

Public Document Pack
SOUTHEND-ON-SEA CITY COUNCIL

Development Control Committee

Date: Wednesday, 31st May, 2023

Time: 2.00 pm

Place: Committee Room 1 - Civic Suite

Contact: Tim Row - Principal Democratic Services Officer

Email: committeesection@southend.gov.uk

A G E N D A

- 1 Apologies for Absence**
- 2 Declarations of Interest**
- 3 Minutes of the Meeting held on Wednesday, 5 April 2023**
- 4 Supplementary Report**

The supplementary report by the Executive Director (Growth and Housing) will provide additional information (if any) on the items referred to on the Agenda and will be available on the morning of the meeting.

****** Contents List and Introduction**

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

- 5 23/00085/BC4M - Bournes Green Junior School, Ladram Road (Southchurch Ward) (Pages 45 - 74)**
- 6 23/00328/BC4 - Cockle Shed 1, High Street (Leigh Ward) (Pages 75 - 102)**
- 7 23/00342/FUL - 358 Rayleigh Road, Eastwood (Eastwood Park Ward) (Pages 103 - 118)**
- 8 23/00462/FULH - 138 Hadleigh Road, Leigh-on-Sea (West Leigh Ward) (Pages 119 - 146)**
- 9 23/00434/FUL - Leigh Road Baptist Tennis Club, Victory Path (Chalkwell Ward) (Pages 147 - 166)**
- 10 22/01496/FUL - Land Adjacent To 292 Leigh Road and 152 Broadway (Leigh Ward) (Pages 167 - 212)**

****** Enforcement Report**

- 11 21/00218/UNAU_B - 107 - 109 High Street, Southend-on-Sea (Milton Ward) (Pages 213 - 224)**

Chair & Members:

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

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SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 5th April, 2023
Place: Council Chamber - Civic Suite

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Present: Councillor N Ward (Chair)
Councillors M Borton (Vice-Chair), M Berry, K Buck, A Dear, M Dent,
F Evans, D Garston, S Habermel, D Jarvis, A Jones, C Mulroney,
M Sadza and I Shead

In Attendance: Councillors S Buckley, D Cowan and L Hyde
G Gilbert, K Waters, C Galforg, P Keyes, S Mouratidis, C White,
K Elliott, J Benn and T Row

Start/End Time: 2.00 pm - 6.30 pm

826 Apologies for Absence

Apologies for absence were received from Councillors Walker and Woodley (no substitutes).

827 Declarations of Interest

The following interests were declared at the meeting:-

(i) Councillor Borton – Application Ref. No. 22/01541/FULM (141-159 Sutton Road, Southend-on-Sea) – Has spoken to two residents, including the objector in her capacity as Ward Councillor;

(ii) Councillor Dent – Application Ref. No. 23/00363/TEL (Grass Verge, Whitehouse Road, Eastwood) and Application Ref. No. 23/00364/TEL (Footpath outside Eastwood Pre-School, Western Approaches) – Has spoken with Ward Councillors regarding these applications;

(iii) Councillor D Garston – Application Ref. No. 23/00244/FUL and 20/00189/UNAU_B (148-150 Hamlet Court Road, Westcliff-on-Sea) – Applicant is a friend as his son;

(iv) Councillor D Garston – Application Ref. No. 22/01496/FUL (Land adjacent to 292 Leigh Road, Leigh-on-Sea) – son is a member of Leigh Town Council;

(v) Councillor Habermel – Application Ref. No. 22/02340/FUL and 21/00222/UNAU_B (16 The Leas, Westcliff on Sea) – Applicant is a personal friend of his wife (withdrew);

(v) Councillor A Jones – Application Ref. No. 22/02342/DOV – Son works for the Council's Transport Team and a contribution to bus infrastructure was mentioned during the debate;

(vi) Councillor Mulronee – Application Ref. No. 22/01496/FUL (Land adjacent to 292 Leigh Road, Leigh-on-Sea) – Non-planning member of Leigh Town Council and personal friend of an objector (withdrew);

(vi) Councillor Mulronee – Application Ref. Nos. 23/00077/FUL (96 Broadway, Leigh-on-Sea), 23/00280/FUL and 19/00177/UNAU_B (94 Broadway, Leigh-on-Sea) and 23/00218/TPO (33 Hadleigh Road, Leigh-on-Sea) – Member of Leigh Society and non-planning member of Leigh Town Council;

(vii) Councillor Sadza – Any application that includes social housing – Member of Acorn Tenants Union;

(viii) Councillor Sadza – Application. Ref No. 22/00244/FUL and 20/00189/UNAU_B (148-150 Hamlet Court Road, Westcliff-on-Sea) – has received email correspondence from the applicant; and

(ix) Councillor Ward – 23/00218/TPO (33 Hadleigh Road, Leigh-on-Sea) – Works for a company which is on this site (withdrew – the chair for this item was taken by the Vice-Chair, Councillor Borton).

828 Minutes of the Meeting held on Wednesday, 1 March 2023

Resolved:-

That the Minutes of the meeting held on Wednesday, 1st March 2023 be received, confirmed as a correct record and signed.

829 Supplementary Report

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

830 22/01541/FULM - 141 - 159 Sutton Road, Southend-on-Sea (Victoria Ward)

Proposal: Demolish existing buildings, erect part three/part four storey building containing 3no. commercial units (Class E) and 34no. residential units with associated parking

Applicant: Mr Antony Mason

Agent: BGA Architects

Mr Garwood, a local resident, spoke as an objector to this application.

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 £50,863.63.
- RAMS contribution - 34 x £137.71 = £5329.84
- Provision of Travel Information Packs to all residents.

- Late-Stage Viability Review Mechanism in regards to Affordable Housing Provision (60% of any surplus).
- Monitoring fee of £1,000.

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

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans 0-001A, 0-002A, 0-200G, 1-001A, 1-200D, 1-201F, 1-202E, 1-203C, 1-204C, 1-210D, 1-211C, 2-001A, 2-200C, 2-201C, 2-210C, 3-200C, 4-200C.

Reason: To ensure that 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 walls and associated brick decoration; roof including coping; windows and doors including entrance curtain walling; signage details; waste and recycling store doors; shopfronts including awnings and fascias 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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and the advice contained within the National Design Guide (Rev 2021) and the Southend-on-Sea Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, none of the units hereby granted consent shall be occupied unless and until the design details, materials and specifications for the privacy screens for all linked balconies and the design of the balustrading for the roof terraces and balconies, including balustrades, floor, underside, screens and any acoustic attenuation measures, have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The enclosures shall be implemented prior to occupation of any of the units and shall thereafter be retained for the lifetime of the development in accordance with the approved details.

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

05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved landscaping works shall be carried out prior to first occupation of the development. The details submitted shall include, but not be limited to:

- (i.) Existing and proposed finished site levels or contours.
- (ii.) Details of all means of enclosure of the site including any new gates or boundary walls and fencing.
- (iii.) Hard surfacing materials for forecourt and vehicle access, turning and parking areas and the roof terraces.
- (iv.) Full details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification and management plan including planting to the sides and front of the building to provide softening in the streetscene, in the car parking area and on the communal roof terrace.
- (v.) Details of any other landscaping structures such as seating areas, pergolas and play areas on the communal roof terrace.
- (vi.) Measures to enhance the biodiversity of the site.

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

06 The tree protection measures, as set out in Section 3 of the submitted Arboricultural Impact Assessment by Andrew Day Arboricultural Consultancy revision 01 dated 27/09/22 and associated tree protection plan, in relation to the trees identified as T1 and T2 in this statement, including the protective trunk hoarding, shall be implemented in full prior to commencement of the development and be retained as such throughout the construction phase of the development. Implementation of the development shall be undertaken only in full accordance with British Standard BS3998 and British Standard BS5837 including supervision of works by a qualified arboriculturist.

Reason: A pre commencement condition is justified to ensure the trees on and close to the site are adequately protected 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 the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

07 The 36 car parking spaces, including 4 disabled spaces, and the associated amended vehicular accesses for users of the spaces to access the public highway at the site and the reinstatement of crossovers onto Sutton Road, St Ann's Road and Maldon Road, as shown on approved plan 0-200G, shall be provided/carried

out and made available for use prior to the first use or the first occupation of any of the development hereby approved. The car parking spaces and the associated vehicular accesses to and from the public highway shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the occupiers of the dwellings hereby approved and their visitors. 20 parking spaces, including the 4 disabled spaces, shall have access to an active electric vehicle charging point. The remaining 16 parking spaces shall have passive provision for electric vehicle charging.

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

08 The development hereby approved shall not be occupied unless and until space for at least 37 secure, covered cycle parking spaces to serve the development and its visitors have been provided as shown on drawing 0-200G, or in such other on site location alternatively agreed by the Local Planning Authority under the scope of this planning condition, and have been made available for use in full accordance with the approved plans by the occupiers of the development hereby approved and their visitors. The approved cycle parking scheme shall thereafter be permanently retained for the lifetime of the development.

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

09 The development hereby approved shall not be occupied unless and until the three refuse stores to serve the development as shown on drawing 0-200 G have been provided at the site in full accordance with the approved plans and the Waste Management Strategy reference 3021014.D.2A and made available for use by all occupiers of the development hereby approved. The approved scheme shall be permanently retained for the storage of waste and recycling for the lifetime of the development.

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

10 The renewable energy proposals for the development hereby approved shall be carried out in full accordance with the recommendations set out in section 4 of the Energy and Sustainability Statement by Watt Energy & Consulting Engineers dated 29 November 2022 including the installation of 12.24 kWp of PV cells (equivalent to 34no x 360W panels) or any other details that have been previously submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. These renewables shall be implemented at the site prior to the first use or first occupation of the development and retained as such for the lifetime of the development thereafter.

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

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

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

12 Before any of the residential units hereby approved are first occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that 4 of the flats hereby approved comply with the building regulations M4 (3) 'wheelchair user dwellings' standard and the remaining 30 flats comply with the building regulations M4(2) 'accessible and adaptable dwellings' standard.

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

13 The development hereby approved shall be carried out in full accordance with the noise mitigation measures set out in paragraph 9.3 of the Façade Noise Exposure Assessment by HA Acoustics reference HA/AD238/V1.2 dated 13.3.23 to ensure that the internal noise levels in habitable rooms within the approved flats are in accordance with the ProPG guidance and British Standards BS4142. These mitigation measures shall be implemented prior to the first occupation of the development and shall be retained as such for the lifetime of the development.

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

14 Prior to the occupation of the development hereby approved a scheme for alternative means of ventilation and air cooling and heating in relation to the Mechanical Ventilation and Heat Recovery (MVHR) system proposed for the development must be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The scheme must demonstrate that:

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

The means of ventilation must be in accordance with documents:

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

The scheme must be designed to complement the agreed noise mitigation scheme Façade Noise Exposure Assessment by HA Acoustics dated 20 July 2022 reference HA/AD238/V1.1. The approved alternative means of ventilation and cooling shall be installed in full accordance with the approved details and maintained thereafter for the lifetime of the development.

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

15 Notwithstanding the provisions of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any revocation, amendment or adaptation of this legislation or for the time being may be in force, the commercial floorspace hereby approved shall be used only for purposes falling within Class E with the exception of use as a gymnasium within Class E(d) of the Town and Country Planning (Use Classes) Order 1987 as amended (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force).

Reason: In order to protect the amenities of occupiers of the development and surrounding occupiers and to protect the character and amenities of the area including because a gymnasium use could present noise and vibration characteristics and impacts potentially harmful to residential amenity which would warrant further detailed assessment all in accordance with Policies CP1, KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM11 and DM3 of the Development Management Document (2015).

16 The commercial ground floor units hereby approved shall not be open for customers outside the following hours: - 0700 hours to 2200 hours on any day.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

17 No deliveries or refuse or recycling collections shall be taken at or despatched from the ground floor commercial units hereby approved outside the hours of 07:00 to 20:00 hours Mondays to Saturdays and 09:00 to 18:00 hours on Sundays nor at any time on Bank or Public Holidays.

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

18 No plant or ventilation equipment for the ground floor commercial units (use class E) hereby approved shall be installed until and unless full details of its location, design and technical specifications and a report detailing any mitigation measures required and proposed in respect of noise impacts on the nearest noise sensitive properties have been submitted to, and approved in writing by, the Local Planning Authority under the terms of this condition. With reference to British Standards BS4142 the noise rating level arising from all plant and ventilation equipment shall be at least 10dB(A) below the prevailing background levels at 3.5m from the ground floor facades and 1m from all other facades of the nearest noise sensitive property. The rated noise levels from plant and equipment shall include any penalties for noise characteristics such as tone, intermittency, that are liable to cause the noise to be a nuisance etc.

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

Background noise levels shall be established for the following periods:

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

Details of how noise and vibration will be attenuated together with a maintenance schedule for the future operation of that equipment must be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. Heating and ventilation shall be in accordance with current guidance from DEFRA and the Heating and Ventilating Contractors' Association (HVCA) For Kitchen Ventilation Systems. The use hereby permitted shall not take place other than in accordance with these approved details.

The installation of the plant and ventilation equipment shall be carried out only in full accordance with the approved details and specifications and any noise mitigation measures shall be undertaken in accordance with the agreed details before the plant and ventilation equipment is brought into first use and shall be operated and maintained as such thereafter for the lifetime of the development.

Reason: To protect the amenities of the occupiers of the development and neighbouring occupiers from undue noise and disturbance in accordance with Core Strategy (2007) Policies KP2 and CP4, Policies DM1, DM3 and DM8 of the

Development Management Document (2015) and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

19 Notwithstanding the details submitted within the SUDS strategy by Marks Heeley Ltd dated November 2021 and as shown on the plans submitted and otherwise hereby approved, no drainage works shall be undertaken at the site unless and until a detailed design of a surface water drainage for the site, including the additional details specified below, has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority under the terms of this condition. The approved scheme shall be implemented at the site prior to the first occupation of the development. The scheme shall address the following matters:

(i.) An agreement in principle for Anglian Water regarding the surface water connection point.

(ii.) Updated drainage modelling calculation outputs to be provided with the following parameters amended. Please note these are for review only given the system has been designed to a 1:100 year storm standard:

- Cv (volumetric run-off coefficient) values set to 1.0 for all storm simulations.
- Maximum rainfall amount set to the maximum allowed by the software or 500 mm/hr, whichever is lowest.
- The Additional Storage factor should be set to 0 unless conclusive evidence is provided to justify why this has been modelled using 20 m³/ha.
- Urban creep to be set at 10%.

(iii.) A scheme for on-site foul water drainage works, including connection point and discharge rate.

(iv.) Details of how surface water will be managed during the construction phase including the phases of drainage installation relative to wider works.

No hard-standing areas shall be constructed until the works hereby approved have been carried out in accordance with the agreed strategy.

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

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

- (i.) the parking of vehicles of site operatives and visitors;
- (ii.) loading and unloading of plant and materials;
- (iii.) storage of plant and materials used in constructing the development;
- (iv.) the erection and maintenance of security hoarding including contact details (including out of hour contact details) that are to be displayed on the hoardings;

- (v.) a Noise and Dust Management Plan - measures to control the emission of noise and dust and dirt during demolition and construction. This should make reference to current guidance on the Assessment of Dust from Demolition and Construction - Institute of Air Quality Management or an acceptable equivalent;
- (vi.) a scheme for recycling/disposing of waste resulting from demolition and construction works. No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- (vii.) measures to mitigate noise disturbance during the development;
- (viii.) details outlining how surface water will be managed during the construction phase including details on the phasing of drainage installation relative to wider works.

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

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

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

22 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,
 - Properly (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).

23 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 (2021), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM1, and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

24 Notwithstanding the information submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into first use unless and until a service plan including full details of how larger vehicles will make deliveries and collections to and from the site has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The servicing of the development shall thereafter be undertaken in strict accordance with the approved service plan for the lifetime of the development.

Reason: In the interests of the amenities of neighbours and to ensure a good general environmental standard in accordance with the National Planning Policy Framework (2021), Policy KP2 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Plan (2015).

(c) In the event that the planning obligation referred to in part (a) above has not been completed before 5th May 2023 or an extension of this time as may be agreed by the Director of Planning or Service Manager - Development Control, authority is delegated to the Director of Planning or Service Manager - Development Control to refuse planning permission for the application on grounds that the development will not secure the necessary contributions for secondary education, 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 (2021), 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:

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

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

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

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

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

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

06 The applicant is advised that an enhanced scheme of sound insulation should be installed where there is the potential for nuisance from noise transference within the development due to the juxtaposition of living rooms and bedrooms.

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

08 The applicant is encouraged to make the car park a one-way system with access to the site via Maldon Road due to the one-way systems in the area.

09 The applicant is advised that residents and occupiers of the development hereby approved will not be issued with on-street parking permits.

- 831 **22/02342/DOV - Part of Former Keddie's Building and Maitland House, Chichester Road (Milton Ward)**
Proposal: Modification of Section 106 agreement dated 30/06/2011 (as amended by Deeds of Variation dated 22/06/2016 and 19/09/2018) pursuant to planning permission 10/02012/EXTM, to extend the payment provisions in relation to the Education, Bus Infrastructure and Warrior Square Contributions.
Applicant: Mr David Samuels of Broadway Estates Ltd
Agent: Mr Steve Davies of Hobbs Parker Property Consultants LLP

Resolved:-

(a) That the Council enter into a Planning Obligation by Deed of Variation under Section 106 of the Town and Country Planning Act 1990 (as amended) to allow the following modifications to the Deed of Agreement dated 30th June 2011 (as amended by Deeds of Variation dated 22nd June 2016 and 19th September 2018) pursuant to planning permission 10/02012/EXTM:

- (i.) Clause 3.1 of the Second Schedule – Education Contribution payable prior to first occupation of any of the residential units provided by the planning permission
- (ii.) Clause 6.1 of the Second Schedule – Bus Infrastructure Contribution payable prior to first occupation of any of the residential units provided by the planning permission
- (iii.) Definitions, Clause 7 of the Second Schedule, Clause 1.1 and 1.3 of the Third Schedule – Warrior Square Contribution – amend the definition and terms to 'Local Play Contribution' to be spent within 10 years of receipt and to be spent on 'the provision of new play equipment within the vicinity of the Site'

(b) That the Executive Director (Growth and Housing), Director of Planning or Service Manager for Development Control be DELEGATED to AGREE A MODIFICATION OF THE PLANNING OBLIGATION dated 30th June 2011 (as amended by Deeds of Variation dated 22nd June 2016 and 19th September 2018) pursuant to planning permission 10/02012/EXTM referred to above.

(c) That the cancellation of the associated invoice no. 771452 dated 4th July 2019 be authorised, including Bus Infrastructure Contribution (£30,739.80) and Education Contribution (£27,165.67); as well as ceasing any debt recovery proceedings in relation to this outstanding invoice as the payments would no longer be due at this stage.

832 23/00363/TEL - Grass Verge, Whitehouse Road (St Laurence Ward)
Proposal: Install 15m high slim-line monopole, supporting 6 no. antennas, 3 no. equipment cabinets and associated ancillary works
Applicant: CK Hutchinson Networks (UK) Ltd
Agent: Mr Alan Osborne of WHP Telecoms Limited

Resolved:-

That PRIOR APPROVAL be REFUSED, for the following reasons:

01 The proposed telecommunications mast would, by reason of its height, siting and appearance constitute a prominent and visually dominant feature in the streetscene resulting in significant harm to the residential character, appearance and visual amenities of the surrounding area. The cumulative effect of the equipment cabinets by reason of their size and scale and position and exacerbated by their colour would detrimentally add to visual clutter at the application site to the detriment of the character, appearance and visual amenities of the surrounding area. The benefits of the proposal do not outweigh the significant harm identified. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP1, KP2 and CP4, Development Management Document (2015) Policies DM1 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

02 It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed mast would not have a detrimental impact on public safety due to its height and position relative to London Southend Airport. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4 and Development Management Document (2015) Policy DM1.

833 23/00364/TEL - Footpath outside Eastwood Pre-School, Western Approaches (St Laurence Ward)
Proposal: Install 15m slim-line monopole, supporting 6 no. antennas, 3 no. equipment cabinets and associated ancillary works
Applicant: CK Hutchinson Networks (UK) Ltd
Agent: Mr Alan Osborne of WHP Telecoms Limited

Resolved:-

That PRIOR APPROVAL be REFUSED for the following reasons:

01 The proposed telecommunications mast would, by reason of its height, siting and appearance constitute a prominent and visually dominant feature in the streetscene resulting in significant harm to the residential character, appearance and visual amenities of the surrounding area. The cumulative effect of the

equipment cabinets by reason of their size and scale and position and exacerbated by their colour would detrimentally add to visual clutter at the application site to the detriment of the character, appearance and visual amenities of the surrounding area. The benefits of the proposal do not outweigh the significant harm identified. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP1, KP2 and CP4, Development Management Document (2015) Policies DM1 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

02 It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed mast would not have a detrimental impact on public safety due to its height and position relative to London Southend Airport. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4 and Development Management Document (2015) Policy DM1.

834 22/01496/FUL - Land adjacent to 292 Leigh Road and 152 Broadway (Leigh Ward)

Proposal: Demolish existing storeroom and erect two storey building with basement for use as a restaurant (Class E) and use existing basement at 292 Leigh Rd as associated restaurant floorspace.

Applicant: Capability Ltd

Agent: Mr Dwight Breley of Breley Design Ltd

Ms N Stimson, a local resident, spoke as an objector to the application. Mr Harvey,, the applicant's agent, responded.

Resolved:-

That the matter be DEFERRED for further clarity about adjacent premises' windows.

835 22/01880/FUL - Garages Rear of 647 to 657 Prince Avenue (St Laurence Ward)

Proposal: Replace existing derelict garage with 1no. storage unit and erect 1no. storage unit (retrospective)

Applicant: Mr Andrew Timotheou

Agent: Mr Craig Pallett of BDA Architecture

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

01 The development hereby permitted shall be retained only in accordance with the following approved plans: 22.167/01, 22.167/02 Revision A, 22.167/03 Revision A, 22.167/04 Revision 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).

02 The external appearance of the buildings hereby approved must accord with approved plan: 22.167/04 Revision A in terms of the choice of materials, method of construction and finished appearance.

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

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

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4 and Development Management Document (2015) policies DM1 and DM3.

04 A 'Give Way' sign shall be installed to the north side of unit 11 incorporating instructions displayed for vehicle drivers to access/egress the site in forward gear, in accordance with details which shall have previously been submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this decision and they shall be retained for the lifetime of the development.

Reason: To discourage unsafe vehicle movements within the site to the material detriment of pedestrian and highway safety and the local highway network and to comply with Policy CP3 of the Core Strategy (2007), Policies DM3 and DM15 of the Development Management Document (2015).

05 No external lighting shall be installed at the development otherwise hereby approved unless and until a scheme of external lighting has been previously submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained for the lifetime of the development.

Reason: In the interests of residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 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 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.

836 22/02340/FUL and 21/00222/UNAU_B - 16 The Leas, Westcliff-on-Sea (Chalkwell Ward)

Proposal: Replace existing wooden sash windows with uPVC double glazed sash windows at 16 and 16A The Leas (retrospective)

Applicant: Mrs Julie Burgess

Agent: Andy Stevens of ASP

Resolved:-

(A) That, subject to no new material planning considerations being raised by the end of the statutory consultation period, the Executive Director (Growth & Housing), Director of Planning or the Service Manager – Development Control, be AUTHORISED to REFUSE PLANNING PERMISSION for the following reason:

01 The development, by reason of the detailed design and materials of the replacement windows and doors, has resulted in visually prominent, out of keeping and incongruous alterations to the existing building which are harmful to the character and appearance of the site, the streetscene and the wider area including the conservation area. Whilst this harm is less than substantial, it is nevertheless significant in degree and is not outweighed by any public benefits of the development. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3, DM5 and DM6 of the Development Management Document (2015) and advice contained within the National Design Guide (2021) the Southend-on-Sea Design and Townscape Guide (2009) and The Leas Conservation Area Appraisal (2022).

Positive and Proactive Statement

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

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

Informatives:

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 www.southend.gov.uk/cil for further details about CIL.

02 The applicant is reminded that planning permission will be required for replacement windows and doors following the removal of the unauthorised fenestration subject of this decision. If these areas of the building are left untreated, the Local Planning Authority may consider it expedient to issue a S.215 Notice under the provisions of the Planning Acts. The planning application should demonstrate that replacement windows and doors closely replicate the original timber windows and doors.

(B) That ENFORCEMENT ACTION be AUTHORISED to secure:

(i) the removal of the uPVC windows and doors highlighted in red in drawing TL-BU-02; and

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

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

When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of nine (9) months is considered reasonable for the removal of the unauthorised uPVC windows taking into account the need to obtain planning permission and manufacture timber sash windows resulting in compliance with this.

837 23/00077/FUL - 96 Broadway, Leigh-on-Sea (Leigh Ward)
Proposal: Change of use of all floors, garden and terrace from shop and residential (Classes E and C3) to cafe/restaurant (Class E), install timber balustrade to terrace (Part Retrospective) (Amended Proposal)
Applicant: Mr Stuart Childs
Agent: Mr Ian Farrow of Ergotechnics Ltd

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin not later than three years from the date of this decision.

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: PP100, PP101, PP102, PP103 Rev C, PP104 Rev C, PP105 Rev A.

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

03 The raised terrace area to the rear of the building shall not be used by customers unless and until the narrow-slatted timber balustrading and 1m deep planter have been installed as shown on approved plans reference PP103 Rev C and PP104 Rev C. These measures shall be retained for the lifetime of the development.

Reason: To safeguard the character and appearance of the site and the surrounding Leigh Cliff Town Conservation Area and the amenities of neighbours in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015) and advice contained within the National Design Guide (2021), Southend-on-Sea Design and Townscape Guide (2009) and the Leigh Cliff Town Conservation Area Appraisal (2021).

04 The Class E (café/restaurant) use hereby permitted shall not be open to customers outside the following times: from 8:30am to 6pm Mondays to Fridays, from 8:30am to 10pm on Saturdays and from 9am to 4pm on Sundays and Bank and Public Holidays.

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

05 No deliveries or refuse collection shall be taken at or despatched from the Class E use hereby permitted other than the following hours from 7am to 6pm Mondays to Fridays and from 8am to 1pm on Saturdays and not at any time on Sundays, Bank or Public Holidays.

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

06 Other than for maintenance or in the event of emergency escape, the rear first floor terrace area of the development hereby approved shall not be used by staff or customers for any purposes including for the consumption of food or drink or smoking outside the following hours: from 10am until 5pm on Mondays to Saturdays and from 12 noon to 4pm on Sundays and Bank and Public Holidays. There shall be no speakers or music, amplified or otherwise, played or relayed on the terrace or in the garden at any time.

