area provided is of a usable size and shape and is considered sufficient to provide adequate living conditions for the occupiers of the development.
- 7.19 Given the sizes and layouts of the internal communal areas and the external rear garden amenity area which would be suitable to provide acceptable living conditions for an occupation of up to 7 persons only, it is considered necessary and justifiable to limit occupancy to the proposed 7 single person, 7 room capacity of the HMO which can be controlled through a planning condition.
- 7.20 The proposal development is considered to be acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.21 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.
- 7.22 HMOs are generally compatible within a residential setting. It is not considered that the one person increase in capacity over the current occupancy of the site (6 persons) would give rise to any significantly harmful noise and disturbance or other significantly harmful amenity impacts for neighbouring occupiers.
- 7.23 The proposed dormer would be positioned within the rear roofscape and due to its size, scale and siting would not significantly harm the amenities of the neighbouring occupiers in any relevant regards, including through loss of privacy or overlooking.
- 7.24 It is also noted that the applicant has a Certificate of Lawfulness (ref. 23/00684/CLP) for a similar rear dormer which informs a realistic permitted development fall-back position to which material weight is attached.
- 7.25 Given the scale and nature of the external works proposed which are not too dissimilar from typical residential development, it is not considered reasonable or necessary to impose a condition relating to construction management.
- 7.26 Consistent with the assessment of the previous 2023 application, it is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in any regard. The proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

Traffic and Transportation Issues

- 7.27 Paragraph 115 of the NPPF states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” Policy DM15 of the Development Management Document states: “Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.” The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards.
- 7.28 The Council’s parking standards do not provide any standard requirements for HMOs. No off-street parking spaces are proposed.
- 7.29 The building is currently in use as a 6-person HMO with no off-street parking. No off-street parking spaces are proposed which is the same as the existing situation. The site is considered to be in a sustainable location with regard to public transport options and its proximity to shops and services and the Town Centre. The Highways team have raised no objection to the proposal and have confirmed that occupiers of the development would not be eligible for residential parking permits. The proposal is not considered detrimental to highway safety or the local highway network. The impact of the additional 1 occupier would not have a significantly harmful impact on local parking conditions and would not be in the realms of a severe parking impact referred to in the NPPF. The parking impacts are therefore considered to be acceptable.
- 7.30 The submitted plans detail the provision of a bike shed and bin stores in the rear garden. The applicant has stated in an email that the bike shed is capable of storing 7no. cycles. The applicant has also provided information with respect to the existing and proposed waste arrangement. The bins are managed by a private waste management team who visit the property weekly and place the refuse sacks on the street in the morning of the Council’s collection day. This arrangement will not change with the 1no. additional occupancy proposed. Full details of the provision of the cycle and refuse and recycling storage can be secured by condition.
- 7.31 Subject to the described conditions, and consistent with the findings of the previous 2023 application, the proposal is considered to be acceptable and policy compliant in relation to traffic and transportation issues.

Energy and Water Sustainability

- 7.32 Policy KP2 of the Core Strategy requires that: “at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources).” Policy DM2 of the Development Management Document states that: “to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions.” The same policy requires all new development to provide “water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliance and water recycling systems such as grey water and rainwater harvesting.”
- 7.33 No details have been submitted with the application to demonstrate whether the proposed development would meet the target of renewable energy sources covering at least 10% of the anticipated energy consumption in line with policy requirement or how the water consumption would be limited. The requirements for renewable energy and restrictions on water usage can be controlled with conditions. Care would be needed to ensure that any renewable technologies submitted for approval under such a condition would not harm the character and appearance of the area.

- 7.34 Subject to conditions and consistent with the assessment of the previous 2023 application, the proposal would be acceptable and policy compliant in the above regards.

Ecology and Essex Coast RAMS

- 7.35 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast RAMS. It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017.
- 7.36 The development does not need to offer mitigation as it would enlarge an existing (HMO) dwelling with no increase in dwellings and would not have a significant effect on habitats and species. Consistent with the assessment of the previous 2023 application, the development is acceptable and in line with policies in this regard.

Equality and Diversity Issues

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

Community Infrastructure Levy (CIL)

- 7.38 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.

Conclusion

- 7.39 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. The application is considered to have overcome the single reason for refusal of the previous 2023 application with regard to the standard of living conditions for future occupiers.

8 Recommendation

8.1 GRANT PLANNING PERMISSION subject to the following conditions:

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

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

- 02 The development shall only be undertaken in accordance with the following approved plans: 865-101 Rev 01; 865-102 Rev 00; 865-103 Rev 00; 865-201 Rev 01; 865-202 Rev 01; 865-203 Rev 03.**

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 Notwithstanding the details shown on the approved plans, no part of the development hereby approved shall be occupied unless and until full details of secure and covered refuse and recycling facilities have been submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. The refuse and recycling facilities shall be implemented and made available for use in accordance with the approved details before first occupation of any of the development and shall be permanently maintained thereafter.**

Reason: To ensure that satisfactory refuse and recycling facilities are provided at the site in the interest of sustainability and amenity in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, Policies DM1 and DM8 of the Development Management Document (2015) and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

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

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2023), Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 06 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 (2023), 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)

- 07 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 seven (7) bedrooms and the property shall not be occupied by more than seven (7) residents at any one time with all seven (7) bedrooms for single occupancy only.

Reason: To ensure the use hereby approved accords with the development sought, so that it would offer acceptable living conditions for its occupiers and would not result in highways and parking issues resulting in a loss of amenity to neighbouring occupiers in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policies DM1, DM3 and DM8.

- 08 Notwithstanding the details shown on the approved plans, the development hereby granted shall not be occupied unless and until full details of secure, covered cycle parking for at least 1 no. bicycle per HMO room have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The cycle parking shall be provided and made available for use by occupiers of the approved development and their visitors prior to first use of the development and shall be retained as such thereafter for the lifetime of the development.

Reason: To ensure that satisfactory cycle parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM15 and the guidance in the Southend-on-Sea Design and Townscape Guide (2009).

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) 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 Future occupiers will not be eligible for a residential parking permit.
- 4 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 become aware of any works that are highly likely to cause a nuisance, Regulatory Services 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 is 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.

- 5 Prior to any alterations to the existing building 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.

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.



BLOCK PLAN
SCALE 1:500
0 5 10 15 20m



LOCATION PLAN
SCALE 1:1250
0 10 20 30 40m

NOTES:
Do not scale this drawing. Work to figured dimensions only. Check all dimensions on site. Confirm any discrepancies prior to commencement of work.



2m x 0.8m x 1.2m TIMBER SLATTED BIN STORES
https://www.summergardenbuildings.co.uk/products/garden-sheds/wheelie-bin-store-33008151.html?rc=00101&qclid=CjwKCAJwq-WgBhBMEiwAzKSH6BV4nRCqdNblHxk5bGntRAYqgPpE-UtHotdME9HI1sfh8tK_uB89iKhoCqgAQAvD_BwE



3m x 3m PENT ROOF AND WOOD CLADDING BIKE SHED
https://www.homebase.co.uk/10x6ft-forest-natural-timber-overlap-pent-pressure-treated-wooden-shed/12810915.html?utm_source=google&utm_medium=organic&utm_campaign=shopping&aff=thggps&switchcurrency=GBP&shippingcountry=GB



EXISTING SITE PLAN
SCALE 1:200
0 1 2 3 4 5m



PROPOSED SITE PLAN
SCALE 1:200
0 1 2 3 4 5m

Rev:02	02/24	Updated Bike Store
Rev:01	07/23	Updated Bin Stores
Rev:00	04/23	First Issue

Krystal Architecture Ltd
A :5 Tyndale Avenue, Basildon, Essex, SS14 3UD
T : 01268 454581 / 07999061557
E : info@krystal-architecture.com
W :www.krystal-architecture.com

Project Address
51 Old Southend Road, Southend-on-Sea

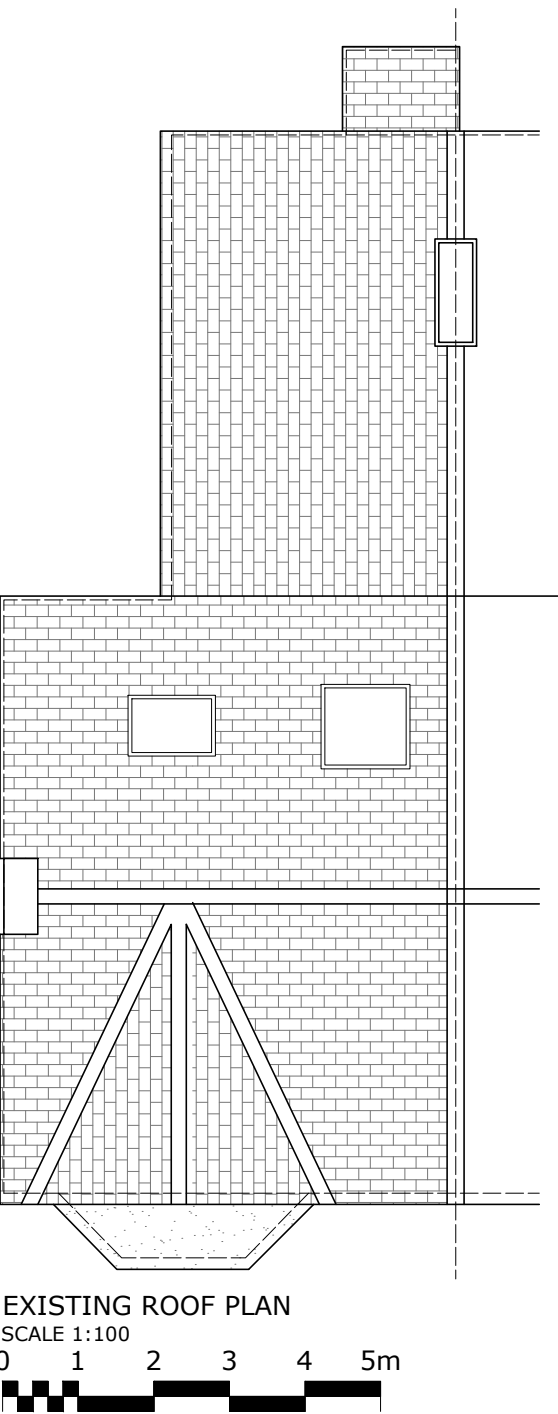
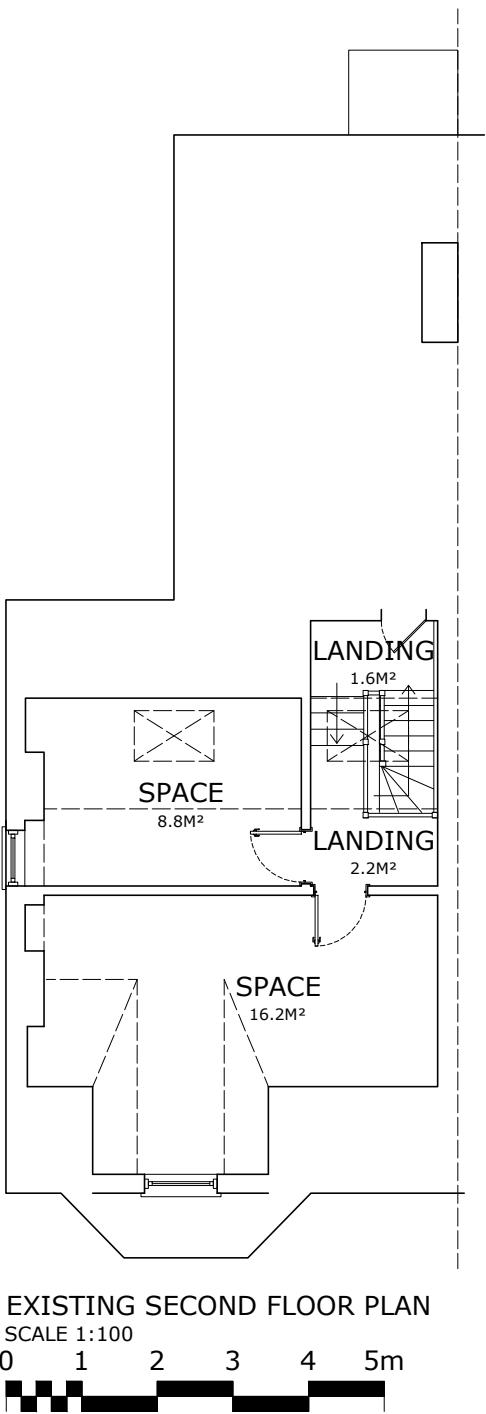
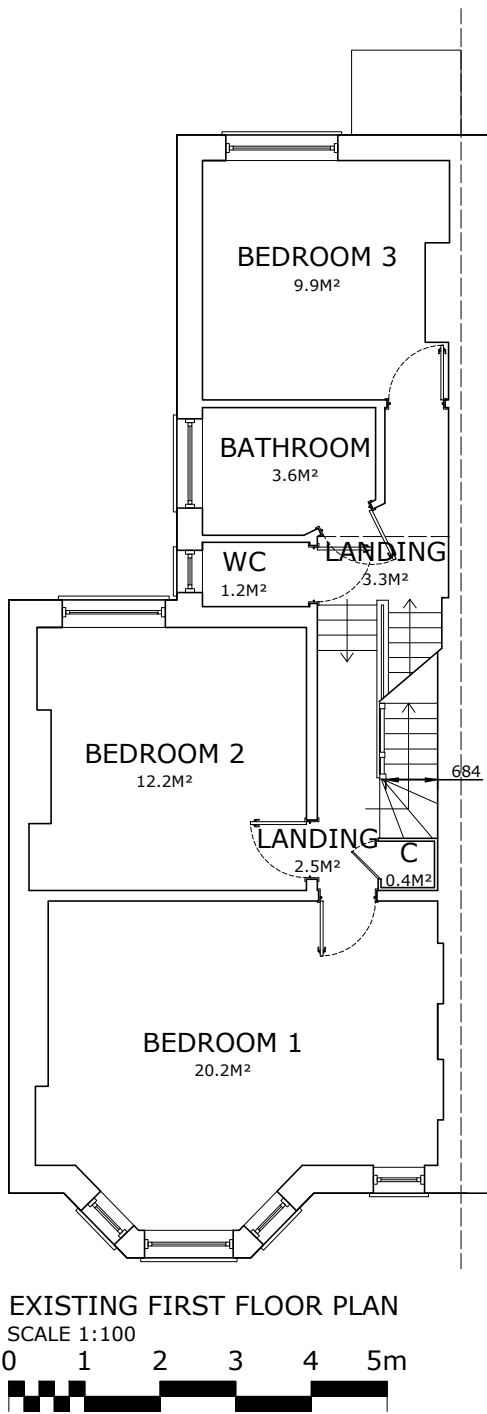
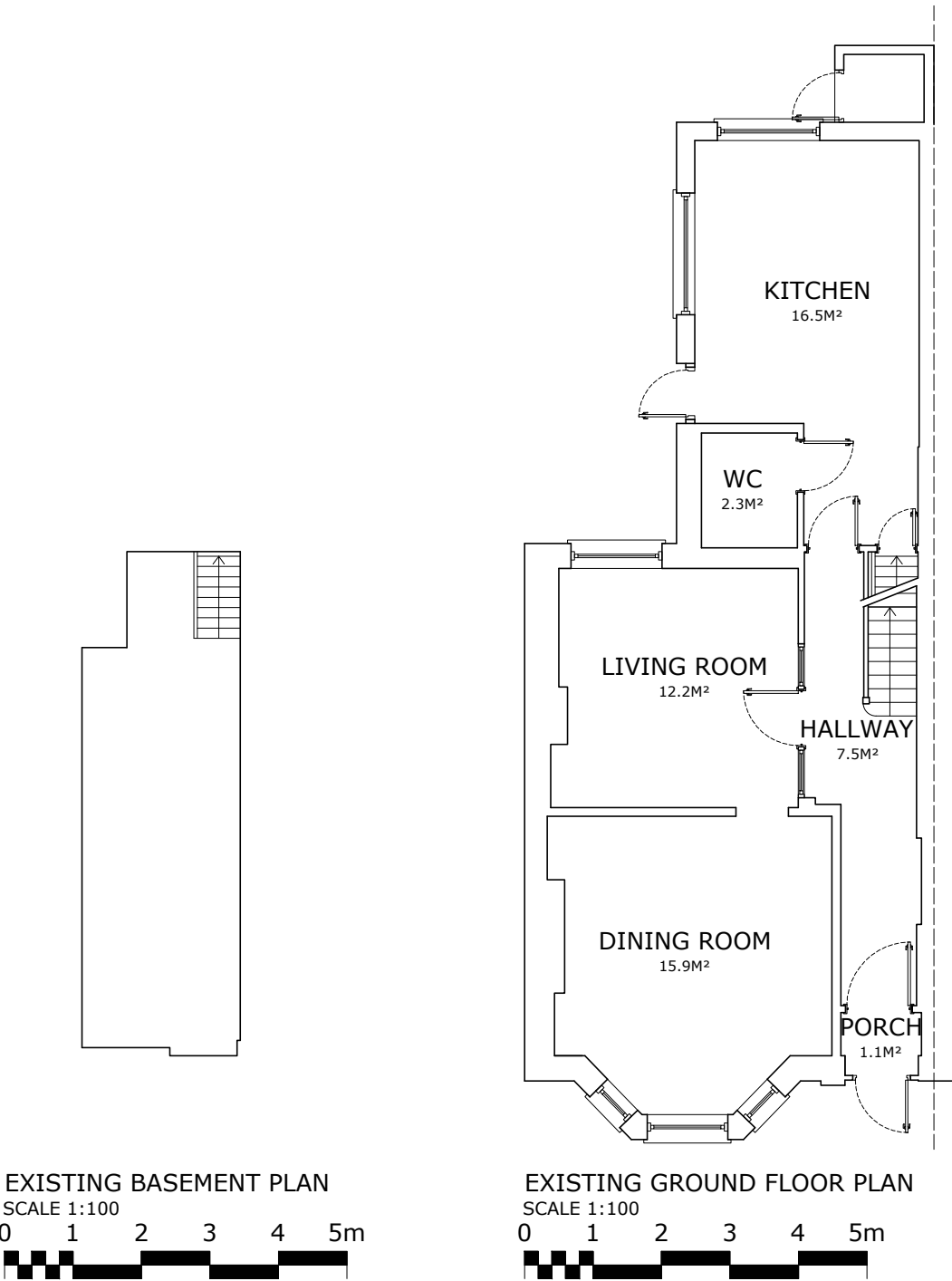
Client Name
Mitch Nunn

Drawing Title
Location, Block and Site Plans

Status Planning Drawings			
Drawing Number 865-101		Rev: 02	
Date 07.02.24	Scale 1:1250 1:500 1:200 @A2	Drawn By WN	

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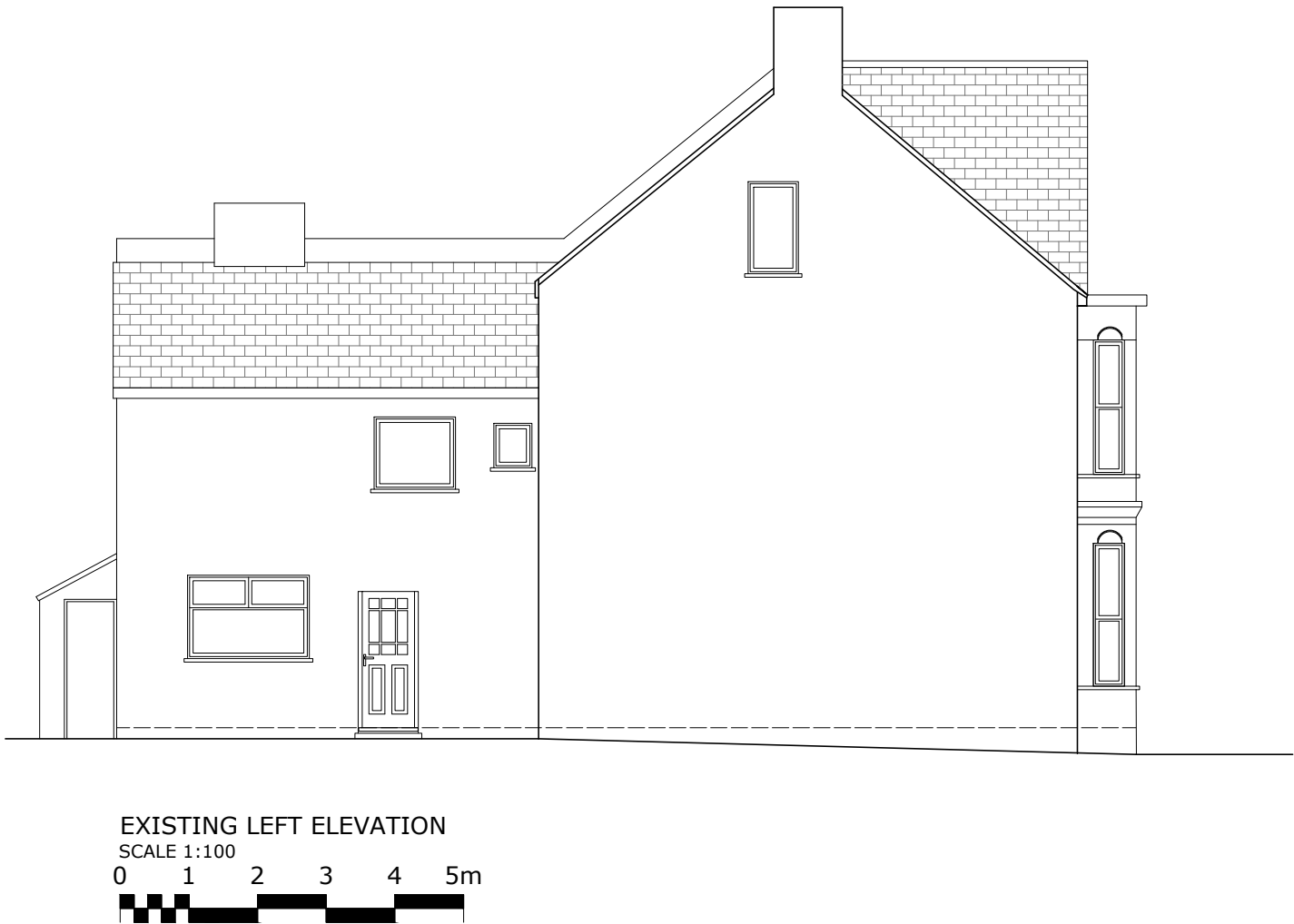
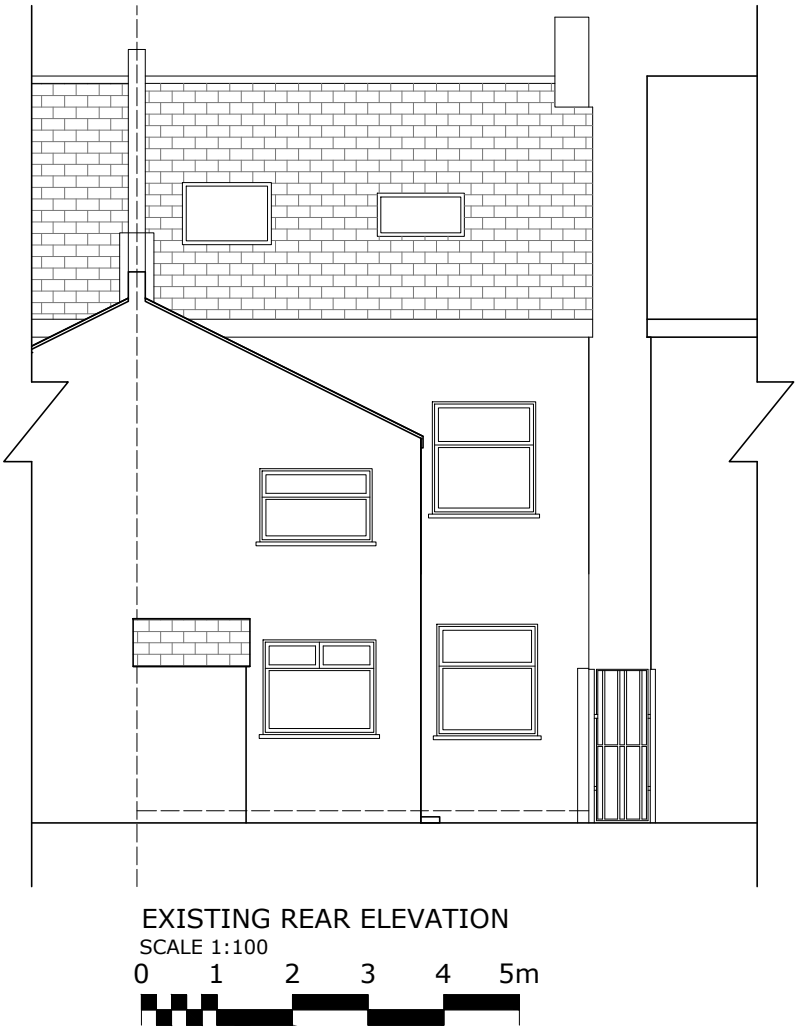


Rev:00	04/23	First Issue
Krystal Architecture Ltd A :5 Tyndale Avenue, Basildon, Essex, SS14 3UD T : 01268 454581 / 07999061557 E : info@krystal-architecture.com W : www.krystal-architecture.com		
Project Address 51 Old Southend Road, Southend-on-Sea		
Client Name Mitch Nunn		
Drawing Title Existing Floor Plans		
Status Planning Drawings		
Drawing Number 865-102		Rev: 00
Date 20.04.23	Scale 1:100 @A2	Drawn By WN

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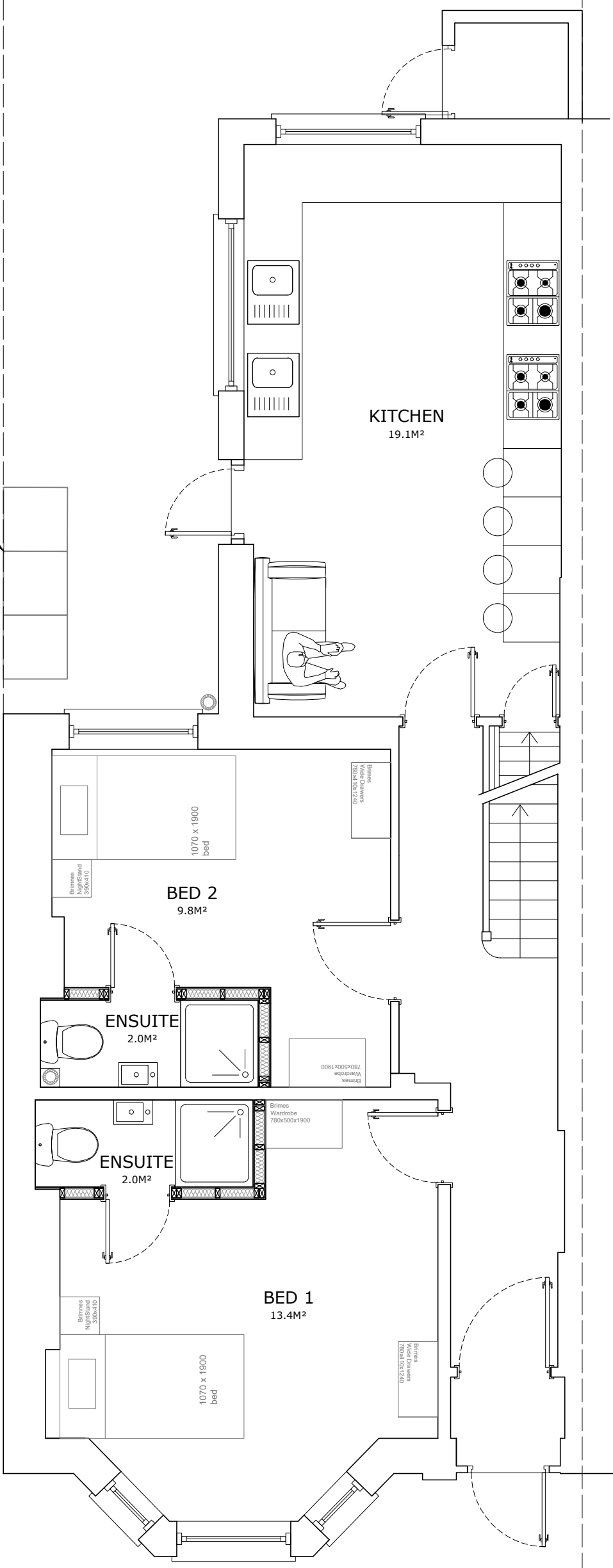
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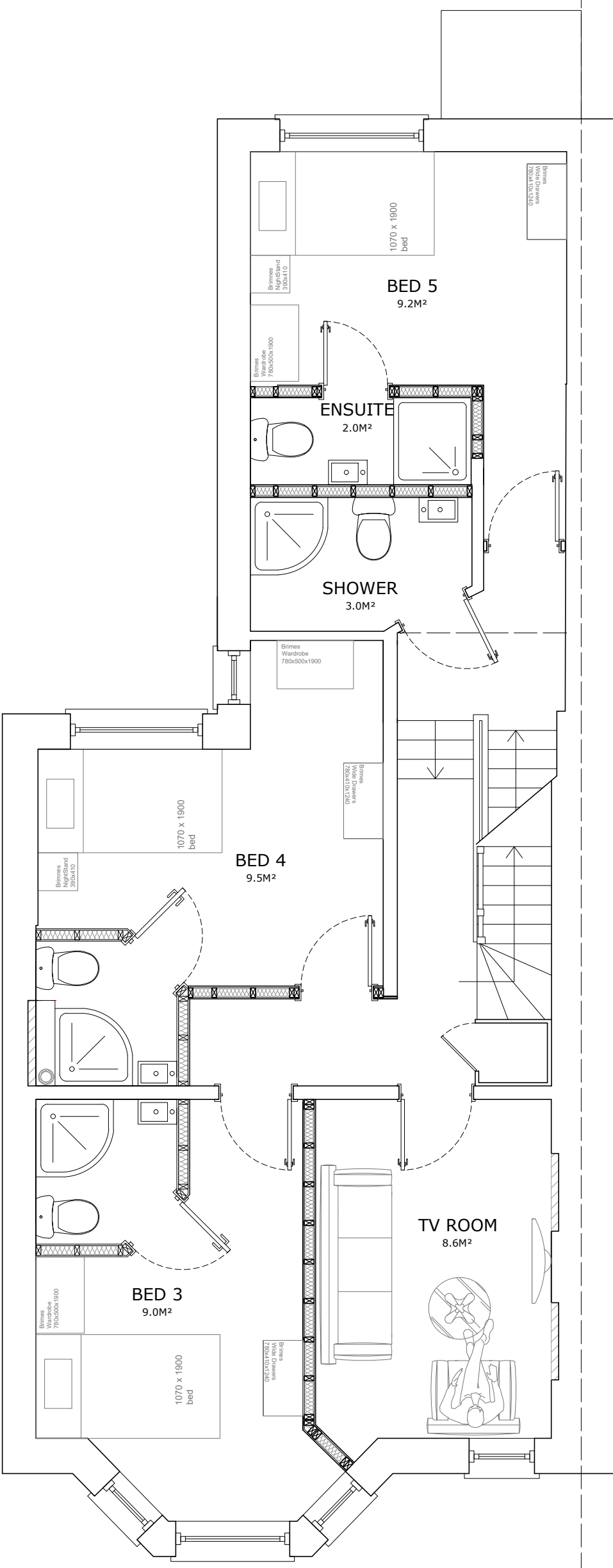
Rev:00	04/23	First Issue
Krystal Architecture Ltd A :5 Tyndale Avenue, Basildon, Essex, SS14 3UD T : 01268 454581 / 07999061557 E : info@krystal-architecture.com W :www.krystal-architecture.com		
Project Address 51 Old Southend Road, Southend-on-Sea		
Client Name Mitch Nunn		
Drawing Title Existing Elevations		
Status Planning Drawings		
Drawing Number 865-103		Rev: 00
Date 20.04.23	Scale 1:100 @A2	Drawn By WN

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BIN
STORES



PROPOSED GROUND FLOOR PLAN
SCALE 1:50
0 1 2 3m



PROPOSED FIRST FLOOR PLAN
SCALE 1:50
0 1 2 3m

NOTES:
Do not scale this drawing. Work to figured dimensions only. Check all dimensions on site. Confirm any discrepancies prior to commencement of work.