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

07 Within 2 months of the date of this decision a post completion noise survey must be undertaken by a competent qualified acoustic consultant to accurately measure the noise from the replacement kitchen extract fan hereby approved at the maximum operating speed. This survey shall demonstrate that the noise from the kitchen extract fan when operating at its maximum speed is limited to 10 dB(A) below the background noise level over 15 minutes including any penalties for noise characteristics such as tone and intermittency measured in accordance with British Standards BS4142:2014+A1:2019. The results of the survey report shall be submitted to and approved in writing by the Local Planning Authority. If the post completion survey reveals that the above noise criteria have not been met further noise mitigation shall be specified and implemented shall be retained thereafter. If within 6 months from the date of this decision the noise criteria set above have not been met, the use of the building as a café/restaurant shall cease until a noise survey has been submitted to the Local Planning Authority confirming compliance.

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

08 Within 2 months of the date of this decision, the noise mitigation measures as detailed in the 'Noise Impact Assessment' by Venta Acoustics (Report VA4337.220914.NIA dated 15 December 2022) shall be implemented at the site in full by competent persons and a post completion noise survey must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in the Report.

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

The mitigation measures as approved shall be retained thereafter.

If within 6 months from the date of this decision the noise criteria set above have not been met, the use of the building as a café/restaurant shall cease until a noise survey confirms compliance.

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

09 The use hereby approved shall be managed in strict accordance with the Noise Management Plan received 20 March 2023 and associated 'One Warning' Policy and Risk Assessment or any other management plan full details of which have previously been submitted to and agreed in writing by the Local Planning Authority under the terms of this condition and in either eventuality for the lifetime of the development.

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

10 Within 1 month of the date of this decision, the refuse and recycling area to the rear of the building as shown on plan reference PP105 Rev A shall be enclosed on its west side by a 1.8m slatted timber screen which shall fully accord with the details and specifications shown on that plan. The refuse and recycling storage facilities shall be retained for the lifetime of the development in accordance with the approved details.

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

11 Within 3 months from the date of this decision cycle storage facilities for at least 2 bicycles shall be provided and made available for use at the site by the employees of the approved use in full accordance with details that have been previously submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. The approved cycle storage facilities shall then be retained for the lifetime of the development.

Reason: To ensure the provision of adequate cycle parking in accordance with policies DM8 and DM15 of The Development Management Document (2015).

12 No external lighting shall be installed to the rear of the building subject of this permission or within its outside seating areas other than in accordance with details including lighting design, specifications and location that have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. All illumination shall be designed in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light". All lighting within the site shall be retained in accordance with the approved details.

Reason: In order to protect the amenities 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).

13 Construction works associated with this permission shall not take place outside the following hours: from 8am to 6pm Mondays to Fridays, from 8am to 1pm on Saturdays and at no time Sundays or Bank and Public Holidays.

Reason: In order to protect the amenities 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).

Positive and Proactive Statement:

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

Informatives:

01 You are advised that as the proposed extension(s) 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 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 Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City, Civic Centre, Victoria Avenue, Southend SS2 6ER'.

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 the development on site remains unauthorised until the mitigation measures hereby approved have been installed. Failure to remedy this may result in the council considering the expediency of enforcement action to seek to remedy the currently identified harm.

838 23/00280/FUL and 19/00177/UNAU_B - 94 Broadway, Leigh-on-Sea (Leigh Ward)
Proposal: Alterations to shop front (part-retrospective)
Applicant: Mr and Mrs Ribeiro
Agent: Trudys Architectural Consultants

Resolved:-

(A) That PLANNING PERMISSION be REFUSED for the following reason:

01 The development, by reason of the metal cladding which has been applied to the fascia on the north elevation has resulted in visually prominent, out of keeping and incongruous alterations to the existing building which is harmful to the character and appearance of the site, the streetscene and the wider Leigh Cliff Conservation Area and harms the setting of the adjacent and nearby locally listed buildings. Whilst this harm is less than substantial, it is nevertheless at least moderate in degree and is not outweighed by any public benefits of the development. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the advice contained within the National Design Guide (rev 2021), the Southend-on-Sea Design and Townscape Guide (2009) and the Leigh Cliff Conservation Area Appraisal (2021).

Positive and Proactive Statement

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

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 www.southend.gov.uk/cil for further details about CIL.

02 The applicant is reminded that, following the removal of the unauthorised metal cladding subject of this decision, the fascia should be returned to the plain painted style approved under planning permission 19/01711/FUL. If this area of the building is left

untreated, the Local Planning Authority may consider it expedient to issue a S.215 Notice under the provisions of the Planning Acts.

(B) That ENFORCEMENT ACTION be AUTHORISED to secure:

- (i) the removal of the unauthorised metal cladding to the fascia and stallriser on the north elevation of the building; and
- (ii) the removal from site all materials resulting from compliance with (i) above.

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

When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of four (4) months is considered reasonable for the removal of the unauthorised operational development and obtaining planning permission for acceptable replacement windows and fascia.

839 23/00136/FUL - Land at Rear of 77-83 West Road (Westborough Ward)
Proposal: Demolish existing outbuildings, erect block of 2no. self-contained flats with associated parking, cycle store and new boundary treatment (part retrospective)
Applicant: Mr Halpern – Lands Partners LTD
Agent: Mr Stan Beanland of Beanland Associates Architects Ltd.

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:-

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

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

02 The development hereby approved shall be carried out in accordance with the approved plans: 3002_50; 3002_052 REVB; 3002_100 REVB; 3002_101 REVB; 3002_102 REVB; 3002_103; 3002_200B; 3002_201; 3002_202 REVB; 3002_203 REVB, 3002_700, 3002_701, 3002_710, 3002_703

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

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

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

04 Within the first available planting season (October to March inclusive) following the first use of the development hereby approved, a soft landscaping scheme which includes details of net biodiversity gain, shall be implemented in line with details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The soft landscaping scheme shall be implemented, completed and maintained thereafter in full accordance with the approved details. It is expected that the landscaping scheme submitted for approval shall accord with the principles and nature of that shown on drawing No 3002_052 REV B.

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

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

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

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

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

dwelling hereby approved and shall be retained as such for the lifetime of the development.

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

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

- (i) the parking of vehicles of site operatives and visitors,
- (ii) loading and unloading of plant and materials,
- (iii) storage of plant and materials used in constructing the development,
- (iv) the erection and maintenance of security hoarding,
- (v) measures to control the emission of dust, dirt, mud being carried onto the road and noise during construction,
- (vi) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.
- (vii) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction. 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 (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

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

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

09 The (2No) car parking spaces shown on approved plan 3002_052 REVB shall be provided and made available for use at the site prior to the first occupation of the dwelling hereby approved. The parking spaces shall be fitted with an active electric vehicle charging point. The car parking spaces shall thereafter be permanently retained for the parking of vehicles of the occupiers and visitors to the 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 (2021), 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).

10 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 under the terms of this condition and implemented on site in accordance with the agreed details. The agreed measures shall be maintained on site as approved thereafter.

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

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

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

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

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

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

remediation scheme a verification report must be prepared, which is subject to the approval in writing by the Local Planning Authority.

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

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

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

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

07:00 to 23:00

- Resting - Living room 35 dB LAeq,16hour
- Dining - Dining room/area 40 dB LAeq,16hour
- Sleeping/Daytime Resting - Bedroom 35 dB LAeq,16hour

23:00 to 07:00

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

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

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

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

The means of ventilation must be in accordance with documents CIBSE Guide A:2015-Environmental Design, CIBSE TM52:2013-The limits of thermal comfort: avoiding overheating in European buildings and CIBSE TM59:2017-Design

methodology for the assessment of overheating risk in homes. The alternative means of ventilation shall be implemented in full accordance with the details approved under this condition before the dwellings are first occupied and be maintained as such thereafter in perpetuity.

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

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

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

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. The applicant is advised they will need to contact the Highways department to return a section of the existing extended dropped kerb to public highway.

840 23/00244/FUL and 20/00189/UNAU_B - 148-150 Hamlet Court Road, Westcliff-on-Sea (Milton Ward)
Proposal: Replace existing uPVC top hung casement windows with Rehau Heritage Slider Sash windows to front and side, enlarge ground floor rear window and install uPVC top hung casement window
Applicant: Mr Simon Rush
Agent: Mr Matthew Driscoll of MJD Planning Ltd

Resolved:-

(A) That PLANNING PERMISSION be REFUSED for the following reason:

01 The proposed replacement windows, by virtue of their modern material (uPVC), dimensions and the use of double-glazed units are considered to be harmful to the character and appearance of the site, the streetscene, the Frontage of Townscape Merit, the wider Hamlet Court Road Conservation Area and harm the setting of the Grade II listed Havens building at No 140 Hamlet Court Road. Whilst the harm to the designated heritage assets is less than substantial, it is nevertheless significant in degree and is not outweighed by any public benefits of the development. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the advice contained within the National Design Guide (rev 2021), the Southend-on-Sea Design and Townscape Guide (2009) and the Hamlet Court Road Conservation Area Appraisal (2021).

Positive and Proactive Statement

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

service available at: <https://www.southend.gov.uk/make-planning-application-planning-advice/planning-advice-guidance/2>

Informatives

1. 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 www.southend.gov.uk/cil for further details about CIL.

2 The applicant is reminded that planning permission will be required for replacement windows following the removal of the unauthorised fenestration subject of this decision. If these areas of the building are left untreated, the Local Planning Authority may consider it expedient to issue a S.215 Notice under the provisions of the Planning Acts. The planning application should demonstrate that replacement windows closely replicate the original timber sash windows which were removed at the site.

(B) That ENFORCEMENT ACTION be AUTHORISED to secure:

(i) the removal of the unauthorised uPVC windows from the west (front), east (rear) and north (flank) elevations at first and second floor; and

(ii) the removal from site all materials resulting from compliance with (i) above.

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

When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of nine (9) months is considered reasonable for the removal of the unauthorised operational development and obtaining planning permission for acceptable replacement windows.

841 23/00067/FULH and 22/00319/BRCN_B - 60 Gunners Rise, Shoeburyness (Shoeburyness Ward)

Proposal: Install replacement windows and doors (Retrospective)

Applicant: Mr Neil Hurrell

Agent: Mr Liam Bedwell of Mibe Architects Ltd

Resolved:-

(A) That PLANNING PERMISSION be REFUSED for the following reason:

01 The development, by reason of the detailed design and materials of the replacement windows and doors has resulted in visually prominent, out of keeping and incongruous alterations to the existing building which are harmful to the character and appearance of the site, the streetscene and the wider area. The development has also resulted in harm to the setting and appearance of the adjacent Shoebury Garrison Conservation Area. Whilst this harm is less than

substantial, it is nevertheless moderate to significant in degree and is not outweighed by any public benefits of the development. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) the Southend-on-Sea Design and Townscape Guide (2009) and the Shoebury Garrison Conservation Area Appraisal (2020).

Positive and Proactive Statement

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

Informatives

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 www.southend.gov.uk/cil for further details about CIL.

02 The applicant is reminded that planning permission will be required for replacement windows and doors following the removal of the unauthorised fenestration subject of this decision. If these areas of the building are left untreated, the Local Planning Authority may consider it expedient to issue a S.215 Notice under the provisions of the Planning Acts. The planning application should demonstrate that replacement windows and doors closely replicate the original timber sash windows which were removed at the site but can still be seen on adjacent properties.

(B) That ENFORCEMENT ACTION be AUTHORISED to secure:

- (i) the removal of the unauthorised windows and doors outlined in red in the sketch included in Appendix B of the submitted report; and
- (ii) the removal from site all materials resulting from compliance with (i) above.

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

When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of nine (9) months is considered reasonable for the removal of the unauthorised operational

development and obtaining planning permission for acceptable replacement windows and doors.

- 842 23/00193/FULH - 12 Burges Road, Thorpe Bay (Thorpe Ward)**
Proposal: Extend and alter roof with glazed gable end and balcony to rear, form pitched roof to first floor existing rear gable, erect single storey rear and side extension, remove chimney and install rooflight to side
Applicant: Mr and Mrs Williamson
Agent: Knight Gratrix Architects

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions

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

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

02 The development hereby permitted shall be carried out solely in accordance with the following approved plans: 010 Revision A, 012 Revision 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), advice in the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

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.

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 With the exception of the balcony hereby approved located within the roof to the rear of the dwelling as shown on approved plan 012 Revision C and the existing balcony at first floor level to the front of the dwelling, the roof areas of the development hereby approved shall not be used as a balcony, roof garden, terrace or any similar purpose without express planning permission. The roofs can however be used for the purposes of maintenance or to escape in the event of an emergency.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the 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).

05 The proposed rooflight in the eastern flank elevation of the development hereby approved, shown on drawing number 012 Revision C, 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 where it is less than 1.7 metres above internal finished floor level of the room or internal area served before the development is first used or occupied and retained as such thereafter. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.

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

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 alterations to your property do not result in new floorspace and the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

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.

843 23/00197/FULH - 423 Woodgrange Drive, Southend-on-Sea (Thorpe Ward)

Proposal: Erect part single/part two storey rear extension with balcony to rear at first floor level, extend existing dormer to side, single storey front/side extension to form porch area, install rooflights to side elevations and alterations to front elevation

Applicant: Mr Martin Hainesborough

Agent: Mrs Lindsey Wislocki of Hedgehog Architects

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions

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

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

02 The development shall only be undertaken in accordance with the following approved plans: P1000, P1001 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 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 side dormer window of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level prior to the first use or occupation of the development hereby permitted and retained as such thereafter. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.

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

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

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

Informatives

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

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

Positive and Proactive Statement

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

- 844 23/00218/TPO - 33 Hadleigh Road, Leigh-on-Sea (Leigh Ward)**
Proposal: Fell and grind out stump (T2) - Sycamore (Acer pseudoplatanus), remove major deadwood to Trees (T5) and (T6) - Scots Pine (Pinus sylvestris) and remove major deadwood (T7) - Corsican Pine (Pinus nigra) (Application for works to Trees subject to a Tree Preservation Order)
Applicant: E Leonard
Agent: Mr Simon Govier of Montrose Trees Ltd

Resolved:-

That PLANNING PERMISSION be REFUSED for the following reason:

01 The Sycamore Tree (T2) positively benefits the character and appearance of the local area and has significant amenity value. The proposed works would be detrimental to the amenity value of the tree, resulting in its total loss, and would be harmful to the character of the streetscene and area more widely including the character and appearance of Leigh Conservation Area. The justification for the works submitted with the application would not outweigh the significant loss of amenity value. The proposal is therefore unacceptable and contrary to Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM5 of the Development Management Document (2015), and advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and Leigh Conservation Area Appraisal (2022).

Informative:

1. The removal of deadwood is exempt from the need to obtain express consent from the Local Planning Authority.

- 845 22/00338/UNAU_B - 8 Somerville Gardens, Leigh-on-Sea (Leigh Ward)**

Breach of Planning Control: Erection of a dormer to the rear

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to secure:

(i) the removal from the site the rear dormer in its entirety; OR

(ii) the modification of the dormer so that it its position, form, size and external finishes fully complies with all relevant provisions and conditions of permitted development set out within Part 1 Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015;

AND

(iii) the removal from site all materials resulting from compliance with (i) OR (ii) above

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

When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of six (6) months is considered reasonable for the removal of the unauthorised dormer or alternatively its amendment so that it then either fully complies with Permitted Development provisions or with any necessary planning permission which needs to be obtained, together with removal of all materials resulting in compliance with any of those requirements.

846 Vote of Thanks

The Committee thanked the Chair for the able way in which he had conducted the meetings of the Committee over the Municipal Year.

Chair: _____

DEVELOPMENT CONTROL COMMITTEE**AGENDA 31st May 23**

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| Main Plans Report | | | |
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| Southchurch | 23/00085/BC4M | Bournes Green Junior School Ladram Road | |
| Leigh | 23/00328/BC4 | Cockle Shed 1 High Street | |
| Eastwood Park | 23/00342/FUL | 358 Rayleigh Road Eastwood | |
| West Leigh | 23/00462/FULH | 138 Hadleigh Road Leigh-on-Sea | |
| Chalkwell | 23/00434/FUL | Leigh Road Baptist Tennis Club Victory Path | |
| Leigh | 22/01496/FUL | Land Adjacent To 292 Leigh Road and 152 Broadway | |

| Enforcement Report | | | |
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| Milton | 21/00218/UNAU_B | 107 - 109 High Street Southend-on-Sea | |

DEVELOPMENT CONTROL COMMITTEE

INTRODUCTION

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

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

DEVELOPMENT CONTROL COMMITTEE

Background Papers

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

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

DEVELOPMENT CONTROL COMMITTEE

Use Classes

(Generally in force from 1st September 2020)

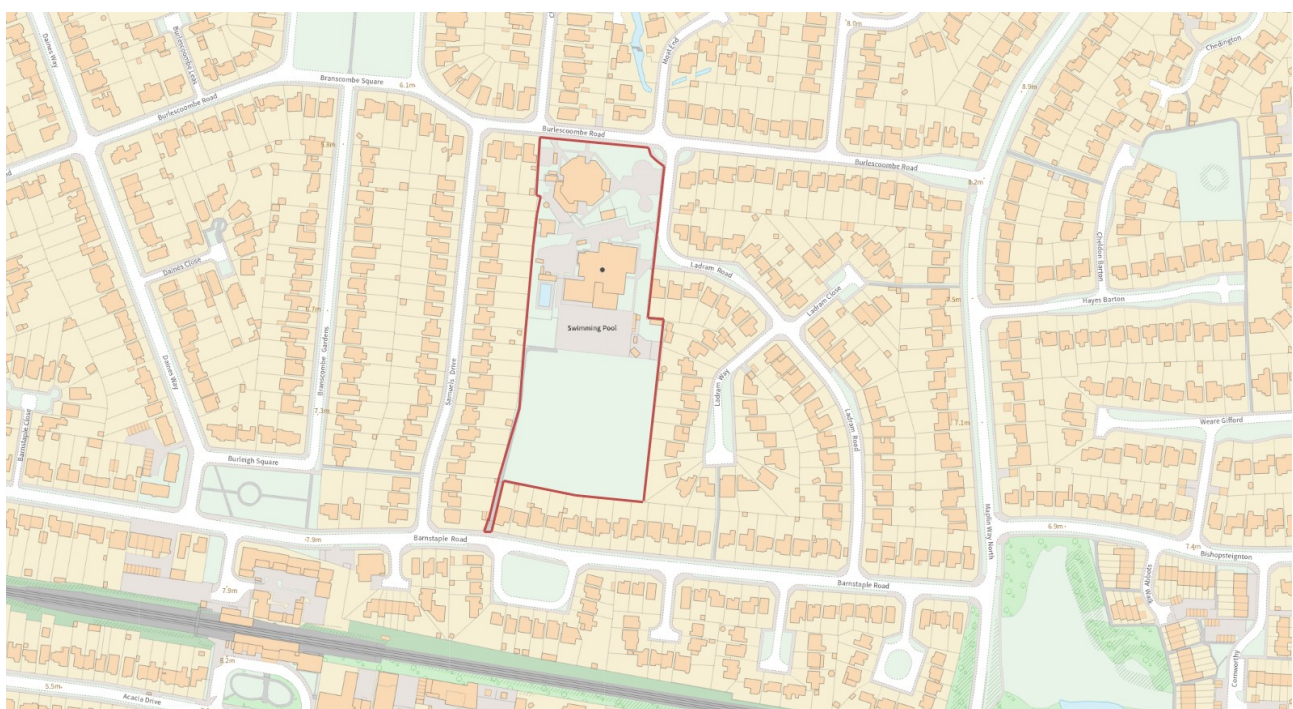
| | |
|-------------|---|
| Class B1 | Business |
| Class B2 | General industrial |
| Class B8 | Storage or distribution |
| Class C1 | Hotels |
| Class C2 | Residential institutions |
| Class C2A | Secure residential institutions |
| Class C3 | Dwellinghouses |
| Class C4 | Houses in multiple occupation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

Deleted Use Classes

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

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

| | | |
|--------------------------------|---|------------|
| Reference: | 23/00085/BC4M | <h1>5</h1> |
| Application Type: | Borough Council Regulation 4 - Major | |
| Ward: | Southchurch | |
| Proposal: | Erect single storey extension linking the infant and junior schools and erect an enclosure to the existing outdoor pool area | |
| Address: | Bournes Green Junior School, Ladram Road, Thorpe Bay, Essex, SS1 3PX | |
| Applicant: | Bournes Green Junior School | |
| Agent: | Mr Nick Kenney of The Draughtsman Architectural Ltd. | |
| Consultation Expiry: | 11.05.2023 | |
| Expiry Date: | 02.06.2023 | |
| Case Officer: | Oliver Hart | |
| Plan Nos: | BG/NAK/01 Rev D; BG/NAK/02 Rev D; BG/NAK/03 Rev D; BG/NAK/04 Rev D; BG/NAK/05 Rev D | |
| Supporting information: | Tree Survey and Arboricultural Impact Assessment Revision A (ref. UTC-0770-AIA) by Underhill Tree Consultancy; Transport Statement | |
| Recommendation: | GRANT PLANNING PERMISSION subject to conditions | |



1 Site and Surroundings

- 1.1 The application site is within the boundary of Bournes Green Junior School along Ladram Road.
- 1.2 The wider surrounding area is mainly residential. The school site is situated at a slightly higher level than neighbouring residential properties to the west.
- 1.3 Whilst school playing fields to the south of the application site are allocated as Protected Green Space, the application site itself has no specific allocation on the Development Management Document's Proposals Map.

2 The Proposal

- 2.1 Planning permission is sought to erect a single storey extension linking the infant and junior schools. The main body of the extension would be flat roofed and some 38m deep, 18m wide and 3.6m in maximum height. A thinner element 4m wide, 13.9m deep and 3.3m high leading from the main body of the extension to the junior school entrance itself is also proposed.
- 2.2 The extension would be finished externally in white render and would comprise additional teaching space, additional storage areas, a staff room and the Head Teacher's office. The applicant has clarified that the nursery rooms are to be used as one to one or mentoring rooms.
- 2.3 The proposal has been amended during the course of the application to include an enclosure to the existing outdoor pool area. The pool enclosure would be (parapet) flat roofed and some 4.6m high, 29m deep and 14.6m wide and in the same general form and position as the swimming pool enclosure approved (but not yet implemented) in 2022 (planning permission ref 22/00238/FUL). The changing rooms and plant room positions differ between the two schemes. Materials proposed include a combination of render and face-brick to the exterior walls. An access ramp (gradient 1:12) is also shown.
- 2.4 4no. trees are proposed to be removed to make way for the development. This includes 2no. small weeping crab apple trees (T1 & T2), 1no. Hawthorn tree (T4) and 1no. Beech tree (T9). T1, T2 and T4 would be removed to enable amendment of the existing parking layout, with the development leading to the re-location of 9no. existing spaces across the site, 8no. of these are proposed to the Ladram Road frontage. In total, the development would lead to the provision of 1no. additional parking space over the existing capacity.
- 2.5 Other alterations include the provision of a new pedestrian footpath leading from the Ladram Road frontage to the proposed extension and demolition of a caretaker building to the west of the site (to be replaced with a free draining soft surface area).
- 2.6 As amended during the course of the application, a Laurel hedge boundary to the western flank boundary and additional soft landscaping in the small triangle areas forward of the new parking area adjacent to the Ladram Road frontage have been incorporated into the proposal. Specific details of this planting have not been provided at application stage.

3 Relevant Planning History

- 3.1 22/00238/FUL- Erect pool enclosure to existing outdoor pool to rear- Granted
- 3.2 06/01744/FUL- Enclose courtyard area with roof to form additional classroom- Granted
- 3.3 04/01085/BC3- Erect infill extension to North elevation- Granted
- 3.4 03/00491/BC3- Erect canopy to southwest elevation of infants school extend hardsurfaced area and lay out external area with play equipment- Granted

4 Representation Summary

- 4.1 The application is presented to Development Control Committee on account of the nature of the application and its classification as a Major development given the floor area proposed.

Highways

- 4.2 There are no highway objections to this proposal. It is not considered that the proposal will have a detrimental impact on the local highway network. The travel plan should be conditioned.

Education

- 4.3 No objections. The application will contribute to sufficiency planning for Early Years planning in the City.

Tree Officer

- 4.4 No objections. The revised position and method of path construction are acceptable and provided the developer adheres to the recommendations in the report, there should be no detrimental impact upon the trees on site.

LLFA

- 4.5 No objections subject to a condition requiring submission of additional drainage information.

Environmental Health

- 4.6 No objections subject to conditions relating to requirement for a noise impact assessment, lighting details and to limit construction hours. Conditions for UXB (unexploded ordnance) and to control noise from outdoor play were also proposed however, it is considered these conditions are not reasonably proportionate to the application which seeks enlargements to a long standing school site.

5 Public Consultation

- 5.1 A site notice was displayed, a press notice was published and 51no. neighbours were consulted. Further consultation was undertaken following receipt of revised plans incorporating the proposed pool enclosure as that is different in detail (changing room and plant positions) from the 2022 approved enclosure and which has not yet been implemented in any event. 6no. letters of representation from 5no. addresses were received. The comments raised are summarised below:

- The additional provision at the site will have detrimental traffic implications
- Concerns with content of the Traffic assessment
- Objection to loss of trees
- Loss of trees with have a detrimental impact on the school's landscaped setting and views from Ladram Road
- Concerns with the layout of the new parking spaces and impact on pedestrian/highway safety
- Loss of privacy concerns
- Loss of outlook and sense of enclosure concerns
- Loss of property value
- Layout of the 'previously approved' pool enclosure has been altered in this proposal [Officer comment: The application has been amended to include this change]
- Scale of the development may have a detrimental environmental impact
- Condition should be imposed for acoustic insulation to the nursery wall
- Impact on wildlife habitats

[Officer Comment] All relevant planning considerations are assessed within the appraisal section of the report (Section 8). The above concerns are noted and they have been taken into account in the assessment of the application however, they were not found to represent a justifiable reason for refusal of the application in the circumstances of this case. The rooms referred to as nursery are to be used as one to one or mentoring rooms and not as a nursery and as such there would be no use of the adjacent outdoor area. External doors shown are for fire purposes.

6 Planning Policy Summary.

- 6.1 National Planning Policy Framework (NPPF) (2021)
- 6.2 Planning Practice Guidance - National Design Guide (2021)
- 6.3 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance) and CP6 (Community Infrastructure).
- 6.4 Development Management Document (2015): Policies DM1(Design Quality), DM3 (Efficient and Effective Use of Land), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management)
- 6.5 Southend-on-Sea Design & Townscape Guide (2009)
- 6.6 Community Infrastructure Levy Charging Schedule (2015) (CIL)

7 Planning Considerations

- 7.1 The main considerations are the principle of the development, the design and impact on the character of the site, the streetscene and wider area, the impact on residential amenity, traffic and transportation issues, flooding and drainage concerns and CIL.

8 Appraisal

Principle of development

- 8.1 Policy CP6 of the Core Strategy supports *'improvement to existing, and the provision of new, facilities to support the needs of education, skills and lifelong learning strategies.'*
- 8.2 Paragraph 95 of the NPPF states Local Authorities *'should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.'*
- 8.3 The applicant has provided information explaining the background to the application. They outline that despite officially being registered as two separate schools, many of the resources and staffing including use of the swimming pool, are shared between the sites for cost efficiency. However, the sites sit at different levels with the car park between making it hazardous for staff and pupils to move around. The proposed extension resolves these issues by linking the three major buildings, allowing users of all abilities to move freely between in all-weather conditions and to enable year-round use of the pool.
- 8.4 The proposal therefore represents a significant improvement of the existing school facilities and as confirmed with the applicant, would not result in an increase in the number of staff or pupils at the school.
- 8.5 Additionally, the proposed extensions would be positioned on existing hardsurfacing at the site so would not diminish sports field/green space provision. On this basis, no objection is raised to the principle of the development which accords with overarching National and Local planning policy that supports development that improves school facilities. Other material considerations are outlined below.