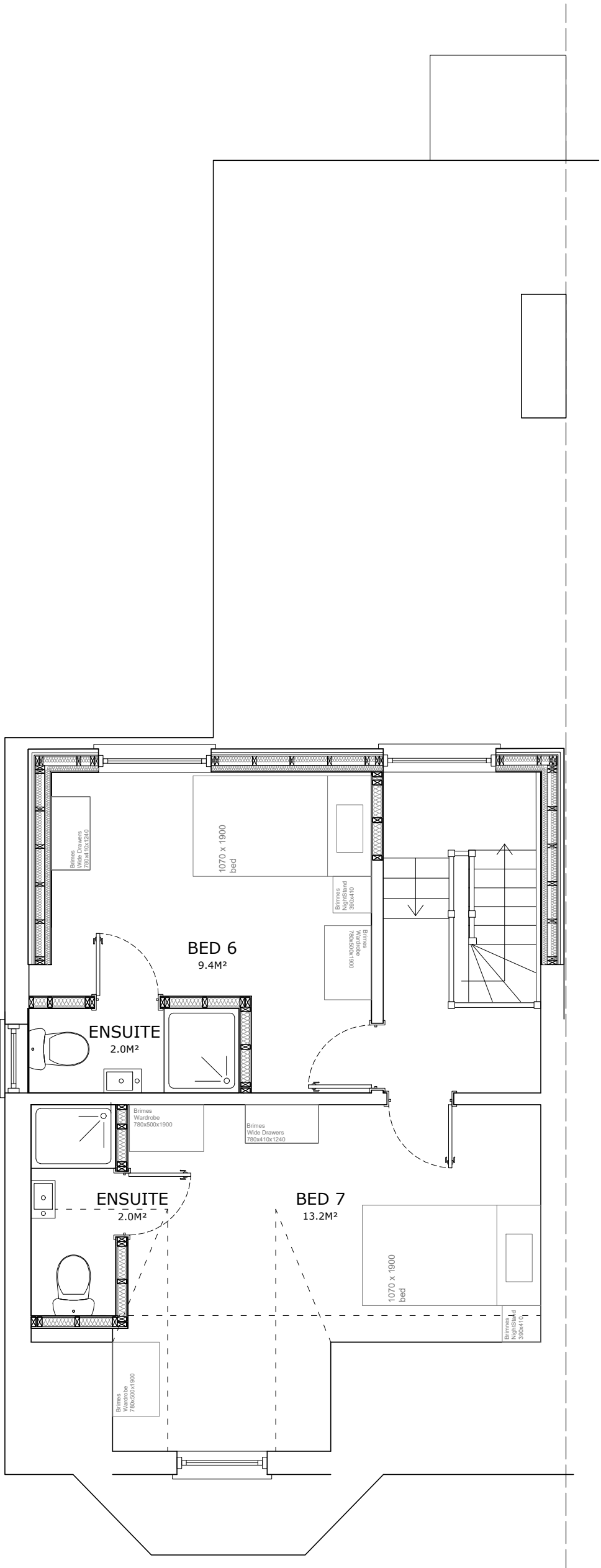
Rev:02	02/24	Updated Bin Store Position
Rev:01	12/23	Updated Plans
Rev:00	04/23	First Issue

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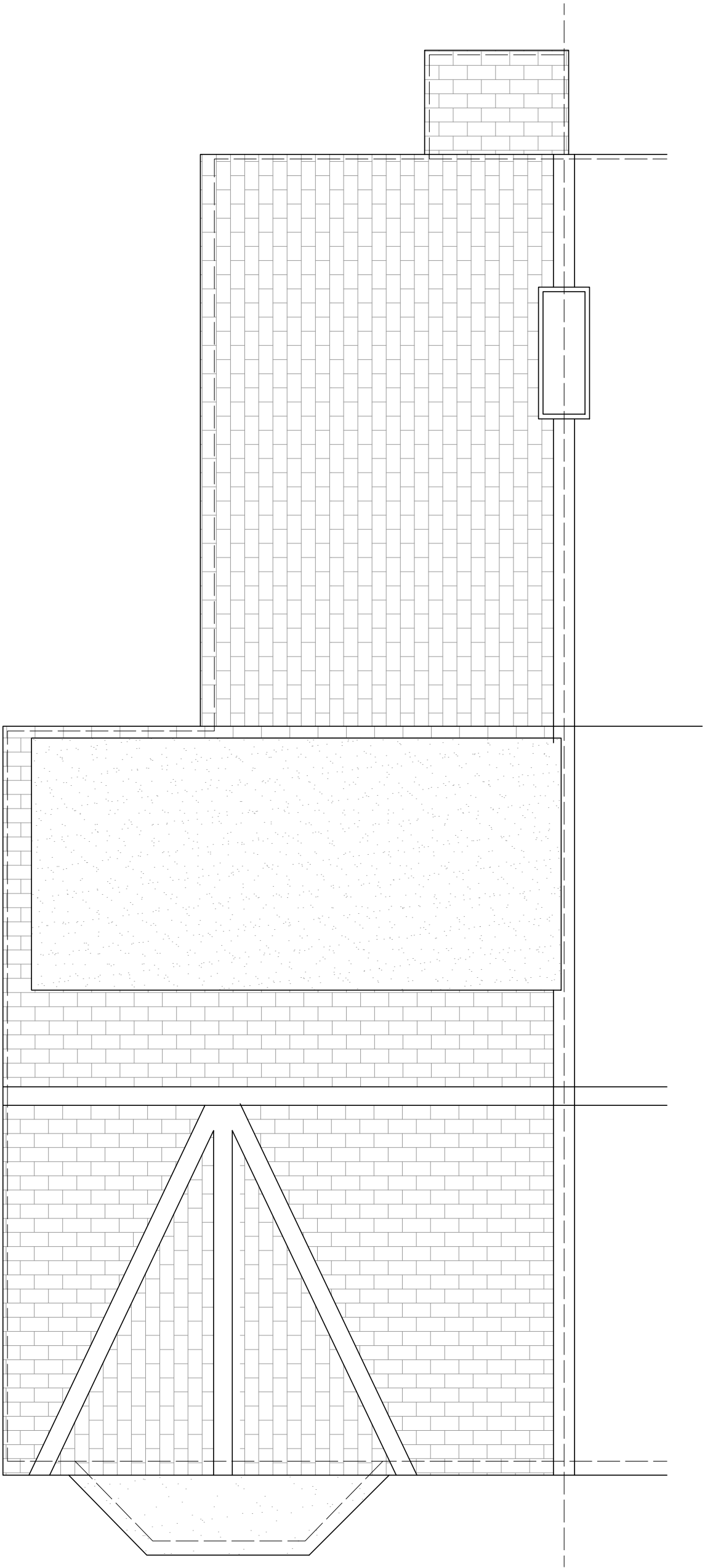
Project Address
51 Old Southend Road, Southend-on-Sea

Client Name Mitch Nunn		
Drawing Title Proposed Floor Plans (7 Bed HMO)		
Status Planning Drawings		
Drawing Number 865-201		Rev: 02
Date 07.02.24	Scale 1:50 @A2	Drawn By WN

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PROPOSED SECOND FLOOR PLAN
SCALE 1:50
0 1 2 3m



PROPOSED ROOF PLAN
SCALE 1:50
0 1 2 3m

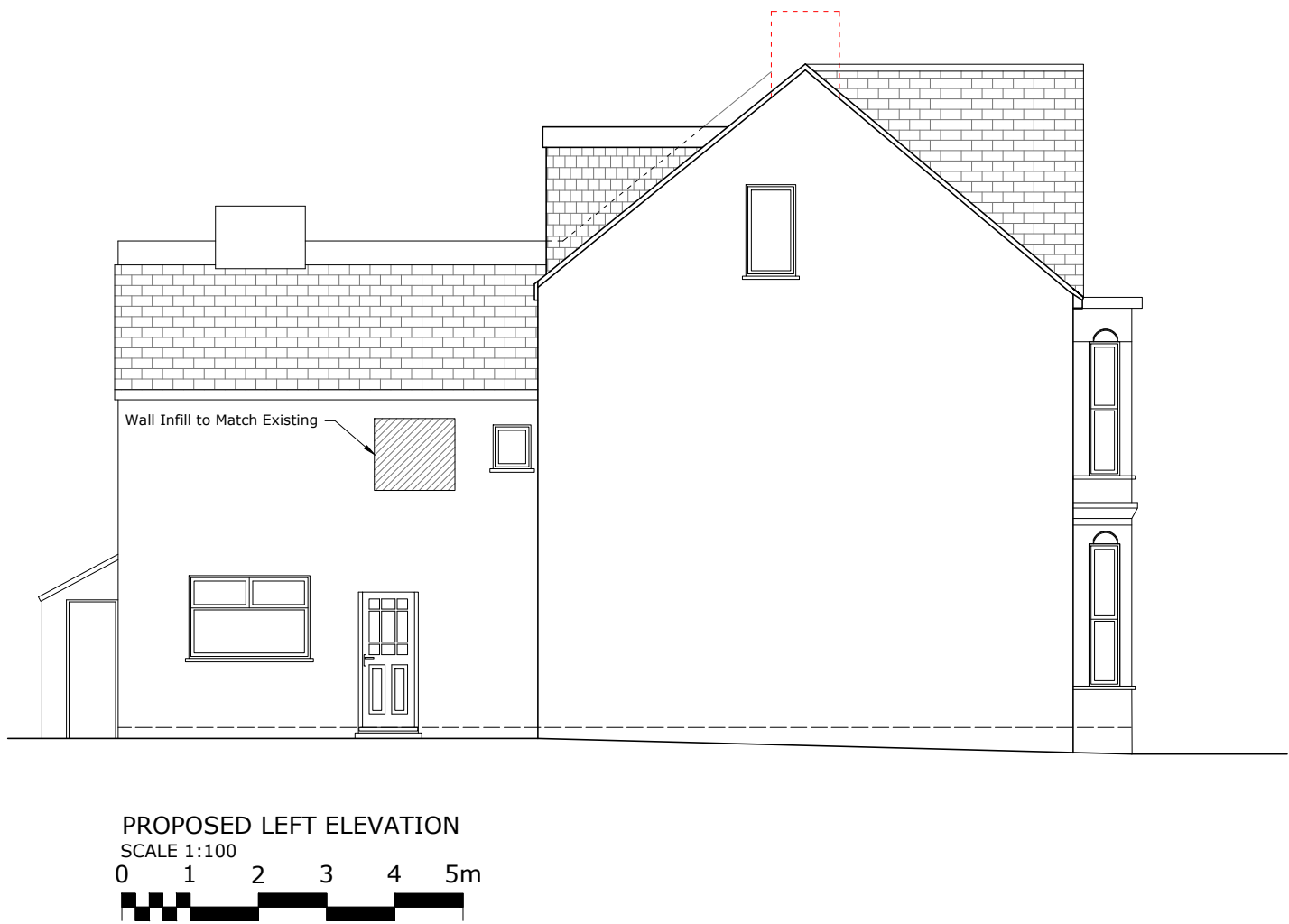
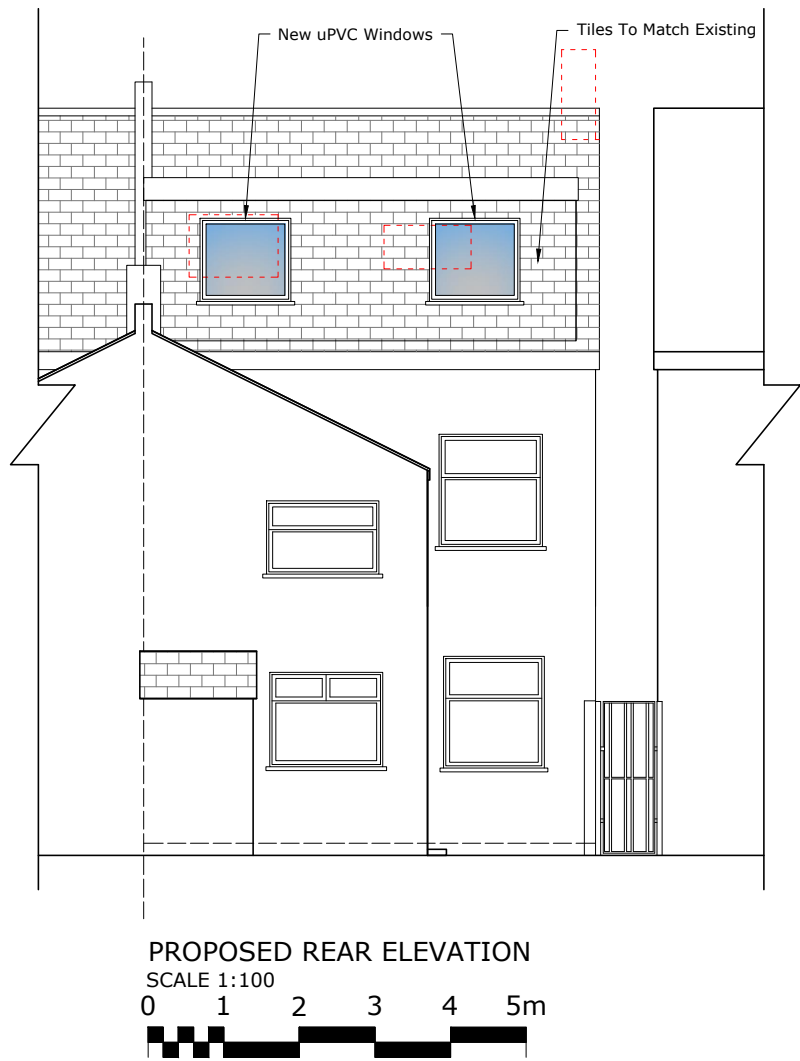
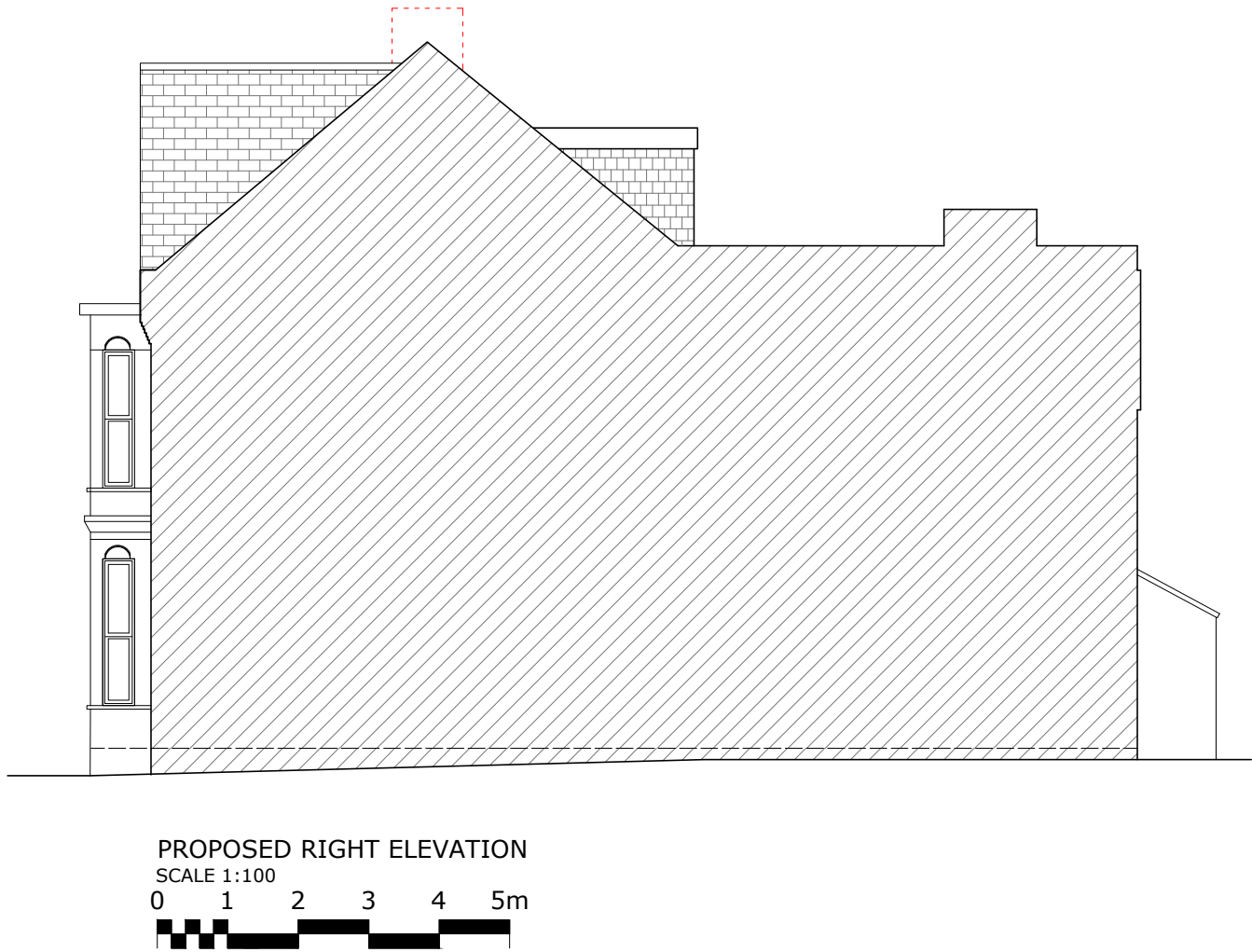
NOTES:
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Rev:01	12/23	Updated Room Numbers
Rev:00	04/23	First Issue
Krystal Architecture Ltd A :5 Tyndale Avenue, Basildon, Essex, SS14 3UD T : 01268 454581 / 07999061557 E : info@krystal-architecture.com W : www.krystal-architecture.com		
Project Address 51 Old Southend Road, Southend-on-Sea		
Client Name Mitch Nunn		
Drawing Title Proposed Floor Plans (7 Bed HMO)		
Status Planning Drawings		
Drawing Number 865-202		Rev: 01
Date 13.12.23	Scale 1:50 @A2	Drawn By WN

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NOTES:

Do not scale this drawing. Work to figured dimensions only. Check all dimensions on site. Confirm any discrepancies prior to commencement of work.



Rev:00	04/23	First Issue
Krystal Architecture Ltd A :5 Tyndale Avenue, Basildon, Essex, SS14 3UD T : 01268 454581 / 07999061557 E : info@krystal-architecture.com W : www.krystal-architecture.com		
Project Address 51 Old Southend Road, Southend-on-Sea		
Client Name Mitch Nunn		
Drawing Title Proposed Elevations (8 Bed HMO)		
Status Planning Drawings		
Drawing Number 865-203		Rev: 03
Date 12.09.23	Scale 1:100 @A2	Drawn By WN

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Reference:	23/01664/FUL
Application Type:	Full Application
Ward:	Eastwood Park
Proposal:	Erect stable block comprising of 3no. stables and tack room with associated north facing LED lighting, hardstanding pen and turn out paddock, part of a menage (part in Rochford Council Boundary), erect barn and timber clad plant container to east side of stables, erect chicken coop, layout drive and parking and install 8000 litre below ground level water storage tank. (Part Retrospective) (Amended Proposal)
Address:	Land North of Roach Vale, Eastwood, Essex
Applicant:	Mr Paul Whitehair
Agent:	Mr Robert Gandy of Enzygo
Consultation Expiry:	18.12.2023
Expiry Date:	29.02.2024
Case Officer:	Abbie Greenwood
Plan Nos:	CRM.123.005.PL.D.001 Rev B, CRM.123.005.PL.D.002 Rev B, CRM.123.005.PL.D.003 Rev B, CRM.123.005.PL.D.004 Rev B
Supporting Documents	<p>Planning, Design and Access Statement by Enzygo reference CRM.0123.005.PL.R.01 dated October 2023.</p> <p>Agricultural Land Classification Document by Soil and Environment Services Ltd dated July 2023 ref. SES/ENZ/RO/#1</p> <p>Tree Protection Plan reference 123.005.ENZ.XX.00.DR.AR.45.102 Rev PL01.</p> <p>Tree Constraints Plan reference 123.005.ENZ.XX.00.DR.AR.45.101 Rev PL01.</p> <p>Tree Survey</p> <p>Arboricultural Impact Assessment and Arboricultural Method Statement by Enzygo reference 123.005.ENZ.XX.00.RP.AR.45.102 dated June 2023.</p> <p>Arboricultural Survey by Enzygo reference 23.005.ENZ.XX.00.RP.AR.45.101 dated June 2023.</p> <p>Detailed Drainage Strategy by Enzygo reference CRM.0123.005.HY.R.001.A dated February 2024.</p> <p>Ecological Impact Assessment by Enzygo reference CRM.0123.005.EC.R.001.Rev A dated 23rd November 2023.</p> <p>UK Habitat Classification Map reference CRM0123-ENZ-XX-XX-DR-Z-0001 Rev P01.</p> <p>Lighting Strategy by Enzygo reference CRM.0123.001.AQ.R.001 dated December 2023</p>

	<p>Sustainability Statement by Enzygo reference CRM.0123.005.PL.R.02 dated December 2023.</p> <p>Manure Disposal Procedure Document by Paul Whitehair dated 01/12/2023.</p> <p>Email from agent dated 13.11.23 listing equipment needed onsite and equipment currently onsite which will be removed and email from agent dated 8.01.24 confirming run off from the buildings will feed directly into the underground water tank and this will be topped up if needed by vehicle delivery.</p>
Recommendation:	GRANT PLANNING PERMISSION subject to conditions



1 Site and Surroundings

- 1.1 The site is within part of an open field on the north side of the tree line directly north of Roach Vale. The site is accessed at its southeast corner via an unmade track leading from Blatches Chase. The site is part of a swathe of land to the north of the city which is designated as Green Belt and 'Best and Most Versatile Agricultural Land' within the Development Management Document's Proposals Map. The site is in Flood Zone 1.
- 1.2 The site has an open aspect to the remainder of the field to the north which is also owned by the applicant but falls within Rochford District. The field is enclosed on all sides by trees and hedges which provide a degree of enclosure and screening to the site on all sides. The trees to the south boundary are protected under Tree Preservation Order (TPO) reference 4/67 W1. These also fall within a narrow strip of protected green space. The development site does not encroach onto the protected green space designation.
- 1.3 To the south of the site, beyond the tree line are the residential properties in Roach Vale. There are other equestrian uses in the local area including stables for up to 6 horses and a menage and paddocks at No 175 Green Lane, a short distance to the west, also within the Green Belt, and various bridleways.

2 The Proposal

Current Situation

2.1 The proposal is part retrospective. A number of structures have been erected at the site without the benefit of planning permission. These are listed below. Where these extend across the boundary with Rochford District this is noted.

- A block of 3 stables with floodlighting to the north, east and west sides and an associated hardstanding pen and grassed turn out paddock with timber fencing.
- An array of solar panels measuring 6m x 10m.
- Two shipping containers one of which contains the electrics for the solar panels.
- An 8000 litre water tank.
- A timber chicken coop and chicken run with 2.25m high metal fencing (Officer Note: The metal chicken run fencing is within Rochford District area and is outside the red line application site)
- Part of a menage for exercising horses (Officer Note: Only the southern end of the menage is with the Southend City Boundary. Approximately 80% of the menage is within Rochford District and outside the red line boundary for this application. The part of the menage that is within the red line, application boundary is assessed as part of this application. The menage is 20m x 60m in total which is the standard size for this facility.

3 *Structures not requiring planning permission:*

- A grid of 18 raised vegetable beds. The beds are not permanently fixed to the ground so do not constitute development. (Officer Note – Approximately ¼ of the raised beds are within Rochford District and are outside the red line application area.)
- 2 polytunnels. The polytunnels are small scale comprising rods pushed into the earth with retained grassed floor and are therefore easily removed and temporary in nature. They are not of the size seen within a commercial operation which would be more permanent and would require planning permission. (Officer Note – the northern polytunnel is within Rochford District and is outside the red line application area.)
- A grid of 30 fruit trees.
- A compacted earth surface driveway.

3.1 Following a Southend Council planning enforcement investigation a planning application was submitted under reference 22/02226/FUL to erect a stable block comprising 3no. stables with associated LED lighting and hardstanding and paddock area to north side, erect barn to east side of stables and layout parking, install 6m x 10m solar array at ground level on north side of vehicular access and storage container for solar electrics to south side of vehicular access and install 8000 litre freestanding water storage tank (part retrospective). This was refused for the following reasons:

01 The proposed development constitutes inappropriate development in the Green Belt which would materially harm the openness of the Green Belt and conflict with the purposes of including land within the Green Belt. There are no very special circumstances which clearly outweigh the harm caused to the Green Belt by reason of the inappropriate development and significant harm to the openness of the Green Belt through the impact of the built form. The proposal has also failed to justify the extent of the loss of best and most versatile agricultural land. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2021) and Policies CP4 and CP5 of the Southend-on-Sea Core Strategy (2007).

02 The applicant has failed to demonstrate that the development would not harm ecology or

any protected species at the site. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policy KP2 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

3.2 In order to address these reasons for refusal the following amendments have been made:

- The proposed barn has been reduced from 10m x 10m (100sqm) to 8m x 6m (48sqm), a reduction of 52% in footprint, and has been reduced in height from 4.1m to 3.5m. This will replace the existing unauthorised eastern shipping container currently on site which will be removed.
- The existing unauthorised stable block is proposed to be increased from the 3 no stables currently constructed measuring 12m x 4m to 3 no stables plus an additional bay to be used as a tack room, measuring 17m x 4m. The block has a height of between 2.5m to 3.1m. The 3 existing flood lights which have been installed on this building will be removed and replaced with 3 downlighters which will be sited on the north elevation only to provide illumination for the turn out area on an occasional basis.
- The hardstanding turnout area to the north of the stables of 12m x 4m and the grass paddock beyond measuring 12m x 10m both enclosed by 1.2m high timber post and rail fencing remain unchanged.
- The existing unauthorised solar array is proposed to be reduced from 6m x 10m to 3m x 3m to bring it within permitted development limits and therefore is now excluded from the scope of this application.
- The western shipping container, measuring 2.43m x 3.05m and 2.59m high is proposed to be retained as this houses the electrics from the solar panels but this will be clad in timber to match the buildings.
- The access track is proposed to be converted to grass within a reinforced mesh.
- The 8000 litre water tank is now proposed to be buried underground.
- The Chicken Coop is unchanged.
- All buildings are proposed as timber cladding with metal corrugated roofing.

3.3 The following information has been provided by the applicant in relation to the proposed use:

'The stables would be used for private equestrian purposes, for the recreational use of the applicant. The area outside of the application boundary would be retained as grassland to be used for the keeping of horses (western side of the field) and production of hay (eastern side of the field).'

Hay is currently produced from the north-eastern part of the site (outside of the Southend City Boundary) and is stored in portable contemporary containers. The proposed barn would provide storage for hay and equipment within a single consolidated building and would also allow the secure storage of the horses' tack.'

4 Relevant Planning History

4.1 The most relevant planning history of the application site is listed below:

- 22/02226/FUL - Erect stable block comprising 3no. stables with associated LED lighting and hardstanding and paddock area to north side, erect barn to east side of stables and layout parking, install 6m x 10m solar array at ground level on north side of vehicular access and storage container for solar electrics to south side of vehicular access and install 8000 litre freestanding water storage tank (part retrospective) – refused.
- 22/00273/UNAU_B - Enforcement Enquiry - Engineering operations and erection of structures – pending.
- 22/00089/UNAU_B - Engineering operations in agricultural land – closed.

4.2 Relevant development at neighbouring sites

- Application Reference 13/01578/FUL. 'Erect 4 box stables, all weather menage (21m x 60m) and associated storage and use land as private stable on land adjacent to 175 Green Lane' - Permission Granted.
- Application Reference 13/00905/FUL. 'Erect 7 box stables, all weather menage and associated storage and use land as private stable on land adjacent to 175 Green Lane' - Refused.

5 Representation Summary

Public Consultation

5.1 Twenty (20) neighbouring properties were notified of the application by letter and a site notice was displayed. An additional consultation was subsequently undertaken with neighbours following a clarification of the description of the development. Eight (8) letters of representation have been received from 5 addresses raising the following summarised issues:

- Inappropriate development in a designated green space and out of keeping with the nearby country park.
- Light pollution and impact of lighting on dark and rural character of the area and nocturnal wildlife. The existing lighting is too bright and not shielded so cannot be directed downwards.
- Concern that the development is part retrospective.
- Neighbour and residential amenity impacts including noise and disturbance during construction during unsociable hours, smells, earth removal.
- Traffic generation.
- Impact on trees.
- The menage is too large. Concern that this will be hired out. The site is inappropriate for equestrian events or commercial use. This should be controlled by conditions including preventing conversion to residential use.
- No objection in principle to stabling 3 horses in this general location but the stables should be sited away from the houses. No objection to the site being used for haymaking. No objection to small buildings to support these uses.
- Lack of drainage and potential for surface water flooding.
- Concern over subsidence from earth removal.
- Impact on badgers including pushing their territories towards the houses and public footpaths and the damage this may cause. Concern that excavation for water tank may harm badgers.
- The existing large solar array is inappropriate and not needed.
- The hen houses reduce openness.
- The growing area seems over scaled for family use and may be used for commercial purposes.
- The proposed barn is still too large and will be visible through the trees in winter.
- All items that are not needed for any approval should be removed from the site.
- Development without planning permission should be removed.
- The motorhome should be removed.
- The drainage pond may be used as a fishing lake.

Officer Comment: These concerns are noted and those that represent material planning considerations have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

Highways

- 5.2 No objections.

Environmental Health

- 5.3 No objections subject to conditions requiring external lighting, drainage and manure disposal to be carried out in accordance with the submitted details.

Parks (Ecology)

- 5.4 The ecology report and lighting strategy including hours of use are acceptable in terms of impact on wildlife including bats.

Parks (Trees)

- 5.5 No objections. The existing and proposed works are outside the root protection areas of the preserved trees.

Lead Local Flood Authority (LLFA)

- 5.6 No objections. All drainage and flood risk measures be delivered as outlined in the Drainage Strategy. Water capture and reuse is encouraged.

Essex Fire Service

- 5.7 No objections subject to meeting building regulations.

Essex Badger Protection Group

- 5.8 No objections. The amended Ecological Impact Report satisfactorily addresses the impact on badgers and its recommendations should be complied with.

Rochford District Council

- 5.9 No Objections - The proposal equates to 'appropriate facilities for outdoor sport and recreation in the Green Belt' as set out in paragraph 154b of the NPPF and is consistent with Rochford District Council Development Management Plan (2014) Policy DM15 in this regard.

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 Core Strategy (2007): Policy KP1 (Spatial Strategy), Policy KP2 (Development Principles), Policy KP3 (Implementation and Resources), Policy CP3 (Transport and Accessibility), Policy CP4 (The Environment and Urban Renaissance), Policy CP5 (Minerals and Soils Resources), Policy CP7 (Sport, Recreation and Green Space)
- 6.5 Development Management Document (2015): Policy DM1 (Design Quality), Policy DM2 (Low Carbon and Development and Efficient Use of Resources), Policy DM3 (Efficient and Effective

Use of Land), Policy DM14 (Environmental Protection), Policy DM15 (Sustainable Transport Management).

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

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

6.8 Southend-on-Sea Waste Management Guidelines for Developers (2019).

7 Procedural Matters

7.1 This application is presented to the Development Control Committee because it has been called in by Councillor Robert McMullan.

8 Planning Considerations

8.1 The main considerations in relation to this application are the principle of the development including the impact on the Green Belt and the best and most versatile agricultural land, design and impact on the character of the area, impact on residential amenity, traffic and transportation, sustainability, ecology, protected trees and CIL and whether the proposal has satisfactorily overcome the previous reasons for refusal.

9 Appraisal

Principle of Development

Green Belt

9.1 At paragraph 143 of the NPPF, the 5 purposes of the Green Belt are listed as:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.'*

9.2 Paragraph 142 of the NPPF states: *'The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.'* The NPPF states *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'* (paragraph 153).

9.3 At paragraph 154 the NPPF states that the construction of new buildings is inappropriate in the Green Belt except in the following circumstances:

'a) buildings for agriculture and forestry;

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

- c) *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) *limited infilling in villages;*
- f) *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.'*

9.4 Paragraph 155 of the NPPF states that 'certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within in. These are:

- (a) *Mineral extraction;*
- (b) *Engineering operations;*
- (c) *Local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- (d) *The re-use of buildings provided that the buildings are of permanent and substantial construction;*
- (e) *Material changes in the use of land (such as changes of use for outdoor sport and recreation or for cemeteries and burial grounds); and*
- (f) *Development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.'*

9.5 The Planning Practice Guidance sets out what factors can be taken into account when considering the potential impact of development on the openness of the Green Belt. At paragraph 001 Reference ID: 64-001-20190722 it states:

'Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- *the duration of the development, and its remendability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation.'*

9.6 Paragraph 156 of the NPPF states "When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very

special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.”

- 9.7 Policy CP4 of the Core Strategy states that development proposals will be expected to *‘maintain the function and open character of a sustainable Green Belt.’*
- 9.8 Policy DM3 of the Development Management Document promotes ‘the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.’
- 9.9 The applicant states that they are seeking to use the land for their horses and for small scale agriculture for their own personal use so that they can reduce the carbon footprint of their family and be more self-sufficient. In this respect the proposal is similar to a smallholding but without any living accommodation on site and without drawing from the national grid. As noted above the development comprises a stables and paddock, a barn, a chicken coop, a buried water tank, the access track and an electrics cabin for the reduced PV array but not the array itself, which is outside the scope of the application, and a roughly one fifth of a menage. Each of these must be assessed in the following way:
1. To determine whether they are not inappropriate development in the Green Belt, and
 2. Whether they harm the openness of the Green Belt or conflict with the purposes of including land within the Green Belt, and
 3. When/if they do constitute inappropriate development in the Green Belt, if they can then be justified by ‘very special circumstances’ which clearly outweigh the harm identified.

The various components of the development are assessed against these criteria below.

- 9.10 The previous application, reference 22/02226/FUL, was refused because it was found that the proposal failed to justify that the cumulative impact of buildings and other structures proposed, including the barn of 100sqm and the large 60sqm solar array, were reasonably needed for the stabling and care of the 3 horses and that no special circumstances were identified to justify this scale of development in the Green Belt. In order to address this reason for refusal the footprint of the barn has been reduced in scale by over 50% to 48sqm and the solar array will also be significantly reduced from 60sqm to 9 sqm, a reduction of 85%, so that it falls within the scope of permitted development and therefore is now outside the scope of this application. A full description of the changes is set out in paragraph 2.4 above.

Stables and Fenced Paddock

- 9.11 The development of the stables and associated structures, including the integrated tack room, part hardstanding, and part grassed turn out paddock, can be classed as equestrian facilities for outdoor sport and recreation. Therefore, under NPPF paragraph 154 b) (see paragraph 9.3 above) they are not inappropriate development within the Green Belt providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt. The stable building is located on the southern boundary of the site next to the tree line and urban area to the south of the tree line. The building is 3 bays wide for the stabling of the 3 horses on site and is proposed to be extended by 1 bay to provide tack and feed storage. In this respect the building is not over scaled for its purpose and its location will enable the openness of the field to the north to be preserved. The associated paddock is enclosed by a timber fence but this is not a large enclosure and the fencing is an open post and rail design which enables openness to be retained with views to be maintained from all aspects. Given their sizes, which are considered to be the smallest possible for the nature of the development, and their locations and siting, it is not considered that this part of the development would conflict with the purposes of including land in the Green Belt, including in terms of preventing

unrestricted sprawl of built up areas and encroachment (see paragraph 9.1 above).

- 9.12 It is therefore considered that the stables and fenced paddock for recreation and sport purposes do preserve the openness of the Green Belt, do not conflict with the purposes of including land in the Green Belt and are therefore not inappropriate development in the Green Belt. They are therefore acceptable and policy compliant in this respect.

Horse Exercise Menage (the part within application red line area only)

- 9.13 The menage which has been constructed is mainly within the jurisdiction of Rochford District Council, but the south-east corner, representing roughly one fifth of it, is within the Southend City Council boundary and is within the application red line site area and as such must be assessed as part of this proposal. The menage is used to exercise horses including practicing set routines for competition and it is therefore required to be a standard competition size. It is classed as equestrian facilities for outdoor sport and recreation so under NPPF paragraph 154 b) (see paragraph 9.3 above) it is not inappropriate development within the Green Belt providing it preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt.
- 9.14 The menage is constructed of soft recycled rubber material with underground drainage. It is flat with no fencing or enclosure. It therefore does not restrict views or access and has enabled the openness of the Green Belt to be preserved. Additionally, it is not considered that the menage would conflict with the purposes of including land in the Green Belt (see paragraph 9.1 above). The part of the menage within the application site boundary is therefore acceptable and policy compliant in this respect.

Barn and Chicken Coop

- 9.15 The relocation of the tack storage for the horses from the barn into the stables means that the barn is now proposed to be solely used for agricultural purposes, primarily for the storage of hay and hay making equipment and a list of this equipment has been provided to support this (including a tractor, flail mower, rotovator, grass collector etc). As such the barn is considered to constitute an agricultural building which meets the exceptions set out in NPPF paragraph 154 a) (see paragraph 9.3 above) and a condition can be imposed so that this building is not converted to any other use without the LPA's control. Similarly, the chicken coop can also be categorised as an agricultural use so is also not inappropriate development in the Green Belt. NPPF paragraph 154 a) does not require agricultural buildings to demonstrate that they preserve the openness of the Green Belt or that they do not conflict with the purposes of including land in the Green Belt. The amended barn and chicken coop are therefore not inappropriate development in the Green Belt in principle and are acceptable and policy compliant in this respect.

Water Tank and Access Track

- 9.16 The buried water tank is needed to support the equestrian and agricultural uses at the site as there is no water connection. This part of the development can be classified as an engineering operation and is therefore also not inappropriate development in the Green Belt as defined under NPPF paragraph 155 b) (see paragraph 9.4 above) provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within in. As the tank will be buried underground, the openness of the Green Belt will be preserved, and this part of the development would not conflict with the purposes of including land in the Green Belt. Therefore, this part of the development does not constitute inappropriate development in the Green Belt and is acceptable and policy compliant in this respect.

- 9.17 The access track has been constructed of compacted earth which is proposed to be topped

with mesh reinforce grass to blend into the surrounding environment. It is not hardstanding like a conventional drive. This surface will provide a more robust access to the buildings which is necessary when the ground is sodden. It is relatively short (some 75m long) and is not a public road or parking area so will not generate any significant traffic at the site. In terms of traffic generation, which is also a consideration of openness, a condition can be imposed to ensure that the site is not used by the public e.g. for events or for commercial uses. The access track also falls within the definition of an engineering operation and does not therefore constitute inappropriate development in the Green Belt providing it maintains the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt. Given the nature and design of the access track it would maintain the openness of the Green Belt in all relevant regards, and it would not result in encroachment into the countryside or urban sprawl and would not conflict with the purposes of including land in the Green Belt in any relevant regards. This part of the proposal is therefore acceptable and policy compliant in this respect.

Solar Electrics Cabin

- 9.18 The electric cabin provides the plant for the reduced area of solar panels which will power the lights and water pumps supporting both the equestrian and agricultural uses and enables the site to be 'off grid'. This does not fall within any of the developments outlined in paragraphs 154 and 155 of the NPPF which are exceptions to inappropriate development (see above). In fact, as set out above, Paragraph 156 of the NPPF states *"When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources."*
- 9.19 The acceptability of this structure therefore depends on whether any very special circumstances can be demonstrated to justify the inappropriate development in the Green Belt. The NPPF under paragraph 156 does acknowledge that wider environmental benefits associated with the production of energy from renewable sources can be considered as exceptional circumstances. Whilst this electrics cabin does not relate to a large array of PVs, it is still required to support the renewable energy production at the site and reduces the impact of the development on resources. Additionally, it will be clad to match the other buildings and is discreetly sited between the barn and stables which will screen it from most public views and reduce its impact on the openness and character of the Green Belt. On balance, it is considered that, subject to it being externally finished with timber cladding, this structure is justified due to its limited size, its siting, its acceptable impact on openness and its positive benefits in terms of aiding energy production from renewable resources, and enabling the development to remain 'off-grid'. Given these very specific circumstances of this particular case, in this instance, the Green Belt harm caused in principle by this part of the development being inappropriate in the Green Belt, is clearly outweighed by very special circumstances. This part of the development is therefore acceptable and policy compliant in Green Belt terms.
- 9.20 As set out in paragraph 2.2 above, all other structures at the site are outside the scope of this application.
- 9.21 This assessment of the development against Green Belt Policy is summarised in the table below. In each case the proposed development meets at least once exception or criterion listed in the columns and as such it is considered that the principle of the development within the Green Belt as a whole has been justified and the previous reason for refusal in this respect has been successfully addressed. The proposal is acceptable and policy compliant in this regard.

Table 1 Summary of Assessment against Green Belt Policy

	Not Inappropriate Development (NPPF 154)	Preserves openness and does not conflict with the purposes of including land in the Green Belt (NPPF 154b and 155)	Demonstrates Very Special Circumstances (NPPF 156)
Stables and Tack Room	√ NPPF 154 b) outdoor recreation	√	n/a
Paddocks	√ NPPF 154 b) outdoor recreation	√	n/a
Menage (part in red line boundary)	√ NPPF 154 b) outdoor recreation	√	n/a
Barn	√ NPPF 154 a) agriculture	n/a	n/a
Chicken Coop	√ NPPF 154 a) agriculture	n/a	n/a
Water Tank	√ NPPF 155 b) engineering operation	√	n/a
Track	√ NPPF 155 b) engineering operation	√	n/a
Electrics Cabin	x	x	√ NPPF 156

Impact on Best and Most Versatile Agricultural Land

9.22 The site is also designated as Best and most Versatile Agricultural Land in the Core Strategy and Development Management Document. Best and most versatile agricultural land is most suitable for agricultural purposes and is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification.

9.23 In relation to this classification paragraph 7.7 of the Core Strategy states '*National and regional policy also seek to maintain and enhance the resilience and quality of soils, and to encourage the sustainable use of soil resources, including the best and most versatile agricultural land*' and Policy CP5 of this document states:

'As Local and Mineral Planning Authority, the Borough Council will require the sustainable use of soil and mineral resources, in particular by:

1. protecting the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) from irreversible damage where this is consistent with the full range of sustainability considerations, including biodiversity; quality and character of the landscape; amenity value or heritage interest; accessibility to infrastructure, workforce and markets; maintaining viable communities; and the protection of natural

resources, including soil quality.'

- 9.24 The previous application was refused because it failed to justify the loss of best and most versatile land. An Agricultural Land Classification assessment has been undertaken and is submitted with the application. This included soil analysis from 3 bore holes/pits at the site and a desktop investigation. The report concludes that the soil composition and droughtiness of the site (limited available water capacity) results in a land classification of Grade 3b which is defined as *'land of only moderate quality capable of producing only moderate yields of a narrow range of crops or lower yields of a wider range of crops.'* It therefore falls outside that protected land classification under Policy CP5. This has overcome the previous reason for refusal in this regard. Notwithstanding this it is also of some relevance the proposed use of the land includes some small-scale agricultural uses also.
- 9.25 The amended proposal has, therefore, overcome the previous reasons for refusal in relation to the principle of the development in the Green Belt and on 'Best and most Versatile Agricultural Land' and the proposal is acceptable and policy compliant in this regard, subject to the described conditions.

Design and Impact on the Character of the Area

- 9.26 Paragraph 131 of the NPPF states *'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'*
- 9.27 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.'*
- 9.28 Policy DM3 states *'1. The Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification.'*
- 9.29 Although not a reason for refusal, the scale of the buildings proposed in the previous application, in particular the barn and solar array, were found not to be positive aspects of the proposal. The significant reduction in scale of these structures and the removal of the most prominent container at the site will reduce the visual impact of the proposal on the surrounding area as compared to the previously refused scheme. The construction of the barn will also enable the equipment around the site to be tidied away reducing visual clutter at the site. This can be controlled by condition.
- 9.30 In terms of their design the stable building and barn are simple and functional in their appearance but typical for this type of development and constructed in natural timber cladding which will complement their setting. Grass within a reinforced mesh will be added to the compacted earth drive and parking area to further reduce its visual impact. These aspects of the proposal are considered to be acceptable.
- 9.31 Third party concerns have been raised about the impact of the existing unauthorised floodlighting which has been installed on the stable block including on the nocturnal character of the site. A lighting strategy has been submitted with the application which sets out the need for lighting and how the impact of this can be mitigated including replacing the existing floodlighting with hooded LED downlighters. It states:

'The purpose of the proposed lighting is to provide a safe environment for users of the stables. This is predominantly for access to the stables to bring the horses out and in and to muck-out and feed. The lighting is only required to light the hardstanding path area in front of the stables during these periods. Access to the stables is only required during short periods. Horses would not be taken out to be ridden during hours of darkness. Mucking out is generally carried out in the morning to provide a comfortable daytime living environment for the horses. During summer the horses are generally kept in the far paddock. As such, use of the lights would be occasional and is required to light a small area and this is reflected in this strategy. The outdoor lighting specification has been chosen to provide adequate lighting for access to the front area of the stables but to minimise any back or upward light spill... each LED light will be fitted with an eyelid trim to reduce upward light spill and further prevent backward light spill.

To further reduce the potential impact of lighting at sensitive locations and given the low time frequency requirement for the lighting, all lights will not be active between 8 pm and 8 am. These periods are considered the most sensitive periods for light pollution at residential receptors and this strategy provides no potential impacts at these times. Furthermore, the lighting will be connected to motion sensors and would only be activated during the limited periods when the stables are accessed by site users.

- 9.32 The lighting strategy justifies the need for limited lighting at the site and the mitigation measures proposed, including the change to hooded downlighting, time restrictions and motion sensors, will ensure that this does not detrimentally affect the 'dark' character of the site at night. These mitigation measures can be controlled by condition. Subject to this it is considered that the impact on the nocturnal and wider character of the site is acceptable.
- 9.33 In regard to the other structures, it is considered that the menage and chicken coop will have a minimal impact on character and will not appear out of place and the electrics cabin will be mostly screened by the stables and barn. All other structures at the site are either considered to be permitted development or outside of the application site subject of this assessment.
- 9.34 The proposal is therefore considered to be acceptable and policy compliant in terms of its impact on the character and appearance of the site, the character of the Green Belt and the area more widely.

Amenity Impacts

- 9.35 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.
- 9.36 The proposed buildings are located at least 34m from the boundaries of neighbouring residential properties in Roach Vale and at least 42m from their rear elevations and the neighbour to the east is over 85m from the development. This is sufficient to ensure that the development does not have a harmful impact on their outlook, light or privacy in any relevant regards.
- 9.37 Third party concerns have been raised by third parties regarding the nuisance from smells and disturbance from the floodlighting which has been installed. As noted above the floodlighting which has been installed will be replaced with directional motion and time controlled downlighters which will significantly reduce light spill into the surrounding area. Nevertheless it is considered that the houses are sufficiently far away and screened from the development as not be detrimentally impacted by light pollution.

- 9.38 In regard to smells, the submitted manure disposal strategy states that the manure will be used as fertilizer for the site and the proposed site plan shows the muck heap is positioned on the northern side of the vegetable beds which is outside the red line boundary some 60m from the southern boundary and 90m from the nearest residential property. Any surplus manure will be removed from the site by a licenced contractor. The Council's Environmental Health Officer has not raised any objections to this strategy.
- 9.39 Third party concerns have also been raised that the development could be used for public equestrian events or commercial sales of produce, and this would cause a disturbance to neighbour amenity. Given the proximity of the houses and restricted access to the site this is a reasonable concern, however, the submission has confirmed that the development is for private use only and this can be controlled by condition.
- 9.40 Subject to conditions for lighting and waste management and restriction of public use of the site, it is considered that the development proposed would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in any regard. The proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts. This finding is consistent with that for the previously refused application for the larger development which was found to have an acceptable impact on neighbour amenity in all relevant regards.

Traffic and Transportation Issues

- 9.41 The NPPF states (paragraph 115) 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.'*
- 9.42 The site plan shows an area for parking which is accessed by a private driveway from Blatches Chase and a single width grassed track to the stables and barn. The application documentation confirms that the development is for private use of the applicant only and will not be a commercial operation or used for public events. This can be controlled by condition. The Council's Highways Officer has not raised any objections to the parking provision or access arrangements.
- 9.43 Subject to the described conditions it is therefore considered that the proposal would have an acceptable impact on traffic generation in the area and is policy complaint in this regard.

Refuse and Recycling

- 9.44 A Manure Disposal Procedure document has been submitted with the application which sets out how manure will be recycled on site and the procedure for removal of any excess by licenced contractors. The Council's Environmental Health Officer has confirmed that this document is acceptable and should be conditioned. The submitted plans confirm that all other waste will be stored in the barn and removed from site on a regular basis by the applicant and this can be controlled by condition. Subject to this the proposal is acceptable and policy compliant in this regard.

Sustainability

- 9.45 Sustainable development is a key objective of the NPPF.
- 9.46 Policy KP2 of the Core Strategy requires that *"at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)."* Policy DM2 of the Development Management Document states

that “to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions.” This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.

9.47 A sustainability statement has been submitted with the application. This states that:

‘The Applicant is attempting to create a self-sufficient and fully sustainable operation at the site for private use, implementing measures that reduce the carbon footprint of the activities undertaken, and seeking to improve the biodiversity in the vicinity, which provide significant personal and public benefits (such as the increased flora and fauna) of the proposal. Methods such as the reuse of water onsite, designated wildlife habitats, the reuse of waste, and the generation of renewable energy for use on the site through solar panels provide clear evidence of this aspiration.’

9.48 The aspiration for an off-grid development supports the Council’s sustainability agenda and policies and is a positive aspect of the scheme. The proposal is policy compliant in this regard.

Sustainable Drainage

9.49 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.

9.50 The site is not connected to the grid and has no water or power connections. An 8000 litre tank is proposed to be buried next to the stables. This will collect the runoff from the buildings and will be supplemented by water deliveries as required. This water will be used for the care of the horses and site irrigation.

9.51 A drainage strategy has been submitted with the application and drainage pipes and an attenuation pond are shown on the proposed site plan within the northern section of the site in Rochford District and outside the red line area. The drainage strategy states that surface water runoff from the hardstandings, drive and menage would be directed to the existing watercourse drainage system ditch 1 on the eastern side of the field through rainwater pipes located around the perimeter of the building and gullies/ linear drainage channels underground for the hardstanding / drive and menage. Additional gullies will be provided for any low spots created as part of the construction works. Any surplus surface water will be directed via a gravity fed connection to an onsite attenuation basin which will be located in the northeast corner of the field which is the lowest point of the wider site. The agent has also confirmed that run off from the buildings will be directed to the adjacent water tank for reuse. The tank, which is used for the horses and small scale irrigation, will be topped up by vehicle as required as there is no mains connection. The LLFA consider the proposed drainage strategy to be acceptable and the proposal is policy compliant in this regard subject to the applicant securing approval for the remainder of the drainage works from Rochford District Council. At the time of writing, no planning application has been submitted to Rochford District Council for these works and as such, this cannot therefore be guaranteed. In view of this a condition is recommended requiring either the agreed submitted drainage strategy to be implemented or an alternative drainage strategy be submitted and agreed with Southend City Council and implemented prior to its first use.

Contamination

9.52 The site is not known to be contaminated however the Environmental Health Officer has recommended a condition which deals with any unexpected contamination. Subject to this condition the development would be acceptable and policy compliant in this regard.

Impact on Preserved Trees and Ecology

Impact on Preserved Trees

- 9.53 The trees along the southern boundary of the site are protected by TPO 4/67 W1. This is a woodland order which covers all trees within the designated area. The most significant tree in this area is a large oak tree of 17m in height which is located behind the stables. A mix of other smaller trees of around 8m in height provide a continual visual screen to the footpath including to the eastern side of the stables to the south of the location of the proposed barn.
- 9.54 The stables and proposed barn are 2m-3m from this boundary. A Tree Survey and Arboricultural Impact Assessment has been submitted with the application. This shows that the stables, which have been constructed, slightly encroach into the root protection area (RPA) of the largest protected oak tree in the area but that the proposed buried tank and barn are outside the RPA of the oak and other trees. The report advises that protective fencing be installed close to the southern boundary of the site during the remaining construction works as a precautionary measure.
- 9.55 The Council's Tree Officer has reviewed the submission and confirms that given the very marginal encroachment into the RPA of the oak tree it is unlikely that the construction of the stables would have had much effect on this tree. He has no objections to the location of the other structures which are outside the RPA of this tree and other less significant trees in this location. It is therefore considered that, subject to a condition requiring the tree protection to be installed prior to the construction of the barn, tack room and underground tank, the proposal is acceptable and policy compliant in regard to the impact on preserved trees.

Ecology

- 9.56 Core Strategy Policy KP2 and Development Management Policy DM2 require development to respect, conserve and enhance biodiversity.
- 9.57 Neighbour representations have raised concerns that there is a badger set in the local area which could be impacted by the development.
- 9.58 An Ecological Appraisal has been submitted with the application. This confirms that the most biodiverse areas of the wider site, including areas owned by the applicant within Rochford District and outside the red line application area are the perimeter hedgerows which provide a habitat for wildlife, birds and bats. It recommends that any lighting is sensitively designed so that it does not detrimentally impact on nocturnal wildlife. It includes measures to protect badgers during construction and a further walkover survey with a qualified ecologist prior to construction. It recommends the installation of 5 bird and 3 bat boxes around the perimeter of the wider site. It concludes that:

'If the outlined mitigation measures are implemented in full then no significant residual impact could be expected, and the proposed application will result in 'no net loss in biodiversity' in accordance with NPPF and Local Planning Policy.'

- 9.59 No hedgerows or trees are proposed to be removed to facilitate the proposed works. The Arboricultural Report recommends that protective fencing be installed along the tree line to the southern boundary during the remaining construction works. The Council's Parks Officer confirms that the proposed lighting strategy including the replacement of the floodlighting with motion sensor and time controlled down lighting would be acceptable in terms of the impact on wildlife. The Essex Badger Protection Group confirm that the proposed badger mitigation measures are acceptable. Subject to the implementation of the ecology mitigation measures

which can be required by condition, the proposal is considered to have an acceptable impact on local ecology and is policy compliant in this regard.