Design and Impact on the Character of the Area

- 8.6 Good design is fundamental to high quality new development and its importance is reflected in the National Planning Policy Framework as well as Policies DM1 and DM3 of the Development Management Document and Policies KP2 and CP4 of the Core Strategy. The Design and Townscape Guide also states that the Council is committed to good design and will seek to create attractive, high-quality living environments.
- 8.7 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.
- 8.8 The National Planning Policy Framework states that *"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"* (paragraph 126).

- 8.9 The proposed extension and pool enclosure represent significantly scaled additions relative to the existing site footprint. The same general form and position of pool enclosure can in any event be independently built under the 2022 planning permission.
- 8.10 The proposed development would be set some 50m from the nearest publicly available views from Ladram Road to the east. The extensions together are considered to be of a functional overall design but designed with a complementary roof form and materials that draw appropriate reference from the wider school site. The development's overall size and scale is considered acceptable paying due regard to its significant separation from the nearest publicly accessible views on account of its position close to the western flank boundary.
- 8.11 No objection is raised to the removal of the caretaker building which is in a poor state and which holds no architectural interest.
- 8.12 The application has been submitted with a tree survey and an Arboricultural Impact Assessment (AIA). The proposal will be facilitated by removal of four individual trees, numbered T1, T2, T4 and T9 respectively. T1 and T2 are located close to the Ladram Road frontage, T4 is located to the western flank boundary and T9 is centrally located in relation to the site. All trees have been arboriculturally assessed as Category 'C' trees, which relates to 'low' quality trees.
- 8.13 The loss of these trees, in particular, those close to the Ladram Road frontage represent a less positive aspect of the development. However, none of the trees to be removed are classified as Category 'A' specimens, i.e. those of high quality nor trees worthy of preservation. In addition, the proposed plan as amended during the course of the application shows the newly formed parking area to the Ladram Road frontage would be set within a decent landscaped setting following the incorporation of soft landscaping in the small triangle areas forward of the new parking spaces, as well as the provision of an extensive planted hedge along the western flank boundary. Details and provision of this planting can be conditioned.
- 8.14 The Council's arboricultural officer has raised no objections to the proposed tree works subject to the developer adhering to the recommendations outlined in the report.
- 8.15 As such, given the overall, size, scale, design and location of the development, and subject to the described conditions it is considered that the proposal would not harm the character and appearance of the site, the streetscene or wider surrounding area.
- 8.16 The development is therefore acceptable and policy compliant in these regards.

Impact on Residential Amenity

- 8.17 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.

- 8.18 The proposed link extension would be positioned some 14.5m from the rear boundaries of No's 34-40 Samuels Drive to the west. The proposed pool enclosure which is in the same position and of the same scale as that approved in 2022 would be some 5m from the rear boundaries of No's 26-32 Samuels Drive. The rear gardens of these properties are in excess of 20m deep. The proposed development varies in height, with the proposed pool enclosure the tallest element proposed (some 4.6m). In this instance, given the single storey nature of the scheme and flat parapeted roof form plus the separations involved to the adjacent neighbouring rear boundaries and rear habitable room windows, it is considered that the development by reason of its scale, form and position would not significantly harm the residential amenity of nearby occupiers in terms of dominance, an overbearing impact, loss of light and outlook nor an undue increased sense of enclosure. This view takes account of localised differences in ground levels.
- 8.19 The proposed planted screen along the western flank boundary of the site would further mitigate the development's visual impact. Under the circumstances and consistent with the basis of the 2022 pool enclosure approval it is considered reasonable and proportionate that a condition be imposed to require planting of the hedging as proposed.
- 8.20 The proposed enclosure is located at a slightly elevated height in relation to the proposed link extension and there are changes in levels in relation to the adjacent properties in Samuels Drive. In line with the basis of decision for the 2022 pool enclosure application the side windows facing to the west flank boundary shall be conditioned to be obscure glazed and fixed shut in the interests of mitigating against overlooking and noise and disturbance from use of the pool itself.
- 8.21 The position of the pool's pump room and associated plant has been altered from the 2022 approval. Consequently, a noise impact assessment will be required to ensure that the new pump room location and associated plant is suitably insulated/regulated so as to not give rise to any harmful noise impacts in any relevant regard.
- 8.22 In addition, the proposal would enable increased use of the swimming pool (throughout the year), with potential for some elevated levels of noise and disturbance to nearby properties. No specifications for sound insulation around the enclosure have been provided. In line with the previous planning permission at the site, this can reasonably be dealt with via a suitably worded condition. No objection was raised by the Council's Environmental Health subject to such conditions.
- 8.23 Specific details of external lighting have not been provided but can reasonably be dealt with by condition.
- 8.24 Subject to the described conditions the proposal is acceptable and policy compliant in the above respects.

Traffic and Transport Implications

- 8.25 The NPPF states (para 111) that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe."

- 8.26 The applicants have submitted a Transport Statement outlining the impact of the extensions on the existing travel and parking arrangements. The Statement outlines that the school has on-site parking facilities for 25 vehicles, accessed from Ladram Road.
- 8.27 The Bournes Green Schools currently employ 60 Full-time staff and 46 Part-time staff. No additional staffing will be required for the proposed build nor will there be an increase in pupil numbers. In addition, changes in the parking layout will result in a net additional one parking space. The layout is part echelon (using diagonal spaces) a configuration which is typically used with a one way circulation which is not proposed here. However, the spaces involved are for staff use only and with on-site turning room available and do not impact material on the highway.
- 8.28 The proposal therefore does not materially intensify the use of the site through additional visitors and staff, and it does not affect the availability of parking or access to the site. There are therefore no harmful transport and highways impacts and Highways officers have raised no objections.
- 8.29 The development is therefore acceptable and policy compliant in these regards.

Flooding and surface water drainage

- 8.30 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere.
- 8.31 Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SuDS) to mitigate the increase in surface water runoff, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk.
- 8.32 The proposed development would be built partially within an area of undeveloped land, an area of the ground where surface water would otherwise permeate. Adequate drainage should be installed to ensure that there is no increased risk of flooding on site or elsewhere. Additional information is required to satisfy LLFA requirements however it is reasoned this can be dealt with suitably by a condition.
- 8.33 Subject to this, the development would be acceptable and policy compliant in these regards.

Ecology

- 8.34 Third party concerns have been raised over the impact on wildlife habitats. Paragraph 170 of the NPPF states that 'Planning policies and decisions should contribute to and enhance the natural and local environment by...protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils...recognising the intrinsic character and beauty of the countryside...minimising impacts on and providing net gains for biodiversity...'
- 8.35 Having regard to the basis of the application which involves the enlargement of the school site on existing hardsurfacing, there are considered to be no material ecological concerns.

Equality and Diversity

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

- 8.37 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 166sqm, which may equate to a CIL charge of approximately £22,446.92. Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

9 Conclusion

- 9.1 Having taken all material planning considerations into account, it is found that the proposed development which enlarges and improves the school accommodation and in part proposes a pool enclosure, of the same general form and position as the pool enclosure approved in 2022 but now with repositioned changing and plant rooms, is acceptable in principle, is of an acceptable design that would preserve the character and appearance of the area, would have no adverse residential amenity impact and would have no significant adverse parking or highway safety implications. The application is therefore recommended for approval, subject to conditions.

10 Recommendation

- 10.1 It is recommended that planning permission is granted subject to the following conditions:**

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

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

- 02 The development shall be carried out in accordance with the approved plans: BG/NAK/01 Rev D; BG/NAK/02 Rev D; BG/NAK/03 Rev D; BG/NAK/04 Rev D; BG/NAK/05 Rev D**

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

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

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

- 04 The windows in the west flank elevation of the pool enclosure hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or equivalent) and be permanently 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 served by that window. 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. The windows shall be retained as such for the lifetime of the development.**

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

- 05 Prior to first operation of the development hereby approved, a noise impact assessment and sound insulation scheme to control the emission of sound from the pool enclosure and newly located pump room, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall consider the need for extract ventilation and maintaining thermal comfort. Noise from any plant and equipment used to provide this shall be limited to 10 dB (A) below the background noise level measured and expressed as a LA90,15minutes at the boundary of the nearest residential property. The agreed scheme shall be implemented at the site prior to first use of the development and operated and maintained for its lifetime in full accordance with the agreed scheme thereafter.**

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

- 06** Before any external lighting is installed in association with the development hereby permitted, details of its location, design and specification shall have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed and operated solely in accordance with the approved details.

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

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

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

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

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

- 09** Prior to first use of the development hereby approved the laurel hedging indicated in the submitted plan BG/NAK/03 Rev D between the development and the site's western boundary shall be undertaken at the site in accordance with details of species, planting density and height which shall previously have been submitted to and agreed in writing by the Local Planning Authority under the provisions of this condition.

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

- 10** Prior to first use of the development hereby approved, the soft landscaping as shown in the submitted plan BG/NAK/03 Rev D between the newly formed parking area and Ladram Road shall be undertaken at the site in accordance with details of species, planting density and height, which shall previously have been submitted to and agreed in writing by the Local Planning Authority.

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

- 11 The new car parking arrangement shown on approved plan BG/NAK/03 Rev D shall be provided and made available for use at the site prior to the first use of the development hereby approved. The car parking shall thereafter be permanently retained for the parking of vehicles belonging to on-site staff.

Reason: To ensure that satisfactory car parking is provided in the interests of highway safety, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy CP3 and Development Management Document (2015) policy DM15.

- 12 The development shall be carried out on site solely in accordance with the recommendations and Tree Protection measures outlined in the 'Tree Survey and Arboricultural Impact Assessment Revision A (ref. UTC-0770-AIA) by Underhill Tree Consultancy.'

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

- 13 Prior to installation of any associated drainage infrastructure, details of the following shall first have been submitted to and approved in writing by the Local Planning Authority:

- a) Information to show how the new structure will be drained, demonstrating how these follow SuDS principles
- b) A drainage plan be provided showing all pipe routings, sizes, manholes and connections into existing drainage systems, along with size and location of any SuDS and/or attenuation features
- c) Where applicable, an agreement in principle from Anglian Water to make a new drainage connection, including confirmation of the maximum flow rate this connection will discharge at
- d) Details of how much existing permeable area will now be impermeable due to the new structure
- e) Details of the greenfield runoff rate for the site with calculations showing how this has been reached.
- f) Details of how flood risk will be minimised during the construction phase.

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

Positive and Proactive Statement

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

Informatives

- 01** 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 www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy or the Council's website (www.southend.gov.uk/cil).
- 02** You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the City.
- 03** The Parks dept. F.A.O Jackie Gilbert (jackiegilbert@southend.gov.uk) must be advised when the project begins and prior to the installation of the no-dig construction path.

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EXISTING PLANS

INFANTS SCHOOL

BURLESCOMBE ROAD

LADRAM ROAD

Bournes Green Infant School

PARKING

PARKING

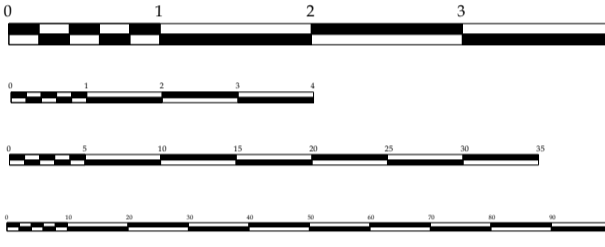
Bournes Green Junior School

SITE & ROOF PLAN 1:500

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N. KENNEY
01702 295653

CLIENT

SOUTHEND EAST COMMUNITY ACADEMY TRUST

SITE ADDRESS

BOURNES GREEN JUNIOR SCHOOL
BURLESCOMBE ROAD
SOUTHEND-ON-SEA
ESSEX SS1 3PX

DEVELOPMENT

PROPOSED LINK CORRIDOR BETWEEN INFANTS AND JUNIOR SCHOOLS. ADDITIONAL CLASSROOMS AND ADMIN OFFICES.

DRAWING TITLE

EXISTING FLOOR PLANS

SCALE SHEET A1

1:500 & 1:200

DATE

13/04/2023

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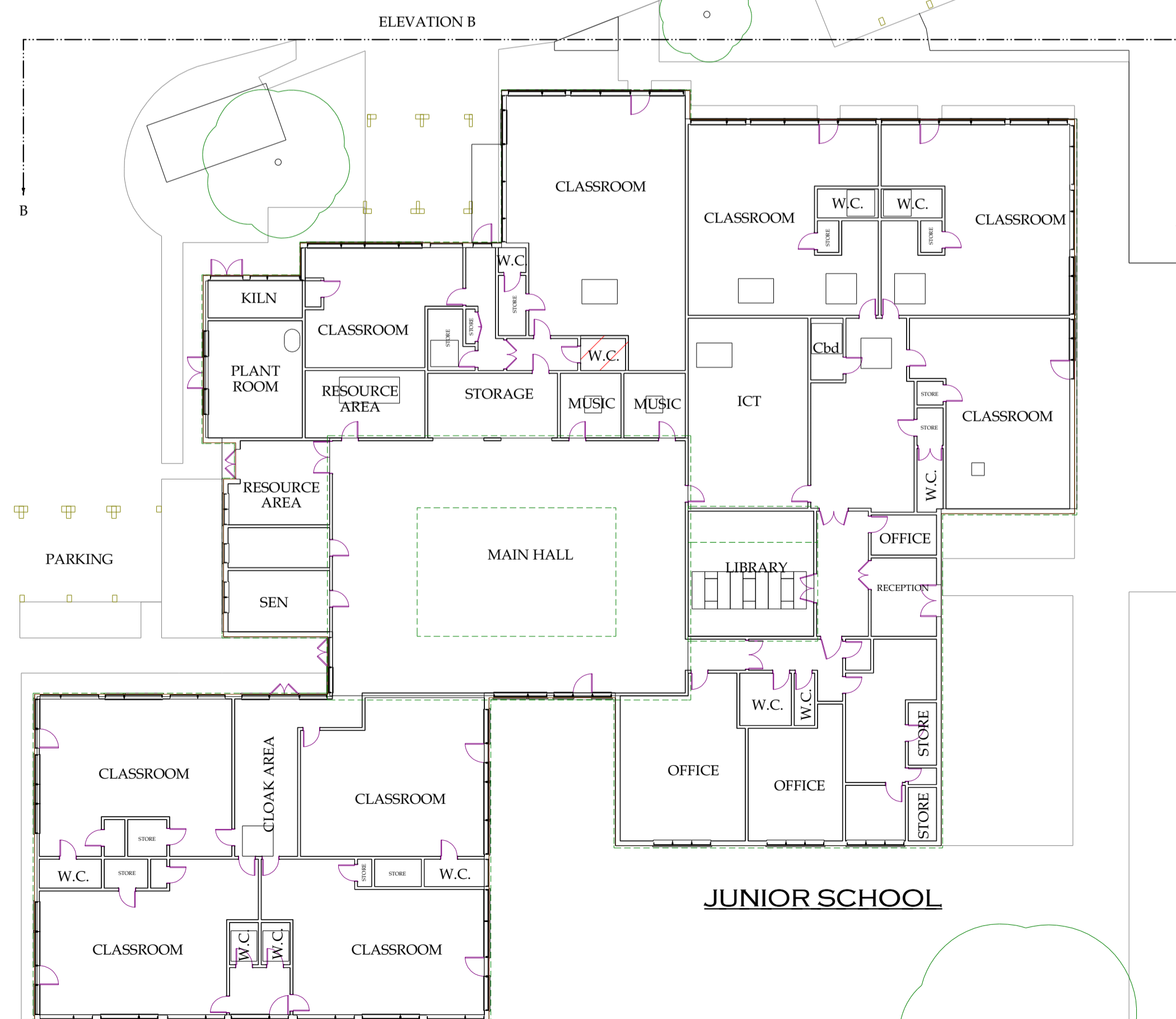
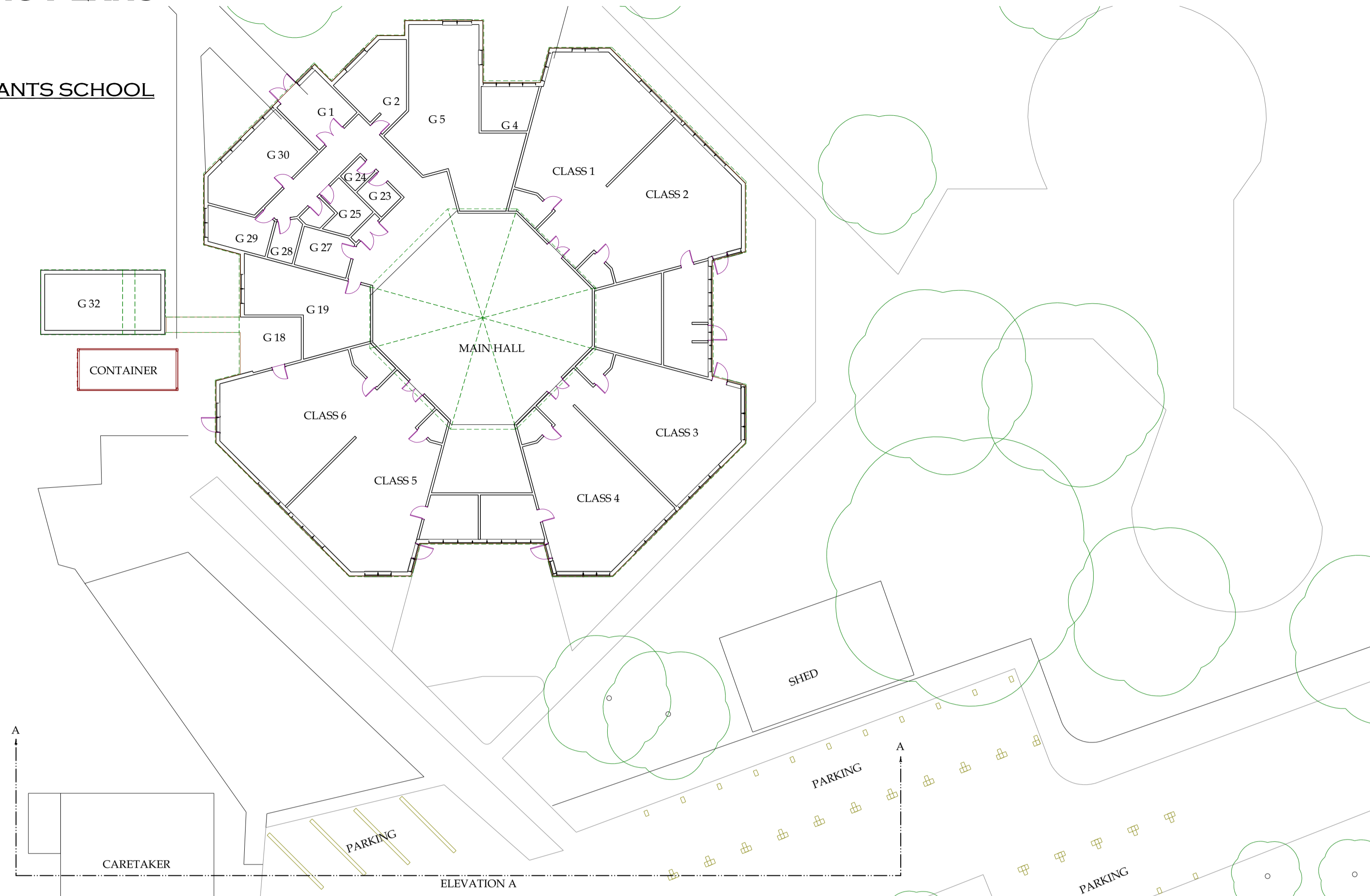
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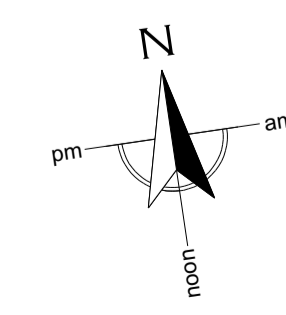


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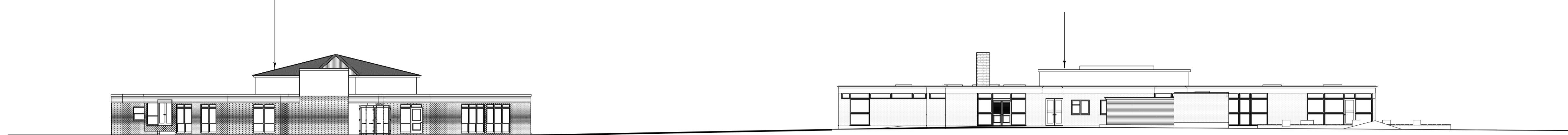
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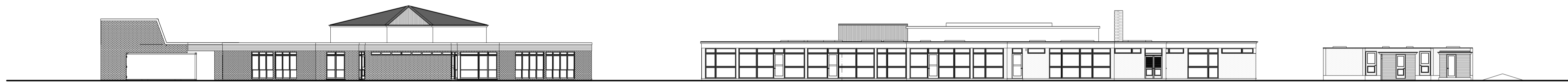
EXISTING PLANS

INFANTS SCHOOL

JUNIOR SCHOOL



EXISTING WEST ELEVATION 1:200



EXISTING ELEVATION A 1:200

EXISTING ELEVATION B 1:200

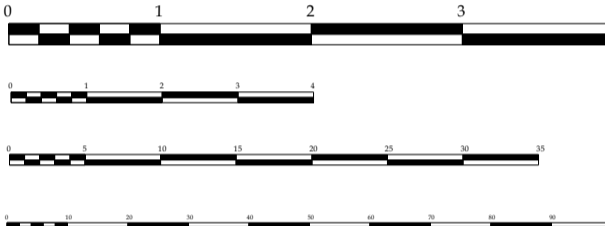


EXISTING EAST ELEVATION 1:200

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ACADEMY TRUST

SITE ADDRESS

BOURNES GREEN JUNIOR
SCHOOL
BURLESCOOMBE ROAD
SOUTHEND-ON-SEA
ESSEX SS1 3PX

DEVELOPMENT

PROPOSED LINK
CORRIDOR BETWEEN
INFANTS AND JUNIOR
SCHOOLS. ADDITIONAL
CLASSROOMS AND ADMIN
OFFICES.

DRAWING TITLE

EXISTING ELEVATIONS

SCALE SHEET A1

1:200

DATE

13/04/2023

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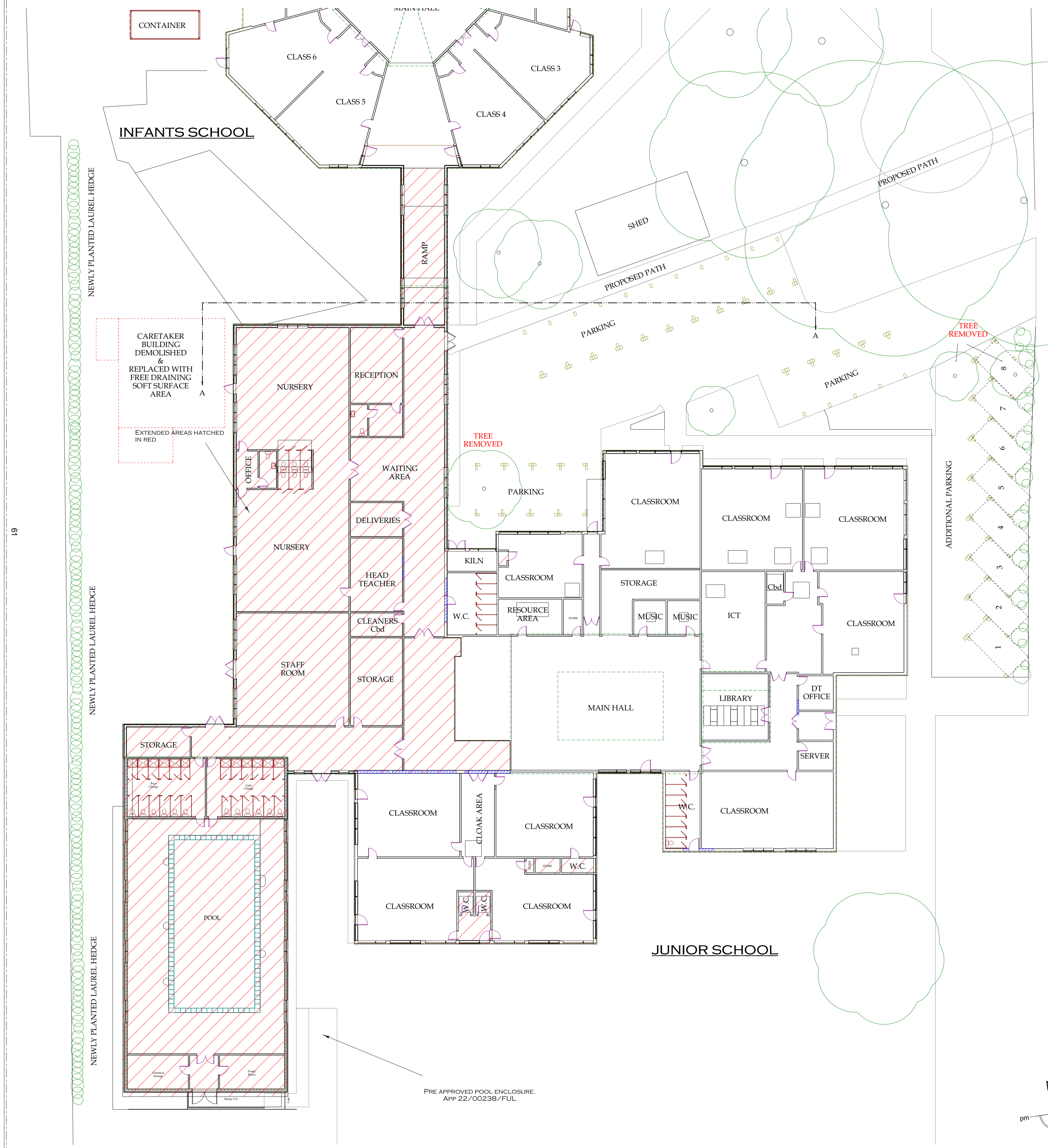
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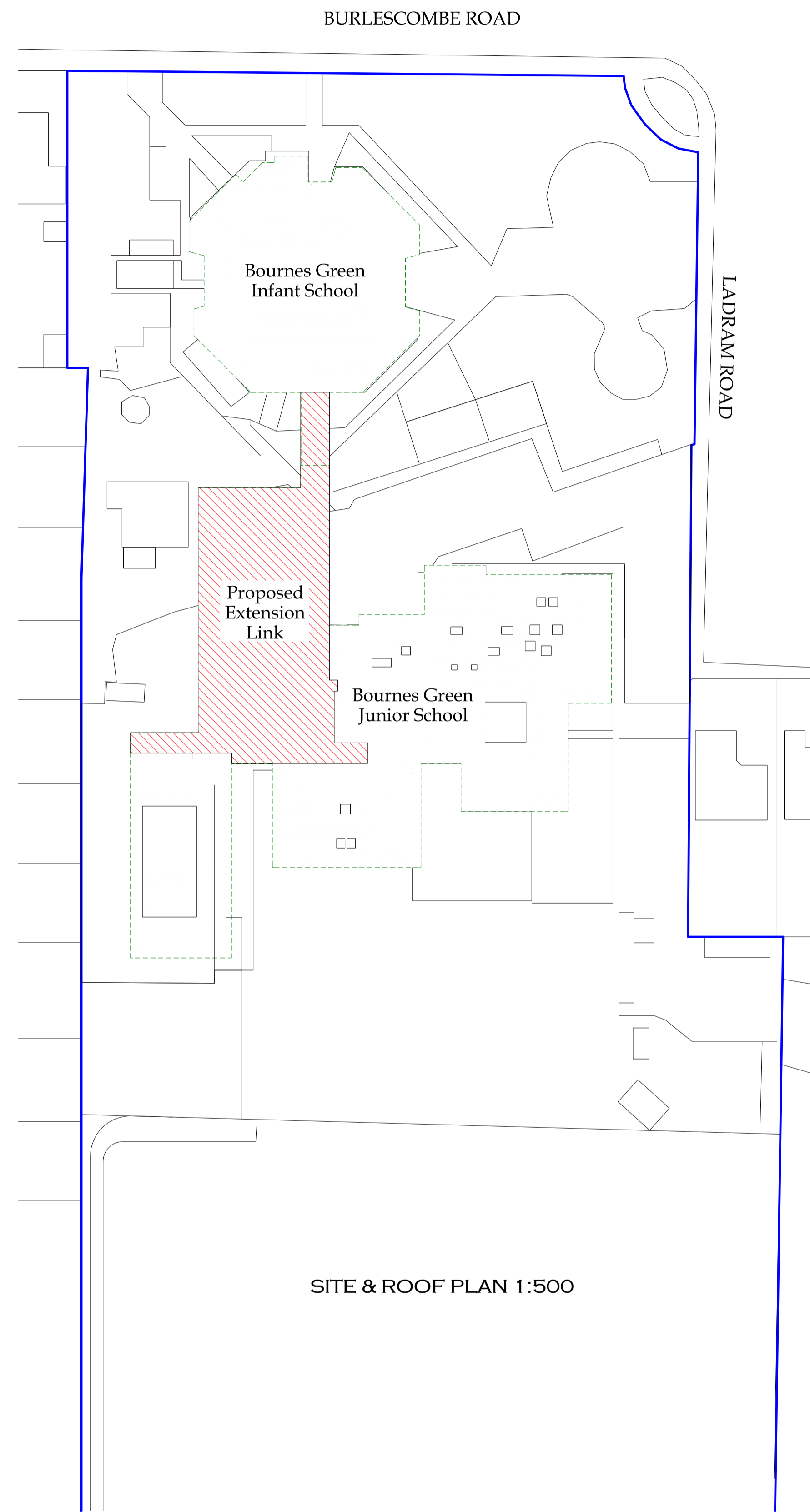
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PROPOSED PLANS