Community Infrastructure Levy (CIL)

- 9.60 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of 123.41 sqm, which may equate to a CIL charge of approximately £1,685.02 (subject to confirmation).

Equality and Diversity Issues

- 9.61 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

- 9.62 For the reasons outlined above the proposal is found to be acceptable and compliant with the relevant planning policies and guidance. The amended application has satisfactorily overcome the previous reasons for refusal in relation to the principle of the development within the Green Belt, openness and its impact on the best and most versatile agricultural land. Subject to conditions, the proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site and the locality more widely. There would be no materially adverse traffic, parking or highways impacts caused by the proposed development. The proposal has an acceptable impact in terms of sustainability, ecology, preserved trees and drainage. 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.

10 Recommendation

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

- 01 **The development shall only be undertaken in accordance with the following approved plans: CRM.123.005.PL.D.001 Rev B, CRM.123.005.PL.D.002 Rev B, CRM.123.005.PL.D.003 Rev B, CRM.123.005.PL.D.004 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).

- 02 **The materials for the external surfaces of the development hereby approved shall be as set out on plan reference CRM.123.005.PL.D.004 Rev B.**

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2023) Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the advice contained

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

- 03** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order or Act of Parliament revoking and re-enacting that Order with or without modification, the buildings hereby approved shall not be converted to any other use including residential and commercial use as specified within Schedule 2, Part 3, Class Q (Agricultural Buildings to Dwellinghouses) and Class R (Agricultural Buildings to a Flexible Commercial Use) of the Town and Country Planning (General Permitted Development) Order 2015 without the receipt of express planning permission from the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the openness and character of the Green Belt and the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 04** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any revocation, amendment or re-enactment of that order, there shall be no public events held at, nor any commercial events, activities or uses undertaken at the site without express planning permission having been granted for any such uses or events.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties in accordance the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 05** The barn hereby approved shall not be first used until and unless the internal refuse and recycling and cycle storage facilities are provided and made available for use by the users of the site in full accordance with the details shown on approved drawing number CRM.123.005.PL.D.004 Rev B. The refuse and recycling and cycle storage facilities shall be retained for the lifetime of the development in accordance with the approved details. All waste materials, except manure, shall be stored within the barn. Within 1 month of the date of this decision the redundant equipment at the site, as set out in the email from the agent dated 13.11.23, shall be permanently removed from the site.

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area and the openness of the Green Belt, 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).

- 06** All manure/waste generated with the development hereby approved shall be stored and ultimately disposed of in full accordance with the details contained in the 'Manure Disposal Procedure' document dated 01.12.2023 and plan reference CRM.123.005.PL.D.003 Rev B. No manure or waste materials shall be burned on the land within the application site.

Reason: To enable the Local Planning Authority to regulate and control development

in the interest of the amenity of neighbouring properties in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 07 External lighting for the development hereby approved shall be in full accordance with the Lighting Strategy by Enzygo reference CRM.0123.001.AQ.R.001 dated December 2023 including that only 3 external lights shall be installed on the north elevation of the stable and these shall not be in use between the hours of 8pm – 8am on any day except in emergencies or any other lighting scheme details of which have been previously submitted to and approved in writing by the Local Planning Authority under the terms of this condition. This scheme shall be implemented in accordance with the Institute of Lighting Professionals "Guidance Note 01/21: Guidance notes for the reduction of obtrusive light" and other industry accepted standards. The scheme shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site.

Reason: In the interest of the amenity of neighbouring properties and to ensure any protected species and habitats utilising the site are adequately protected in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2 and Development Management Document (2015) Policy DM2.

- 08 The drainage works for the development hereby approved shall be implemented in full accordance with the details set out in the Detailed Drainage Strategy by Enzygo reference CRM.0123.005.HY.R.001.A dated February 2024 and email from agent dated 08.01.24, or any other drainage works which have been previously submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved scheme shall be implemented in full before the barn hereby approved is brought into first use.

Reason: To ensure the drainage at the site is properly managed and does not increase flood risk elsewhere in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP1, KP2 and KP3 and Development Management Document (2015) Policy DM14.

- 09 The development hereby approved shall be carried out in full accordance with the mitigation measures and recommended enhancements set out in Sections 4 and 5 of the submitted Ecological Impact Assessment by Enzygo reference CRM.0123.005.EC.R.001.Rev A dated 23rd November 2023.

Reason: To ensure any protected species and habitats utilising the site are adequately protected during building works in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2 and Development Management Document (2015) Policy DM2.

- 10 The tree protection measures as set out in the Arboricultural Impact Assessment and Arboricultural Method Statement by Enzygo reference 23.005.ENZ.XX.00.RP.AR.45.102 dated June 2023 and associated tree protection plan reference 123.005.ENZ.XX.00.DR.AR.45.102 Rev PL01 in relation to the trees covered by TPO 4/67 W1 directly south of the site shall be implemented in full prior to commencement of any works required for the barn, tack room and buried water tank hereby approved and shall be retained throughout the construction phase of the development. Implementation of the development shall be undertaken only in full accordance with British Standard 3998 and British Standard 5837 including supervision of works by a qualified arboriculturalist.

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

- 11** No additional hardstandings or vehicular access tracks shall be installed at the site other than that shown on plan reference CRM.123.005.PL.D.003 Rev B. The vehicular access track which has been installed shall be topped with grass laid on reinforced mesh as stated on the plan.

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

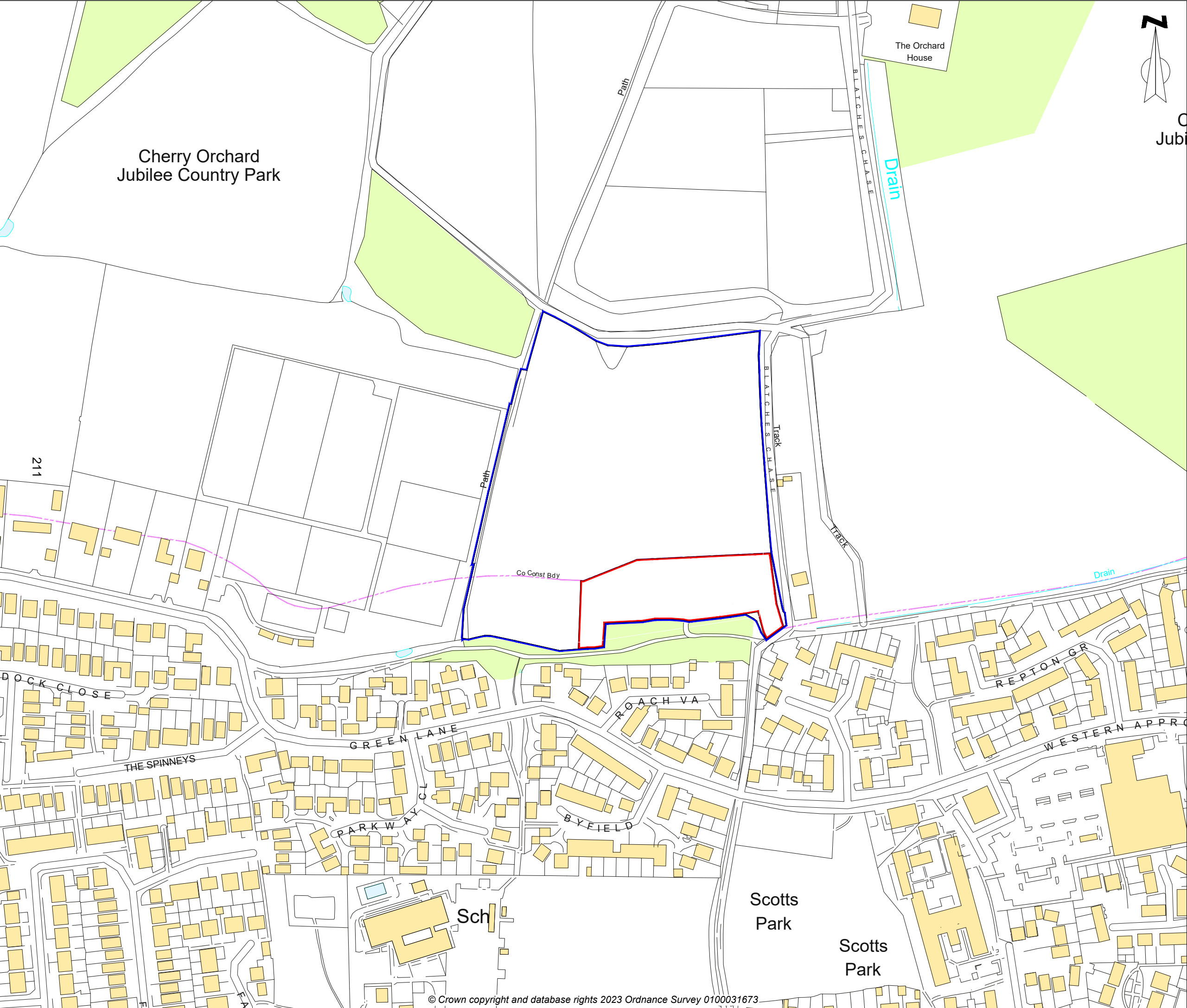
Informatives

- 01** The applicant is advised that the planning permission which has been granted relates to the development within the red line boundary only, which falls within the Southend City Council boundary. A separate planning application will need to be made to Rochford District Council for the development, and part of the site within their jurisdiction.
- 02** 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).
- 03** 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.
- 04** The applicant is reminded that the development on site remains unauthorised. This needs to be remedied either by implementing this permission and /or removing the unauthorised development in situ. Failure to do this may result in the council considering the expediency of enforcement action to seek to remedy the currently

identified harm.

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.



Key

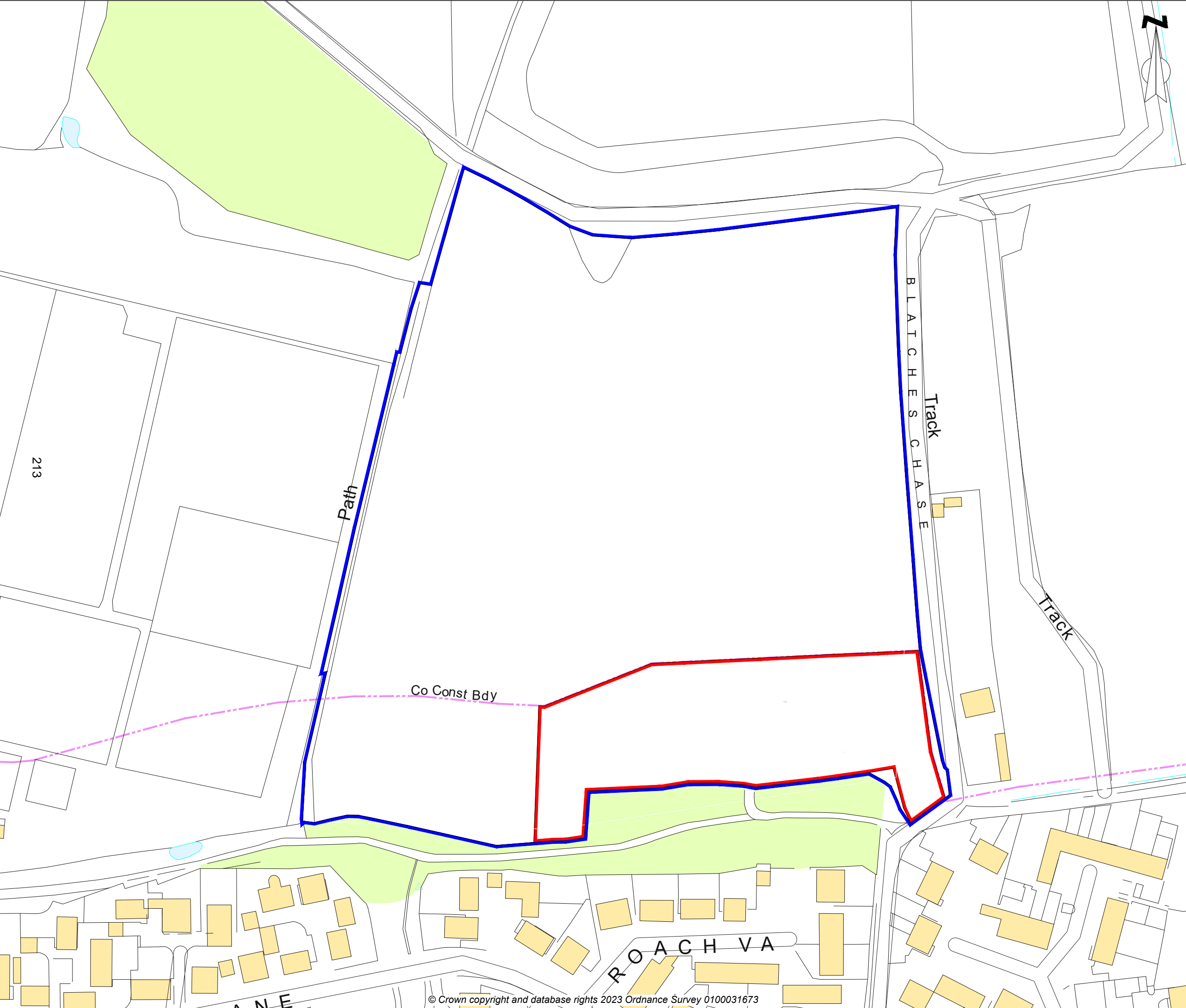
Site Location



Samuel House, 5 Fox Valley Way, Stocksbridge, Sheffield, S36 2AA

CLIENT: Paul Whitehair		
SCALE: 1:2,500@A3	PROJECT REF: CRM.123.005	
DRAWN: KR	CHECKED: RG	DATE: Jan 2024
PROJECT: Land off Roach Vale Eastwood Essex		
TITLE: Site Location Plan		
DRAWING NO: CRM.123.005.PL.D.001 Rev B		

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Key

Application Boundary

Area: 6375.36m² / 0.64ha

Ownership Boundary

Area: 40972.55m² / 4.10ha

enzygo

environmental consultants

Samuel House, 5 Fox Valley Way, Stocksbridge, Sheffield, S36 2AA

CLIENT:

Paul Whitehair

SCALE:

1:1,250@A3

PROJECT REF:

CRM.123.005

DRAWN:

KR

CHECKED:

RG

DATE:

Jan 2024

PROJECT:

Land off Roach Vale

Eastwood

Essex

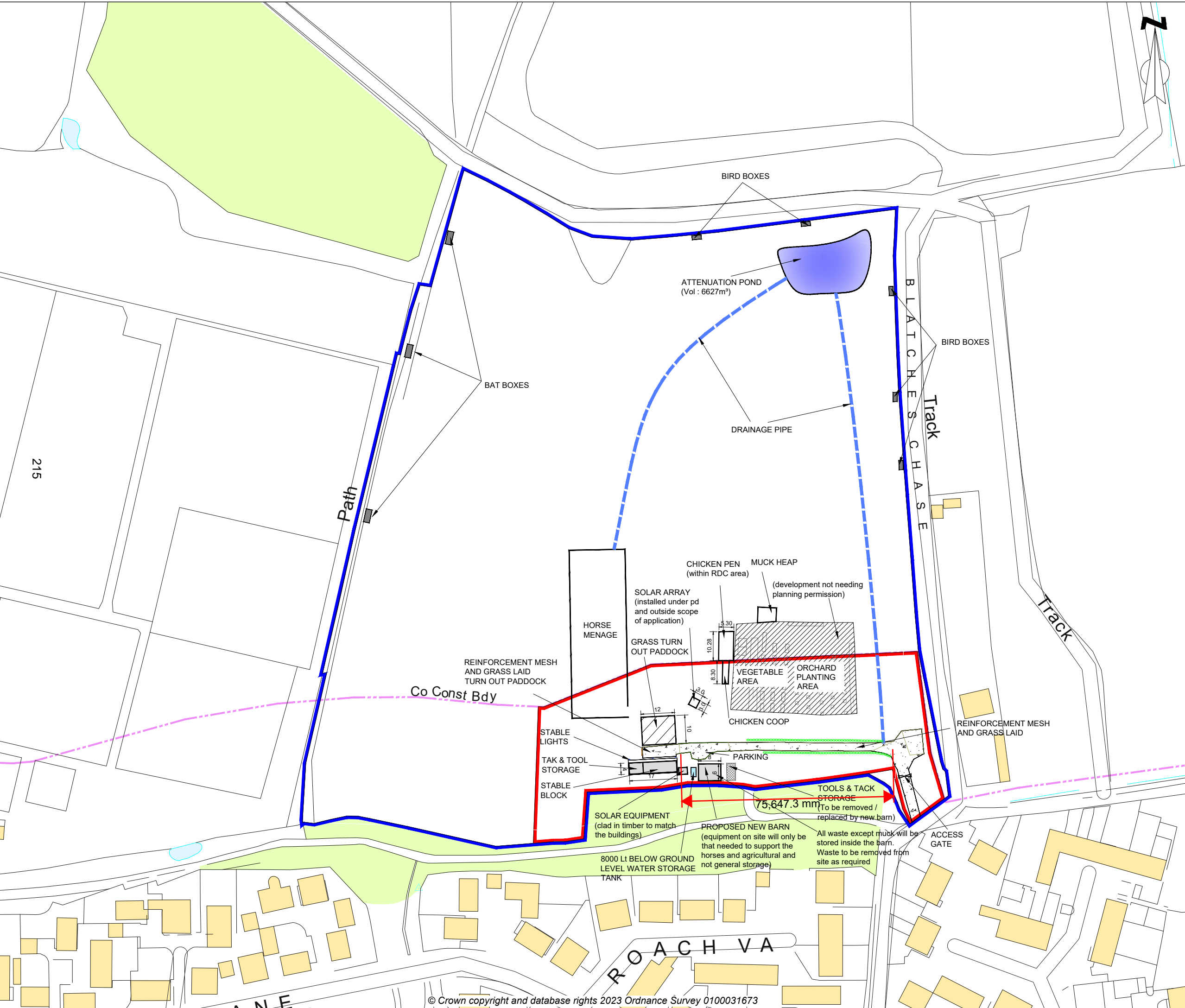
TITLE:

Site Boundary Plan

DRAWING NO:

CRM.123.005.PL.D.002 Rev B

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Key

Application Boundary
Area: 6375.36m² / 0.64ha

Ownership Boundary
Area: 40972.55m² / 4.10ha

Note:

Site measurements and dimensions are based on information supplied by the Applicant

enzygo

environmental consultants

Samuel House, 5 Fox Valley Way, Stocksbridge, Sheffield, S36 2AA

CLIENT:

Paul Whitehair

SCALE:

1:1,250@A3

PROJECT REF:

CRM.123.005

DRAWN:

KR

CHECKED:

RG

DATE:

Jan 2024

PROJECT:

Land off Roach Vale
Eastwood
Essex

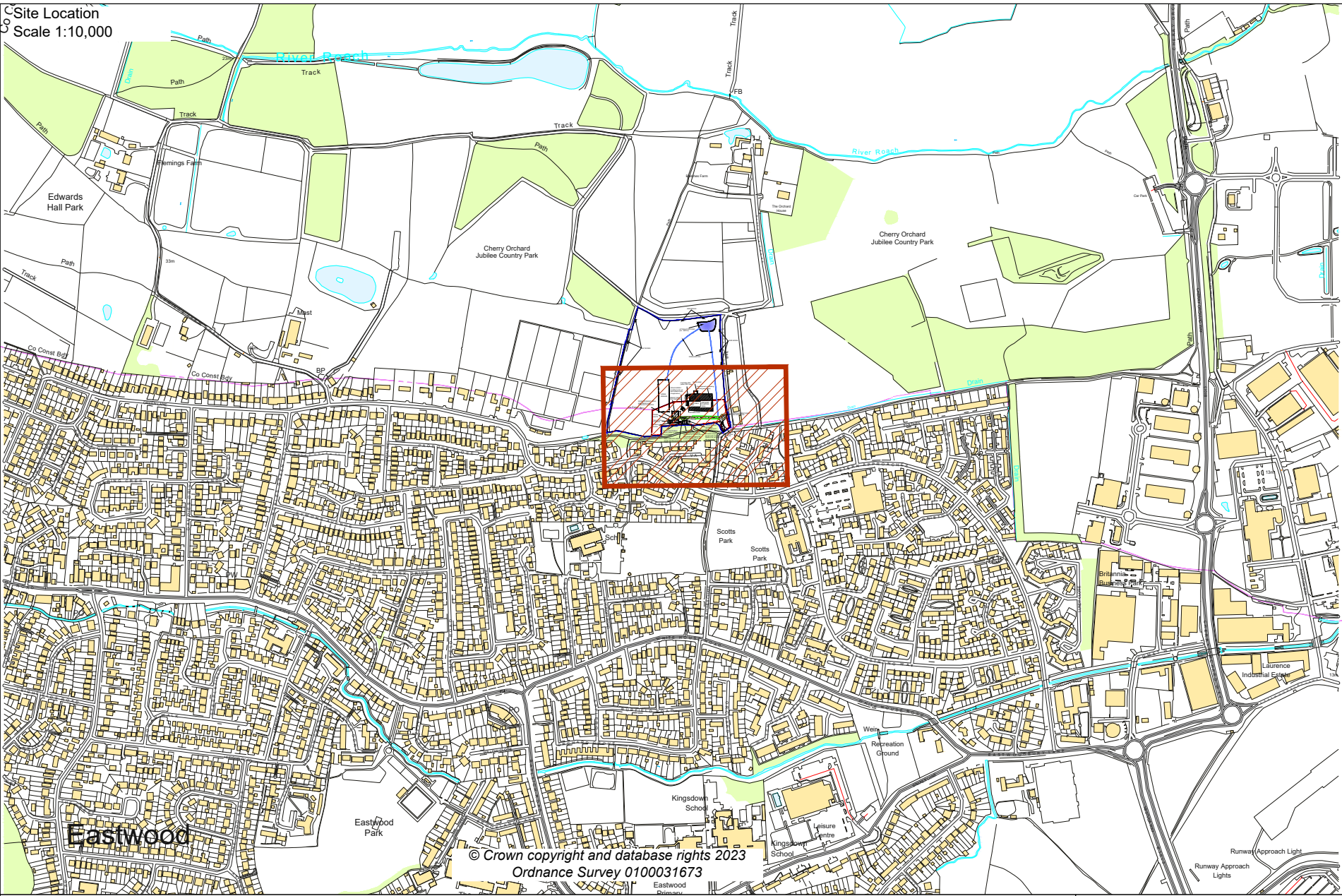
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Site Layout Plan

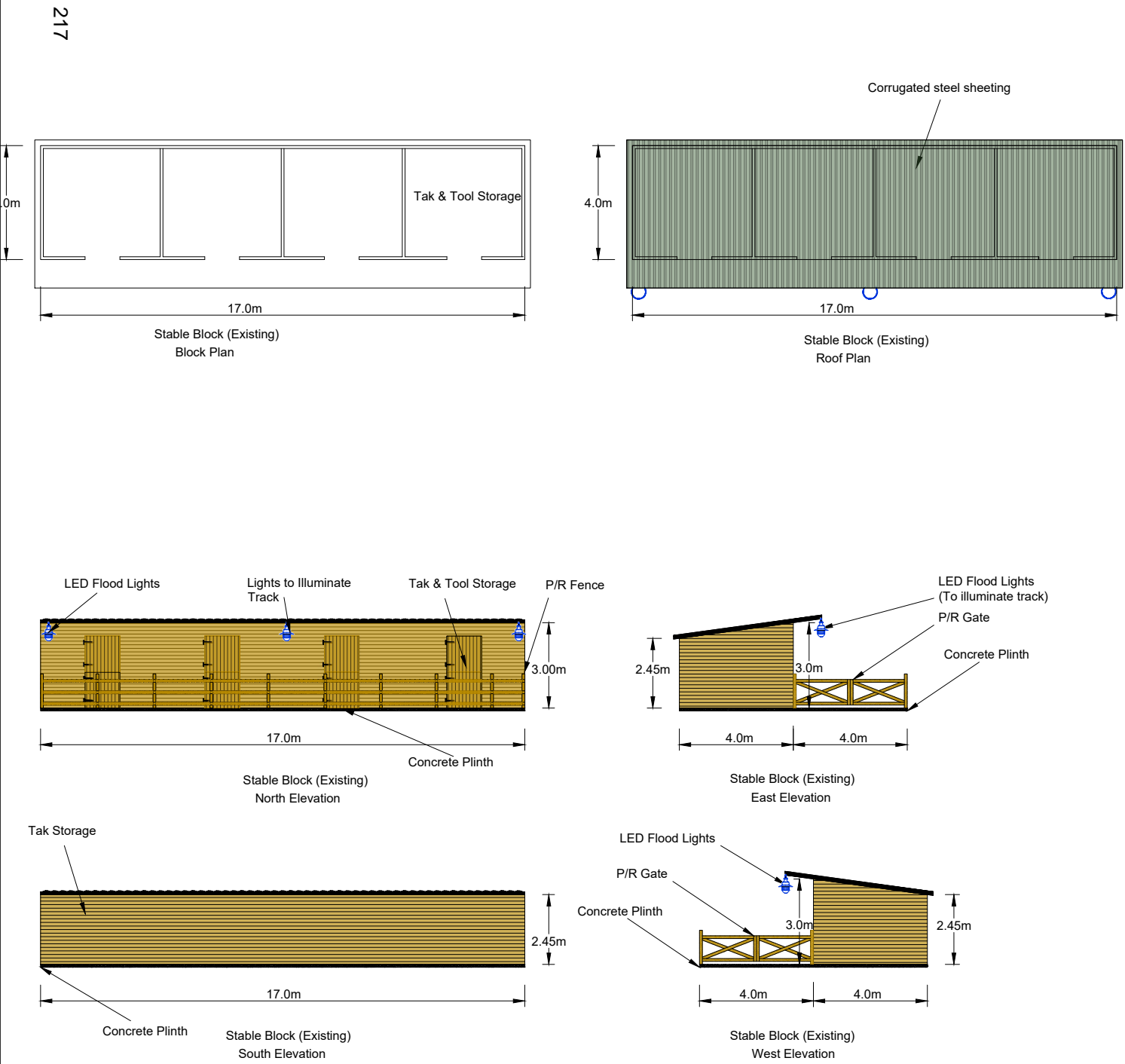
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CRM.123.005.PL.D.003 Rev B

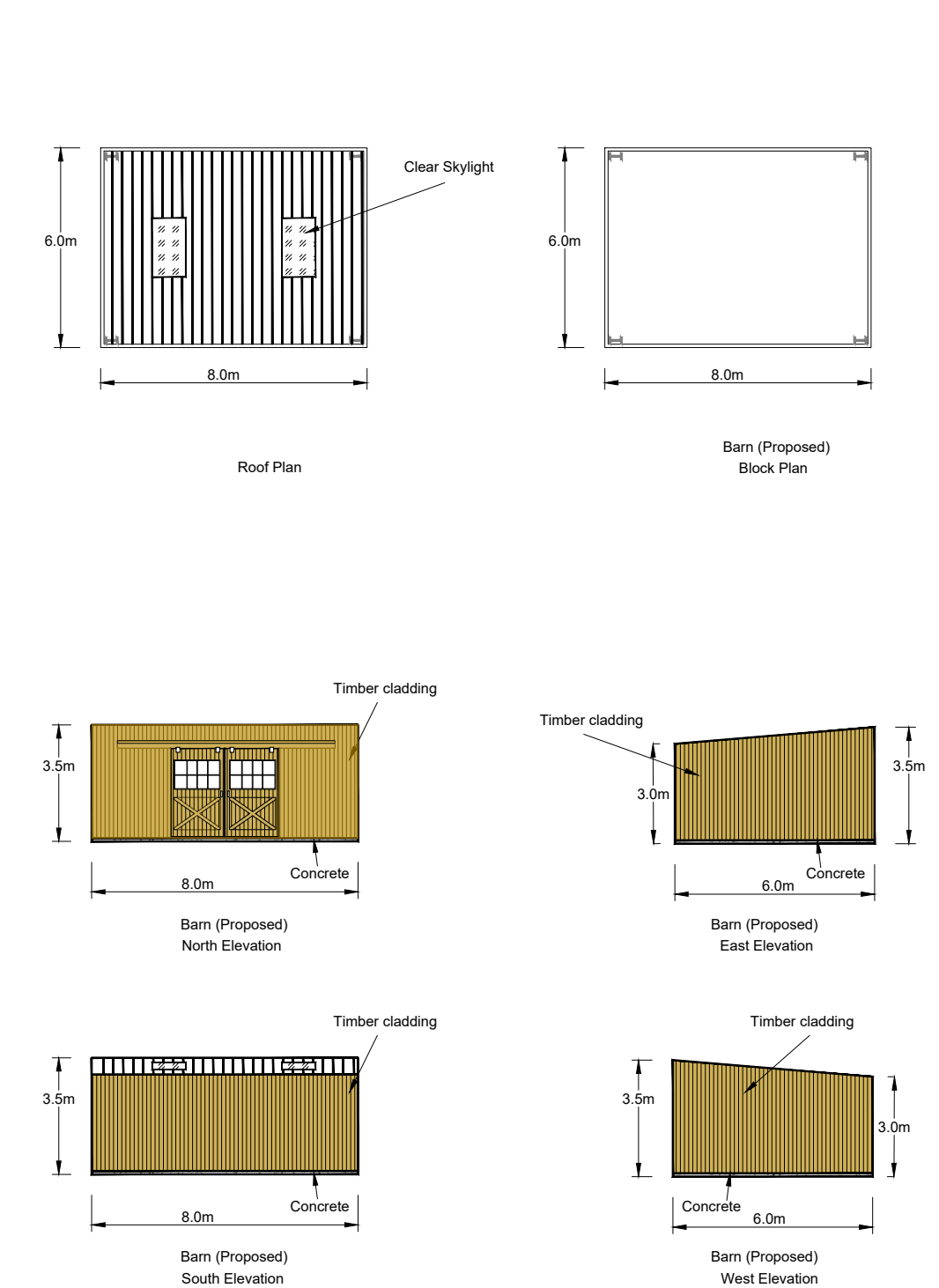
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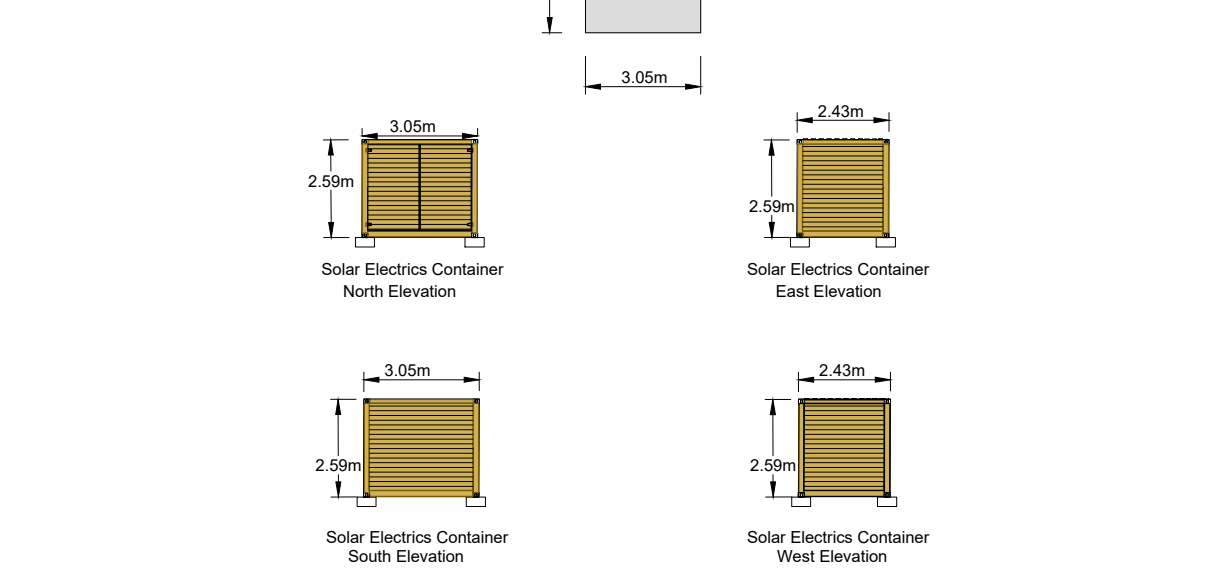
Stables Block/Elevations
Scale 1:250



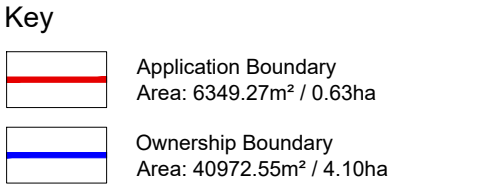
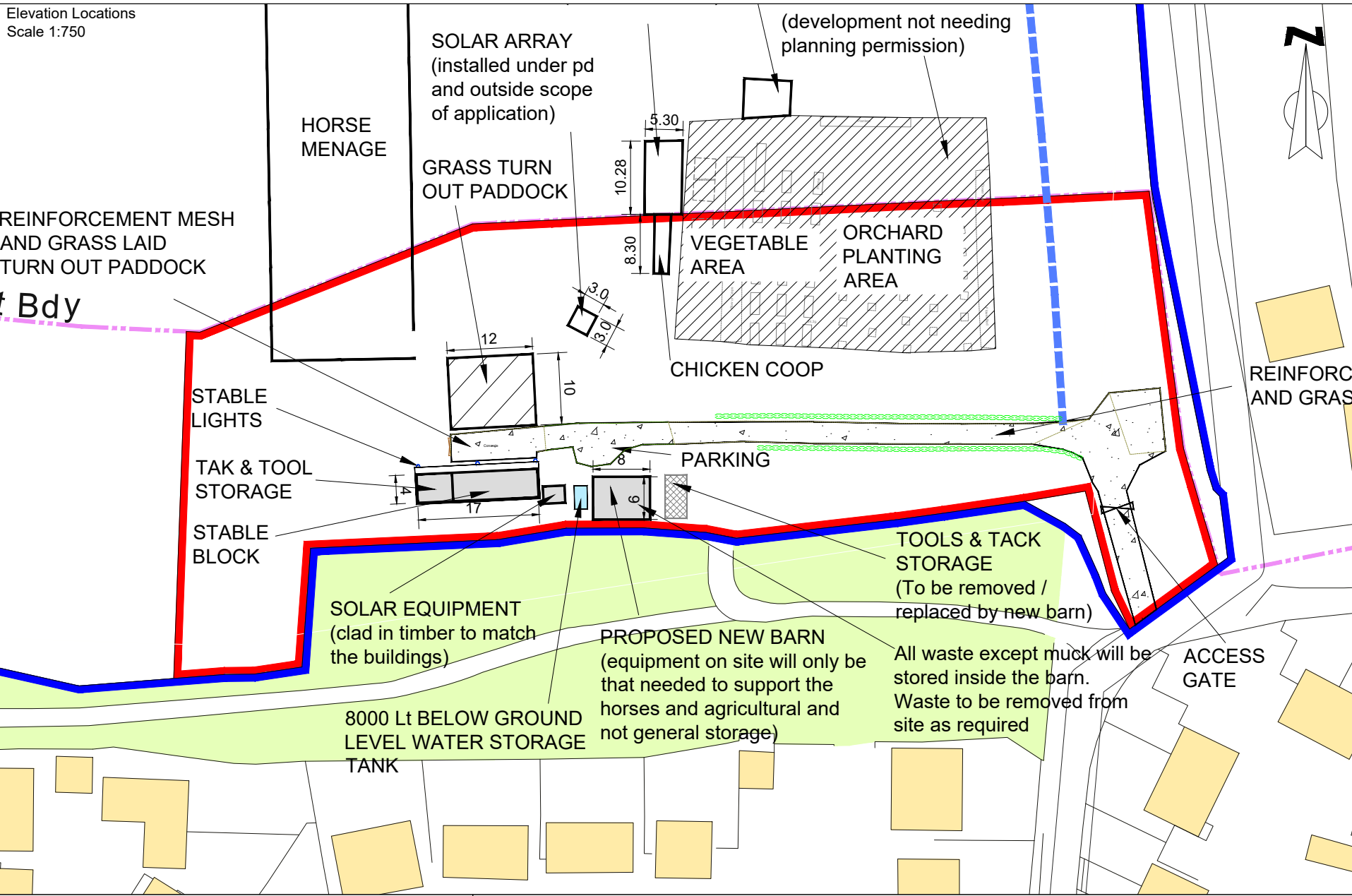
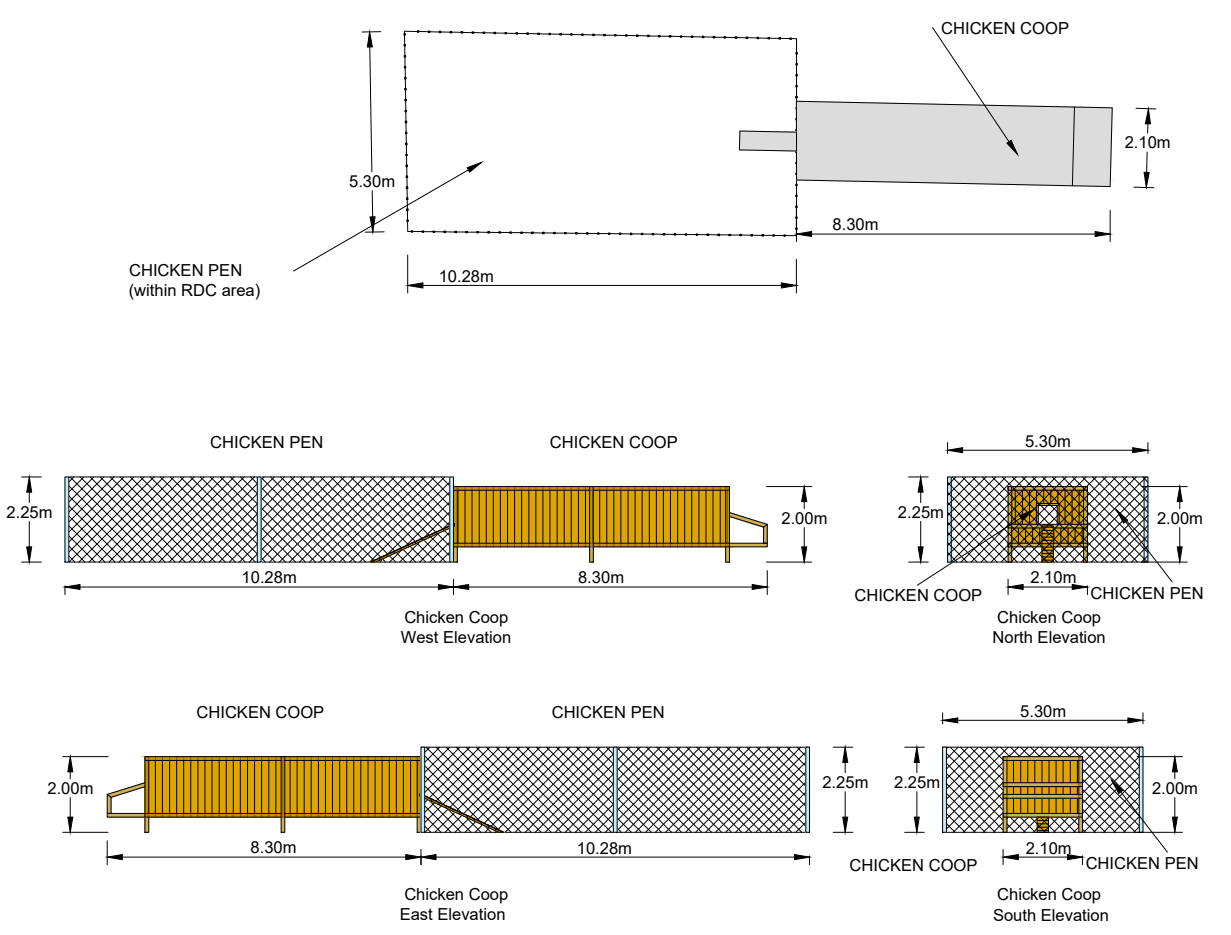
Barn Block/Elevations
Scale 1:250



SOLAR EQUIPMENT STORAGE
Scale 1:250



CHICKEN COOP
Scale 1:250



Note:
Site measurements and dimensions are based on information supplied by the Applicant

enzygo
environmental consultants

Samuel House, 5 Fox Valley Way, Stocksbridge, Sheffield, S36 2AA

CLIENT:
Paul Whitehair

SCALE:
As Shown@A2

PROJECT REF:
CRM.123.005

DRAWN:
KR

CHECKED:
RG

DATE:
Jan 2024

PROJECT:
Land off Roach Vale
Eastwood
Essex

TITLE:
Site Elevation/Block Plan

DRAWING NO:
CRM.123.005.PL.D.004 Rev B

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Land to the north of Roach Vale – photos

23/01664/FUL

Site

Neighbouring stables at
175 Green Lane



Stables and Paddock - part retrospective
tack room to be added
lighting to be replaced with downlighters



Site of proposed barn
container to be removed and equipment stored in barn

222



Chicken Coop

not permanently fixed to ground

Green fencing in Rochford



Water Tank - to be buried
Solar array equipment cabin –
to be timber clad



Access Track – to be finished
with grasscrete



Menage

PVs - to be reduced to 3m x 3m
(permitted development size)



Polytunnels
not permanent structures
northern tunnel in Rochford



Relationship with Neighbours

Roach Vale

Site

TPO Trees



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Reference:	23/01974/FULH	11
Application Type:	Full Application - Householder	
Ward:	Leigh	
Proposal:	Replace existing door to rear and reinstate wall, form new opening at ground floor in north elevation, replace roof and install 2no. rooflights to roof of rear extension (part retrospective)	
Address:	27 Hadleigh Road, Leigh-on-Sea, Essex, SS9 2DY	
Applicant:	Mr Tom Brown	
Agent:	Mr Steven Kearney of SKArchitects	
Consultation Expiry:	28 th February 2024	
Expiry Date:	1st March 2024	
Case Officer:	Hayley Thompson	
Plan Nos:	757P01, 757P02	
Supporting Documents:	Design, Access and Heritage Statement	
Recommendation:	DELEGATE to the Director of Planning and Economy and/or the Development Control Service Manager to grant planning permission subject to the conditions set out in the main report provided any additional representations received up to the end of 28 February 2024 do not raise any new considerations which have not been addressed within the report. Should further representations be received up to that date which raise new considerations not already addressed within this report the application is to be brought back to Development Control Committee for determination.	



1. Site and Surroundings

- 1.1 The application site lies on the west side of Hadleigh Road and contains a two-storey semi-detached dwelling. The area is residential in character. Hadleigh Road slopes downwards from north to south and is characterised by properties that were constructed to follow the slope of the hill.
- 1.2 The site is within the Leigh Conservation Area. The Leigh Conservation Area Appraisal identifies the dwelling at No.27 as making a positive contribution to the Conservation Area.

2. The Proposal

- 2.1. Planning permission is sought to replace an existing uPVC door with aluminium bifold doors to the rear elevation of an existing single storey rear extension and to reinstate the rear wall, to form a new opening and install a door at ground floor level in the northern flank elevation, replace the roof of that existing extension and install 2 rooflights within it.
- 2.2. The application is part retrospective in nature. The new doors to the side and rear have been installed. Works to replace the existing extension roof have commenced and the same roof tiles are proposed to be reinstated.
- 2.3. The rooflights are proposed to be 'Velux' in white painted pine.

3. Relevant Planning History

- 3.1. 04/00194/FUL - Erect two storey rear extension with patio doors and balustrade to first floor and conservatory to rear and lay out hardstanding to front – Refused.
- 3.2. 04/00889/FUL - Erect two storey extension and conservatory at rear and form pitched roof over existing rear projection (Amended Proposal) – Granted.
- 3.3. 04/01719/FUL - Lay out extended hardstanding to front – Refused.
- 3.4. 07/01541/TCA - Fell one eucalyptus tree (Works to a tree in a conservation area) – No objection.
- 3.5. 23/00256/UNAU_B – Building works - Enforcement enquiry pending

4. Representation Summary

Public Consultation

- 4.1. 17 neighbouring properties were consulted by letter. A site notice was displayed and a press advert was published. Further consultation was undertaken following a description change for the proposal. At the time of report preparation that additional consultation was continuing and expires on 28th February. This is reflected in the proposed delegated recommendation at section 9 of this report. Any further representations resulting from this will be summarised for Committee in the Supplementary agenda. 3 letters of representation have been received from 2 households. Summary of objections:

- Building works started without notice or permission

- Loss of privacy from rooflights
- Concern about noise as a result of the development
- Works are inappropriate for the age of the building

[Officer Comment: All relevant planning considerations have been assessed within the appraisal section of the report. The points of objection are not found to justify refusing planning permission in the circumstances of this case.]

Design and conservation

- 4.2. No objection.

5. Procedural Matters

- 5.1. This application has been called into Development Control Committee by Cllr Mulroney.

6. Planning Policy Summary

- 6.1. Planning (Listed Buildings and Conservation Areas) Act 1990
- 6.2. The National Planning Policy Framework (NPPF) (2023)
- 6.3. Planning Practice Guidance (PPG) (2023)
- 6.4. National Design Guide (NDG) (2021)
- 6.5. Core Strategy (2007): Policies KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance).
- 6.6. Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM5 (Historic Environment), DM15 (Sustainable Transport Management).
- 6.7. The Southend-on-Sea Design & Townscape Guide (2009)
- 6.8. Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 6.9. Leigh Conservation Area Appraisal (2021)

7. Planning Considerations

- 7.1. The main considerations in relation to this application are the principle of the development, design and impact on the character of the area and heritage assets, impact on residential amenity and CIL.

8. Appraisal

Principle of Development

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

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

8.2. In determining this application, the Council has a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

8.3. In relation to the impact of a proposal on a designated heritage asset the NPPF states that:

‘205. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

207. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

208. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

8.4. The NPPF also states that ‘Good design is a key aspect of sustainable development’ and this is referenced throughout the NPPF as well as in Policies KP2 and CP4 of the Core Strategy and Policies DM1 and DM5 of the Development Management Document. The Design and Townscape Guide also states that the Council is committed to good design and the preservation and enhancement of heritage assets.

8.5. In relation to development within Conservation Areas paragraph 302 of the Council’s Design and Townscape Guide states that; ‘New buildings, extensions and alterations visible from public places should positively enhance the character and appearance of the Conservation Area.’

8.6. The works subject of this application are contained within the northern and western elevations of an existing single storey rear projection. As a result of the ground floor position of the development and orientation of the dwelling and ground levels, the development is largely hidden from wider public views. The aluminium bifold doors to the rear of the existing extension replace a former uPVC door which was an unsympathetic alteration to the dwelling. The proposed replacement is considered to be a positive alteration to the dwelling and for the conservation area. No objection is raised to the proposed opening and doors in the northern flank or the proposed rooflights. The extension’s replacement roof would re-use the same rooftiles which is acceptable.

8.7. It is considered that the design, size, siting and scale of the development would not result in any significant harm to the character and appearance of the site, the streetscene and the area more widely and it would preserve the special character of the Leigh Conservation Area.

Impact on Residential Amenity

- 8.8. 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.
- 8.9. The proposed rooflights are positioned within the roof of the existing single storey rear extension, in a central position to the rear of the application dwelling and would be at least 1.5m from the site's southern flank boundary shared with No 25. No.25 has an existing balcony to the rear close to that shared boundary. There is a parapet wall on the roof of the existing rear projections between the dwellings. It is not considered that any oblique view gained from the rooflights towards the rear balcony of No.25 would be significantly harmful to the amenities of occupiers nor would the relationship reasonably warrant a refusal of planning permission on these grounds.
- 8.10. The proposed doors to the north flank elevation face existing high boundary treatment between the applicant dwelling and No.29 to the north. It is not considered that this would cause significant harmful overlooking or a material loss of privacy.
- 8.11. The bifold doors to the rear are positioned in an existing opening and do not cause overlooking that is materially more harmful than the existing situation on site nor unacceptable when judged in its own right.
- 8.12. All other neighbouring properties are sufficiently removed from this proposal such that no adverse amenity impacts would result.
- 8.13. It is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in any regard. The proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

Equality and Diversity

- 8.14. 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.

Other Matters

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

Conclusion

- 8.17. For the reasons outlined above, the proposal is found to be acceptable and policy compliant. 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.

9. Recommendation

DELEGATE to the Director of Planning and Economy and/or the Development Control Service Manager to grant planning permission subject to the conditions set out in the main report provided any additional representations received up to the end of 28 February 2024 do not raise any new considerations which have not been addressed within the report. Should further representations be received up to that date which raise new considerations not already addressed within this report the application is to be brought back to Development Control Committee for determination.

- 01 The development hereby permitted shall be carried out in accordance with the following approved plans: 757P01, 757P02.**

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

- 02 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.**

- 9.1. Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and impact in the Leigh Conservation Area and complies with Policies DM1 and DM5 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021), the Southend-on-Sea Design and Townscape Guide (2009) and the Leigh Conservation Area Appraisal (2021).**

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.

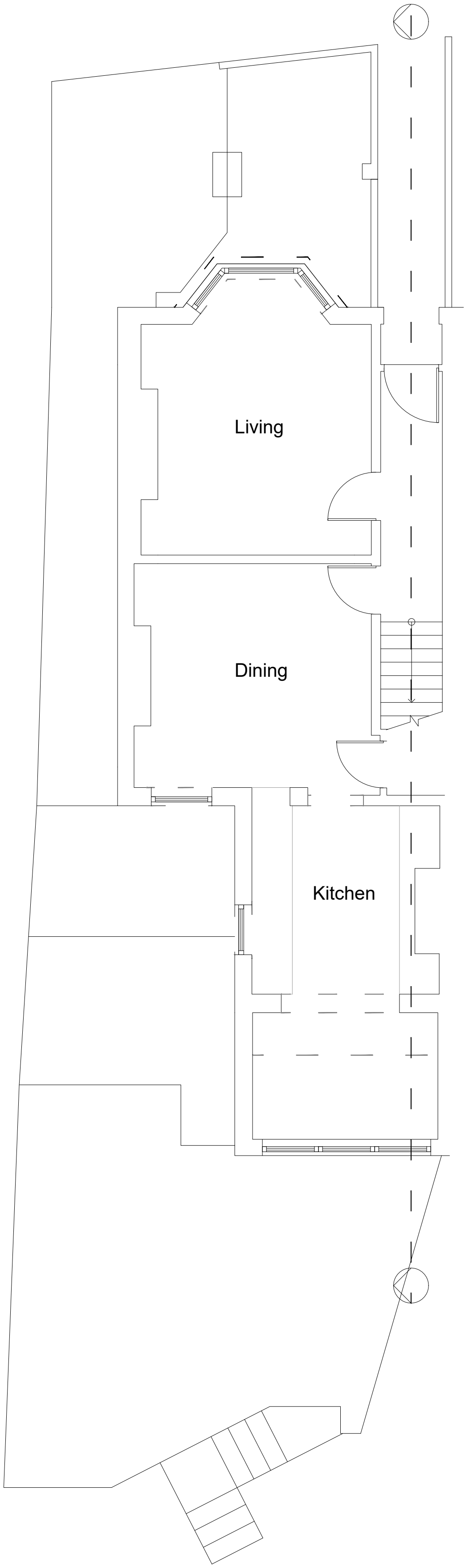
Informatives:

- 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**

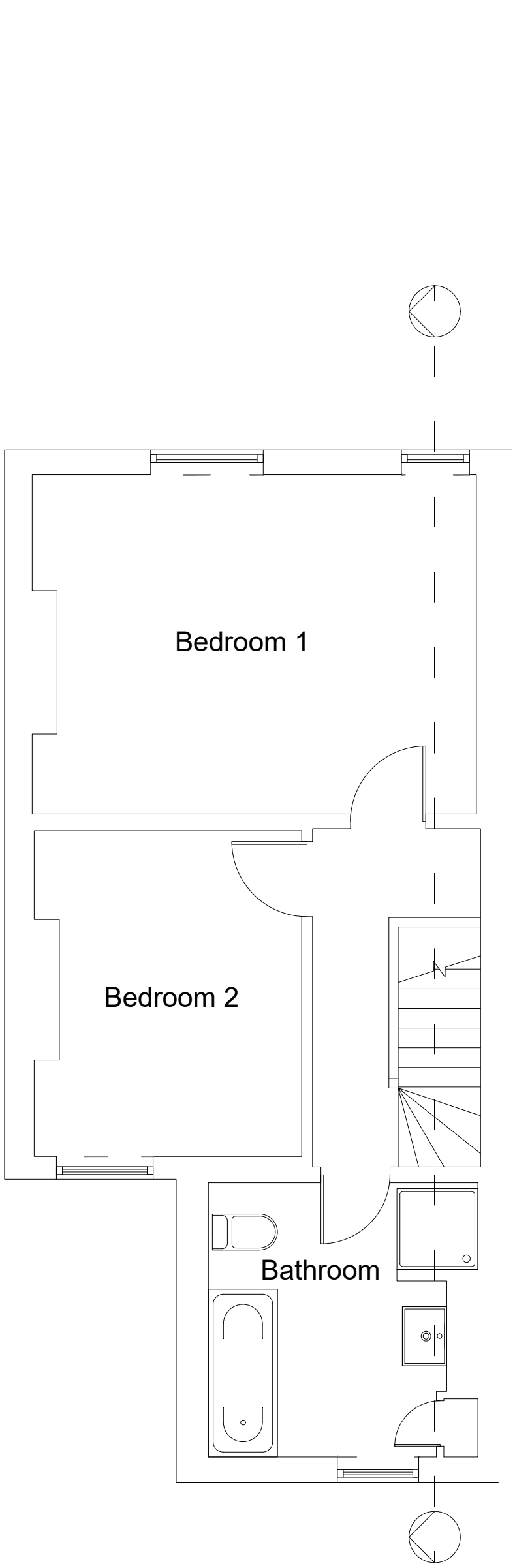
creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) 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.