PROPOSED GROUND FLOOR LAYOUT 1:200

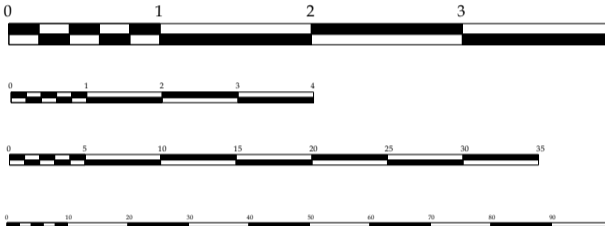


SITE & ROOF PLAN 1:500

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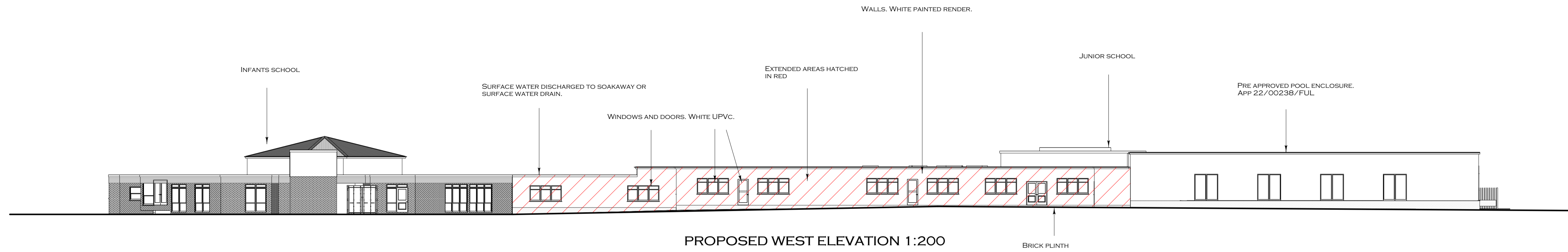
DEVELOPMENT
PROPOSED LINK
CORRIDOR BETWEEN
INFANTS AND JUNIOR
SCHOOLS. ADDITIONAL
CLASSROOMS AND ADMIN
OFFICES.

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PROPOSED FLOOR
PLANS

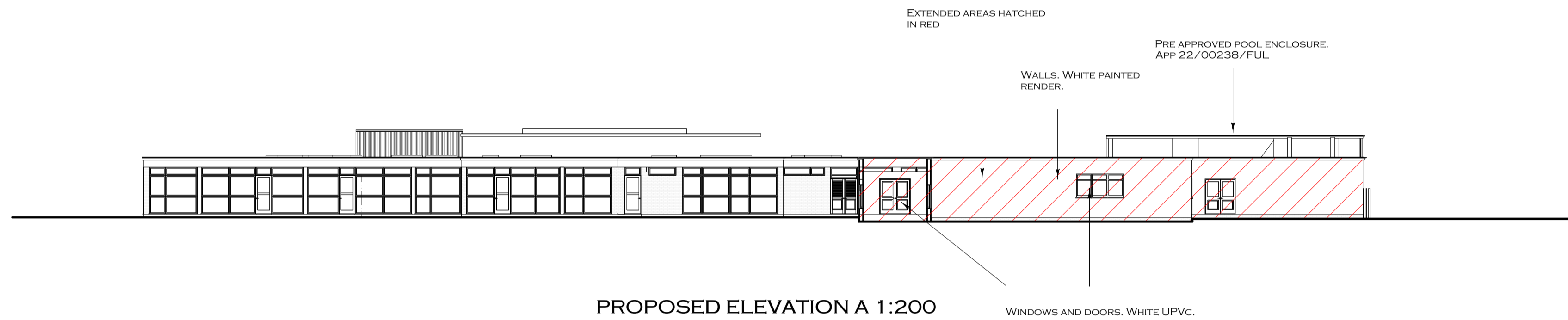
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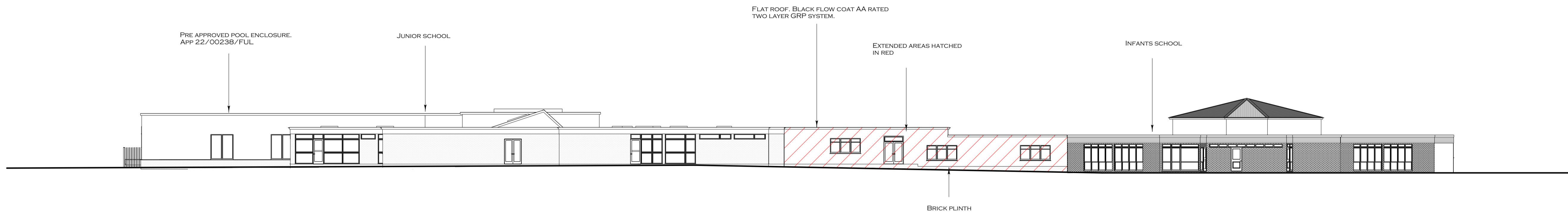
PROPOSED PLANS



PROPOSED WEST ELEVATION 1:200



PROPOSED ELEVATION A 1:200



PROPOSED EAST ELEVATION 1:200

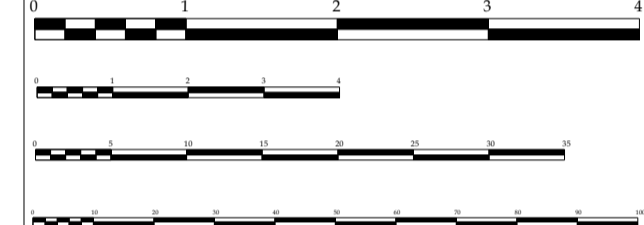


PROPOSED IMAGES

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DEVELOPMENT
PROPOSED LINK
CORRIDOR BETWEEN
INFANTS AND JUNIOR
SCHOOLS. ADDITIONAL
CLASSROOMS AND ADMIN
OFFICES.

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PROPOSED ELEVATIONS

SCALE SHEET A1
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DATE
13/04/2023

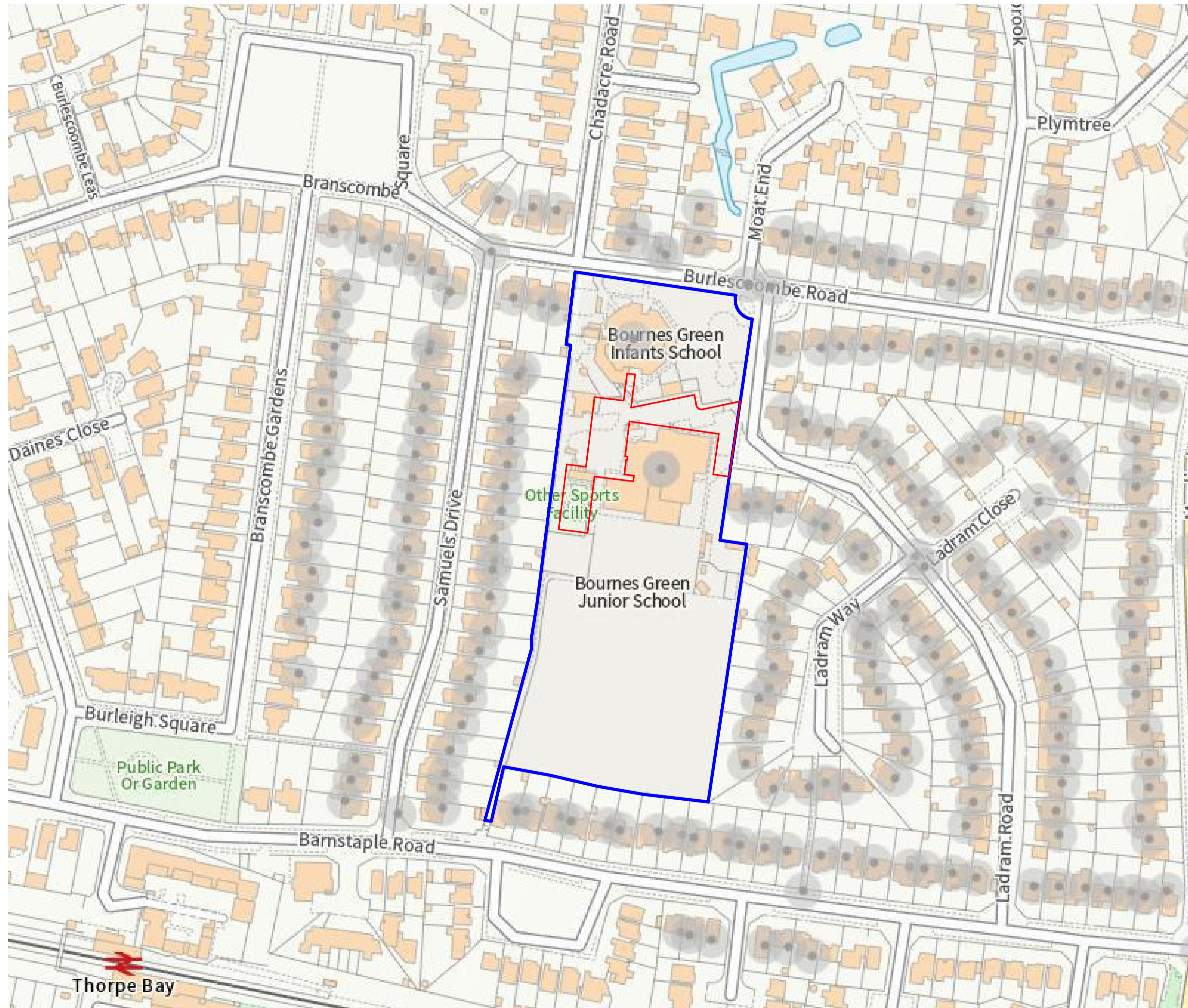
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partner
LABC

PROPOSED PLANS

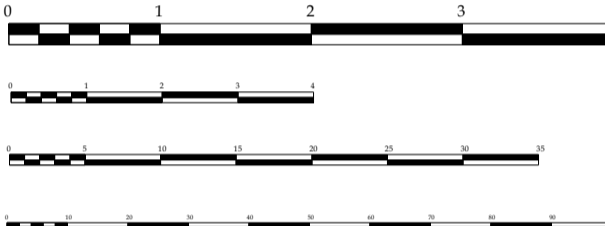


SITE LOCATION
1:1250

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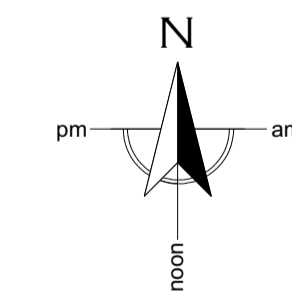
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DEVELOPMENT
PROPOSED LINK
CORRIDOR BETWEEN
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SCHOOLS. ADDITIONAL
CLASSROOMS AND ADMIN
OFFICES.

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SITE LOCATION
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View to application looking north to Infant School

Caretaker building to be demolished

Infant school

65



View to rears of properties along Samuels Drive (west)



Caretaker building to be demolished

View to rears of properties along Samuels Drive (west)

Existing open air changing rooms



View to Infant school from application site (looking north)



View from application site looking east to main vehicle entrance from Ladram Road



Store and T4 to be removed for parking



View looking South East across the site to the rear of the existing open air pools changing rooms



View looking at proposed new parking area fronting Ladram Road fencing

T1 to be removed

T2 to be removed



View from Ladram Road looking at proposed new parking area and the 2 trees to be removed



T1

T2

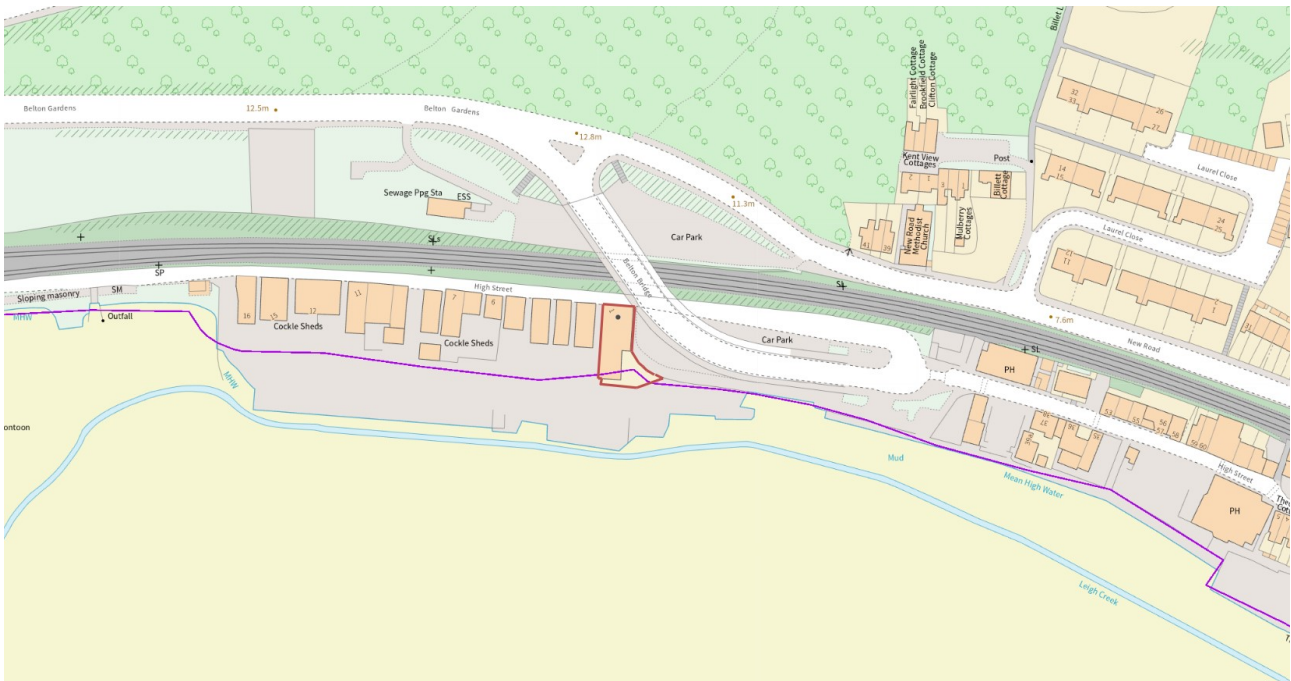
No stopping
Mon - Fri
8.00 am - 9.30 am
2.30 pm - 4.30 pm
on motorway
markings

Support for community learning hub

Support for community learning hub

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| | | |
|--------------------------------|---|----------|
| Reference: | 23/00328/BC4 | 6 |
| Application Type: | Full Application | |
| Ward: | Leigh | |
| Proposal: | Remove screened container and convert space to low level store with extended terrace over including balustrade, remove built in storage container at southern end of the building and reinstate walls to form single storey infill extension under existing roof to west side and covered seating area to east side, alter elevations and roof design externally, remove platform lift in lieu of utilising north east corner door as sole main entrance. | |
| Address: | Cockle Shed 1 High Street Leigh-on-Sea Essex SS9 2ER | |
| Applicant: | Mr Ritchie Bridge of Cockleshed Company Ltd | |
| Agent: | Mr Colin Stone of Stone Me Ltd | |
| Consultation Expiry: | 10.05.2023 | |
| Expiry Date: | 02.06.2023 | |
| Case Officer: | Abbie Greenwood | |
| Plan Nos: | 2094-01, 2094-02, 2094-03, 2094-06F, 2094-07F | |
| Additional information: | Design and Access and Heritage Statement Flood Risk Assessment Planning Statement | |
| Recommendation: | GRANT PLANNING PERMISSION subject to conditions | |



1 Site and Surroundings

- 1.1 The application relates to No 1 Cockle Shed, the easternmost in Cockle Row, within the Leigh Old Town Conservation Area. The building is a former cockle shed which has been converted to a restaurant with an outside terrace seating area to the south-eastern corner of the site facing the estuary. The building has been altered and extended to the southern side including the installation of two storage containers, one of which is integral to the building and one of which is screened by fencing but which can be clearly seen from the Belton road bridge above. Although the building has retained the character of a cockle shed, some past alterations have harmed its character including the overly complex roof form, the roofing materials and the use of stainless steel balustrading which is out of character with the conservation area.
- 1.2 To the west the remaining cockle sheds are still in use for the production of cockles and this is an important part of the industrial and historical character of the conservation area as a working port. The site is directly adjacent to Leigh Port including the wharf area to the south which is formed of compressed cockle shells and is used for the unloading of cockle boats.
- 1.3 To the east is the High Street which includes a variety of small scale, historic and more modern residential buildings and terraces with public parking provision beneath the road bridge and continuing eastward of this. To the south of the site is the Thames Estuary which has several national and international nature designations including RAMSAR, Special Protection Area (SPA), Nature Reserve, Site of Special Scientific Interest (SSSI) and Site of International Nature Conservation (SINC). The site is on the National Coastal Path for England.
- 1.4 In addition to being within Leigh Old Town Conservation Area, the site falls within the Leigh Old Town Article 4 Direction area, is partially in flood zone 3 and is in Policy DM6 Character Zone 2.

2 The Proposal

- 2.1 The proposal, the detail of which has been revised during the course of the application, seeks planning permission to remove the screened storage container and to convert the space to a low level store with an extended terrace over including balustrade, to remove the existing built in storage container at the southern end of the building and reinstate

the walls to form a 3sqm single storey infill extension under the existing roof to the west side and a covered seating area to the east side, to alter the elevations and roof design externally to omit the small section of hipped roof, remove the redundant air conditioning units and stainless steel cable tray/gutter and remove the platform lift in lieu of utilising the north east corner door as the sole main entrance.

- 2.2 The number of external covers at the site will increase from 36 to 70. The proposal would extend the terrace area by 47sqm to a total of some 139sqm. The terrace will be finished in patio tiles to match the existing. The materials are proposed to match the existing building. The new and existing balustrade will be painted black to better match the existing sea wall railing.
- 2.3 The opening hours of the business are specified as 09:00 to 22:00 Monday to Sunday.

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

| | |
|--------------|--|
| 06/01199/FUL | Erect single storey extension to southwest elevation, install disabled access ramp and handrail, form new takeaway sales counter, alter internal layout to provide seating and lay out external seating area to rear for use as a restaurant in conjunction with existing cockle preparation and processing use – granted. |
| 06/01200/CAC | Demolish existing takeaway sales counter to northeast elevation, remove gates to east elevation, remove container to south elevation – granted. |
| 09/00706/FUL | Retain single storey extension to southwest elevation, install wheelchair lift, form new takeaway sales counter, alter internal layout to provide seating and lay out external seating area to rear for use as restaurant in conjunction with existing cockle preparation and processing use (Amended Proposal to 08/00598/FUL) (Retrospective) – granted. |
| 13/01228/BC4 | Install Two Storage Containers (Retrospective) – refused. |
| 14/00334/BC4 | Erect single storey building to incorporate two existing storage containers (part retrospective) – granted. |
| 18/00831/FUL | Erect timber framed screening to existing storage unit and shipping container – granted. |
| 19/02244/CLE | Use as restaurant (Class A3) and take-away (Class A5) (Lawful Development Certificate - Existing) – refused. |
| 20/00443/CLE | Use as restaurant (Class A3) with A1 retail sales of cold food only (Lawful Development Certificate - Existing) – granted. |
| 22/02412/BC4 | Erect powder coated metal fixed frame with retractable awning and sliding glass screens over existing patio to east elevation and over existing low level store area to south elevation - refused. |

4 Representation Summary

Call-in

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

Wexham, who has raised concerns about the impact that the proposal may have on port operations.

Public Consultation

- 4.2 2 neighbouring properties were consulted, a site notice was displayed and a press notice published. No letters of representation have been received.

Highways

- 4.3 No objections.

Lead Local Flood Authority (LLFA)

- 4.4 No objections to the information submitted in regards to flooding and drainage.

The proposed terrace extension is within the existing site and raised approximately 2m above the surface of the port so it is not likely to come into contact with machinery using the port. There are therefore no objections in regards to port operations.

Building Control

- 4.5 In order to comply with Part M accessibility standards the building must not be made less compliant than the previous arrangement.

Leigh Town Council

- 4.6 Objection. The proposal is an over development of the site in a Conservation Area, contrary to Policy DM3 of the Development Management Document (2015).

Environment Agency

- 4.7 No objections. An environmental permit may be needed for works within 16m of the river.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility) and CP4 (The Environment and Urban Renaissance).
- 5.4 Development Management Document (2015): Policies (Design Quality), DM3 (Efficient and Effective use of land), DM5 (Southend-on-Sea's Historic Environment), DM6 (The Seafront), DM15 (Sustainable Transport Management)
- 5.5 Southend-on-Sea Design and Townscape Guide (2009)
- 5.6 Leigh Old Town Conservation Area Appraisal (2021)
- 5.7 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.8 Waste Management Guidelines for Developers (2019)

6 Planning Considerations

- 6.1 The main issues for consideration are the principle of the development, design and impact on the character of the site and the wider conservation area, traffic and transportation, impact on residential amenity, flood risk and environmental issues, ecology and CIL.

7 Appraisal

Principle of Development

- 7.1 Sections 69 and 72 of the Planning and Listed Buildings and Conservation Areas Act 1990 state that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Extensions and alterations to buildings within conservation areas therefore must respect the existing historic character of the buildings and the wider area. Development which achieves this will generally be supported subject to the detailed considerations below.

Flood Risk

- 7.2 The site is located partially within flood zone 3. In relation to flood risk, Policy DM6 of the Development Management Document states:

'2. All development proposals within the Seafront Area must take account of flood risk and coastal change. This will include, where appropriate, developing, agreeing and then incorporating:

- (i) Appropriate flood defence and engineering solutions; and/or*
- (ii) Flood resistant and resilient design that provides safe refuge to occupants in the event of a flood and is easily restored after the event.*
- (i) Design solutions which do not prevent or restrict future maintenance and improvement of flood defences and the Borough Council's ability to manage coastal change.*

- 7.3 The proposal relates to the extension of the outside seating terrace and amendments to the existing building only. The use as a restaurant remains unchanged. These works are not classed as vulnerable by the Environment Agency (EA) and they are therefore acceptable development within flood zone 3. The Lead Local Flood Authority and the Environment Agency have raised no objections.

Design and Impact on the Character of the Area

- 7.4 In addition to the duty to protect conservation areas under Sections 69 and 72 of the Planning and Listed Buildings and Conservation Areas Act 1990 noted in paragraph 7.1 above, Paragraph 126 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.'*
- 7.5 Policy KP2 of the Core Strategy advocates the need for all new development to *"respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design."*
- 7.6 Policy CP4 of the Core Strategy states, *"development proposals will be expected to*

contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend by maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development.”

7.7 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.

7.8 The site is within Leigh Old Town Conservation Area and the Council’s duty to seek that any new development or alterations within conservation areas preserves or enhances their special historic and architectural character is reinforced by Development Management Document Policy DM5 which states:

‘All development proposals that affect a heritage asset will be required to include an assessment of its significance, and to conserve and enhance its historic and architectural character, setting and townscape value.

Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted, unless there is clear and convincing justification that outweighs the harm or loss. Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal, and will be resisted where there is no clear and convincing justification for this.’

7.9 In relation to development within the Seafront Character Area Policy DM6 states:

‘Existing buildings along the Seafront that form a cohesive frontage, have a historic context or are recognised as key landmarks and/or contribute to a distinctive Southend sense of place will be retained and protected from development that would adversely affect their character, appearance, setting and the importance of the Seafront.’

7.10 Policy Table 1 ‘Seafront Character Zones’ states that within this character zone the development principles include:

‘(ii) To enhance the leisure and tourism offer, but in a manner that does not compromise the marine industrial activities and character of Leigh Old Town.

(iii) To preserve and enhance the special character of Leigh Old Town Conservation Area.’

7.11 Relevant quotes from the Leigh Old Town Conservation Area Appraisal are as follows:

6.3.23 The primary pressure on the Conservation Area is the need for the businesses to operate in a modern and profitable manner. ...Business needs also drive cheap and poor-quality additions to buildings, for example around the cockle sheds, inappropriate boundary treatments and large commercial bins amongst other problems.