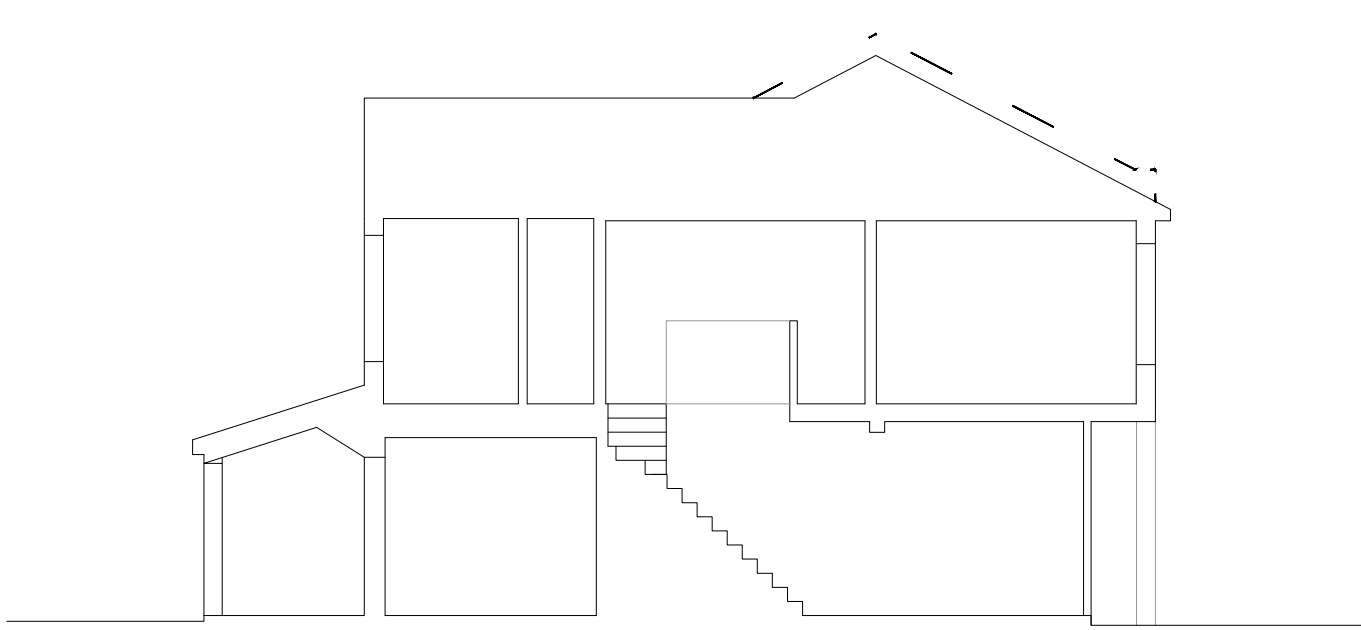
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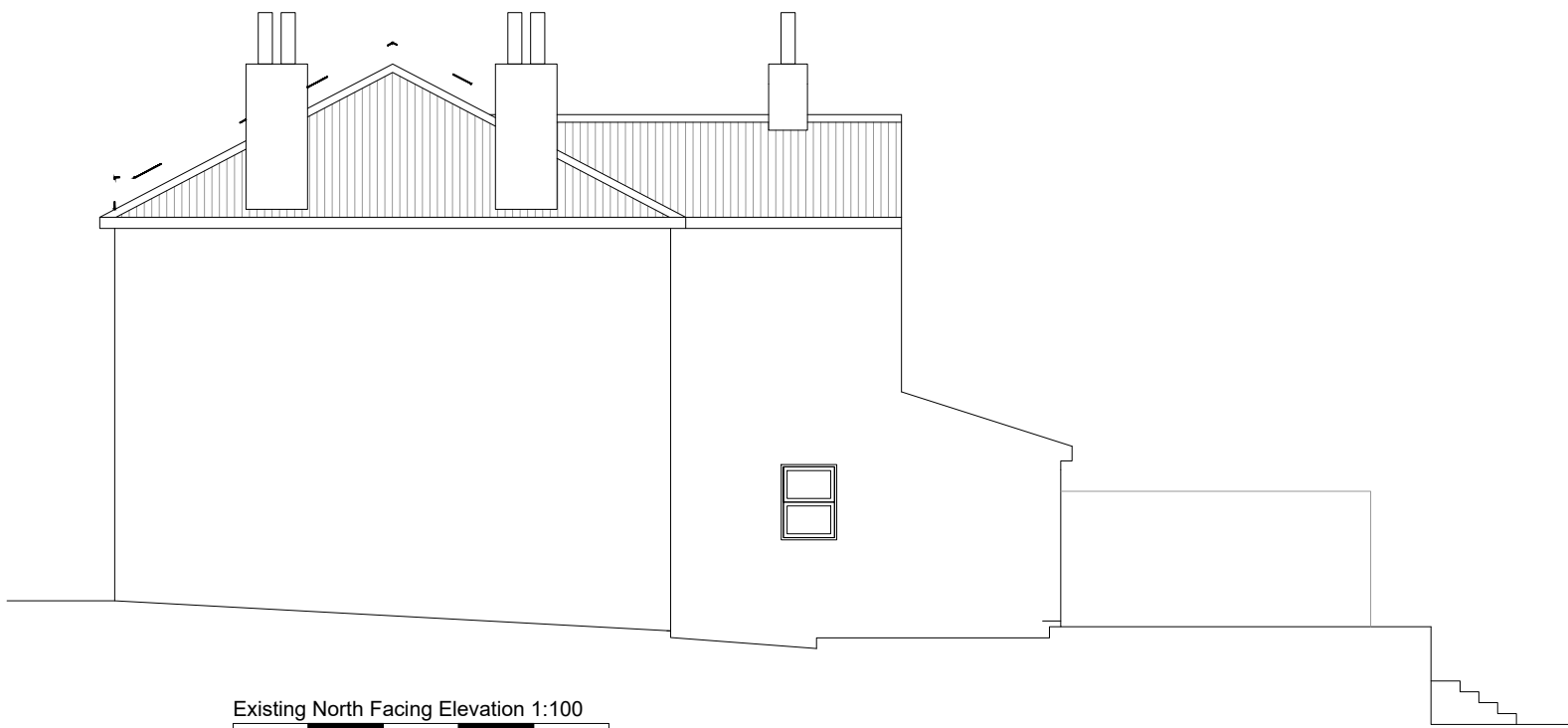
Existing Ground Floor Plan 1:50



Existing First Floor Plan 1:50



Existing Section 1:100



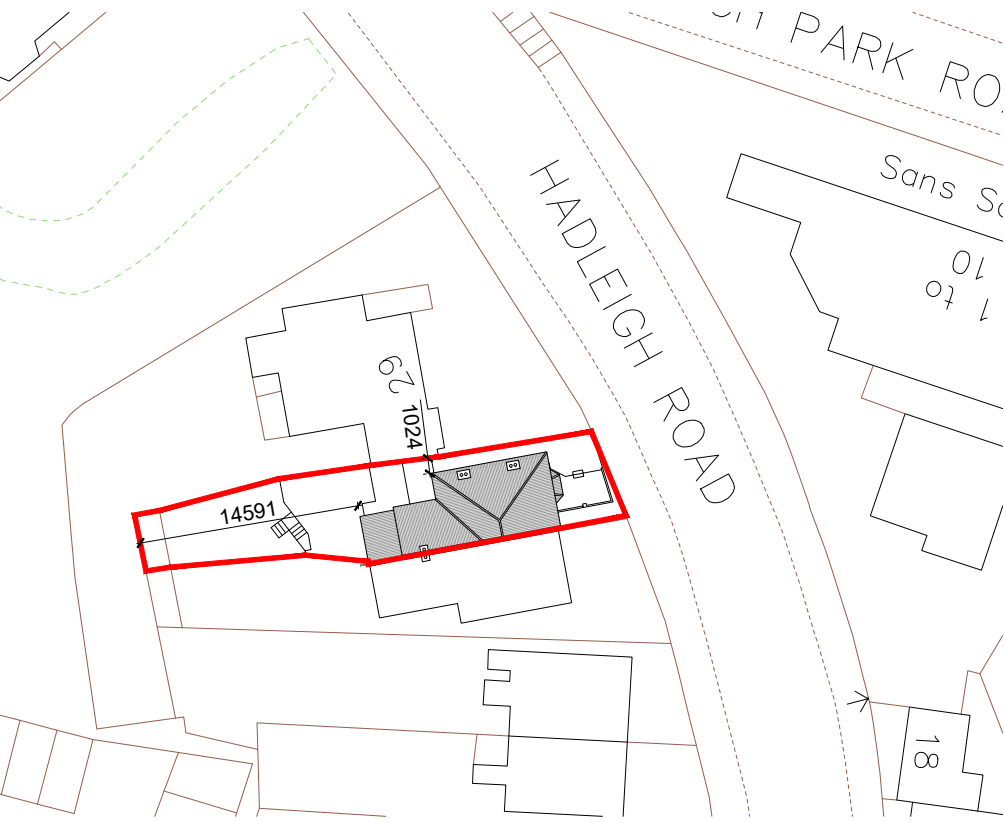
Existing North Facing Elevation 1:100



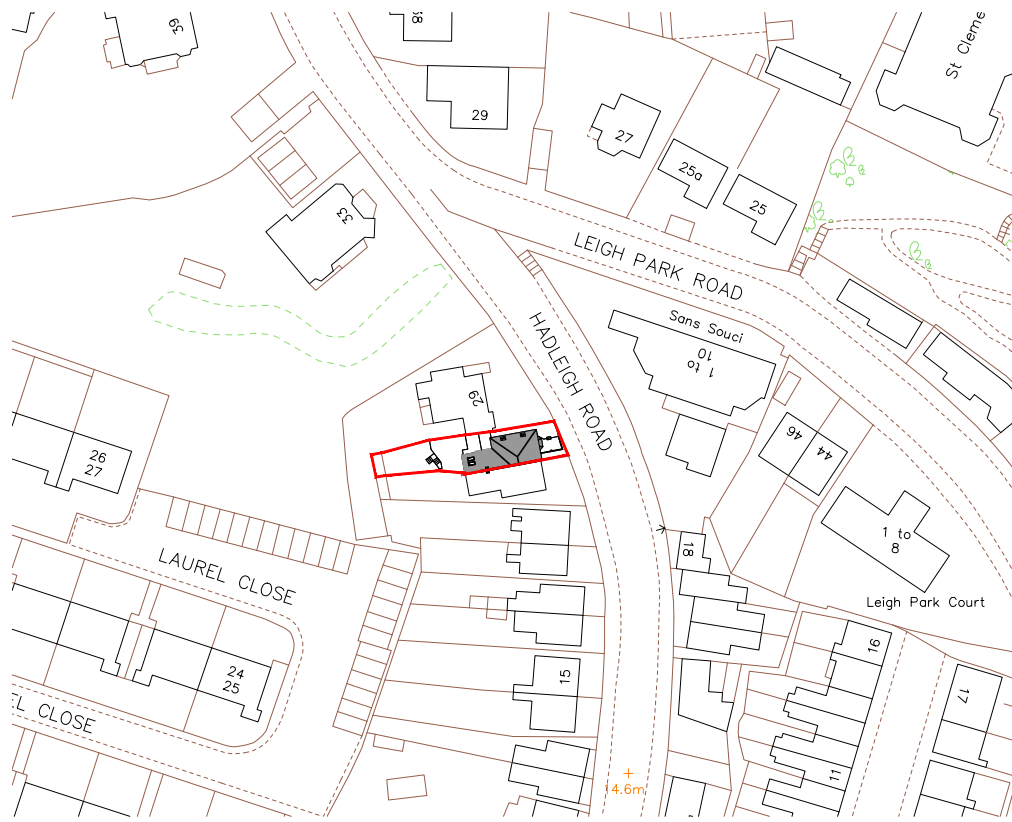
Existing West Facing Elevation 1:100



Existing East Facing Elevation 1:100



Existing Block Plan 1:500



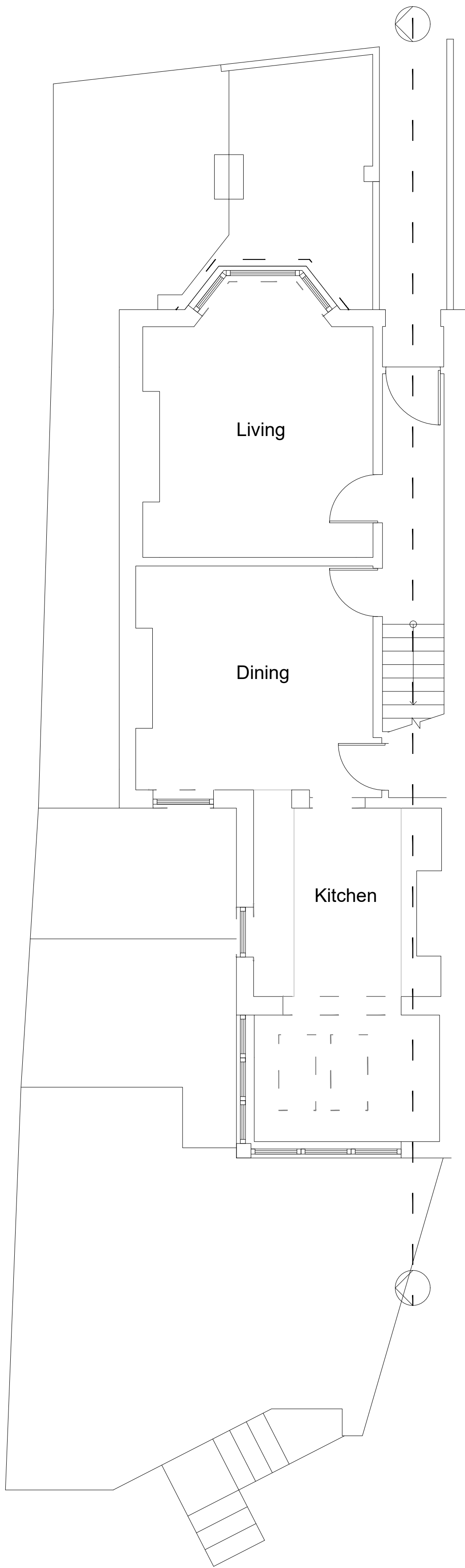
Existing Location Plan 1:1250

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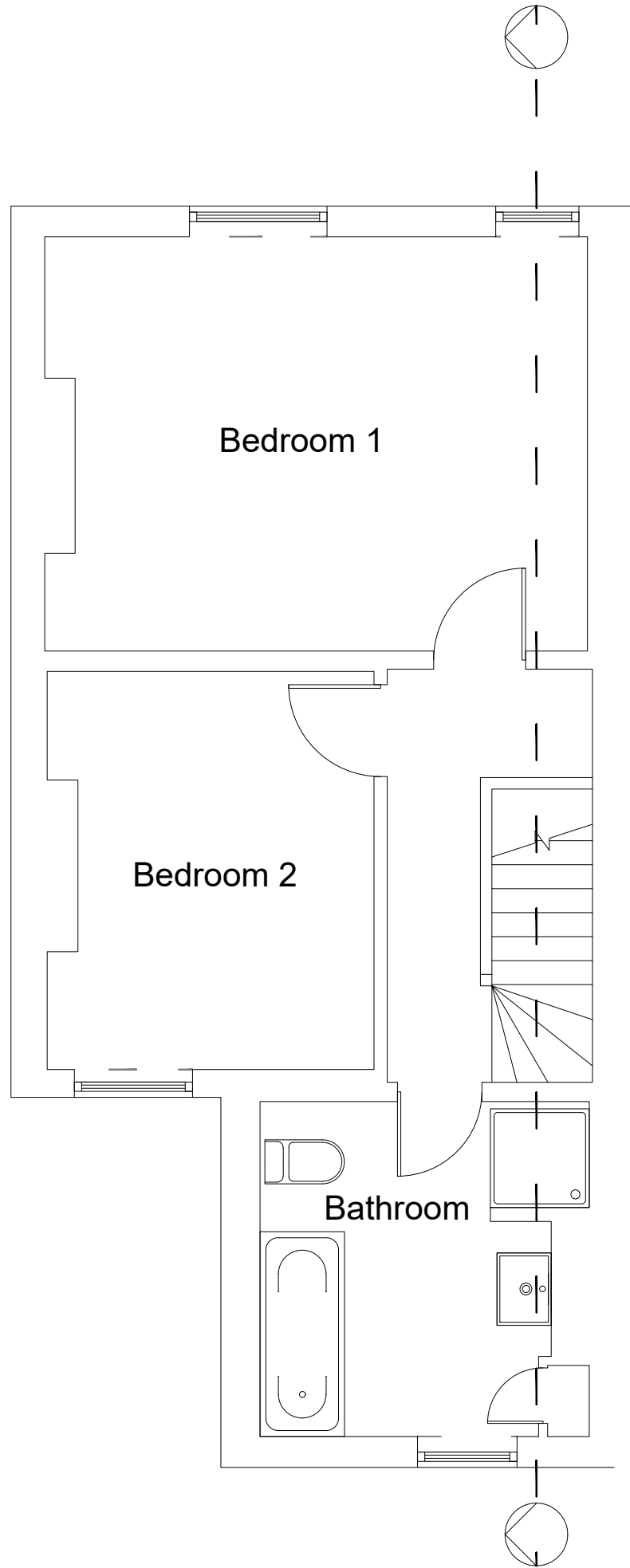
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Rev	Comment	By	Date

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Client: ----	
Project: 27 Hadleigh Road Leigh-on-Sea Essex SS9 2DY ----	
Drawing Title: Existing	
Drawing no: 757P01	
Revision: -	Drawn by: WRS
Project no: 757	Chkd by: ----
Scale: 1:50, 1:100, 1:500, 1:1250 @ A1	
SKARCHITECTS 853-855 London Road Westoff-on-Sea SS0 8SZ Tel: 01702 596250 Email: info@skarchitects.co.uk	
<small>We do not scale from this drawing. Drawing to be used in conjunction with all other issued drawings, documents and relevant consultation information. All information on this drawing is for guidance purposes only. All dimensions must be checked on-site. This information is subject to Building Control requirements and the requirements of all relevant statutory authorities and service providers. © Skarchitects Ltd 2023</small>	

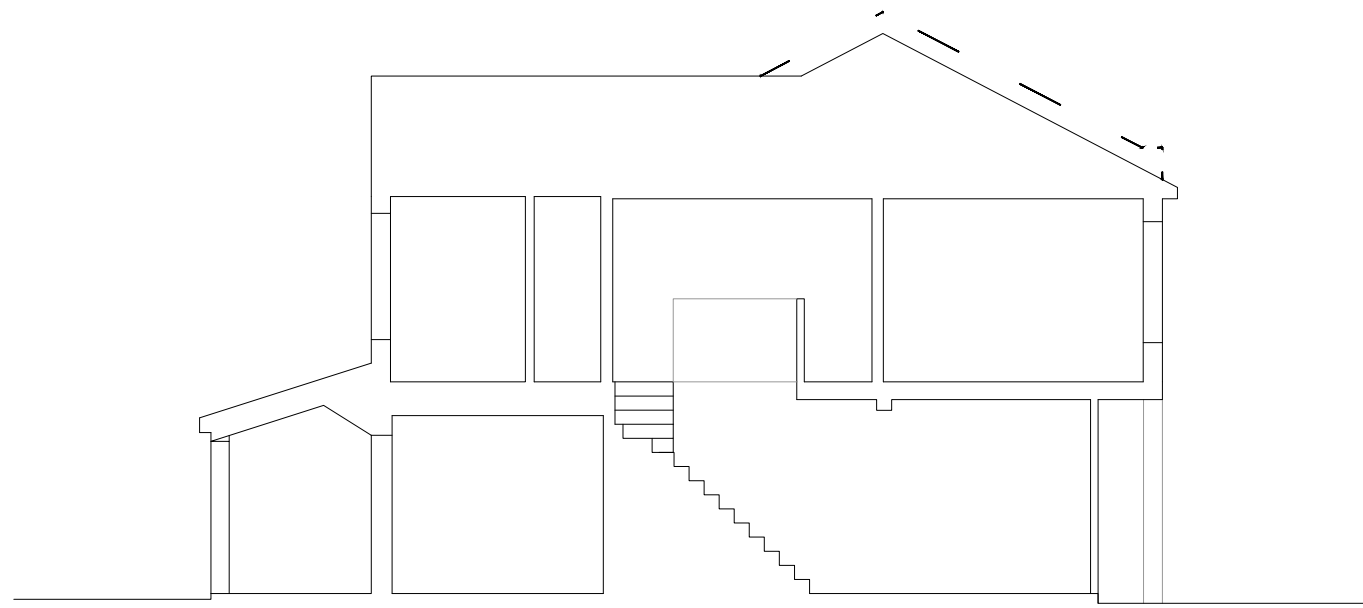
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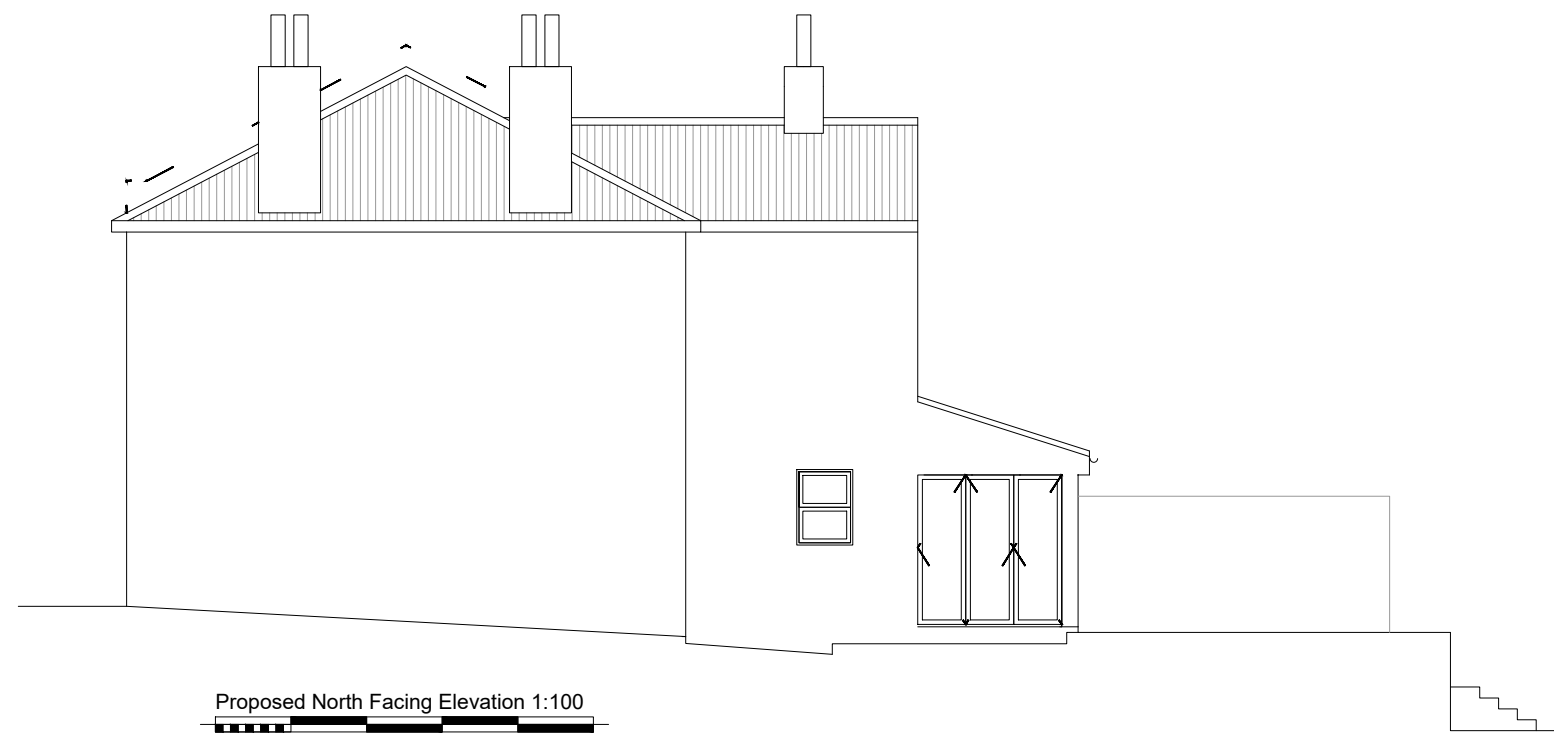
Proposed Ground Floor Plan 1:50



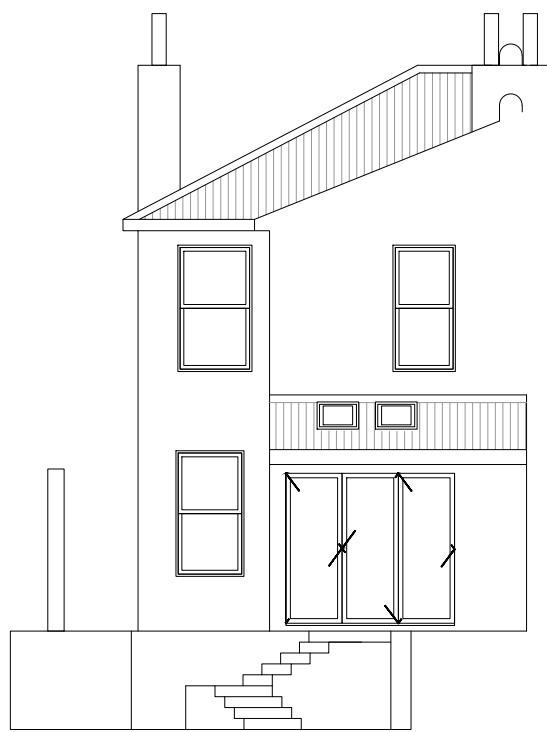
Proposed First Floor Plan 1:50



Proposed Section 1:100



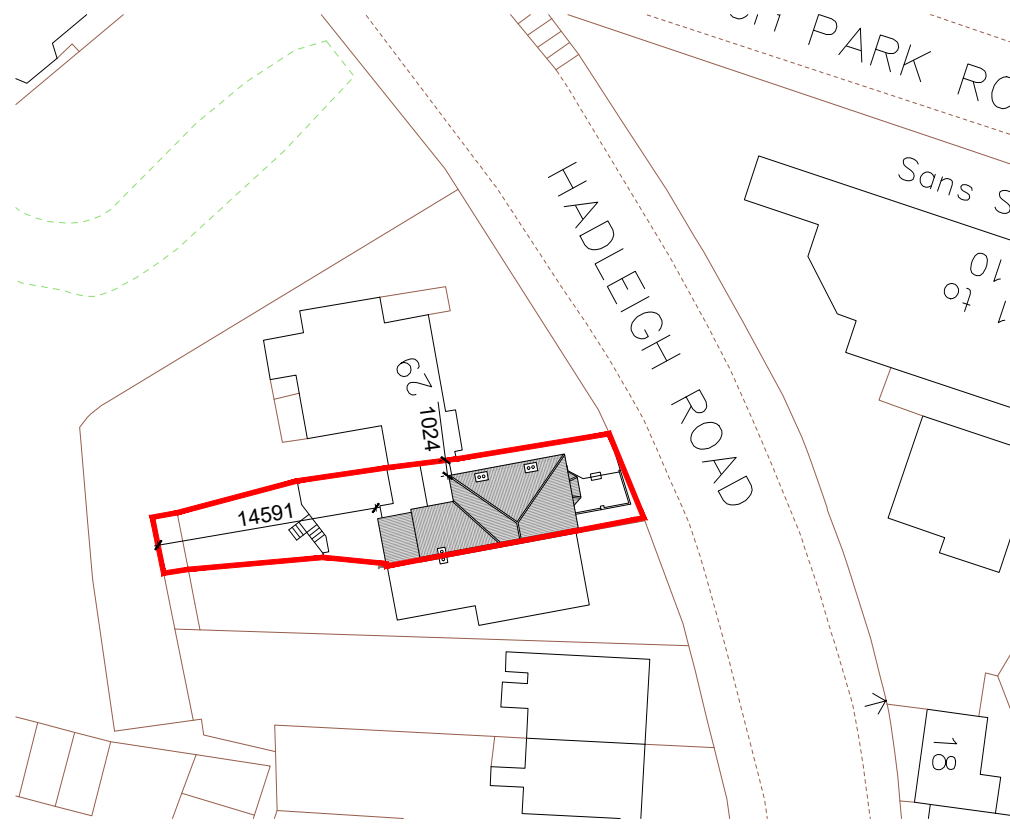
Proposed North Facing Elevation 1:100



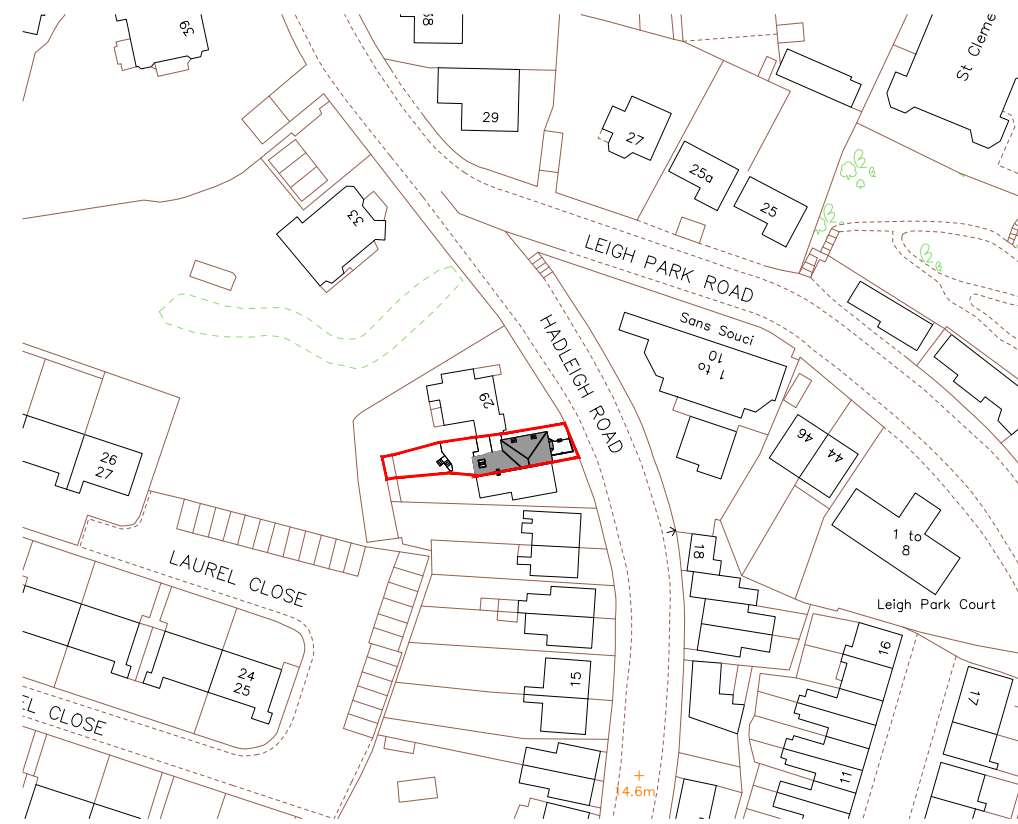
Proposed West Facing Elevation 1:100



Proposed East Facing Elevation 1:100



Proposed Block Plan 1:500



Proposed Location Plan 1:1250

Notes:			

Rev	Comment	By	Date

Stage:
3 - Developed Design

Client:

Project:
27 Hadleigh Road
Leigh-on-Sea
Essex
SS9 2DY

Drawing Title:
Proposed

Drawing no:
757P02

Revision:

Drawn by: WRS

Project no: **757**

Chkd by:

Scale: 1:50, 1:100, 1:500, 1:1250 @ A1

SKARCHITECTS

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27 Hadleigh Road

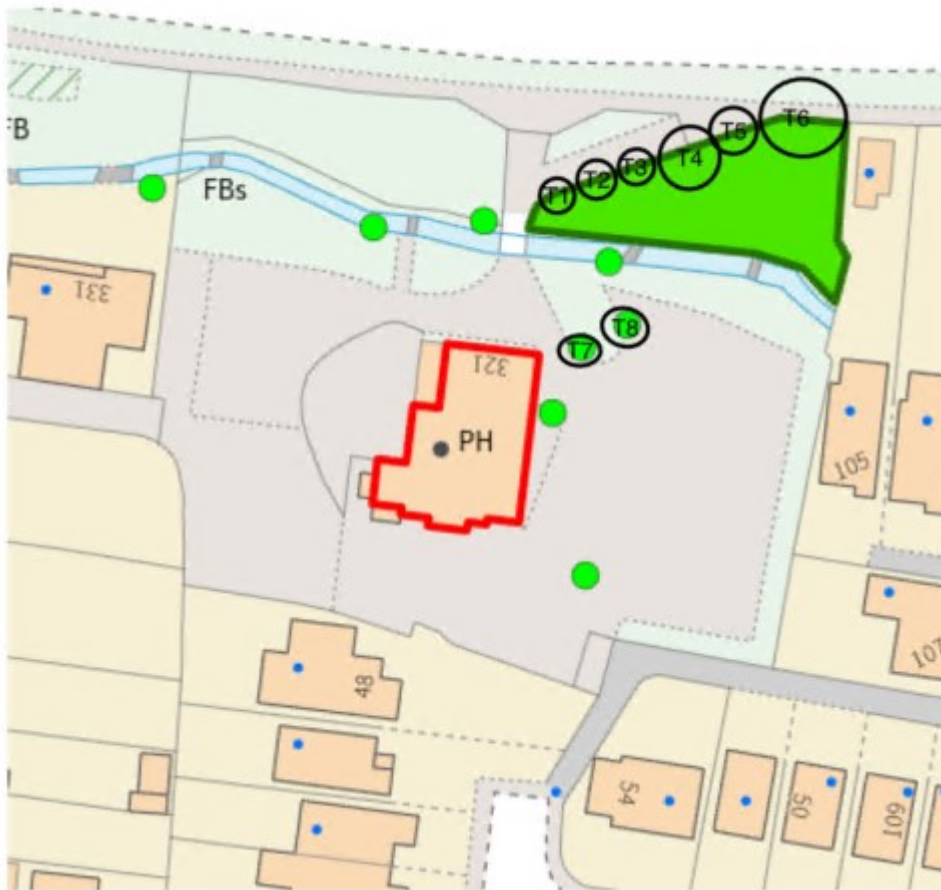






Reference:	23/01785/TPO
Application Type:	Tree(s) subject to TPO
Ward:	Eastwood Park
Proposal:	<p>Fell to ground level one common ash (T4) and replace T4 with a Betula Pendula tree. Prune all trees along the exit road that are interfering with the overhead cables and to improve vehicular access to the site (mixed species group - T1, T2, T3, T5 and T6 covered by TPO 5/90 G1) (retrospective) and undertake remedial works to remove poor pruning cuts in higher crown to suitable growth or target prune to main stem/parent branch if necessary (T1, T2, T3, T5 and T6 covered by TPO 5/90 G1)) (Works to Trees subject to a Tree Preservation Order).</p>
Address:	The Bellhouse Public House, 321 Rayleigh Road, Eastwood
Applicant:	D Hampshire
Agent:	Mr Wayne Elwell of About Trees Ltd
Consultation Expiry:	14th December 2023
Expiry Date:	1 st March 2024
Case Officer:	Gabriella Fairley
Plan Nos:	Site plan, proposed re-planting site
Supporting documents:	Email from agent dated 01/02/24 and 02/02/24
Recommendation:	GRANT CONSENT FOR WORKS TO PRESERVED TREE(S) subject to conditions

12



1 Site and Surroundings

- 1.1 The proposed works relate to eight (8no.) individual trees, including a mixed species group, a common Ash tree and two Horse Chestnut trees. All of the trees subject to this application are covered by TPO reference 5/1990. Trees T1, T2, T3, T5 and T6 covered by G1 (mixed species) are to the north of the site, adjacent to Rayleigh Road. T4 is a common ash tree to the north of the site. Trees T7 and T8 (Horse Chestnut trees) are set back from the highway to the north of the site, within the car park. All trees subject to this application are visible from Rayleigh Road. The site is on the south side of Rayleigh Road, and the area is mixed in character, with a mix of residential, retail and restaurants.
- 1.2 The Bellhouse Public House is a Grade II Listed building, and the site lies within Flood Zone 3.

2 The Proposal

- 2.1 This application seeks consent for the following works to the preserved trees:
- T1 (Fraxinus Excelsior - Common Ash) - remove the lowest 2 branches over exit road to allow for better access (retrospective) and remedial works to remove poor pruning cuts in higher crown to suitable growth or target prune to main stem/parent branch if necessary.
 - T2 (Quercus Robur - Pendunculate Oak) - remove the lowest branch over exit road to allow for better access (retrospective) and remedial works to remove poor pruning cuts in higher crown to suitable growth or target prune to main stem/parent branch

if necessary.

- T3 (Ulmus Spp. – Elm) - remove the lowest 2 branches over exit road to allow for better access (retrospective) and remedial works to remove poor pruning cuts in higher crown to suitable growth or target prune to main stem/parent branch if necessary.
- T4 (Fraxinus Excelsior - Common Ash) - Fell to ground level and replace with a Betula pendula tree in northern part of the site. Heavy Standard minimum 12-14cm girth, to be planted in the vicinity of the tree to be felled. Planted to BS3998 (2010), stacked accordingly with a layer of mulch around the planting zone.
- T5 (Fraxinus Excelsior - Common Ash) – remove secondary leader over Rayleigh Road (retrospective) and remedial works to remove poor pruning cuts in higher crown to suitable growth or target prune to main stem/parent branch if necessary.
- T6 (Fraxinus Excelsior - Common Ash) – remove deadwood and two branches over Rayleigh Road from main stem to 6-7m above ground level (retrospective) and remedial works to remove poor pruning cuts in higher crown to suitable growth or target prune to main stem/parent branch if necessary. T7 and T8 (Horse Chestnut trees) - remove major deadwood from crowns.

2.2 This application has been revised since its submission. Whilst the originally submitted application was pending, tree works were undertaken at the site that had neither been given consent nor carried out to the standard and quality required by British Standards. They are reflected in the comments from the Council's Tree Officer at 4.2 below. The management company for the Bellhouse explains that works were undertaken at a local level without their knowledge or permission and due to the loss of connections as a result of the cables being entangled with overgrown branches. An accredited tree contractor has since come on board and the application for proposed tree works has been revised and redescribed to incorporate remedial works identified by the Council's Tree Officer. As part of this the applicant has incorporated proposed planting of a replacement tree for Tree T4 (a heavy standard tree minimum 12-14cm girth) in the northern part of the site.

2.3 The applicant has stated that the reason for the proposed works is to allow for improved vehicular and pedestrian access and reduced conflict between vehicles and the trees along the exit road and Rayleigh Road and as the trees are currently interfering with the overhead cables.

3 Relevant Planning History

3.1 The site has a long planning history. Details of the most relevant planning history for this application are shown on Table 1 below.

Table 1: Relevant planning history

Referenced number	Description	Outcome [Date]
15/00341/TPO	Reduce crown to three horse chestnut trees by 50% and reduce one ash tree (Application for works to trees covered by a tree preservation order)	Approved (27.04.2015)
16/01871/TPO	Remove epicormic and basal growth to height of the bole to four Horse Chestnuts Trees (T1-T4) and one Ash Tree (T5) (Application for works to trees covered by a tree preservation order)	Approved (06.12.2016)
20/00957/TPO	Raise crown to between 4 to 5 metres of	Approved

	mixed Group of Ash, Elm and Hawthorn trees (Work to trees covered by a Tree Preservation Order)	(03.08.2020)
21/01467/TPO	Reduce by 2 to 2.5 meters to shape and rebalance and remove deadwood to one Ash Tree (T6) (Work to trees covered by a Tree Preservation Order)	Approved (03.09.2021).

4 Representation Summary

Public Consultation

4.1 Sixty-six (66) neighbouring properties were consulted, and a site notice was displayed. Three letters of representation have been received from two interested parties and the following comments have been summarised:

- Removing the tree will reduce the quality of life of neighbouring properties.
- The trees provide substantial protection to neighbouring properties against the noise and light pollution from Rayleigh Road.
- Eastwood was a historic forest and cutting down trees to expand pub seating capacity is unreasonable to justify the removal of the tree.
- In relation to T4, the common view is that more than 50% of the tree crown has to be affected to warrant felling and would welcome a second opinion before felling a tree.
- The felling of the tree is only for commercial and aesthetic reasons.
- Constant crown raising is damaging other trees. A tree care plan would be welcomed before works are done.

(Officer comments: The above comments have been taken into account in the assessment of this application. However, in the circumstances of this particular case, were not found to justify the refusal of this application.)

Tree Officer

4.2 The works to all the trees apart from T4, T7 and T8 have been carried out. Trees: T1 (ash), T5(ash), T6(ash), T2 and T3 have been poorly pruned. This is poor Arboricultural practice and does not conform to BS 3998:2010 *Tree Work Recommendations*. The work as specified on the application to above would have been acceptable if carried out correctly. The poor standard of work can be corrected to an extent by employing a qualified tree surgeon to prune the stubs to branch collars and branches to appropriate pruning points.

The works to T7 and T8 do not require consent, as removal of dead wood is exempt from the need for a formal application.

With reference to T4, the ash which is subject to application to fell. The crown of this tree is thinner than would be expected of an ash which has full vitality. There are large gaps between the buds on some of the outer branches and twigs, there is also dead wood in the crown. It would appear the tree is deteriorating. T4 is within a group of ash and its removal would have little effect on visual amenity. As the tree appears to be in declining health and it is within a group of trees there is no objection to its removal. T4 could be replaced elsewhere on the site with an alternative species. A sufficient size for planting stock would be 12-14 cms girth minimum heavy standard.

Highways

- 4.3 No objection.

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 KP2 (Development Principles) and CP4 (Environment and Urban Renaissance)
- 5.5 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM5 (Historic Environment)
- 5.6 Southend-on-Sea Design and Townscape Guide (2009)

6 Planning Considerations

When determining this TPO application the authority should consider the following:

- The likely impact of the proposal on the amenity of the trees and whether or not the proposal is justified having regard for the reasons for the application and any supporting information supplied with the application;
- whether any loss or damage is likely to arise if consent is refused or granted subject to conditions;
- whether any requirements apply in regard to protected species;
- whether there are any other material considerations, including development plan policies;
- whether the works would be detrimental to the setting of the listed building.

7 Appraisal

- 7.1 The Council seeks to protect preserved trees which make a positive contribution to local character and amenity. Applications for pruning and felling of preserved trees therefore need to be justified.
- 7.2 In determining this application, the Council has a statutory duty under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 7.3 The trees are an important part of the setting of the Listed Building and make a positive contribution to the character of the area.
- 7.4 The reason given for the works is to allow for improved vehicular and pedestrian access to reduce conflict with vehicles and because the trees are currently interfering

with the overhead cables.

- 7.5 T1, T2, T3, T5 and T6 (part of G1 mixed species group) and T4 (common ash) are to the frontage of the site, adjacent to Rayleigh Road. T7 and T8 (Horse Chestnut) are to the north of the public house building, set back from the boundary within the car park. T1, T2, T3, T4, T5 and T6 are visible from Rayleigh Road., T7 and T8 are currently screened by the other trees to the front of the site subject to this application.
- 7.6 Surgery works have been carried out to all of the trees apart from T7 and T8 and to a poor standard. T4 remains in situ. This application for consent to undertake works is now in the hands of a different tree contractor and has been modified in its scope to include proposed remedial works to address the poor-quality works undertaken at a local level without consent being in place. T4 is to the front of the site, adjacent to Rayleigh Road and is therefore visible within the streetscene. The crown of this tree is thinner than would be expected of an ash which has full vitality. There are large gaps between the buds on some of the outer branches and twigs, there is also dead wood in the crown, and it would appear the tree is deteriorating. Tree T4's current condition is not identified as being the result of poor-quality tree surgery. The Council's Tree Officer has raised no objection to the proposed removal of this tree, subject to replacement tree planting to mitigate the loss of the Ash tree. The proposed remedial works to trees 1,2,3,5 and 6 are considered to be acceptable. The detail of these works and the provision of the replacement tree can be secured by condition. The works to T7 and T8 do not require consent, as removal of deadwood is exempt from the need for consent.
- 7.7 It is considered that, subject to the stated conditions the proposed remedial works and removal/ replacement for tree T4 would not materially harm the character and appearance of the setting of the Listed Building, the site or the streetscene more widely. The Council's Tree Officer plus the Council's Conservation Officer raised no objection to the revised proposal.
- 7.8 It is considered reasonable to require the tree works to be carried out in accordance with British Standard BS3998:2010 which covers the recommendations for tree work. The imposition of this condition is unlikely to result in any loss or damage.
- 7.9 There is no known evidence of protected species or nesting birds on the trees affected by the works. However, the condition requiring the works to be carried out in accordance with British Standard BS3998:2010 which covers the protection of wildlife and its habitat.
- 7.10 It is therefore considered that subject to the stated conditions, implementation of the remedial works and planting of a replacement tree, the proposed works to the trees are acceptable and compliant with the relevant policies in this regard.

Equality and Diversity Issues

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

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is considered that, subject to the stated conditions, the proposed works reasonably maintain the setting of the Listed Building and are proportionate on the basis of the justification that has been put forward within the application. The proposal is therefore acceptable and compliant with local and national policy.

9 Recommendation

GRANT CONSENT FOR WORKS TO TREE(S) subject to the following conditions:

- 01 The works covered by this consent shall begin no later than two years from the date of this consent.

Reason: To enable the circumstances to be reviewed at the expiration of the period if the consent has not been implemented, in accordance with 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 in the Southend-on-Sea Design and Townscape Guide (2009).

- 02 The works to the trees covered by Tree Preservation Order 5/1990 shall be restricted as per the submitted description to the following:

- T1 (Fraxinus Excelsior - Common Ash) - remove the lowest 2 branches over exit road to allow for better access (retrospective) and remedial works to remove poor pruning cuts in higher crown to suitable growth or target prune to main stem/parent branch if necessary.
- T2 (Quercus Robur - Pendunculate Oak) - remove the lowest branch over exit road to allow for better access (retrospective) and remedial works to remove poor pruning cuts in higher crown to suitable growth or target prune to main stem/parent branch if necessary.
- T3 (Ulmus Spp. – Elm) - remove the lowest 2 branches over exit road to allow for better access (retrospective) and remedial works to remove poor pruning cuts in higher crown to suitable growth or target prune to main stem/parent branch if necessary.
- T4 (Fraxinus Excelsior - Common Ash) - Fell to ground level and replace with a Betula Pendula tree in northern part of the site.
- T5 (Fraxinus Excelsior - Common Ash) – remove secondary leader over Rayleigh Road (retrospective) and remedial works to remove poor pruning cuts in higher crown to suitable growth or target prune to main stem/parent branch if necessary.
- T6 (Fraxinus Excelsior - Common Ash) – remove deadwood and two branches over Rayleigh Road from main stem to 6-7m above ground level (retrospective) and remedial works to remove poor pruning cuts in higher crown to suitable growth or target prune to main stem/parent branch if necessary.

Reason: In the interests of visual amenity, to protect the setting of the Listed Building and to protect the trees and any wildlife, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the advice contained in the Southend-on-Sea Design and Townscape

Guide (2009).

- 03 The works hereby approved, including the new tree planting, shall be carried out in accordance with British Standard BS 3998 (2010) by a suitably qualified person.**

Reason: In the interests of visual amenity and to protect the trees and any wildlife, in accordance with 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 in the Southend-on-Sea Design and Townscape Guide (2009).

- 04 The proposed remedial works and replacement tree planting hereby approved shall be carried out in line with the specification included within the emails from the agent dated 01/02/24 and 02/02/24 and proposed re-planting site plan. The replacement tree must be a Silver Birch (Betula Pendula) heavy standard minimum 12-14 cm girth. The replacement tree and remedial works must be planted and maintained in accordance with the specification contained within the emails from the agent dated 01/02/24 and 02/02/24. The remedial works must be carried out within 4 weeks of the date of this consent. The replacement tree must be planted within the first planting season following the date of this consent.**

Reason: In the interests of visual amenity, to protect the setting of the Listed Building and to protect the trees and any wildlife, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

Informatives

- 1. Failure to undertake the remedial works for trees T1, T2, T3, T5 and T6 and tree T4 replacement planting all outlined in the description of proposed works and those works to be completed in full accordance with the required timeframe set out in condition 02 above is likely to result in the Council taking legal action to address the harm caused by the unauthorised and poor quality works to the trees in situ .,**
- 2. The applicant is advised that the removal of deadwood to trees T7 and T8 is exempt from the requirement for planning permission.**

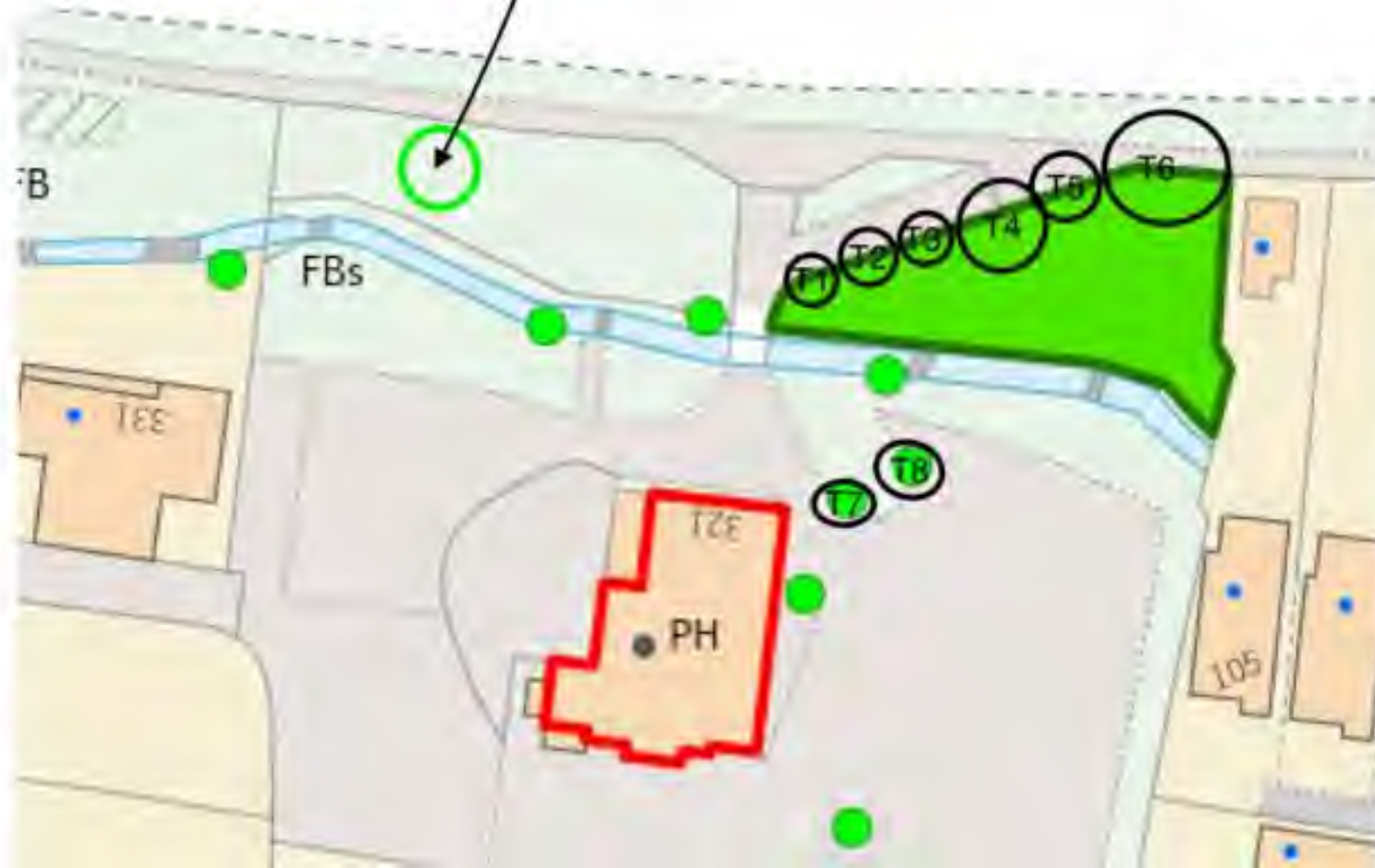
Bellhouse PH - Trees

23/01785/TPO

THE BELLHOUSE P.H.
321 Rayleigh Road,
Leigh-on-Sea,
SS9 5PX

North

Proposed re-planting site



June 2023
Prior to works showing encroachment over access



February 2024 View from Rayleigh Road



View from
car parking
showing
Phone line

257



Example of
poor
pruning
works to T1



T4 to be
felled

Example of
Poor
pruning
works to
T3



T4
Replacement
replanting²⁶⁰
location



T7 and T8
Removal of
deadwood only



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1 Site and Surroundings

- 1.1 The site is on the northern side of Westborough Road and contains a bungalow. The site is surrounded by terraced houses and a block of flats, in a residential area. The site is not within a conservation area and is not subject to any site-specific planning policy designations.

2 Lawful Planning Use

- 2.1 The lawful planning use is as a dwellinghouse within Use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

3 Relevant Planning History

- 3.1 21/00842/FULH (the “2021 Application”)- Erect single storey rear extension, alter elevations (Retrospective). - Refused. **[Officer’s report at Appendix 1]**
- 3.2 21/01522/GPDE- Erect single storey rear extension, projecting 7.97m beyond the existing rear wall of the dwelling ,2.95m high to eaves and with a maximum height of 3.59m. - Refused.
- 3.3 21/02114/GPDE- Erect single storey rear extension, projecting 7.97m beyond the existing rear wall of the dwelling, 2.95m high to eaves and with a maximum height of 3.59m. – Refused – Appeal Dismissed (Ref **APP/D1590/D/22/3290535**). **[Officer comment:** The appeal was dismissed as the Inspector agreed with the Council that the extension did not benefit from prior approval development rights.]

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

5 Procedural Matters

- 5.1 This case is presented to the Development Control Committee because officers consider it would be expedient to take enforcement action, including by issuing an enforcement notice.

6 The breach of planning control

- 6.1 The identified breach of planning control is:
- The erection of a rear extension.

7 Efforts to resolve the breach to date

- 7.1 In September 2020 a complaint was received by the Council alleging a rear extension had started to be built. The extension is some 8m deep by 8.5m wide, by 3.1m high to the eaves with a maximum height of some 3.6m at the top of the roof lantern. Following communication by the Council's Planning Enforcement team, applications were submitted seeking to regularise the development without success as highlighted in section 3 of this report.
- 7.2 A site visit was completed on 31 August 2023 and the rear extension was still in place. A final warning letter was sent requiring the extension to be removed but no response was received.

8 Appraisal

- 8.1 Through the determination of the 2021 Application, the Local Planning Authority has previously found that the development on site is unacceptable in relation to design and residential amenity of neighbouring occupiers. The officer's report for the 2021 Application is appended to this report as Appendix 1.

Impact on the Character of the Area

- 8.2 As discussed in paragraphs 7.2 to 7.8 of the officer's report of the 2021 Application (Appendix 1), the development was found to be unacceptable in terms of its impact on the character and appearance of the site and the wider area. This finding is still relevant.
- 8.3 The rear extension, by reason of its excessive size, depth, scale, bulk and height, its poor design and failure to integrate with the existing building appears as an incongruous and obtrusive, overly dominant feature, harmful to the character and appearance of the existing dwelling and wider surrounding area. This is unacceptable and contrary to 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 the Southend-on-Sea Design and Townscape guide (2009).

Amenity Impacts

- 8.4 As discussed in paragraphs 7.9 to 7.12 of the officer's report of the 2021 Application (Appendix 1), the development was found to be unacceptable in terms of its impact on the residential amenity of neighbouring occupiers at No. 205 Westborough Road. This finding is still relevant.
- 8.5 The rear extension, by reason of its position, excessive size, depth, scale, bulk and height, results in an overbearing, excessively dominant form of development, and causes a material loss of outlook and perceived and actual dominance for No.205 Westborough Road. This significant harm to residential amenity is unacceptable and contrary to 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).

9 Enforcement Action

- 9.1 Given the harm identified above, it is reasonable, expedient and in the public interest to pursue enforcement action in the circumstances of this case. This will reasonably aim to secure the removal of the unauthorised rear extension in its entirety and remove from the site all materials resulting from compliance. No lesser steps that could remedy the identified breach or associated harm have been identified. It is considered that three (3) months is sufficient and reasonable time to allow for compliance with the above described steps.
- 9.2 Staff consider that taking enforcement action is proportionate and justified in the circumstances of the case and that an enforcement notice should be served as this will bring further focus to the need for the breach to cease and the identified harm to be remedied. Service of an enforcement notice carries its own right of appeal and does not fetter the owner in seeking to gain planning permission for a different proposal which remedies the identified harm.
- 9.3 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.

10 Equality and Diversity Issues

- 10.1 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.

11 Recommendation

- 11.1 **Members are recommended to AUTHORISE ENFORCEMENT ACTION to require those issued with a copy of the Enforcement Notice to:**
- a) Remove from the site the rear extension in its entirety, and**
 - b) Remove from site all materials resulting from compliance with a)**
- 11.2 **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.**

Appendix 1

Delegated Report

Reference:	21/00842/FULH
Application Type:	Full Application - Householder
Ward:	Westborough
Proposal:	Erect single storey rear extension, alter elevations (Retrospective)
Address:	203 Westborough Road, Westcliff-On-Sea, Essex
Applicant:	Mr Mazdak Qayom Zada
Agent:	Mrs Ramela Mathysoothanan of MKM Design & Construction Ltd.
Consultation Expiry:	25th May 2021
Expiry Date:	8th July 2021
Case Officer:	Kara Elliott
Plan Nos:	MKM/21/WES203/PL02A, MKM/21/WES203/PL02 Front and Side Elevations, MKM/21/WES203/PL02 Rear and Side Elevations, MKM/21/WES203/PL02 Ground Floor, MKM/21/WES203/PL02 Location and Block
Recommendation:	REFUSE PLANNING PERMISSION

1 Site and Surroundings

- 1.1 The application property is a single storey detached dwelling located on the north side of Westborough Road. The development has been completed on site and therefore the application is retrospective in nature.
- 1.2 The site is not located within a conservation area nor does it relate to a listed building.

2 The Proposal

- 2.1 Planning permission is sought to retain a single storey flat roof rear extension which measures 8m deep x 8.5m wide x 3m high minimum, 3.25m maximum where it meets the existing dwelling. The extension is some 300mm above the eaves of the existing dwelling.
- 2.2 The extension is finished in render with a grey stone finish to the rear with bifold doors. The only flank opening is a window to the west serving a kitchen.

3 Relevant Planning History

- 3.1 None

4 Representation Summary

Public Consultation

- 4.1 13 neighbouring properties were consulted. No letters of representation have been received.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2019)
- 5.2 Core Strategy (2007), Policies KP1 (Spatial Strategy), KP2 (Development Principles) and CP4 (Environment & Urban Renaissance)
- 5.3 Development Management Document (2015), Policies DM1 (Design Quality) and DM3 (Efficient and Effective Use of Land) DM15 (Sustainable Transport Management)
- 5.4 Design & Townscape Guide (2009)
- 5.5 CIL Charging Schedule (2015)

6 Planning Considerations

- 6.1 The key considerations in relation to this application are the principle of the development, design and impact on the character of the area, impacts on residential amenity and CIL (Community Infrastructure Levy) contributions. Due to the nature of the development which does not affect the requirements for or on-site provision of parking, no material highway or parking issues are raised.

7 Appraisal

Principle of Development

- 7.1 The principle of providing extensions and additions in association with the existing residential use of the dwelling is considered acceptable. Other material planning considerations are discussed below.

Design and Impact on the Character of the Area

- 7.2 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF (2019), in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document (2015). The Design and Townscape Guide also states that; *"the Borough Council is committed to good design and will seek to create attractive, high-quality living environments."*
- 7.3 Paragraph 124 of the National Planning Policy Framework (NPPF) states that, *"The creation of high quality buildings and places is fundamental to what the planning and*

development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

- 7.4 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"*.
- 7.5 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.'*
- 7.6 According to Policy KP2 of Core Strategy new development should; *"respect the character and scale of the existing neighbourhood where appropriate"*. Policy CP4 of the Core Strategy requires that development proposals should; *"maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development."*
- 7.7 The single storey rear extension is 8 metres deep, spanning the width of the dwelling. The roof is set higher than the eaves of the dwelling which appears as an awkward relationship with the main dwelling. For these reasons and due to the excessive size, depth, scale, height, and bulk of the extension, it is disproportionate in scale to the main dwelling. The development results in an incongruent and visually harmful addition to the character and appearance of the dwelling. Whilst set at the rear, the Design and Townscape Guide, at paragraph 348 is clear that, *"Whether or not there are any public views, the design of rear extensions is still important and every effort should be made to integrate them with the character of the parent building, particularly in terms of scale, materials and the relationship with existing fenestration and roof form."* The extension is entirely at odds with this.
- 7.8 It is therefore considered that the development results in a detrimental impact on the character and visual amenity of the dwelling and wide surrounding area. It is therefore unacceptable and conflicts with policy in the above regards.