7.12 The Conservation Area Appraisal also raises concerns about the unsuitability of the felt roofing to No 1 Cockle Shed and the unsightliness of shipping containers in the port generally.

7.13 The policies above support the development and viability of local businesses and

tourism in the Leigh Old Town Conservation Area provided that these developments do not cause harm to the character and significance of the Conservation Area. The Leigh Old Town Conservation Area Appraisal notes in particular the pressures that development can cause on the townscape in this location including cluttering of open spaces and the impact on the estuary views which are such an integral part of the character of the Conservation Area.

- 7.14 Subject to the use of matching materials, there is no objection to the proposed infill extension within the existing overhang on the southwest corner of the building as this is small scale and will have a very limited and acceptable impact on the overall design and form of the building.
- 7.15 Two storage containers, which were previously authorised as part of past permissions, are proposed to be removed. One of these is external to the building and, although screened by painted timber fencing at ground level, is cluttered with plant at roof level which can be seen from a number of viewpoints around the building. Additionally, the roof of the container is publicly visible from an elevated position on the road bridge above and appears unsightly in views of the conservation area from this location. The second container to be removed is entirely enclosed within the walls of the building at its southern end and is currently used as an office.
- 7.16 Removal of the external container and the associated plant is therefore welcomed. This will also include the removal of the conspicuously out of place stainless steel cable tray/gutter which runs along the front of the building which is used to connect the now redundant air conditioning units to the main dining space. Replacement of this container with terraced seating is therefore positive for the character and appearance of the conservation area.
- 7.17 Removal of the 'internal' storage container including the external timber walls currently screening it will create a void at the southern end of the building which is proposed to be used for covered external seating. The existing roof in this location will be retained but amended in form to omit the small, hipped projection. This hip is out of character with the simple gabled and flat roofed forms of the cockle sheds and currently causes harm to the conservation area. Overall, subject to the use of appropriate materials and detailing, this alteration is also considered to be acceptable as the void is of limited size and the simplified roof form will rationalise the design of the building in this location.
- 7.18 The enlarged section of terrace will be enclosed with a black metal framed glazed balustrade and the remaining balustrade will be painted black to match. This will be a better fit for the more industrial character of this section of the conservation area than the existing stainless steel arrangement.
- 7.19 Overall, subject to achieving the enhancements to the roof and balustrade and, taking into consideration the loss of the unsightly external container, it is considered that the proposal would have a positive impact on the character and appearance of the existing building and the wider conservation area. The proposal is therefore acceptable and policy compliant in this regard.

Amenity Impacts

- 7.20 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.

- 7.21 The only neighbouring developments to this site are the other cockle sheds which are used for the processing of cockles. The proposal will have no harmful impacts on residential amenity in any relevant respects and is acceptable and policy compliant in the above regards.

Traffic and Transportation Issues

- 7.22 The NPPF states (paragraph 111) that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe.”*
- 7.23 Policy CP3 of the Core Strategy and Policy DM15 of the Development Management Document aim to improve road safety, quality of life and equality of access for all. Policy DM15 of the Development Management Document states that development will be allowed where there is, or it can be demonstrated that there will be physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.
- 7.24 The building has been used as a restaurant for a number of years. The proposal extends the terrace area to increase the number of external covers from 36 to 70. The site does not include any off street parking but it is directly adjacent to a public car park and is close to public transport and within reasonable walking distance of Leigh-on-Sea railway station. It is not considered that the proposal would harm parking, highway safety of traffic conditions in the area. The Council’s Highways Officer has raised no parking or highway safety concerns. The proposal is considered to be acceptable and policy compliant in the above regards.

Impact on Port Operations

- 7.25 The proposed alterations at the southern end of the site are directly adjacent to Leigh Port area which is used daily by the fishing community. Third party concerns have been raised about to the impact that the proposal may have on port operations including future planned enhancements in this area such as the new quay wall and resurfacing.
- 7.26 The proposal is contained within the boundary of the site but includes a storage area at the lower level under the terrace area which is accessed via the port. This is the same arrangement as existing.
- 7.27 The Council’s Principal Engineer (LLFA) has reviewed the proposal in relation to this issue and has raised no objections to the proposal in this regard.
- 7.28 Overall, it is considered that the proposal would have an acceptable impact on traffic and transportation in all relevant regards including on the existing and proposed operations of Leigh Port. The proposal is acceptable and policy compliant in the above regards.

Ecology

- 7.29 The site is close to the foreshore which has several nature designations, however, the sea wall and port act as a barrier between the site and its uses and the estuary. It is considered that the proposal is of a scale that will not result in a significant change of impact on the foreshore nature designations in any relevant regard given that there is already an external terrace in this location. It is recommended that external lighting and hours of use of the terrace be controlled by condition to prevent disturbance of the

wildlife on the mudflats.

Community Infrastructure Levy (CIL)

- 7.30 The proposal for the existing property equates to no new floor space, 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

- 7.31 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 7.32 The agent has advised that the main entrance to the restaurant will be relocated from the centre of the building to the northeast corner. The platform lift has been removed from the central access because it is no longer required. It was previously installed because there was no internal route from the northeast door to the restaurant area as the building was previously divided into two separate unconnected areas and the northeast entrance was used for takeaway only. This takeaway element has now ceased and the internal dividing wall removed enabling level access to all parts of the restaurant from the northern entrance and access to the upper external terrace level. The submitted plan shows adequate space for wheelchair turning in the vicinity of this entrance.
- 7.33 It is therefore considered that the amended entrance arrangement maintains the same level of accessibility for visitors and it is considered that having had regard to the requirements of the Equalities Act 2010 (as amended) within the assessment this proposal will not conflict with the Council's statutory duties under this legislation. The proposal is acceptable and policy compliant in this regard.

Conclusion

- 7.34 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of the development is found to be acceptable, the impact on residential amenity is acceptable and all aspects of the proposal would have a positive albeit modest impact on the character and appearance of the application site, the street scene and the conservation area more widely. The highways, flooding, environmental and ecological impacts of the proposal are also acceptable subject to conditions. The application is therefore recommended for approval subject to conditions.

8 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans 2904-01, 2904-02, 2904-03, 2094-06F, 2094-07F.

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

03 The materials to be used on the external surfaces of the development hereby approved shall be black painted timber shiplap cladding for the walls including the terrace walls, black or stained timber fascia and soffits to match the existing building, dark grey bitumen roofing shingles to match the existing or black curved corrugated roofing sheets, black metal railings with clear glazed inserts, black timber supporting columns and terrace flooring to match the existing terrace or any other materials, details of which have previously been submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. These materials shall be retained for the lifetime of the development.

Reason: To safeguard the character and appearance of the site and the surrounding Leigh Old Town Conservation Area in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3, DM5 and DM6 of the Development Management Document (2015) and advice within the National Design Guide (2021), the Southend-on-Sea Design and Townscape Guide (2009) and the Leigh Old Town Conservation Area Appraisal (2021).

04 Prior to first use of the enlarged external terrace hereby approved, the approved enhancements to the existing building, including the removal of the hipped section of roof, the removal of the redundant air handling units and associated steel tray along the fascia and the painting of the existing and proposed railings black shall be undertaken and completed in full accordance with the details set out in plan references 2094-06F and 2094-07F. These enhancements shall be retained for the lifetime of the development in accordance with the approved plans.

Reason: To safeguard the character and appearance of the historic building and the Leigh Old Town Conservation Area in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3, DM5 and DM6 of the Development Management Document (2015) and advice within the National Design Guide (2021), the Southend-on-Sea Design and Townscape Guide (2009) and the Leigh Old Town Conservation Area Appraisal (2021).

05 Aside from the plant shown on plan references 2094-06F and 2094-07F, no electricity, gas or water meter boxes, soil ventilation pipes, air extraction pipes, additional air conditioning units, boiler flues, ventilation grills or ducting shall be fixed to the exterior of the development hereby approved without the prior receipt of express planning permission from the Local Planning Authority.

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

06 No external lighting shall be installed on the south or east elevations 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.

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

07 The external terrace hereby approved shall not be open to customers outside the following times: 08:00 until 22:00 hours on Monday to Sundays including Bank and Public Holidays.

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

Positive and Proactive Statement:

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

Informatives:

01 You are advised that as the proposed extension(s) 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 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 advised that any enclosure of the external seating area, including the covered external seating area without express planning permission from the Local Planning Authority is likely to be regarded as a breach of planning control.

04 The applicant is advised that they may need an Environmental Permit for flood risk activities if they want to do work in, under, over or within 16m of the river and of any flood defence structure or culvert of the Pitsea Tidal Reaches designated a 'main river' . Lower risk activities will be excluded or exempt and only higher risk activities will require a permit. New 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. Please contact our National Customer Contact Centre to assess which category your proposed works fall under. They will then be able to tell you the classification of your application, the fee associated with your application, and how to proceed forward. They can be contacted by email at: floodriskactivity@environment-agency.gov.uk

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.

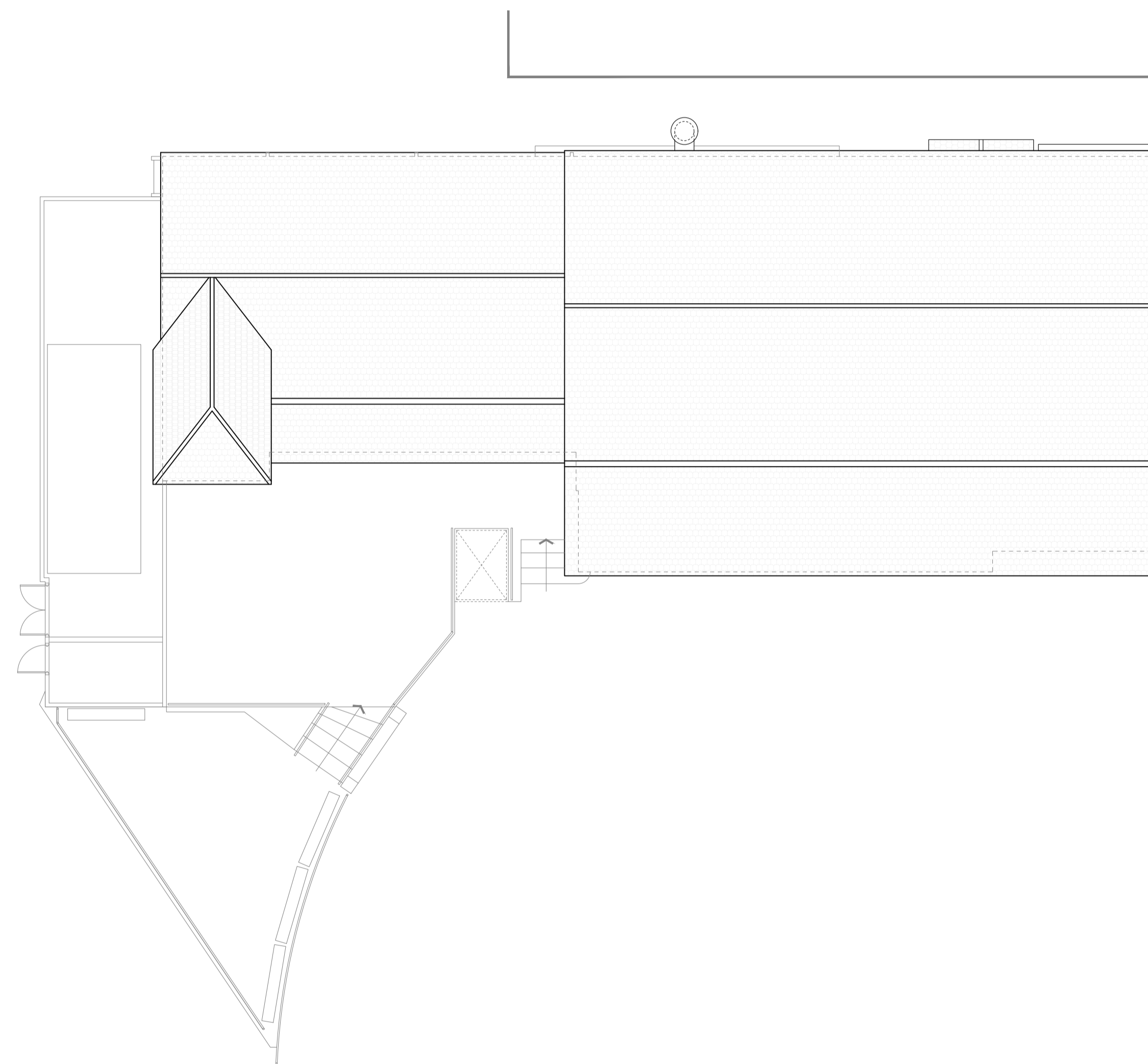
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GROUND FLOOR PLAN
SCALE 1:100



ROOF PLAN
SCALE 1:100

REV: DATE: AMENDMENT:

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Client: OCEAN BEACH

Project: No. 1 COCKLE SHEDS, HIGH STREET
LEIGH-ON-SEA
SS9 2ER

Drawing: EXISTING PLANS

Date: 15.12.2022 Scale: 1:100 @ A1

Project No.: 2094 Drawing No.: 01

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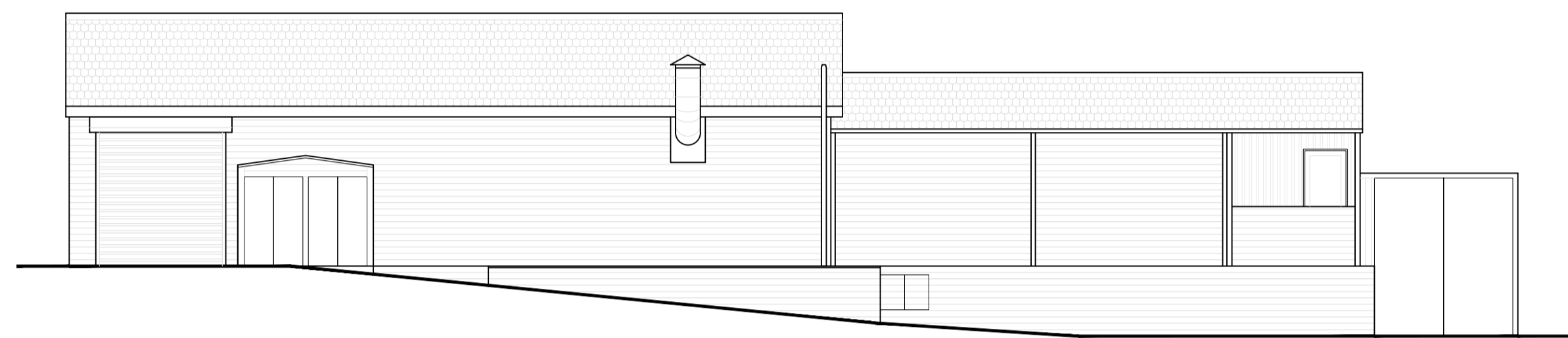
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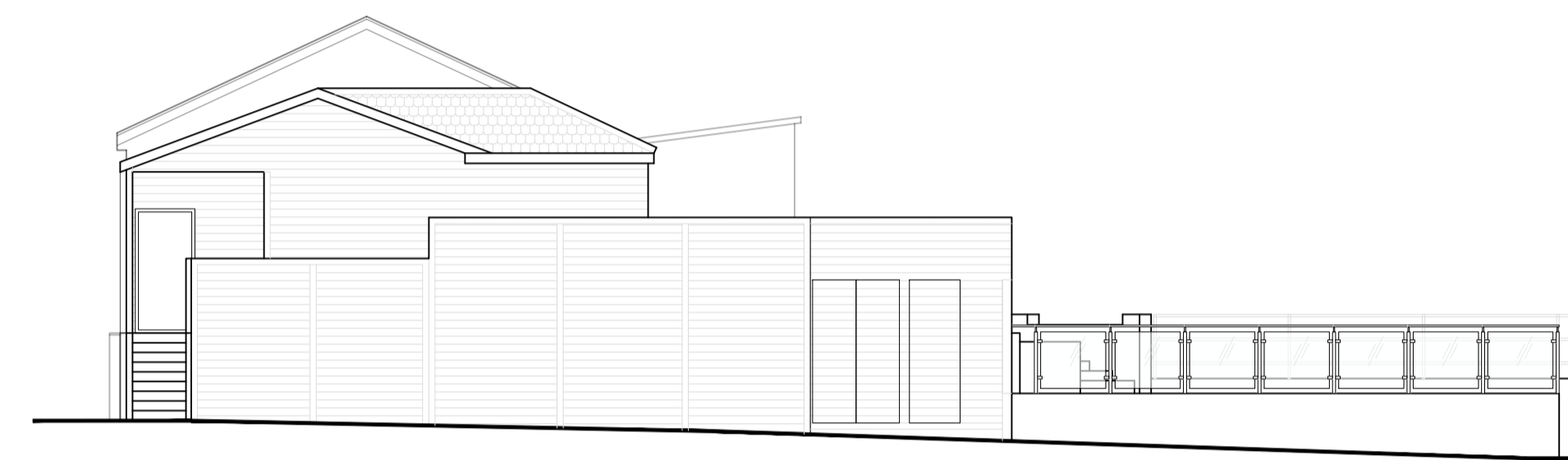
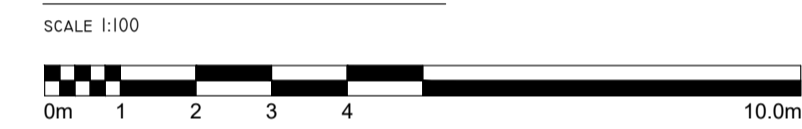
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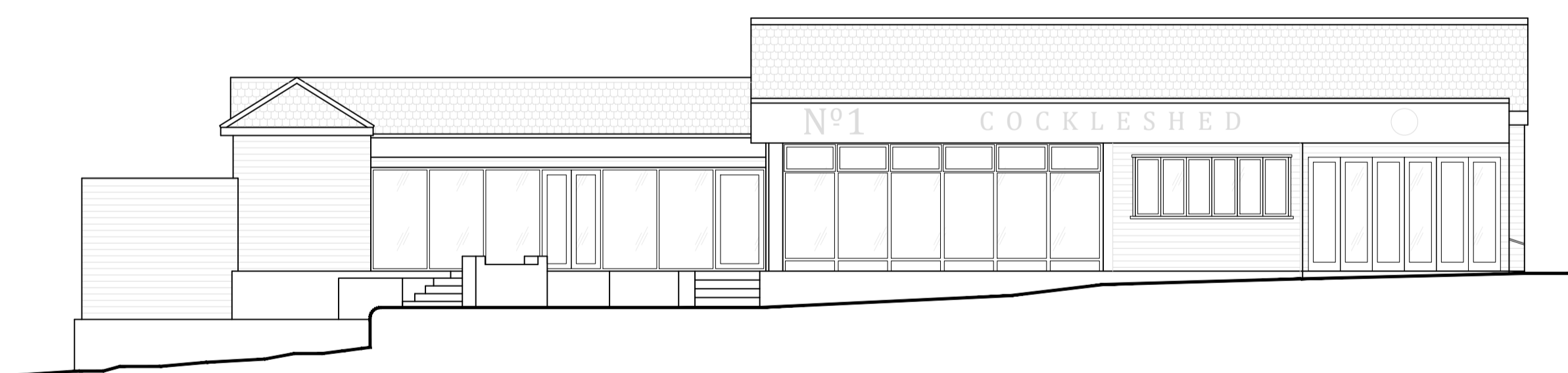
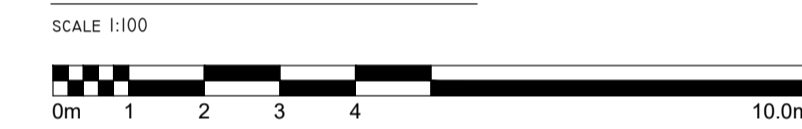
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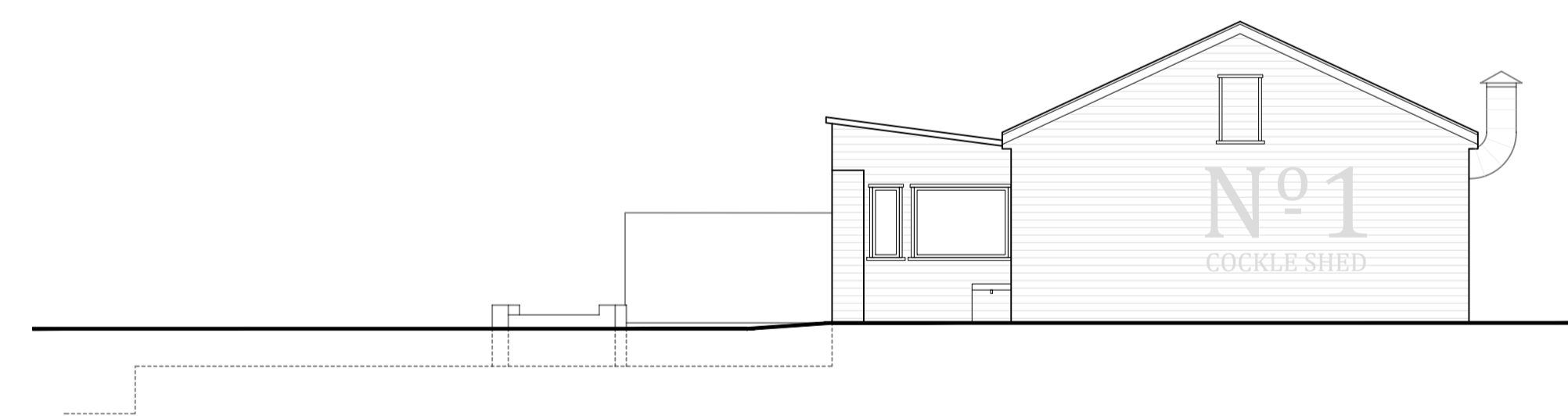
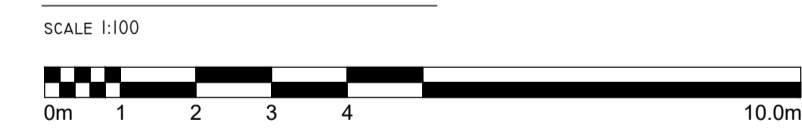
WEST ELEVATION



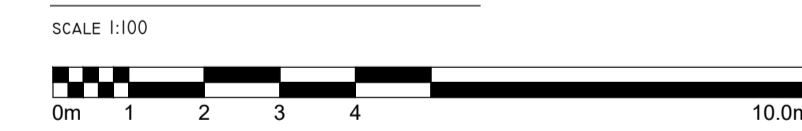
SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION



REV: DATE: AMENDMENT:

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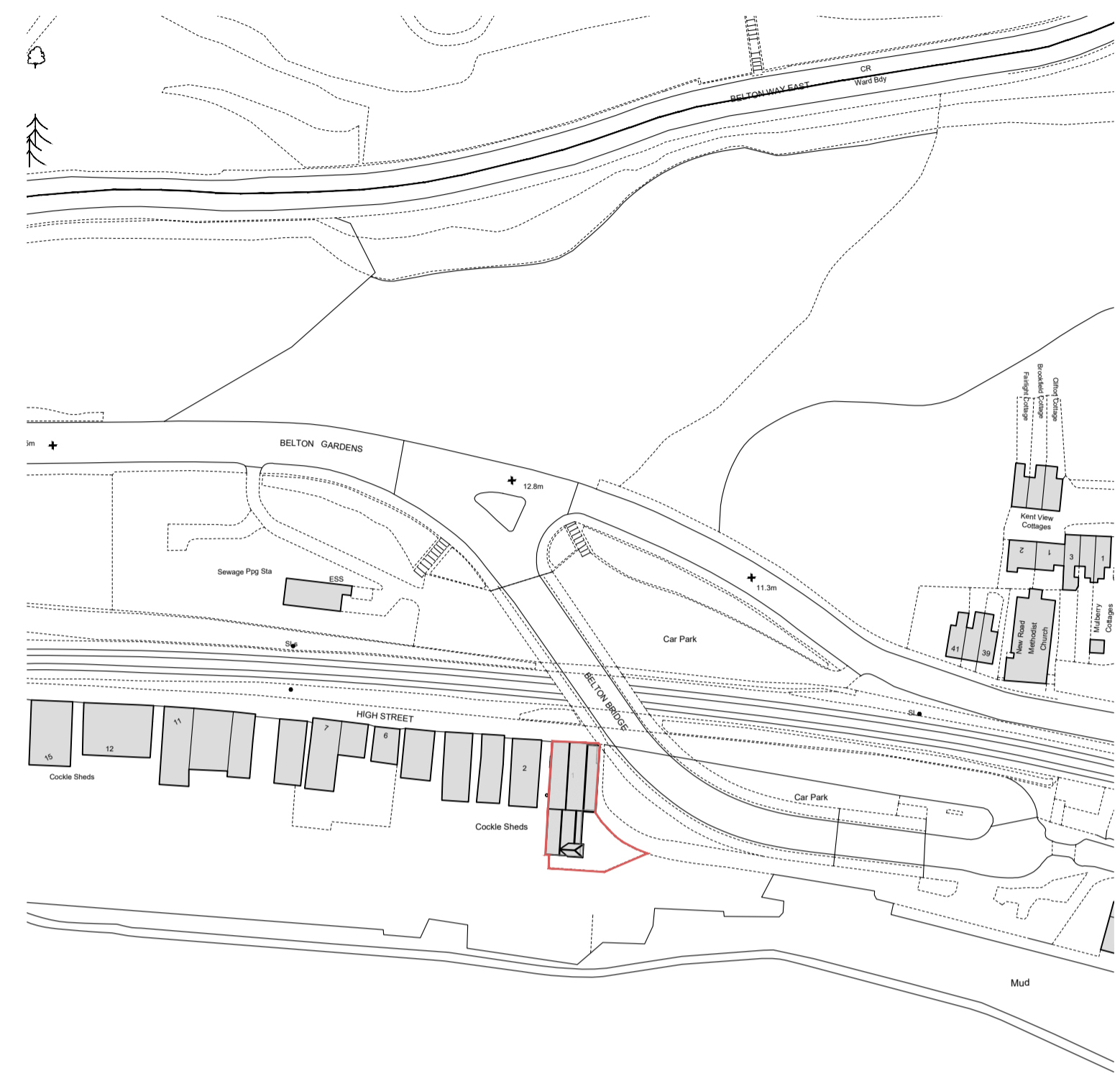
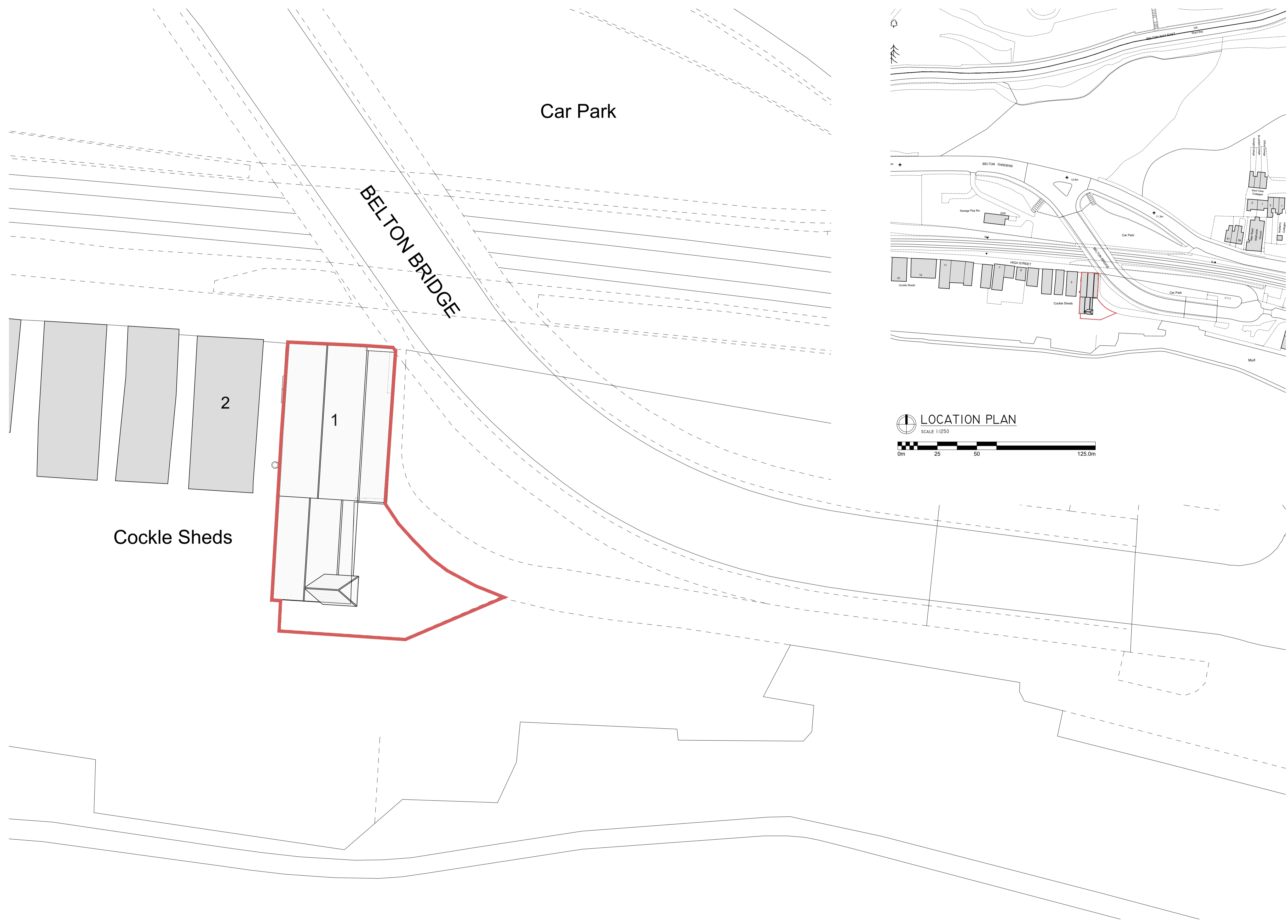
Project: No. 1 COCKLE SHEDS, HIGH STREET
LEIGH-ON-SEA
SS9 2ER

Drawing: EXISTING ELEVATIONS

Date: 15.12.2022 Scale: 1:100 @ A1

Project No.: 2094 Drawing No.: 02

68



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

SITE PLAN
SCALE 1:200
0m 5.0 10.0 20.0m

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Client: OCEAN BEACH

Project: No. 1 COCKLE SHEDS, HIGH STREET LEIGH-ON-SEA SS9 2ER

Drawing: EXISTING SITE AND LOCATION PLANS

Date: 15.12.2022 Scale: AS SHOWN @ A1

Project No.: 2094 Drawing No.: 03

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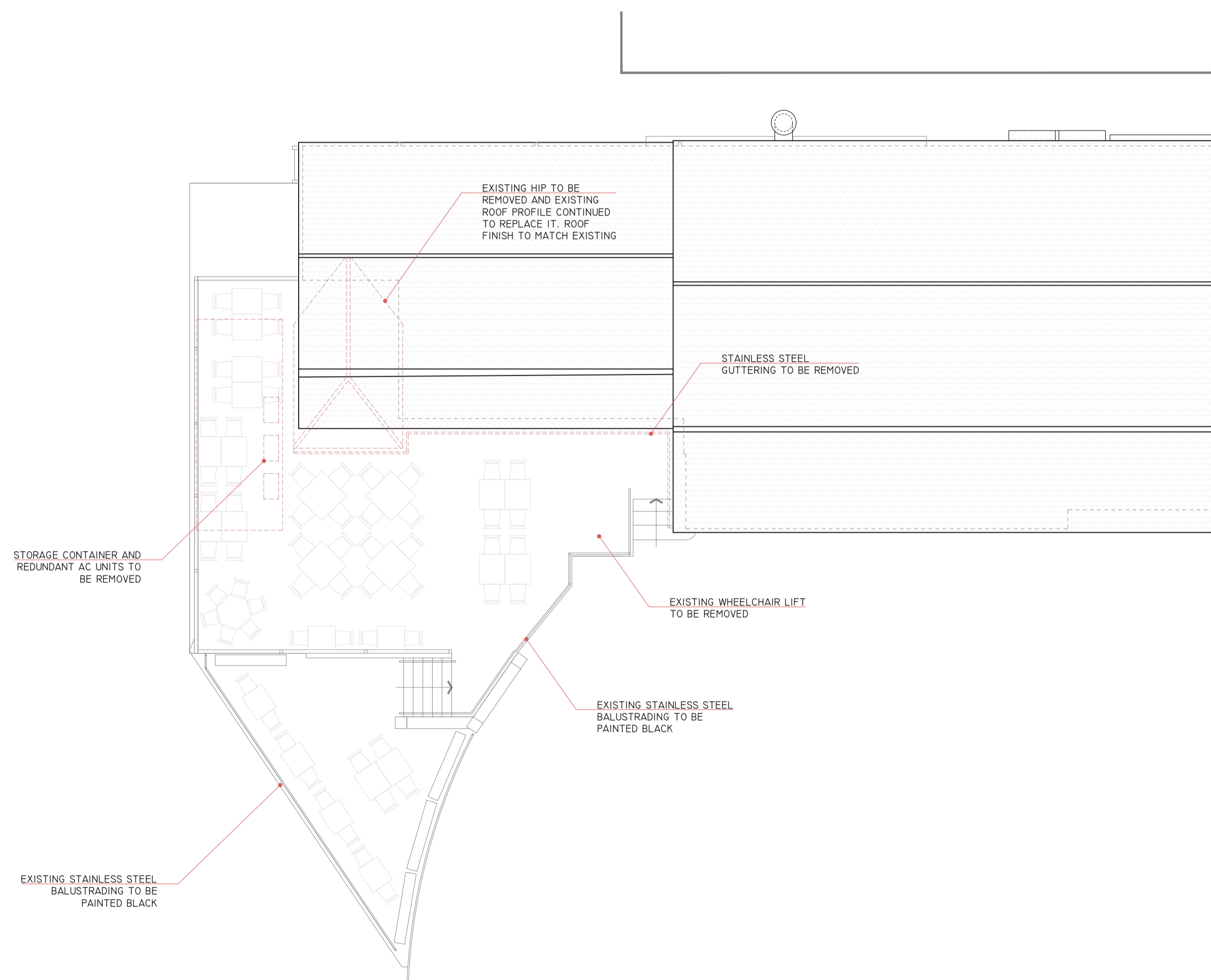
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GROUND FLOOR PLAN
SCALE 1:100



ROOF PLAN
SCALE 1:100

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Client: OCEAN BEACH

Project: No. 1 COCKLE SHEDS, HIGH STREET
LEIGH-ON-SEA
SS9 2ER

Drawing: PROPOSED PLANS

Date: 24.04.2023 Scale: 1:100 @ A1

Project No.: 2094 Drawing No.: 06F

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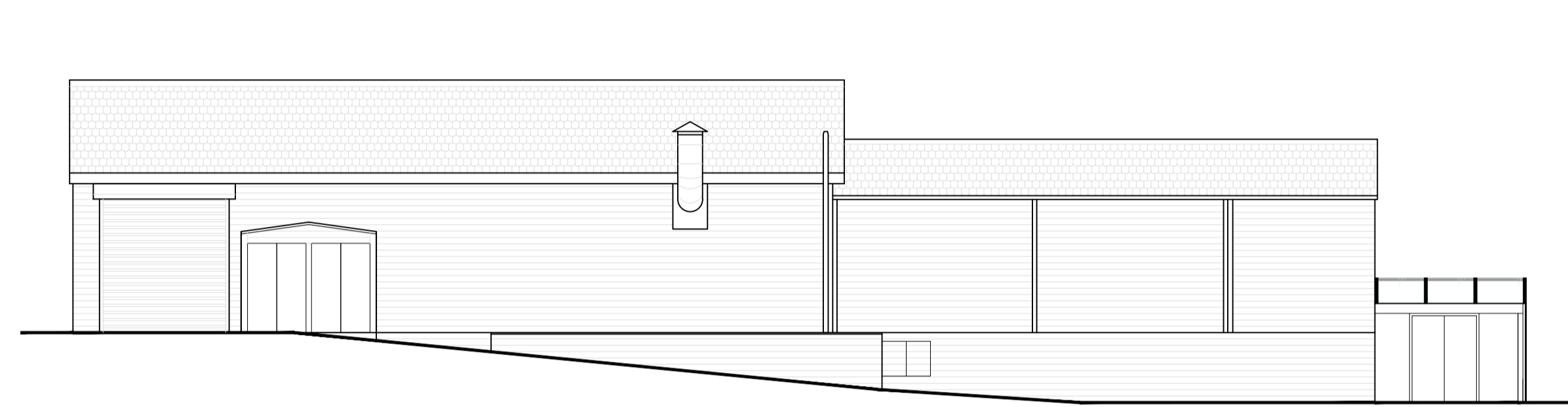
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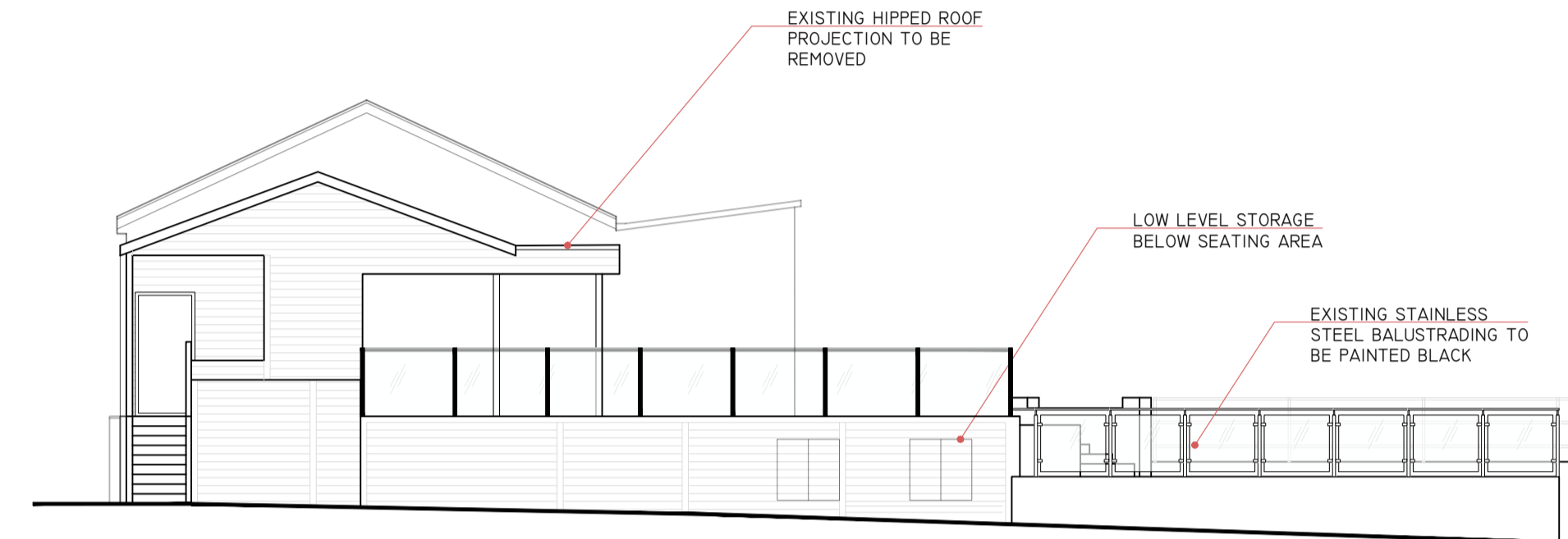
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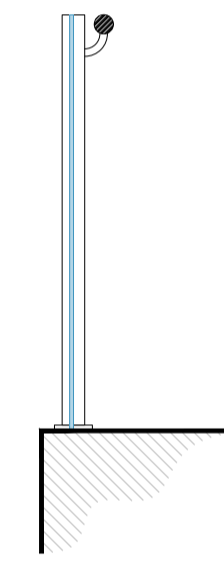
WEST ELEVATION

SCALE 1:100

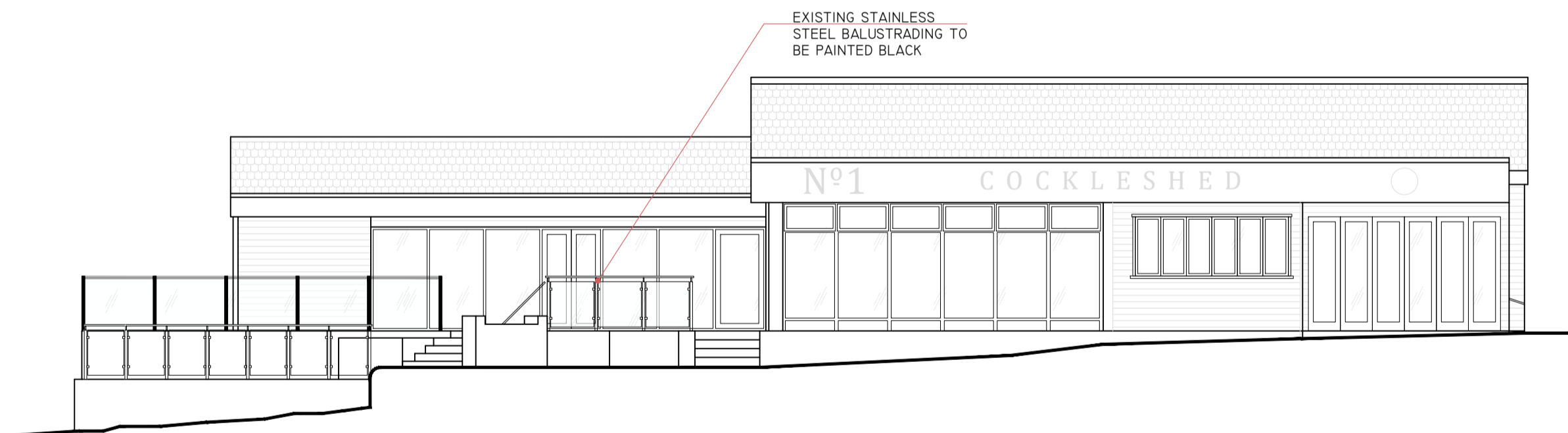
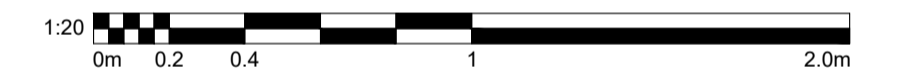


SOUTH ELEVATION

SCALE 1:100

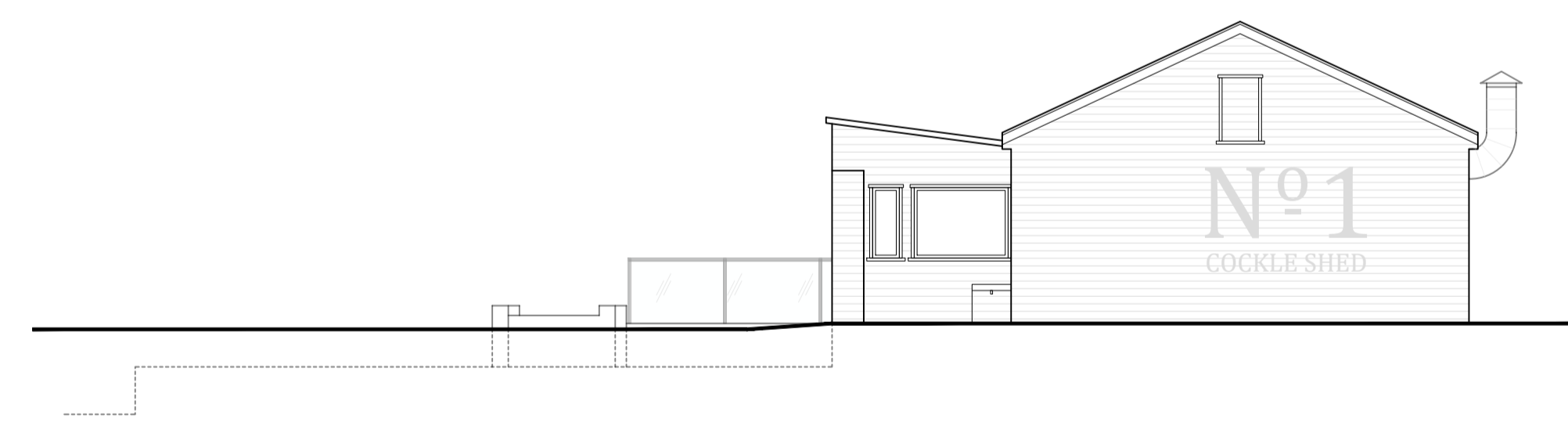


PROPOSED BALUSTRADING SECTION



EAST ELEVATION

SCALE 1:100



NORTH ELEVATION

SCALE 1:100



REV: DATE: AMENDMENT:

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| | |
|--------------|--|
| Client: | OCEAN BEACH |
| Project: | No. 1 COCKLE SHEDS, HIGH STREET LEIGH-ON-SEA SS9 2ER |
| Drawing: | PROPOSED ELEVATIONS |
| Date: | 24.04.2023 |
| Scale: | 1:100 @ A1 |
| Project No.: | 2094 |
| Drawing No.: | 07F |

Photos No 1 cockle shed

Existing South Elevation Facing Wharf
showing enclosed container and roof
plan to be demolished



West Elevation showing existing
overhanging roof area to be Infilled



Area to be
infilled



South Elevation showing Existing External Terrace
and Existing Doors to Storage Area



East and North elevation showing existing Northern Entrance Level Access



Approach from East along coastal path

66





100

• Private Boat Hire
• 2-3 hours or full day/Charters
• Sea Fishing
• Maximum of 40 hours
• Scouting of Ashes
• In the Thames Estuary
• Sea Supremacy Trips
• Sunrise & Sunset Cruises
• Educational Trips
• Wildlife/Logical
• Business Meetings

BOAT TRIPS:

- St Richard Manxworthy Ship
• Mulberry Harbour
• The Trin Island
• Bird Sanctuaries
• Tower Of London
• Southampton
• Quenneville Hill
• Margate Bay
• Tisbury Forts
• Breakfast & meeting rooms by request

Nº1
OPEN
BREAKFAST
LUNCH
DINNER
RTE

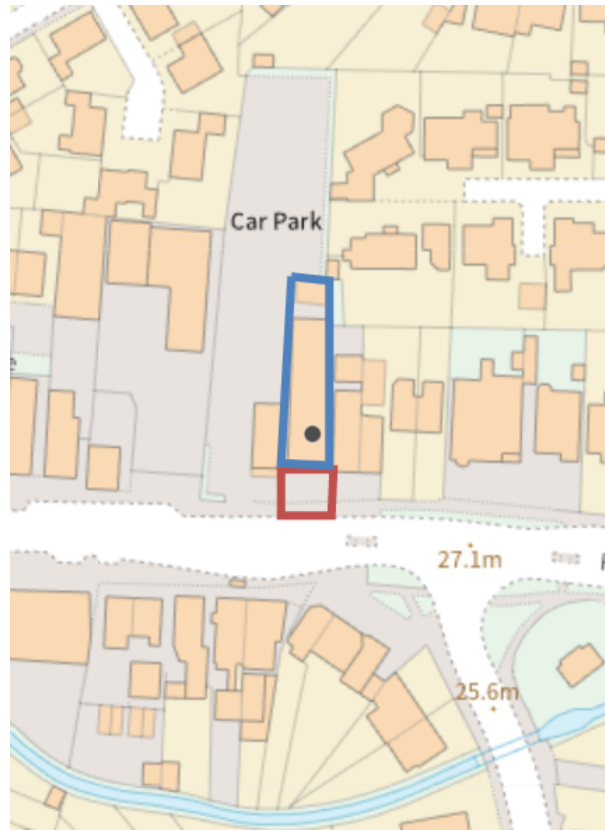
East Elevation as Existing



Previous East Elevation



| | | |
|-----------------------------|---|----------|
| Reference: | 23/00342/FUL | 7 |
| Application Type: | Full Application | |
| Ward: | Eastwood Park | |
| Proposal: | Install new vehicle crossover onto Rayleigh Road | |
| Address: | 358 Rayleigh Road, Eastwood, Essex, SS9 5PU | |
| Applicant: | Mr S. Miah | |
| Agent: | Mrs Stamatia Exarchea of DSB Property Designs Ltd | |
| Consultation Expiry: | 25 th May 2023 | |
| Expiry Date: | 2 nd June 2023 | |
| Case Officer: | Gabriella Fairley | |
| Plan Nos: | 2023/02/358RR Sheet 01 of 02 (Rev B), 2023/02/358RR Sheet 02 of 02 (Rev B) | |
| Recommendation: | GRANT PLANNING PERMISSION subject to conditions | |



1 Site and Surroundings

- 1.1 The application site on the north side of Rayleigh Road, contains a hardsurfaced frontage to the front of a two-storey detached building which is used as a restaurant at ground floor and a residential flat at first floor. A number of neighbouring and nearby properties have vehicle crossovers onto the highway.
- 1.2 The site is not within a Conservation Area. Rayleigh Road is a classified road. The site is within a Secondary Shopping Frontage but is not subject to any other planning policy designations. In front of the site are zig zag road markings for a zebra crossing outside No 354 Rayleigh Road.

2 The Proposal

- 2.1 Planning permission is sought to create a vehicular access onto Rayleigh Road some 3.66m wide, providing off-street parking for one vehicle. The crossing width was reduced during the course of the application. The depth of the parking area which is already hardsurfaced is a maximum of some 5.1m and a minimum of 4.2m and is 4.6m wide.

3 Relevant Planning History

- 3.1 The details of the most relevant planning history to this application are shown on Table 1 below.

Table 1: Relevant planning history

| Referenced number | Description | Outcome [Date] |
|-------------------|---|-------------------------|
| 12/00691/FUL | Form vehicular access onto Rayleigh Road. | Refused (08.08.2012) |
| 13/01379/FUL | Demolish existing outbuilding and erect two storey rear extension to form residential accommodation, and storeroom for use by restaurant. | Refused (19.11.2013) |
| 14/00250/FUL | Erect ground and first floor extension to front and side and alter elevations (Amended Proposal). | Granted (10.04.2014) |

Officer comment: Planning application reference 12/00691/FUL was determined in 2012, under a materially different planning policy context to the current application including prior to the current Vehicle Crossover Policy, which was adopted in 2021 so very limited weight is given to this previous refusal in the assessment of this application. In any event the current Crossing policy no longer requires vehicles to be able to enter and exit in a forward gear which was the basis of the 2012 refusal.

4 Representation Summary

Call-in

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

Public Consultation

- 4.2 Sixteen (16) neighbouring properties were consulted, and a site notice was displayed. No letters of representation have been received.

Highways

- 4.3 No objections. There are already a number of vehicle crossovers and a car park entrance in close proximity to the existing zebra crossing. The zebra crossing benefits from having additional zig zag markings which prevent cars parking and also provides increased visibility splays for pedestrians/vehicles. It is therefore considered that the proposal will not have a detrimental impact on the local highway network. Should more than one vehicle park at this site, this could be subject to enforcement action. The applicant will be required to apply to highways to carry out the installation.

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) and CP4 (Environment and Urban Renaissance)
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management).
- 5.5 Southend-on-Sea Design and Townscape Guide (2009)
- 5.6 The Southend-on-Sea Vehicle Crossover Policy (2021)
- 5.7 Community Infrastructure Levy (CIL) Charging Schedule (2015).

6 Appraisal

Principal of Development

- 6.1 Vehicular crossings are considered acceptable in principle, providing that highway safety is not adversely affected, and there is no adverse impact on the character of the surrounding area or on residential amenity.

Design and Impact on the Character of the Area

- 6.2 Paragraph 126 of the National Planning Policy Framework (NPPF) states that, “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.”
- 6.3 The importance of good design is reflected in Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document. These policies seek to maintain and enhance the amenities, appeal, and character of residential areas.

- 6.4 Paragraph 173 of the Design and Townscape Guide states that “new crossings and hardstandings should not result in the loss of street trees or planted verges unless they can be replanted within the vicinity.”
- 6.5 The proposed crossover would not result in the loss of any street trees or any planted or grass verges. Given the existing hardstanding at the site and existing vehicle crossovers next to and within the vicinity of the site, it is considered that the proposed development would not significantly harm the character or appearance of the streetscene or the wider area.
- 6.6 The proposal is therefore acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 6.7 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council’s Design and Townscape Guide.
- 6.8 No. 356 Rayleigh Road to the east is a printer shop. This has a vehicle crossover serving parking outside the shop. Above the application premises is a first floor flat. A parking area to be demarcated on the application site’s existing hardsurfaced frontage and to be served by the proposed crossover will be used as one space by restaurant customers and/or staff. No. 360 to the west of the site is Police related premises according to rating records and beyond which is Rayleigh Road Car Park. Due to the nature of the development, ambient noise along this main road and the presence of other existing crossovers, it is not considered that the proposal would significantly harm residential amenity impacts in any relevant regards.
- 6.9 The proposal’s impact on residential amenity is therefore acceptable and policy compliant.

Traffic and Transportation Issues

- 6.10 Paragraph 111 of the NPPF states “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”.
- 6.11 Policy DM15 of the Development Management Document concerns parking and highway matters. The Southend-on-Sea Vehicle Crossover Policy (2021) is not an adopted planning document but is a material consideration to be afforded relevant weight in the balanced determination of this application.
- 6.12 Rayleigh Road is a classified road. The parking area to be demarcated within the site’s existing hardsurfaced frontage and to be served by the proposed crossover is shown as 4.2m to 5.1m deep and 3.66m wide. The Vehicle Crossover Policy states that the minimum dimensions for a parking space when at a right angle to the footway is 2.44m wide and 4.8m deep. Therefore, there is sufficient space for one car to park on the hardstanding and vehicles parked here would not need to overhang the highway. An appropriate condition will be added to ensure that only one vehicle is parked on the hardstanding at any given time. The space is for parking for customers and/or staff of

the ground floor restaurant. The proposal would not fully accord with the Vehicle Crossover Policy in that 3.1 of that document states that proposed accesses will not be agreed if within a layby, bus stop, taxi rank, police bay or pedestrian crossing zigzags.