Impact on Residential Amenity

- 7.9 The Design and Townscape Guide states that *"extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties."* (Paragraph 343 - Alterations and Additions to Existing Residential Buildings). Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring

development and existing residential amenities *"having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight."*

- 7.10 The application property is neighboured by flats to the west; 205 and 207 Westborough Road. The single storey extension is sited a metre away from the boundary shared with this property. The ground floor openings are set some 3.35m away from the extension due to their recessed position with 2 windows serving a bedroom (one is adjacent to the existing dwelling and the other faces rearward), a door to a corridor and a window to a bathroom (obscure glazed). The kitchen window at the extension is on this elevation. It is considered that the development, due to its size, depth, scale, height and bulk, results in a significant loss of amenity to the neighbours to the west from dominance and impacts the bedroom window in the neighbouring property in terms of a significantly harmful loss of outlook.
- 7.11 There is a two-storey block of flats to the east, 1-8 Collingwood House. The development is some 4m away from the nearest flank elevation and there are no overlooking openings. The development projects some 5m deeper than the rear building line of this building but the extension does not surpass a notional 45 degree line taken from the nearest rear window of the neighbouring dwelling. Due to its single storey nature and distance retained the development does not result in a loss of amenity to the neighbours to the east from dominance, a harmful sense of overlooking or loss of privacy or light and outlook. A distance of 8.8m is retained between the extension and the rear boundary. This is not considered to overcome the harm outlined above.
- 7.12 Therefore, the proposal is considered to be unacceptable and contrary to policy in relation to neighbour amenity.

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

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

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that the proposed development would be unacceptable and contrary to the objectives of the relevant development plan policies and guidance. The impact on the character and appearance of the dwelling from the rear extension is unacceptable due to the poor design of the extension, its incompatible relationship with the host dwelling and its excessive size, depth, scale, bulk and height through which it represents an excessively obtrusive feature in the rear garden scene. Furthermore, the development results in material harm to the amenities of the neighbouring occupiers at no.205 Westborough Road by way of perceived and actual dominance and a loss of outlook.

9 Recommendation

9.1 REFUSE PLANNING PERMISSION for the following reasons:

1. The rear extension, by reason of its excessive size, depth, scale, bulk and height, its poor design and failure to integrate with the existing building appears as an incongruous and obtrusive, overly dominant feature, harmful to the character and appearance of the existing dwelling and wider surrounding area. This is unacceptable and contrary to the National Planning Policy Framework; 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).
2. The proposed rear extension, by reason of its position, excessive size, depth, scale, bulk and height, results in an overbearing, excessively dominant form of development, and would cause material loss of outlook and perceived and actual dominance for 205 Westborough Road, Westcliff-on-Sea. This significant harm to residential amenity is unacceptable and contrary to the National Planning Policy Framework; 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).

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. The Local Planning Authority is willing to discuss the best course of action in respect of any future application for a revised development.

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203 Westborough Road



31/08/2023 10:45

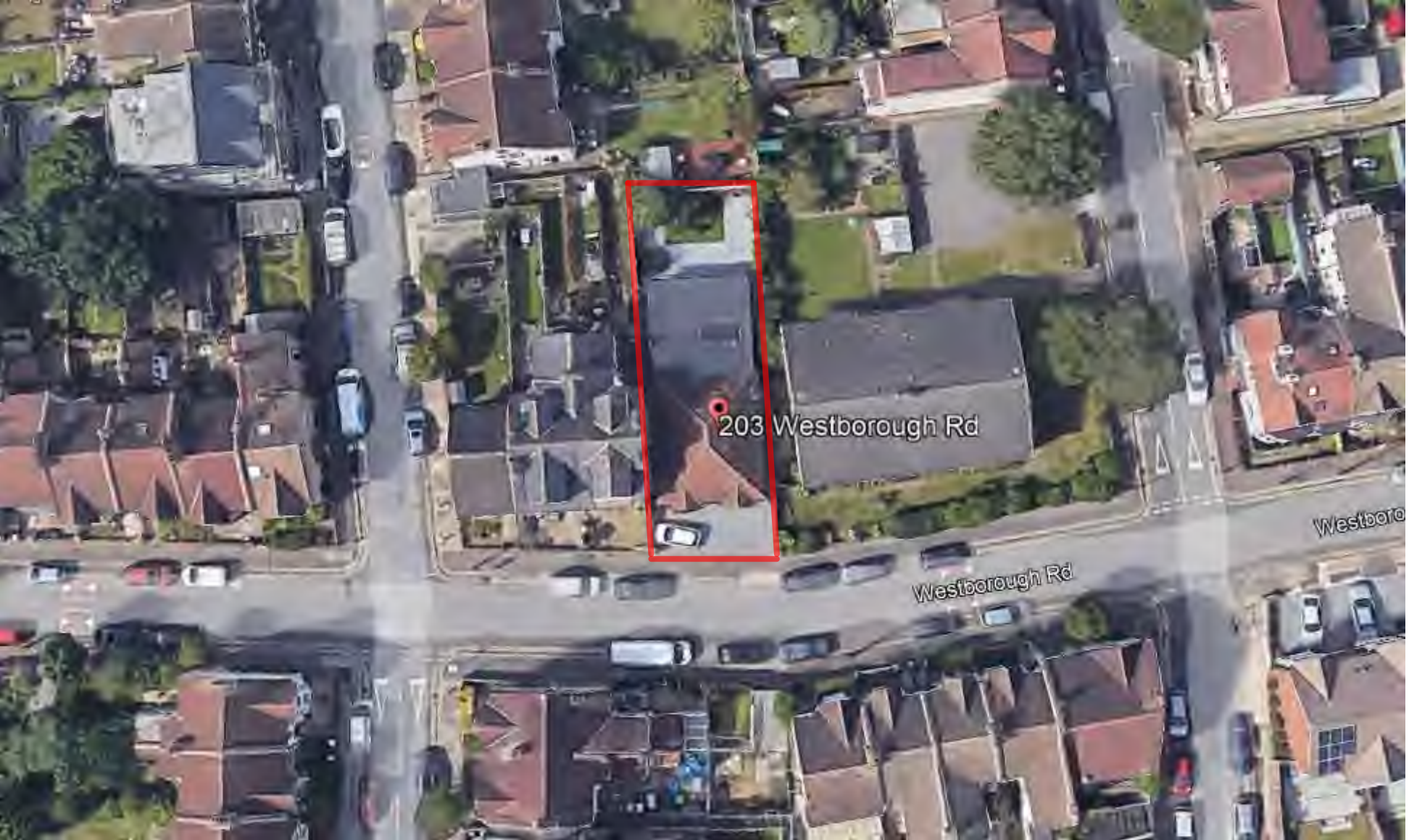




Rear extension seen
from Westcliff Park Drive

31/08/2023 10:44









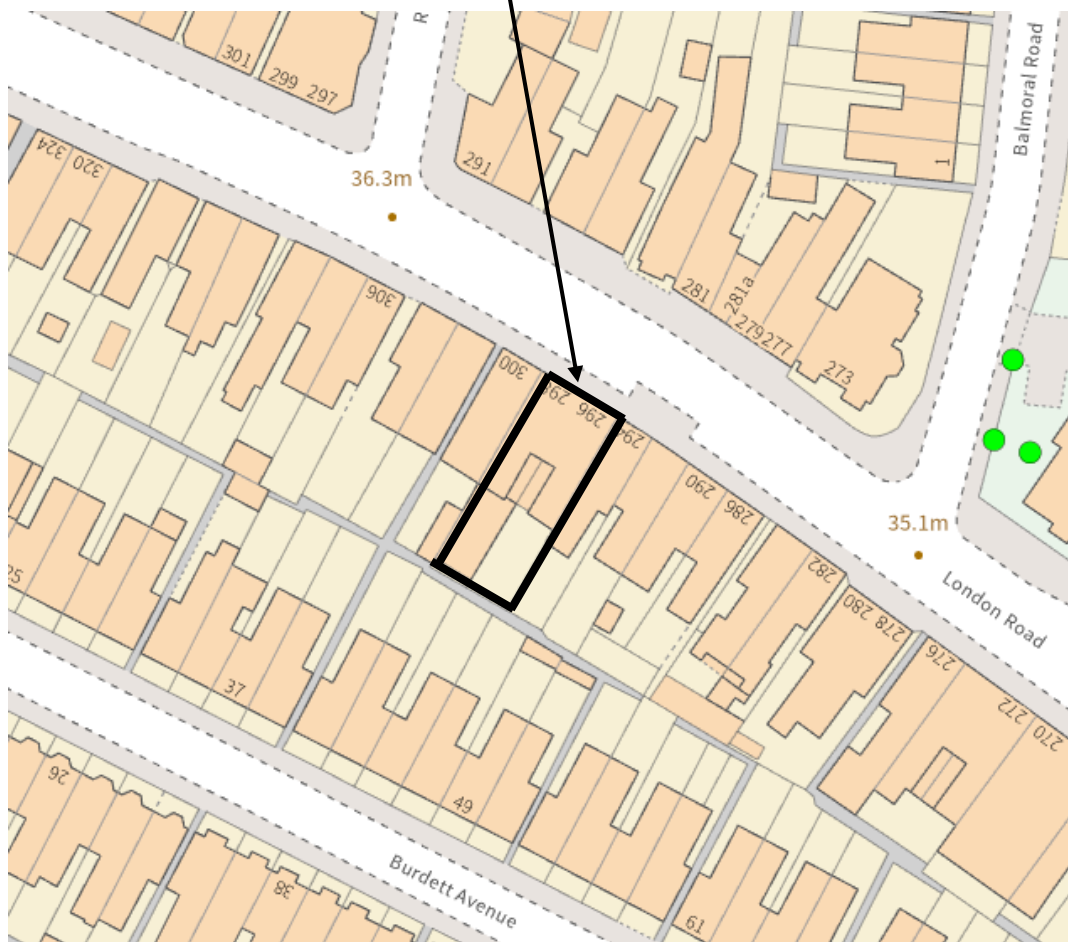




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Reference:	20/00036/UNAU_B	14
Report Type:	Enforcement	
Ward:	Milton	
Breach of Planning Control:	Installation of an extraction flue and metal ducting	
Address:	296-298, London Road, Westcliff-on-Sea, Essex, SS0 7JJ	
Case Opened Date:	05 February 2020	
Case Officer:	Edward Robinson	
Recommendation:	AUTHORISE ENFORCEMENT ACTION	

296-298, London Road, Westcliff-on-Sea SS0 7JJ



1 Site and Surroundings

- 1.1 The site is on the southern side of London Road and contains two mid-terrace, two-storey buildings, consisting of a restaurant at ground floor and two flats above. The site is surrounded by other businesses and upper floor flats including No.296A and 298A and is part of a designated Secondary Shopping Frontage.

2 Lawful Planning Use

- 2.1 The lawful planning use is as a business within Use Class E and as a flat within Use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

3 Relevant Planning History

296 London Road

- 3.1 There is no relevant planning history for this site.

298 London Road

- 3.2 20/00345/UCOU_B – Enforcement case –air conditioning equipment to rear – Open

[Officer Comment: Planning permission for the air conditioning equipment has been granted but conditions requiring additional details remain outstanding. Although at the same site, this is a separate matter and dealt under this separate case.]

- 3.3 21/00449/FUL- Alter shop front comprising of additional door to front and install three replacement air conditioning condensers at rear (Retrospective)- Application withdrawn.
- 3.4 21/00450/ADV- Install internally illuminated fascia signs to front (Retrospective)- Granted advertisement consent.
- 3.5 21/02146/FUL- Alter shop front comprising of additional door to front and install three replacement air conditioning condensers at rear (Retrospective) (Amended Proposal)- Permission granted.
- 3.6 22/01514/FUL- Install extraction flue to rear (retrospective)- application returned.
- 3.7 22/01532/FUL- Extend existing store to rear and alter elevations of the existing store- Permission granted.

4 Planning Policy Summary

- 4.1 The National Planning Policy Framework (NPPF) (2023)
- 4.2 Planning Practice Guidance (PPG) (2023)
- 4.3 Core Strategy (2007): Policies KP2 (Development Principles), CP4 (Environment and Urban Renaissance)
- 4.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land)

5 The breach of planning control

5.1 The identified breach of planning control is:

- The erection of an extraction flue and metal ducting.

6 Procedural Matters

6.1 This case is presented to the Development Control Committee because officers consider it would be expedient to take enforcement action, including by issuing an enforcement notice.

7 Efforts to resolve the breach to date

7.1 In February 2020, a complaint was received by the Council alleging a flue had been installed to the rear. This related to the vertical extraction flue above No.298. Through correspondence with officers, the owner of the site was advised that a number of other breaches were identified at the site, including the installation of three air-conditioning units, the material change of use of the site, and the material alteration of the shopfront. In 2021, three applications were submitted seeking to regularise the identified breaches.

7.2 In April 2021, an advertisement application was submitted retrospectively to 'Install internally illuminated fascia signs to front. This received advertisement consent in May 2021 so that breach ceased.

7.3 In October 2021, a full planning application was submitted 21/02146/FUL to 'Alter shop front comprising of additional door to front and install three replacement air conditioning condensers at rear (Retrospective) (Amended Proposal)'. This received approval in February 2022. A condition was imposed requiring a noise impact assessment for the air-conditioning units. This remains outstanding and is the subject of planning enforcement investigation 20/00345/UCOU_B.

7.4 Between the original enforcement case being created in 2020 and at some point after 2021, the flue in its current unlawful form was installed. This is evidenced in photographs submitted with the various applications for the site.

7.5 A site visit was completed on 15 June 2022 and the flue was observed to still be in place. On 16 June 2022, a letter to the premises invited the owner to submit information required for this Local Planning Authority to validate the retrospective planning application. On 20 June 2022, an agent emailed the case officer asking for a copy of that letter so they could represent the owner.

7.6 In July 2022, a retrospective planning application 22/01514/FUL was received to 'Install extraction flue to rear' (retrospective). During July to October 2022, there was an exchange of emails with the planning agent about the lack of sufficient information for the application to be made valid.

7.7 On 06 January 2023 a final LPA letter warned the business that the application could not be validated and that enforcement action may be taken due to the unresolved breach. No response was received to this letter.

8 Appraisal of the harm caused

Impact on the Character of the Area

8.1 Given the limited public vistas available towards the development, and the presence of comparable type of development at the rear of the terrace, the development as

constructed would not be unexpected to the rear of a commercial parade and would not result in material harm to the character and appearance of the site, the streetscene and the wider area.

Amenity Impacts

- 8.2 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. Paragraph 185 of the Council's Design and Townscape Guide states that flues should be designed to ensure that no nuisance or detriment to amenity is caused by odour, fumes, dust particles, food droplets vibration or noise to nearby properties.
- 8.3 The metallic extract ducting and flue to the rear has been installed to facilitate the operation of apparatus in association with the ground floor use of the site as a restaurant / hot food take-away. The immediate surrounding include shops, upper floor flats and amenity areas in London Road and the amenity areas and gardens of dwellings to the south of the site in Burdett Avenue.
- 8.4 The operation of such equipment gives rise to the potential for unacceptable odours, fumes, vibration, noise and disturbance. The nearest noise sensitive residential properties to the commercial kitchen extraction system are the first-floor flats at No.296A and No.298A London Road above the ground floor restaurant. The rear elevation of No.296A contains a first-floor entrance and window which are some 1m from the ducting's exit point in the elevation and the extract flue. The extract ducting extends across the flat roof area between the two flats within a well configuration and extends upwards along the side of No.298A.
- 8.5 It is understood that the restaurant operates daily between noon and 11pm. In considering a planning application for such equipment, it would be expected that full details, specifications and the location of the equipment, as well as a noise impact assessment and odour risk assessment measures would be required. The Council's Environmental Health service would be consulted to assess whether such details and assessments reasonably demonstrated that the unauthorised development would be detrimental to neighbours' amenity. No valid planning application has been demonstrating that the impacts of the unauthorised equipment are acceptable. Whilst an application for other air conditioning equipment was approved and details required by conditions remain outstanding, that apparatus is the subject of a different enforcement case.
- 8.6 It is not considered that the unauthorised development harms the privacy, outlook, sense of enclosure, or daylight and sunlight for the flats at No.296A & 298A London Road. It is not considered any other properties are adversely affected in these regards.
- 8.7 In the absence of any valid application, it has not been demonstrated that the unauthorised development does not give rise to unacceptable odours and fumes, vibration, noise and disturbance. In the absence of noise, odour and vibration impact assessments and any professionally recommended mitigation, it has not been demonstrated that the development is not harmful to the residential amenity. The unauthorised development is therefore unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1 and DM3 and the guidance

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

9 Enforcement Action

- 9.1 Given the harm identified above, it is reasonable, expedient and in the public interest to pursue enforcement action in the circumstances of this case. This will reasonably aim to secure the removal of the unauthorised flue and metal ducting in its entirety and to remove from the site all materials resulting from compliance. No lesser steps that could remedy the identified breach or associated harm have been identified. It is considered that two (2) months is sufficient and reasonable time to allow for compliance with the above described steps.
- 9.2 Staff consider that taking enforcement action is proportionate and justified in the circumstances of the case and that an enforcement notice should be served as this will bring further focus to the need for the breach to cease and the identified harm to be remedied. Service of an enforcement notice carries its own right of appeal and does not fetter the owner in seeking to gain planning permission for a different proposal which remedies the identified harm.
- 9.3 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.

10 Equality and Diversity Issues

- 10.1 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.

11 Recommendation

- 11.1 **Members are recommended to AUTHORISE ENFORCEMENT ACTION to require those issued with a copy of the Enforcement Notice to:**
- a) Remove from the site the metal ducting and extraction flue to the rear in its entirety, and**
 - b) Remove from site all materials resulting from compliance with a)**
- 11.2 **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 two (2) months and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.**

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296-298 LONDON ROAD

DCC-20/00036/UNAU_B





Walking West on
London Road towards
Hamlet Court Road.

05/09/2023 10:38







Unauthorised Flue



05/09/2023 10:39

Unauthorised flue seen
from public alleyway



14/02/2024 10:50

Reference:	22/00099/UNAU_B	15
Report Type:	Enforcement	
Ward:	Leigh	
Breach of Planning Control:	Erection of timber screen to side of terrace	
Address:	19 High Street Leigh-on-Sea SS9 2EN	
Case Opened Date:	21 April 2022	
Case Officer:	Edward Robinson	
Recommendation:	AUTHORISE ENFORCEMENT ACTION	



1 Site and Surroundings

- 1.1 The subject site is occupied by an end-of-terrace dwelling on the southeast side of the High Street within the Leigh Old Town Conservation Area. The site is also within the area subject of the Leigh Old Town Article 4 Direction which removes permitted development rights for the erection of a fence to a dwellinghouse. The site is within the Seafront Character Zone 2 and Flood Zone 3, the highest probability zone.

2 Lawful Planning Use

- 2.1 The lawful planning use is as a dwellinghouse within Use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

3 Relevant Planning History

- 3.1 There is a long planning history for this application site. The most relevant items to this report are shown on the table below:

21/00140/FULH	Demolish rear extension, erect single storey rear extension and extend first floor existing terrace to rear	Approved (19.03.21)
22/02222/FULH	Erect timber privacy screen to side of first floor balcony (Retrospective)	Refused (03.01.2023)
23/00850/FULH	Replace timber privacy screen to side elevation of first floor balcony (amended proposal)	Refused (17.07.2023)

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), DM5 (Southend on Sea Historic Environment), DM6 (Southend's Seafront);
- 4.6 Southend-on-Sea Design and Townscape Guide (2009);
- 4.7 Leigh Old Town Conservation Area Appraisal (2021).

5 Procedural Matters

- 5.1 This case is presented to the Development Control Committee because officers consider it would be expedient to take enforcement action, including by issuing an enforcement notice.

6 The breach of planning control

6.1 The identified breach of planning control is:

- The erection of a timber privacy screen to the eastern side of the first-floor terrace.

7 Efforts to resolve the breach to date

- 7.1 In April 2022 a complaint was received by the Council alleging timber fencing had been installed to a first-floor balcony. The erected timber privacy screen is some 3.39m wide and 1.8m high and is painted brown.
- 7.2 Following a site visit, a letter was sent to the dwelling advising the side screen required either retrospective planning permission or removal. A retrospective planning application was submitted later in 2022 under reference 22/02222/FULH (the “2022 Application”). This was refused in January 2023 and the Officer’s report is appended to this report as Appendix 1.
- 7.3 After the refusal of the 2022 Application, in February 2023 a follow-up site visit was completed. Correspondence in February and May 2023 advising of the owner’s options following the refusal, led to the submission of a part-retrospective application for an amended development under reference 23/00850/FULH (the “2023 Application”). The 2023 Application was refused in July 2023.
- 7.4 In September 2023 a follow-up site visit was completed. The side screen was unchanged, and the breach remained. Despite further correspondence, the screen remains in situ.

8 Appraisal

- 8.1 Through the determination of the 2022 Application, the Local Planning Authority has previously found that the development on site is unacceptable in relation to design and impact on heritage. The officer’s report for the 2022 Application is appended to this report as Appendix 1.

Impact on the Character of the Area

- 8.2 No19 is identified in the Leigh Old Town Conservation Area Appraisal as making a positive contribution to the character and appearance of Leigh Old Town Conservation Area.
- 8.3 As discussed in paragraphs 6.3 to 6.8 of the officer’s report of the 2022 Application (Appendix 1), the development was found to be unacceptable in terms of its impact on the character and appearance of the site and the wider area, including the significance of the Conservation Area. This finding is still relevant.
- 8.4 The timber privacy screen, by reason of its scale, location, materials and detailed design, is considered to be detrimental to the historic character and significance of the existing property and the wider Leigh Old Town Conservation Area. The identified harm to the conservation area is less than substantial, albeit significant, and any public benefits arising from the development do not outweigh the identified harm. The development is contrary to the National Planning Policy Framework (2023), Policies KP2 and CP4 of Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and the Leigh Old Town Conservation Area Appraisal (2021).

Other matters

- 8.5 The development is not found to result in any significant parking or highways impacts or any significantly harmful neighbour amenity impacts, it is therefore acceptable and policy compliant in these regards.

Enforcement Action

- 8.6 Given the harm identified above, it is reasonable, expedient and in the public interest to pursue enforcement action in the circumstances of this case. This will reasonably aim to secure the removal of the unauthorised timber screen in its entirety and remove from the site all materials resulting from compliance. No lesser steps that could remedy the identified breach or associated harm have been identified. It is considered that one (1) month is sufficient and reasonable time to allow for compliance with the above described steps particularly considering that an additional period of at least 28 calendar days has to be allowed before any enforcement notice takes effect.
- 8.7 Staff consider that taking enforcement action is proportionate and justified in the circumstances of the case and that an enforcement notice should be served as this will bring further focus to the need for the breach to cease and the identified harm to be remedied. Service of an enforcement notice carries its own right of appeal and does not fetter the owner in seeking to gain planning permission for a different proposal which remedies the identified harm.
- 8.8 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 **Members are recommended to AUTHORISE ENFORCEMENT ACTION to require those issued with a copy of the Enforcement Notice to:**
- a) Remove from the site the side privacy screen in its entirety, and**
 - b) Remove from site all materials resulting from compliance with a)**
- 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 one (1) month and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.**

Appendix 1

Reference:	22/02222/FULH
Application Type:	Full Application – Householder
Ward:	Leigh
Proposal:	Erect timber privacy screen to side of first floor balcony (retrospective)
Address:	19 High Street, Leigh-on-Sea, Essex
Applicant:	Mr Jason Morley
Agent:	Mr Jason Hopkins
Consultation Expiry:	29th December 2022
Expiry Date:	19th January 2023
Case Officer:	Gabriella Fairley
Plan Nos:	2020-07-02 (Rev E), 2022-31-01
Supporting Documents:	Heritage Statement, Design and Access Statement,
Recommendation:	REFUSE PLANNING PERMISSION

1 Site and Surroundings

- 1.1 The application site is occupied by an end of terrace dwelling on the southeast side of the High Street located within the Leigh Conservation Area. The application site is also within the area subject of the Leigh Article 4 Direction which removes permitted development rights for the erection of a fence to a dwellinghouse.

2 The Proposal

- 2.1 Retrospective planning permission is sought for the erection of a timber privacy screen to the side of the first-floor balcony. The timber privacy screen measures 3.39m wide and 1.8m high.

3 Relevant Planning History

- 3.1 There is a long planning history for this application site. The most relevant items to the determination of this application are shown on the table below:

93/0735	Erect first floor balcony at rear and install new window to flank wall.	Approved (02.12.1993)
11/00238/CAC	Demolish single storey rear extension (Conservation Area Consent).	Consent not required (01.03.11)
11/00237/FULH	Demolish existing single storey rear extension, erect single storey rear extension, extend existing terrace and erect conservatory to first floor at rear	Approved (21.02.11)
15/01850/FULH	Demolish rear extension, erect single storey	Approved (29.12.15)

	rear extension and conservatory to first floor and extend existing terrace.	
21/00140/FULH	Demolish rear extension, erect single storey rear extension and extend first floor existing terrace to rear	Approved (19.03.21)
22/00099/UNAU_B	Erection of unauthorised timber screen to side of terrace approved under 21/00140/FULH	Pending

4 Representation Summary

Public Consultation

- 4.1 Four (4) properties were consulted, a site notice was displayed, and a press notice was published. No letters of representation have been received.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 5.3 Core Strategy (2007): Policies KP2 (Development Principles), CP4 (Environment and Urban Renaissance).
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM5 (Southend on Sea Historic Environment)
- 5.5 The Southend-on-Sea Design and Townscape Guide (2009)
- 5.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.7 Leigh Conservation Area Appraisal (2020)

6 Appraisal

- 6.1 This application is considered in the context of the above policies relating to design and conservation. These policies and guidance support alterations and extensions to properties in a conservation area where they respect the special historic character and significance of the building and that of the wider conservation area.
- 6.2 Subject to these requirements this development is acceptable in principle. The determining factors are therefore the detailed material considerations discussed below.

Design and Impact on the Character of the Area

- 6.3 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the National Planning Policy Framework, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that; "the Borough Council is committed to good design and will seek to create attractive, high-quality living environments."
- 6.4 With regard to the character of the area, the application site is located within the Leigh Conservation Area. A Conservation Area is "an area of special architectural or historic

interest" with a character which is "desirable to preserve or enhance" (Part II, paragraph 69 of the Planning (Listed Buildings & Conservation Areas) Act, 1990). This special character comes from a range of factors including the design of the buildings as well as the materials used.

- 6.5 Consistent with the statutory duty under S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy DM5 of the Development Management Document states that in order to conserve and enhance the character and quality of the Conservation Areas, development proposals will have to be carefully considered and demonstrate a high-quality design that not only integrates with the surroundings but also conserves and enhances its intrinsic character and distinctiveness.
- 6.6 The application property forms part of a group of similar terraced dwellings on the southeast of High Street, making up 9 dwellings in total. The other dwellings along the row of terraces have metal balustrades surrounding their rear balconies. These properties provide significant value to the character and integrity of the conservation area. The timber privacy screen is visible from the rear of the dwelling, along Alley Dock and is significantly out of place. The location, scale, choice of material and appearance of the timber privacy screen are inappropriate for this historic dwelling. The inappropriate design significantly harms the conservation area and is an unsympathetic addition to the rear balcony.
- 6.7 Previously approved plans for application 21/00140/FULH, show that the balustrades around the balcony as black metal railings. Similarly, condition 4 for application 21/00140/FULH states:
- "Materials shall be black feather edge timber weatherboarding to the exterior walls of the extension, painted white timber fascia to the top of the flat roof, painted white timber French doors to the rear elevation of the extension and black metal railings to enclose the balcony area."
- 6.8 The development fails to preserve the character and significance of the conservation area, causing less than substantial, albeit significant, harm, and the public benefits of the development do not outweigh the identified harm. This is unacceptable and contrary to policy in this regard.

Other Matters

- 6.9 The development is not found to result in any significant parking or highways impacts or any significantly harmful neighbour amenity impacts, it is therefore acceptable and policy compliant in these regards.
- 6.10 The development equates to less than 100sqm of new floorspace. As such, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and no charge is payable.

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 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

- 6.12 For the reasons outlined above 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 reason:

01. The timber privacy screen, by reason of its scale, location, materials and detailed design, is considered to be detrimental to the historic character and significance of the existing property and the wider Leigh Conservation Area. The identified harm to the conservation area is less than substantial, albeit significant, and any public benefits arising from the development do not outweigh the identified harm. The development is contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and the Leigh Conservation Area Appraisal (2020).

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 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.

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.

Case Officer Signature.....GF.....	Date 08.12.2022
Senior Officer Signature..... SM	Date 03.01.2023
Delegated Authority Signature..... SM	Date 03.01.2023

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19 HIGH STREET LEIGH-ON-SEA. BREACH REMAINS

Site revisited on 14022024

By Edward Robinson





19 High Street, Leigh-on-Sea



19 High Street, Leigh-on-Sea



Impact caused when walking
down High Street Leigh-on-Sea



Google

Imagery Date: 6/2023

Unauthorised side screen



Street scene to the rear of 19 High
Street, Leigh-on-Sea

14/02/2024 09:35

Unauthorised side screen comes into view when walking towards 19 High Street, Leigh-on-Sea walking East



14/02/2024 09:36



14/02/2024 09:36



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