- 6.13 The Council's Highways Officer raises no objection to the development, which has been reduced in width during the course of the application, including within the scope of the above Crossover Policy as there are already a number of vehicle crossovers and a car park entrance in close proximity to the existing zebra crossing. The zebra crossing has zig zag markings which prevent cars parking and also provides increased visibility for pedestrians/vehicles. The Highways team's assessment is also informed by their confirmation that accident data in the vicinity of the site shows that there has been one personal injury collision in Rayleigh Road within the vicinity (50m) of No. 358 within the past three years to 28th February 2023. In June 2020, there was a car-pedestrian accident, where the driver was at error. There have been no further personal injury collisions within the past five years.
- 6.14 In making a planning decision the Local Planning Authority must take into account all relevant and material planning considerations. The Crossing Policy is a material consideration to which due weight should be apportioned but it is not an adopted planning policy so that it is neither definitive as to the decision which should be reached nor does it override planning policy notably the NPPF which 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. No unacceptable impact on highway safety or the network has been identified.
- 6.15 The proposal's impact on highway and pedestrian safety is therefore acceptable and policy compliant.

Other Matters

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

Equality and Diversity Issues

- 6.17 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.

7 Conclusion

- 7.1 Having taken all material planning considerations into account, the proposal, which was amended during the course of the application to reduce the crossover width, is considered to be acceptable and compliant with the relevant planning policies and guidance. Officers therefore recommend that planning permission be granted subject to

conditions.

8 Recommendation

Members are recommended to 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: 2023/02/358RR Sheet 01 of 02 (Rev B), 2023/02/358RR Sheet 02 of 02 (Rev B).**

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

- 03 The development hereby permitted shall only be used to provide access to one parking space on the site at any given time. No more than one vehicle shall be parked on hardstanding served by the access at any one time.**

Reason: To ensure that the development does not harm highway safety in accordance with the National Planning Policy Framework (2021), Policy CP3 of the Core Strategy (2007), Policy DM15 of the Development Management Document (2015) and the Southend-on-Sea Vehicle Crossover Policy (2021).

INFORMATIVES

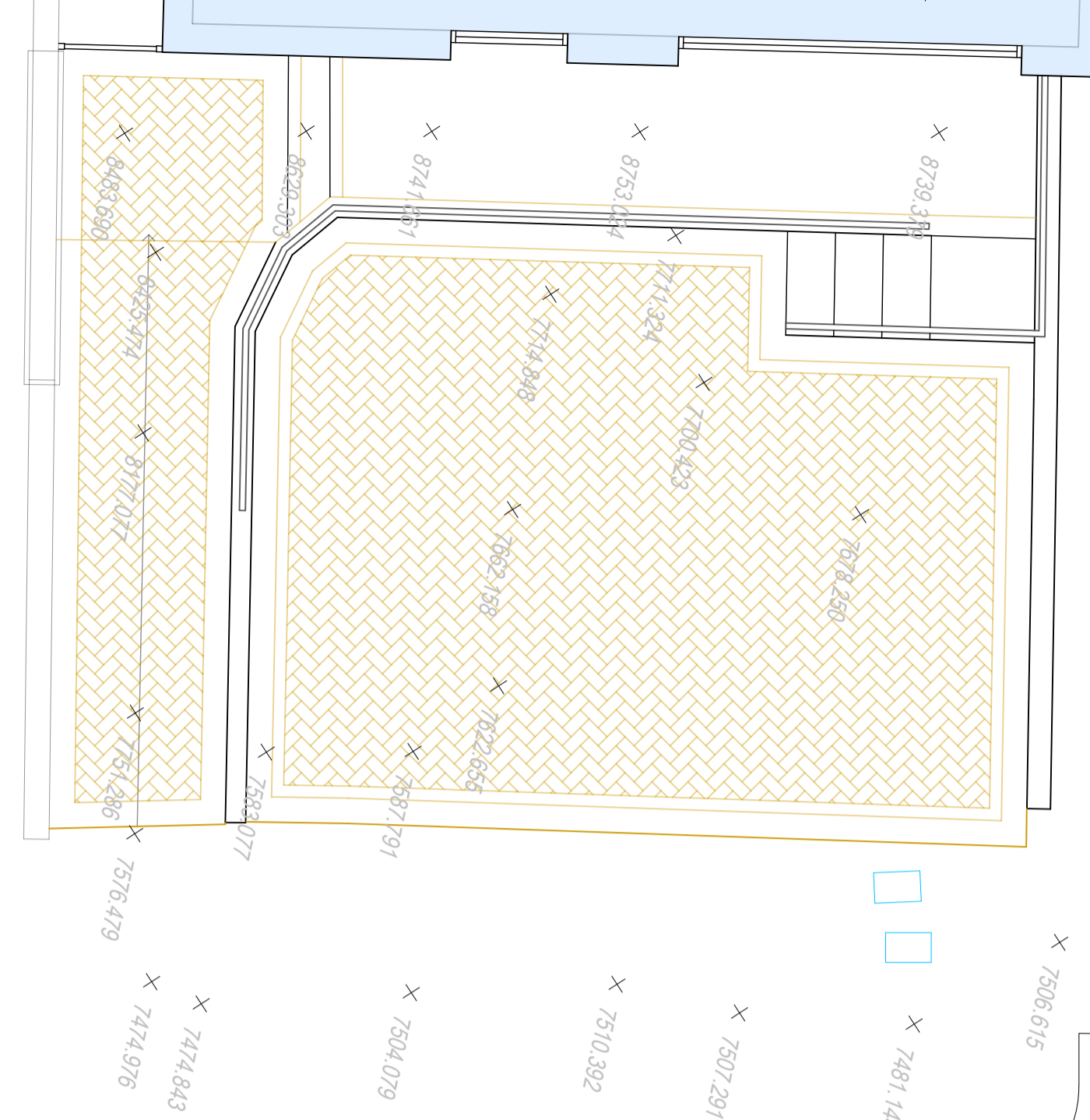
- 1. You are advised that as the proposed alterations to your property do not result in new floorspace and the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.**
- 2. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the City.**
- 3. The applicant is advised that they are required to apply to the Highways Authority for separate consent to have a vehicular crossover installed.**

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning

permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

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General

A) Use infill blocks specified by Beam and block floor manufacturer only to ensure correct strength block is used, details and calculations of beam and block floor to be submitted to Building Control from chosen manufacturer prior to commencing this stage of the works. Provide DPC below beam and block bearings.

B) All new timber to be pressure impregnated against rot and insect attack, all timber dimensions specified are minimum sizes required

C) Prior to commencement of works expose and check existing foundation, confirm all levels where details differ contact engineer for redesign charged at engineers standard rate. Ensure foundations are trench and not pile or raft if found to be designed then foundations may need to be reconsidered.

D) Allow for shrinkage details in timber

E) Care to be taken to determine exact position and levels of existing underground and general services. Check for Gas, Electric main cables, drainage, pipe work, telecommunications etc allow for diversion protection as agreed with the relevant Utility companies only. No Gas mains to be built over, consult Gas utility company for diversion.

F) Existing drainage appears to be private if found to be shared it must comply with Anglia Water requirements. It is important to check these details prior to any works commencing on site. Where details differ contact DSB. Applications will be charged at our standard rate.

G) Expose and check existing foundation type and depth prior to commencement of any works and confirm they are trench, where details differ a structural design may be required. Confirm with Building Control prior to commencement of works. Where existing foundations are deeper than the proposed proposed must be taken down to at least the same level as the existing but no less than shown and in some cases deeper foundation may be required subject to visible roots and ground conditions. Allowances should be made for this in

H) Remove trees near to proposal check to ensure no TPO's exist prior to removal if in doubt consult L.A.

I) Note: Foundation depths are subject to soil type, tree roots and distances from trees, we suggest that a trial pit is formed first for investigation by Building control prior to excavating the full trench to establish the final foundation depths.

J) Ensure suitable diagonal bracing, bracing details, straps and noggin for adequate stability.

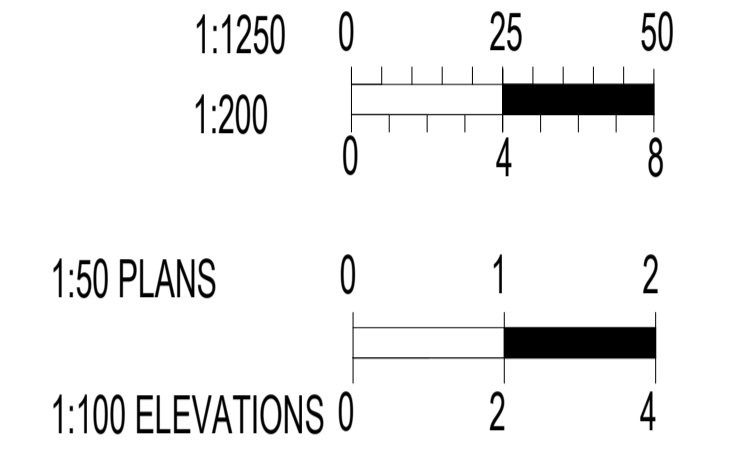
K) Ensure existing property is supported to prevent collapse during works.

Health and Safety Legislation.

Construction (Design & Management) Regulations 2015

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

These drawings are not a step by step instruction guide and in some cases changes may be required. Any deviations from the drawings must first be agreed with Building control. Where our involvement is required this must be instructed in writing and will be charged at our standard rate. We suggest an Asbestos survey is carried out and where any Asbestos is found seek the appropriate advise. Any asbestos must be dealt with by an approved, licensed contractor only.



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| B | Planning Officer's Comments | 10.05.23 | SE |
| A | Planning Officer's Comments | 14.04.23 | SE |
| REV | REVISION NOTE | REVISION DATE | BY |
| DWG REF | 2023/02/358RR | SHEET 01 of 02 | |
| SCALE | 1:50/1:100/1:1250 | DRAWN DATE | FEB23 |
| PAPER | A1 | DRAWN BY | SE |
| | | CHECKED | DB |

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Professionalism and Integrity in Construction

PROJECT: -
Vehicular Crossover

SITE ADDRESS:-
358 Rayleigh Road
Leigh-on-Sea
Essex
SS9 5PU

CLIENT: -
Mr S. Miah

SMARTER PLANNING CHAMPION

partner LABC

WALL KEY: -

- Existing stud/ block
- Existing solid walls
- Block walls
- Stud walls
- Existing cavity walls
- Proposed walls

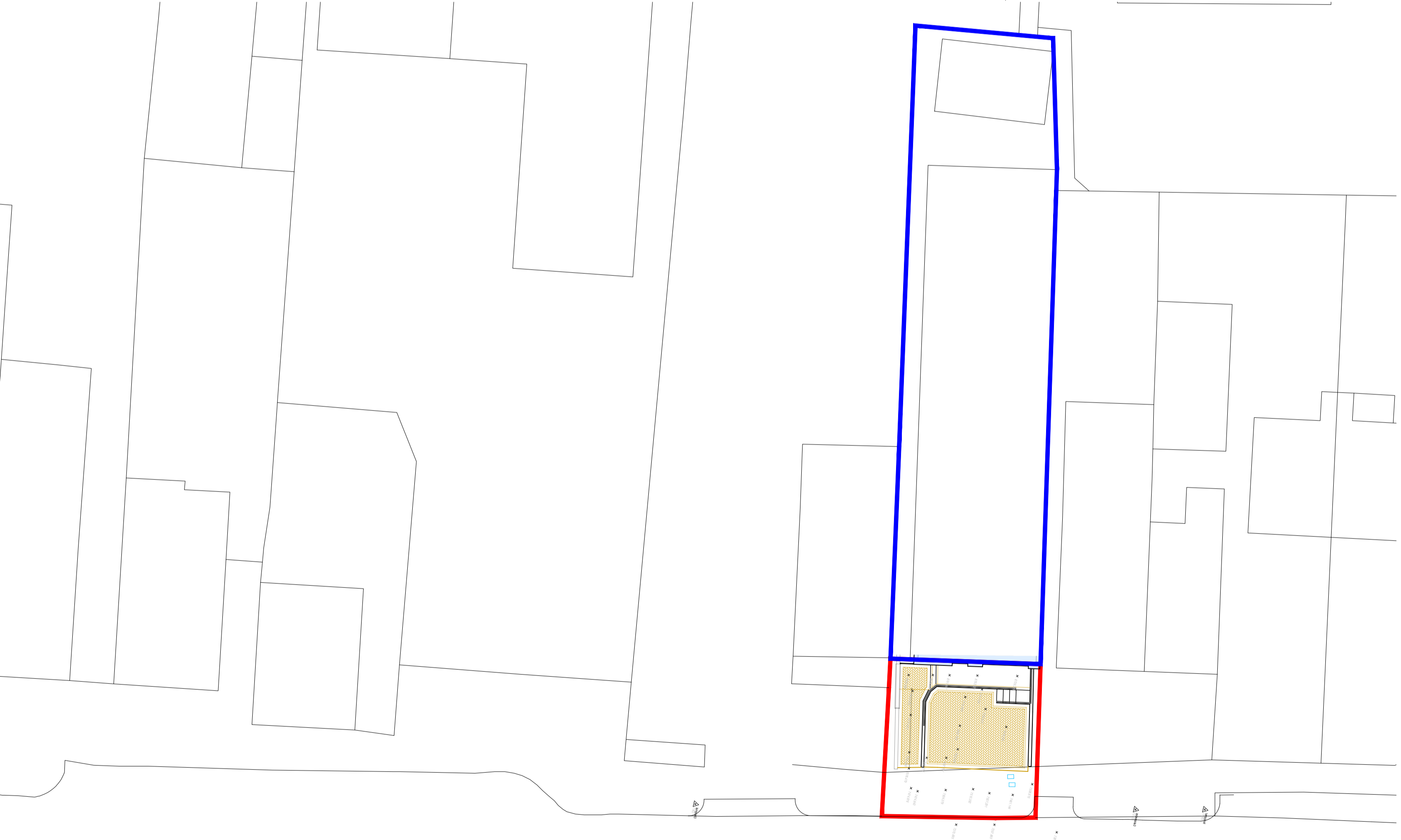
Engineer
Planning
Bldg Regs
Construction

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

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01 Existing Site Plan 1:50

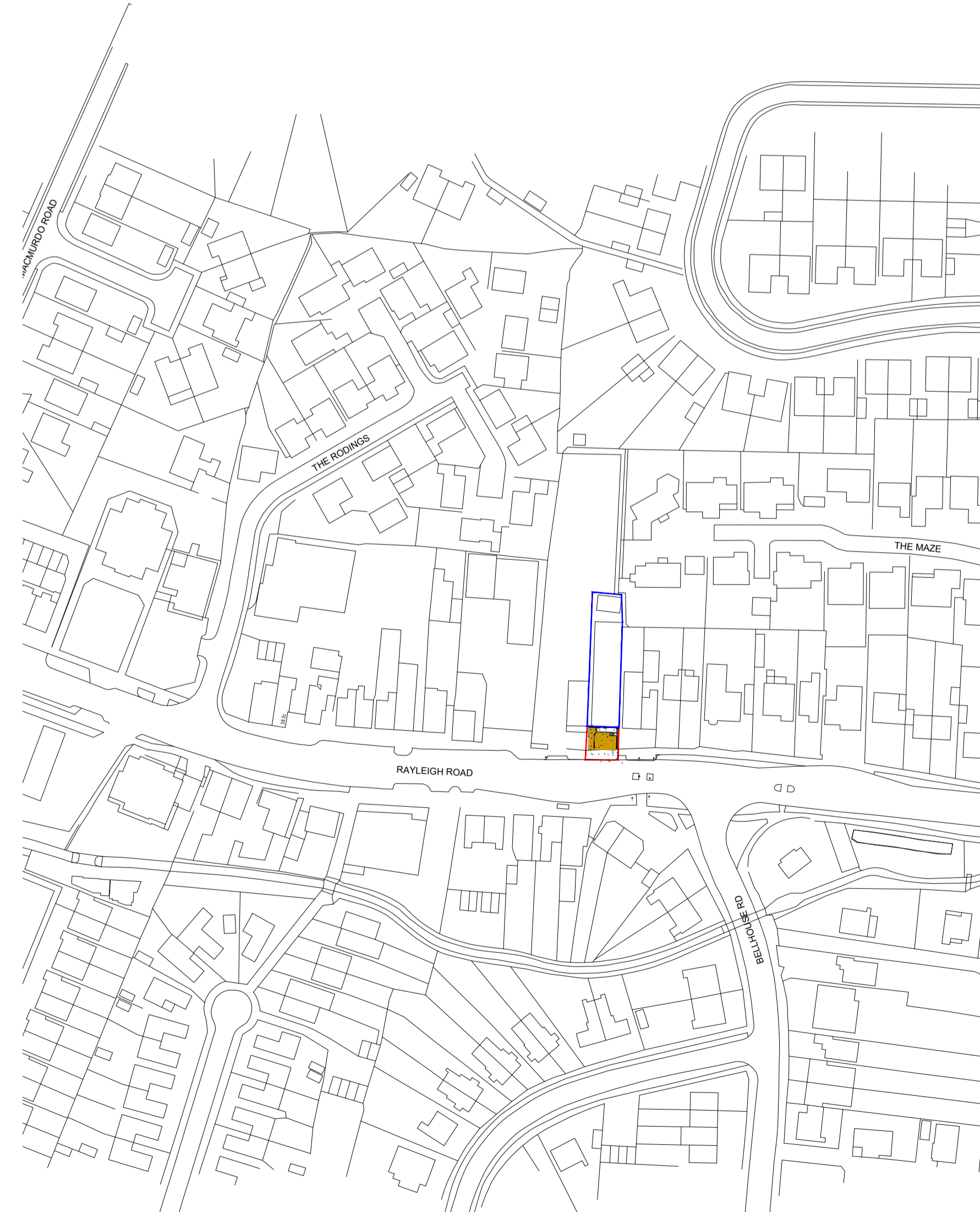
All dimensions and measurements contained on this drawing are approximate and it is the responsibility of the Contractor to ascertain all accurate dimensions and measurements on site.



RAYLEIGH ROAD

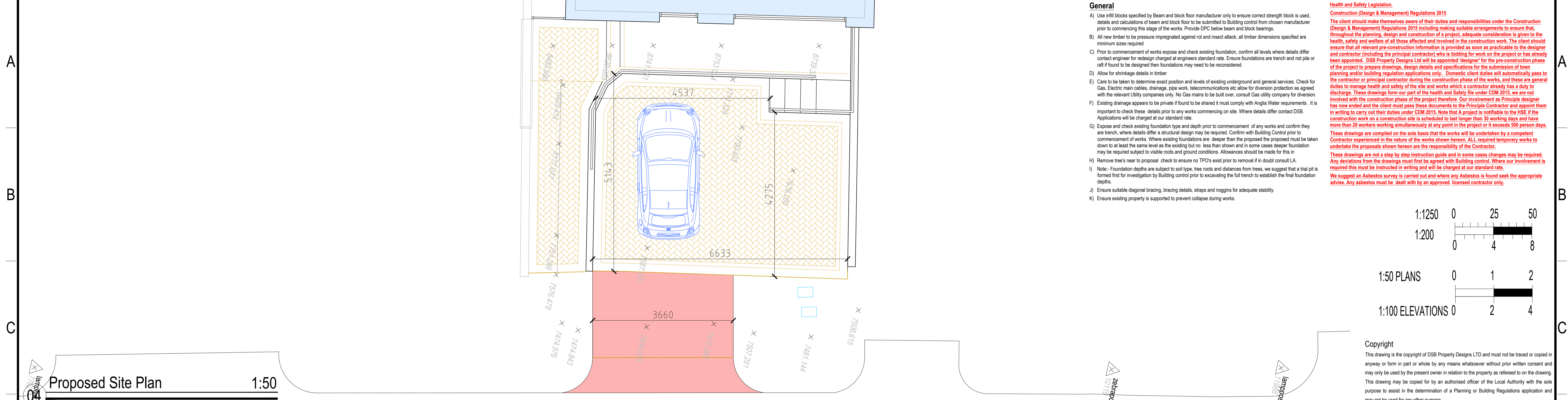
02 Existing Block Plan 1:200

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



03 Existing Location Plan 1:1250

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General

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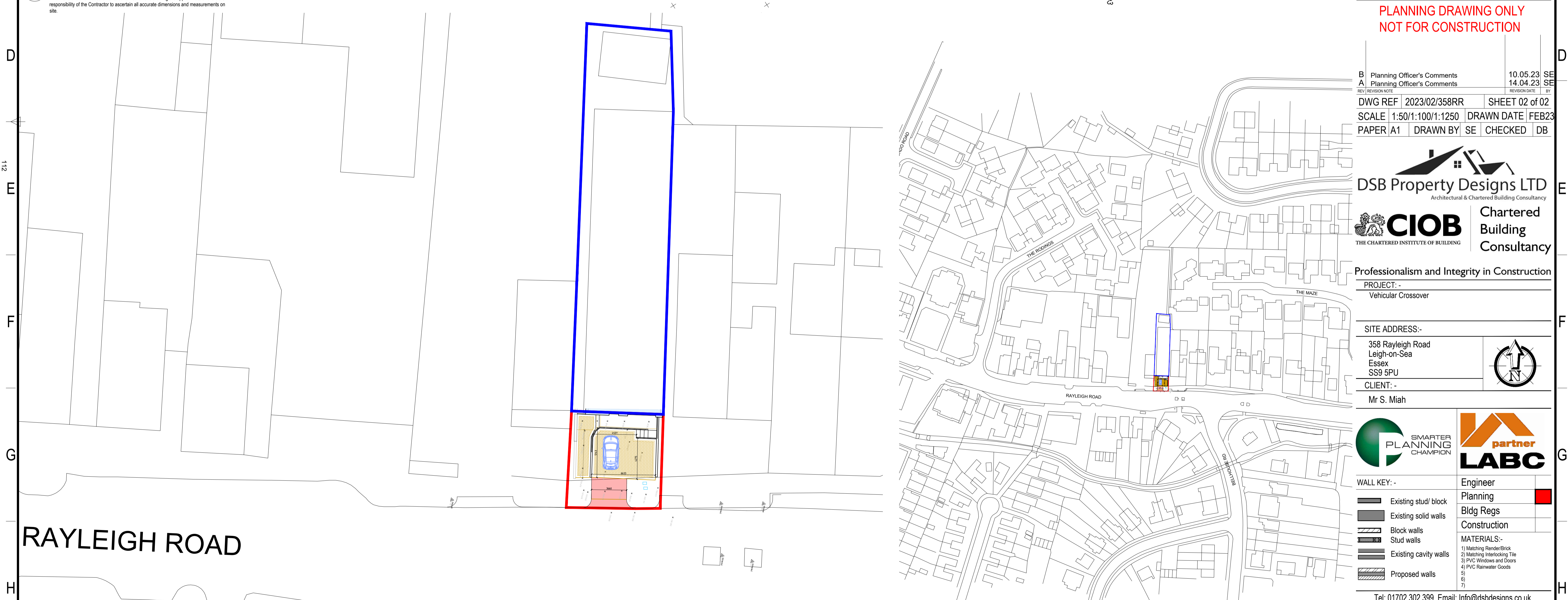
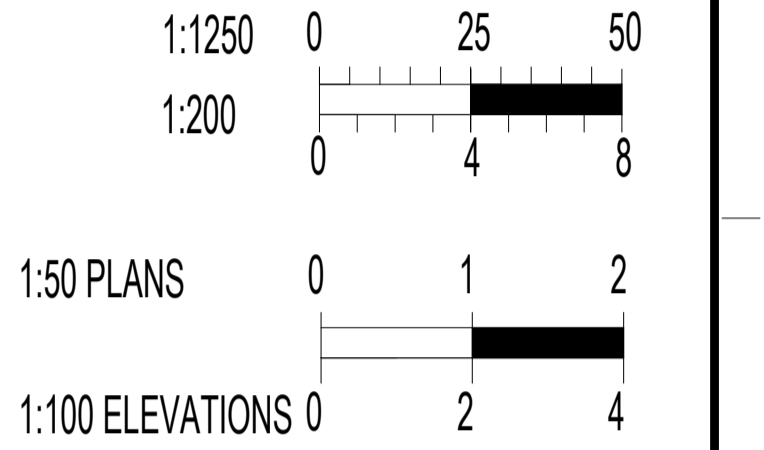
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4) PVC Rainwater Goods
5)
6)
7)

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Web: www.dsbdesigns.co.uk

02 Proposed Plans

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

358 Rayleigh Road



The site from across the highway



The streetscene, including the pedestrian crossing



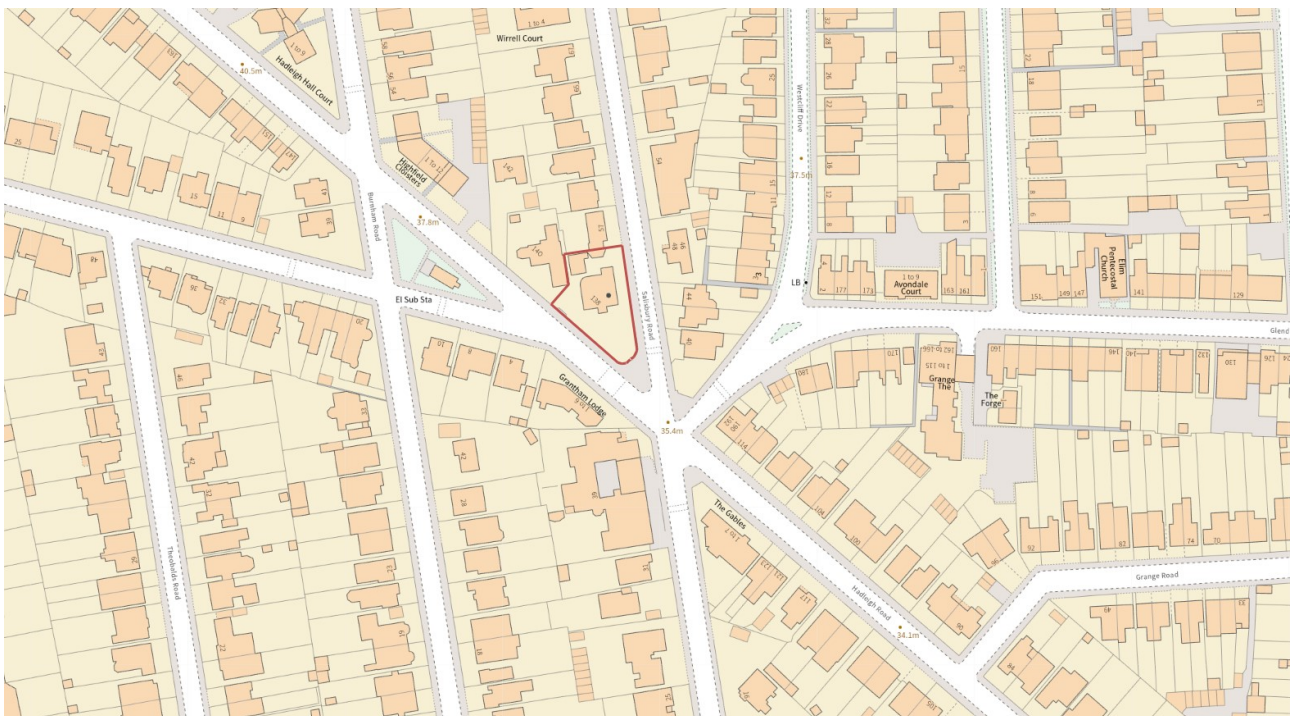
Streetscene image of Rayleigh Road taken from opposite the site



The site and adjacent
crossovers

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| | | |
|-----------------------------|--|------------|
| Reference: | 23/00462/FULH | <h1>8</h1> |
| Application Type: | Full Application- Householder | |
| Ward: | West Leigh | |
| Proposal: | Demolish existing detached garage and erect garage with mezzanine level gym incorporating single storey link to dwellinghouse (Amended Proposal) | |
| Address: | 138 Hadleigh Road, Leigh-On-Sea, Essex, SS9 2LZ | |
| Applicant: | Mr And Mrs G Day | |
| Agent: | Metson Architects Ltd. | |
| Consultation Expiry: | 21.04.2023 | |
| Expiry Date: | 02.06.2023 | |
| Case Officer: | Oliver Hart | |
| Plan Nos: | 2015-X00; 2015-X01; 2015-X02; 2304-TP-01 | |
| Recommendation: | GRANT PLANNING PERMISSION subject to conditions | |



1 Site and Surroundings

- 1.1 The application site is occupied by a two-storey detached dwellinghouse, on the junction of Hadleigh Road and Salisbury Road. A detached double garage is positioned to the north-west of the main dwelling visible from Hadleigh Road.
- 1.2 The surrounding area is residential in character, comprising two storey semi-detached and detached dwellinghouses as well as some two storey flatted blocks.
- 1.3 The site does not contain a listed building and is not within a conservation area or a flood zone.

2 The Proposal

- 2.1 Planning permission is sought to demolish the existing detached double garage and to erect a two-storey detached garage/store building with mezzanine level gym area. A single storey link to the main dwellinghouse is also shown.
- 2.2 The existing detached double garage is hip roofed and some 5.8m in maximum height (2.4m to eaves), 5.6m wide and 7.4m deep. The replacement detached garage would be positioned in broadly the same location as the existing with a larger footprint and increased ridge and eaves heights; 8.75m wide, 7.45m deep, 6.3m in maximum height and 3.2m high to eaves.
- 2.3 The main roof of the garage would retain the existing hipped design, a small area of flat roof is shown to the west flank elevation and a ground floor gabled projection is proposed to the east flank elevation. Finishing materials are shown as face-brick and roof tiles to match the existing.
- 2.4 The proposed 'link' element would allow for sheltered access/egress direct from the main dwelling to the proposed garage. It would be flat roofed and some 2.4m deep, 1.4m wide and 2.8m high with glazed elements to its east and west flank elevations.
- 2.5 This application is an amended proposal following a recently approved application at the application site for development of a similar nature (ref. 22/01102/FULH). The only notable difference is the addition of the glazed link. All other elements, including the dimensions and exterior appearance of the replacement garage remain unchanged.

3 Relevant Planning History

- 3.1 22/01102/FULH- Demolish existing detached garage and erect two storey detached garage with mezzanine level gym- Granted.
- 3.2 21/00675/FULH- Demolish existing detached garage and erect two storey detached garage with mezzanine level gym- Refused.
- 3.3 21/01604/FULH- Demolish existing detached garage and erect two storey detached garage with mezzanine level gym (Amended proposal) - Refused. Appeal Dismissed.

4 Representation Summary

Call-in request

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

Public Consultation

- 4.2 35No neighbours were notified of the application. 2No letters of representation from one address have been received. Summary of comments;

- Concerns about the potential future use of the garage as habitable accommodation
- Queries as to whether the garage would constitute a separate building despite proposed link to the main dwellinghouse.

[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. A condition is recommended to be imposed to restrict use of the garage to incidental activities only.

Leigh Town Council

- 4.3 Objection raised. Concerns raised with size, scale design and siting of the replacement garage. Concerns also raised with regards to its impact on the amenity of No. 57 Salisbury Road.

5 Planning Policy Summary

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

6 Planning Considerations

- 6.1 The previous planning permission granted under reference 22/01102/FULH (the “2022 Permission”) is a consideration of significant weight in the consideration of this application, particularly given the similarities between this proposal and the permitted scheme. The officer’s report for the 2022 Permission is appended to this report as Appendix 1.
- 6.2 Consistent with the findings of the 2022 Permission, it is not considered that the proposal would have any significant highway implications as it does not increase the need for

parking nor reduce the current off-site parking provision. The development is also found to be acceptable in principle terms and is not liable for a CIL charge. The key considerations are therefore the design and impact on the character of the area and the impact on residential amenity.

Design and Impact on the Character of the Area

- 6.3 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.4 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm.
- 6.5 Paragraph 358 of The Design and Townscape Guide states: *“Detached garages and other ancillary buildings within the grounds of an existing building should be designed to complement the character of the associated building. As with all new buildings they should embrace the design principles set out in this document. Garages in particular should be set back from the pavement to allow room to pull up without causing obstruction.”*
- 6.6 The replacement garage remains unchanged from the previously approved design, found to be acceptable when the 2022 Permission was granted, save for the provision of a glazed link to its south-east elevation. The glazed link is of limited size and scale and owing to its position, views would not be readily available from the public realm. To this end, its visual impact is considered to be modest and acceptable. The proposed glazing to either flank elevation mitigates against the additional scale and bulk of the ‘link’ when the development is viewed as a whole.
- 6.7 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 the above regards.

Impact on Residential Amenity

- 6.8 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.
- 6.9 The replacement garage remains unchanged from the previously approved scheme, found to be acceptable in amenity impact terms when the 2022 Permission was granted, save for the provision of a glazed link to its south-east elevation. Owing to the position of this ‘link’, it would be significantly removed from any neighbouring dwelling that bounds the site, including Nos 140 Hadleigh Road to the north-west and 57 Salisbury Road to the north.

- 6.10 In line with the previous assessment, the impact of the replacement garage on the neighbouring properties' amenity remains acceptable in all relevant regards and in line with the findings for the 2022 Permission. It is recommended that a condition be imposed restricting the future use of the garage to remain for incidental activities only. On this basis, the proposal is therefore acceptable and policy compliant in the above regards.

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.

7 Conclusion

- 7.1 Having regard to all material considerations assessed above including the basis of the approved 2022 application, it is considered that subject to compliance with the attached conditions, the proposal would be acceptable and compliant with the objectives of the relevant national and local planning policies and guidance. This application is therefore recommended for approval, subject to conditions.

8 Recommendation

8.1 Members are recommended to:

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans: 2015-X00; 2015-X01; 2015-X02; 2304-TP-01**

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

- 03 Before the development hereby approved is occupied the materials used on the external surfaces of the development must match those used on the external surfaces of the existing dwelling. This applies unless differences are shown on submitted plans.**

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area in line with the provisions of the Development Management Document (2015) policy DM1.

- 04** The development hereby permitted shall not be occupied at any time other than for purposes wholly incidental to the residential use of the dwelling known as 138 Hadleigh Road and shall not be used for any other purposes including as an independent dwelling or as ancillary residential accommodation.

Reason: To ensure a satisfactory standard of accommodation and to protect the amenities of existing and proposed occupiers, to protect the privacy and environment of people in neighbouring residential properties, and to prevent additional parking demand which cannot be met within the application site, in accordance with the Core Strategy (2007) policies KP2, CP3 and CP4, the Development Management Document (2015) policies DM1, DM3, DM8 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

Positive and proactive statement:

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

Informatives:

- 1** You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development would benefit from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge would be payable. See 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.

**APPENDIX 1
Officer’s report for the 2022 Permission**

| | |
|-----------------------------|---|
| Reference: | 22/01102/FULH |
| Application type: | Full Application - Householder |
| Ward: | West Leigh |
| Proposal: | Demolish existing detached garage and erect two storey detached garage with mezzanine level gym |
| Address: | 138 Hadleigh Road, Leigh-On-Sea, Essex, SS9 2LZ |
| Applicant: | Mr And Mrs G Day |
| Agent: | Metson Architects Ltd. |
| Consultation Expiry: | 16.06.2022 |
| Expiry Date: | 18.07.2022 |
| Case Officer: | Oliver Hart |
| Plan Nos: | 2015-X00; 2015-TP-301 |
| Recommendation: | GRANT PLANNING PERMISSION subject to conditions |

1 Site and Surroundings

- 1.1 The subject property is a two-storey detached dwellinghouse. The site is a corner property located on the junction of Hadleigh Road and Salisbury Road close to its junction with Western Road. A detached double garage is within the north-west of the property visible from Hadleigh Road.
- 1.2 The surrounding area is residential in character, comprising two storey semi-detached and detached dwellinghouses as well as some two storey flatted blocks.
- 1.3 The site does not contain a listed building and is not located within a conservation area or a flood zone.

2 The Proposal

- 2.1 Planning permission is sought to demolish the existing detached double garage and to erect a two-storey detached garage/store building with mezzanine level gym area.
- 2.2 The existing detached double garage is hip roofed and measures some 5.8m in maximum height (2.4m to eaves), 5.6m wide and 7.4m deep. The replacement detached garage would be positioned in broadly the same location as the existing with a larger footprint and increased ridge and eaves heights; 8.75m wide, 7.45m deep, 6.3m in maximum height and 3.2m high to eaves.

- 2.3 The garages main roof would retain the existing hipped design, a small area of flat roof is shown to the west flank elevation and a ground floor gabled projection is proposed to the east flank elevation. Finishing materials are shown as face-brick and roof tiles to match the existing.
- 2.4 This application has been submitted following a number of previously refused applications for development of a similar nature. This application differs from the previous refusal (21/01604/FULH) by replacing the previously proposed main front gable with a traditional hipped roof akin to the existing and removing glazing from the main front elevation. All other elements of the proposal remain unchanged.

3 Relevant Planning History

- 3.1 21/00675/FULH- Demolish existing detached garage and erect two storey detached garage with mezzanine level gym- Refused
- 3.2 21/01604/FULH- Demolish existing detached garage and erect two storey detached garage with mezzanine level gym (Amended proposal)- Refused. Appeal Dismissed. Reasons for refusal.

01 The proposed two storey detached double garage would, by reason of its size, design, scale and siting not appear subservient to, nor would it integrate satisfactorily with, the existing dwelling and given its siting, would result in an incongruous and overly prominent form of development materially out of character with and harmful to the character and appearance of the site, the streetscene and wider surrounding area. This would be unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and guidance contained within the Design and Townscape Guide (2009).

02 The proposed two storey detached double garage would, by reason of its design, height, position and depth along the rear boundary of No.57 Salisbury Road, appear as an overly dominant and oppressive addition resulting in an unacceptable sense of enclosure and loss of outlook significantly harmful to the amenity of the neighbouring occupiers. This is unacceptable and contrary to the National Planning Policy Framework (2019), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policies DM1 and DM3 and the advice contained with the Design and Townscape Guide (2009).

- 3.3 Whilst the above reasons relate to design/character and neighbour amenity impacts, the appeal was dismissed for reasons solely in relation to its design/character impact. The planning history of the site is material planning consideration of significant weight.

4 Representation Summary

Public Consultation

- 4.1 37no. neighbours were notified of the application. No letters of representation have been received.

Leigh Town Council

- 4.2 Objection raised. Concerns raised with size, scale design and siting of the replacement garage. Concerns also raised with regards to its impact on the amenity of No. 57 Salisbury Road.

5 Planning Policy Summary

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

6 Planning Considerations

- 6.1 Consistent with the assessment of the previously refused application, it is not considered that the proposal would have any significant highway implications as it does not increase the on-site parking requirements when assessed against the Council’s minimum parking standards. The development is also found to be acceptable in principle and not liable for CIL. The key considerations are therefore the design and impact on the character of the area, the impact on residential amenity and CIL. Also of relevance are the previous refusals including the Appeal decision which are considered to hold significant weight in the assessment of the current proposal.

7 Appraisal

Design and Impact on the Character of the Area

- 7.1 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.2 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm.
- 7.3 Paragraph 358 of The Design and Townscape Guide states: *“Detached garages and other ancillary buildings within the grounds of an existing building should be designed to complement the character of the associated building. As with all new buildings they should embrace the design principles set out in this document.*

Garages in particular should be set back from the pavement to allow room to pull up without causing obstruction.”

- 7.4 The design of the proposed development with regard to its design/character impact represented a reason for refusal in the previous application. The subsequent appeal was also refused on design and character grounds owing to the size, siting and appearance of the replacement garages front elevation, owing to the prominent main gable feature and extensive degree of glazing. It was considered to compete with the scale of the residence at No 140 where the two buildings adjoin and disrupt the existing hierarchy and complementary architectural composition of the surrounding buildings. It is noted the Inspector did not raise objection in principle to the increased ridge height which he stated ‘would not in itself be excessive’.
- 7.5 The proposed simplification of the front elevation (as viewed from the streetscene) is a positive alteration which significantly reduces the resultant scale and bulk of the replacement garage in comparison to the previous refusal and helps to disguise the presence of a mezzanine floor. Together with the use of matching materials which can be conditioned, it is considered the replacement garage would appear as a suitably subservient and ancillary feature relative to the setting of the host dwelling.
- 7.6 On this basis and, having due regard to the recent Appeal decision and the Inspector’s comments, the replacement garage is considered to, on balance, have overcome the previous reason for refusal. 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 the above regards.

Impact on Residential Amenity.

- 7.7 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.
- 7.8 Previously, concerns were raised with respect to the impact of the replacement garage on the amenity of the occupants of No.57 Salisbury Road following the increase in ridge height (approx.0.5m) and position adjoining and spanning approximately the length of the shared boundary. The arrangement of built form along this shared boundary would remain unchanged in the context of this application.
- 7.9 Whilst the ridge height of the replacement garage would be increased, the roof would continue to pitch away from No 57 at a similar angle. In line with the Inspector’s comments, it is considered that the increase in height would, on balance, be of sufficient distant from the boundary so as not to have any significant impact in terms of visual prominence or intrusion, nor would it result in an undue increased sense of enclosure or loss of outlook to the rear of No 57.

- 7.10 In line with previous applications and noting the design is broadly unchanged save for an alteration to the main front roof form, it is not considered the proposed development would result in any significant harm to the amenities of neighbouring occupiers at No.140 Hadleigh Road in any regard. This is in part due to the elevated position of the rooflights and the absence of neighbouring habitable room windows in the adjacent first floor flank elevation.
- 7.11 Having due regard to the basis of the recent Appeal decision and the Inspectors comments, the impact of the proposal with respect to neighbour amenity is considered, on balance, to have overcome the previous reason for refusal which was not sustained on appeal. The proposal is therefore acceptable and policy compliant in the above regards.

Equality and Diversity Issues

- 7.12 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 regard to all material considerations assessed above including the basis of the recent Appeal decision, it is considered that subject to compliance with the attached conditions, the proposal would be acceptable and compliant with the objectives of the relevant national and local planning policies and guidance. This application is therefore recommended for approval, subject to conditions.

9 Recommendation

GRANT PERMISSION Subject to the following conditions:

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

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

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans: 2015-X00; 2015-TP-301**

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

- 03 Before the development hereby approved is occupied the materials used on**

the external surfaces of the development must match those used on the external surfaces of the existing dwelling. This applies unless differences are shown on submitted plans.

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

- 04 The development hereby permitted shall not be occupied at any time other than for purposes wholly incidental to the residential use of the dwelling known as 138 Hadleigh Road and shall not be used for any other purposes including as an independent dwelling or as ancillary residential accommodation.**

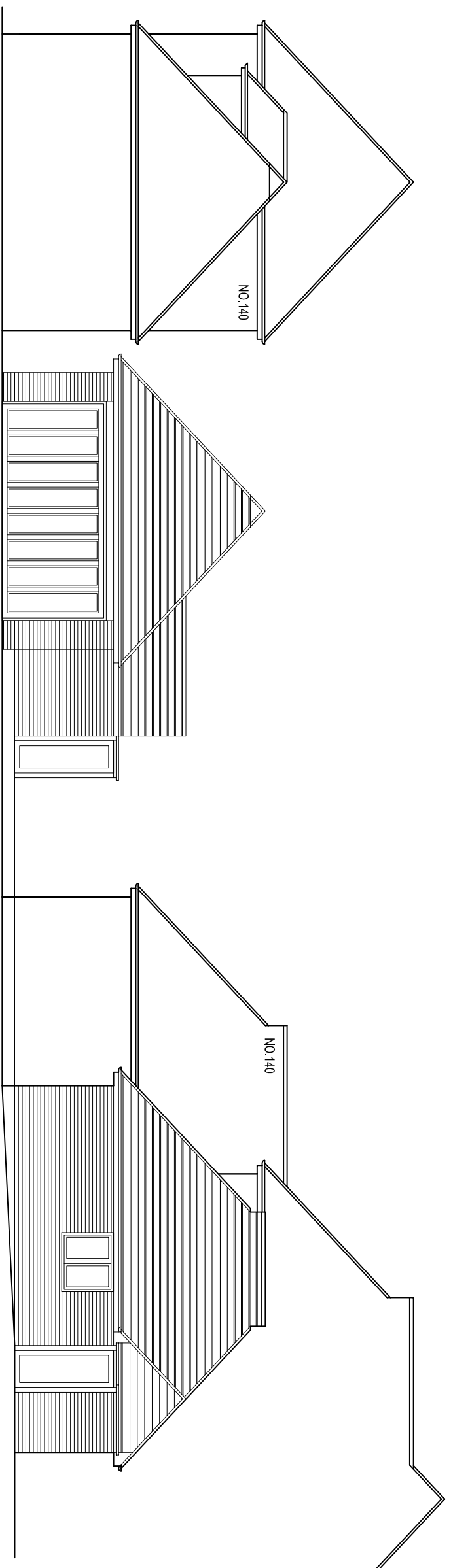
Reason: To ensure a satisfactory standard of accommodation and to protect the amenities of existing and proposed occupiers, to protect the privacy and environment of people in neighbouring residential properties, and to prevent additional parking demand which cannot be met within the application site, in accordance with the Core Strategy (2007) policies KP2, CP3 and CP4, the Development Management Document (2015) policies DM1, DM3, DM8 and advice contained within the Southend 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.

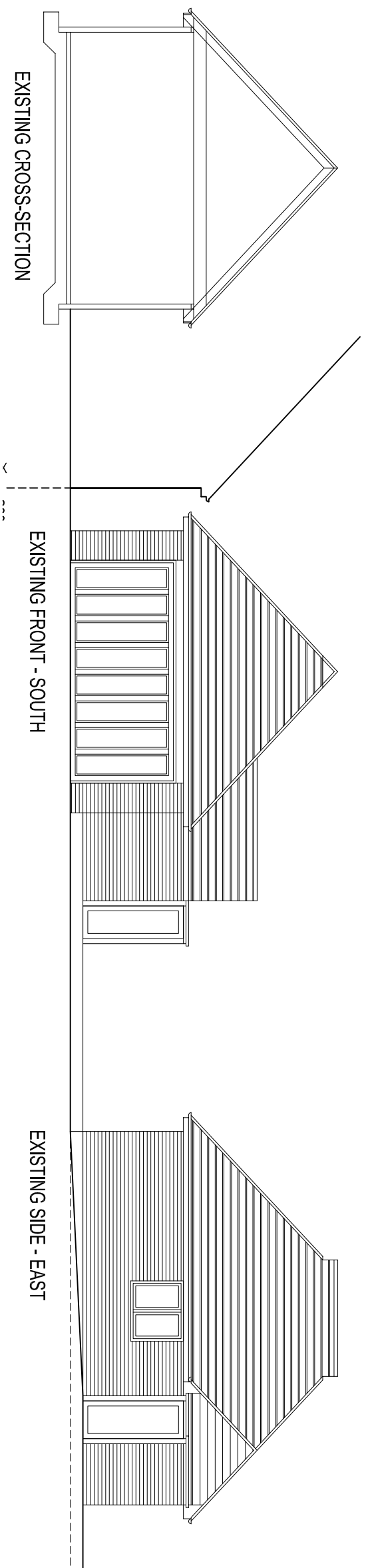
Informatives

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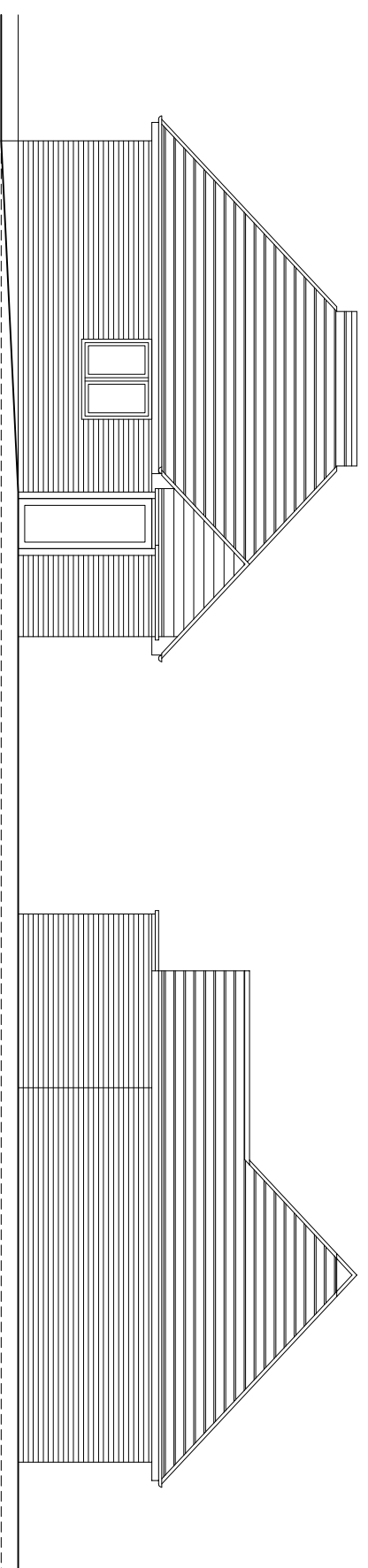
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EXISTING CROSS-SECTION

EXISTING FRONT - SOUTH

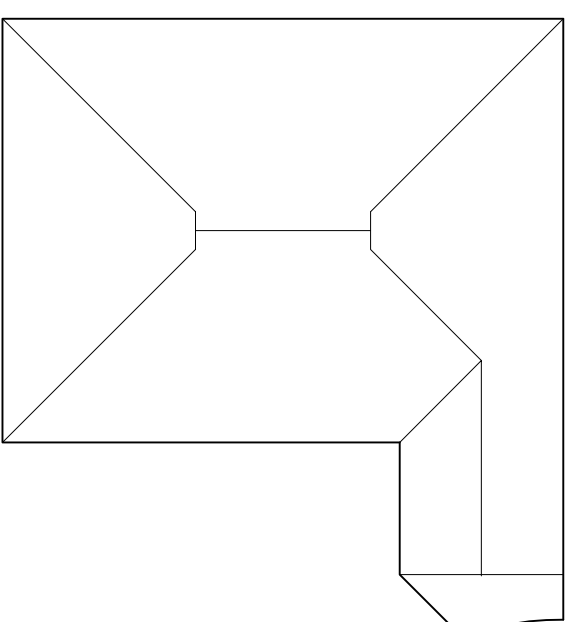
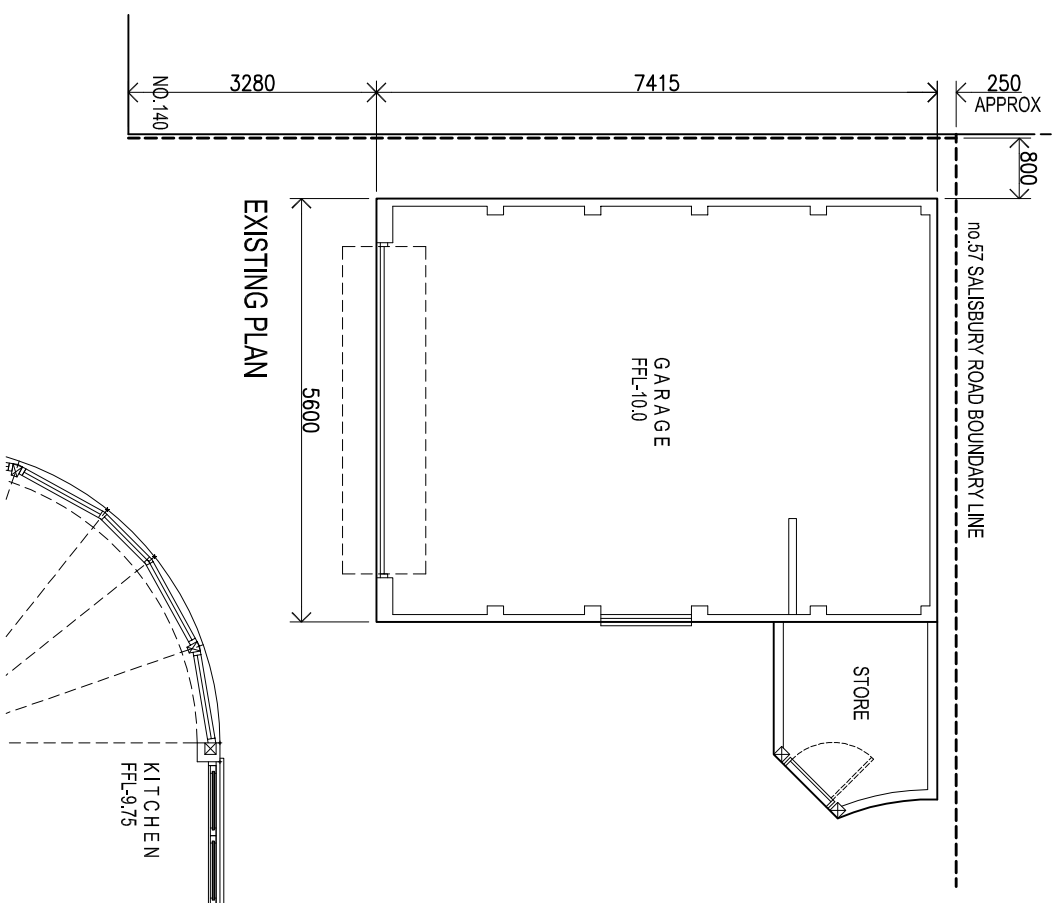
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EXISTING SIDE - EAST

EXISTING REAR - NORTH

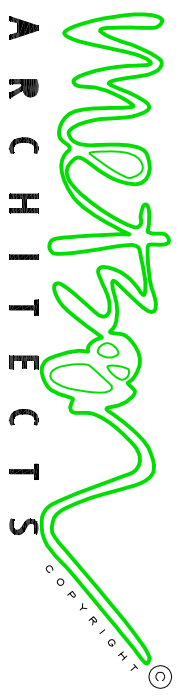
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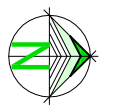
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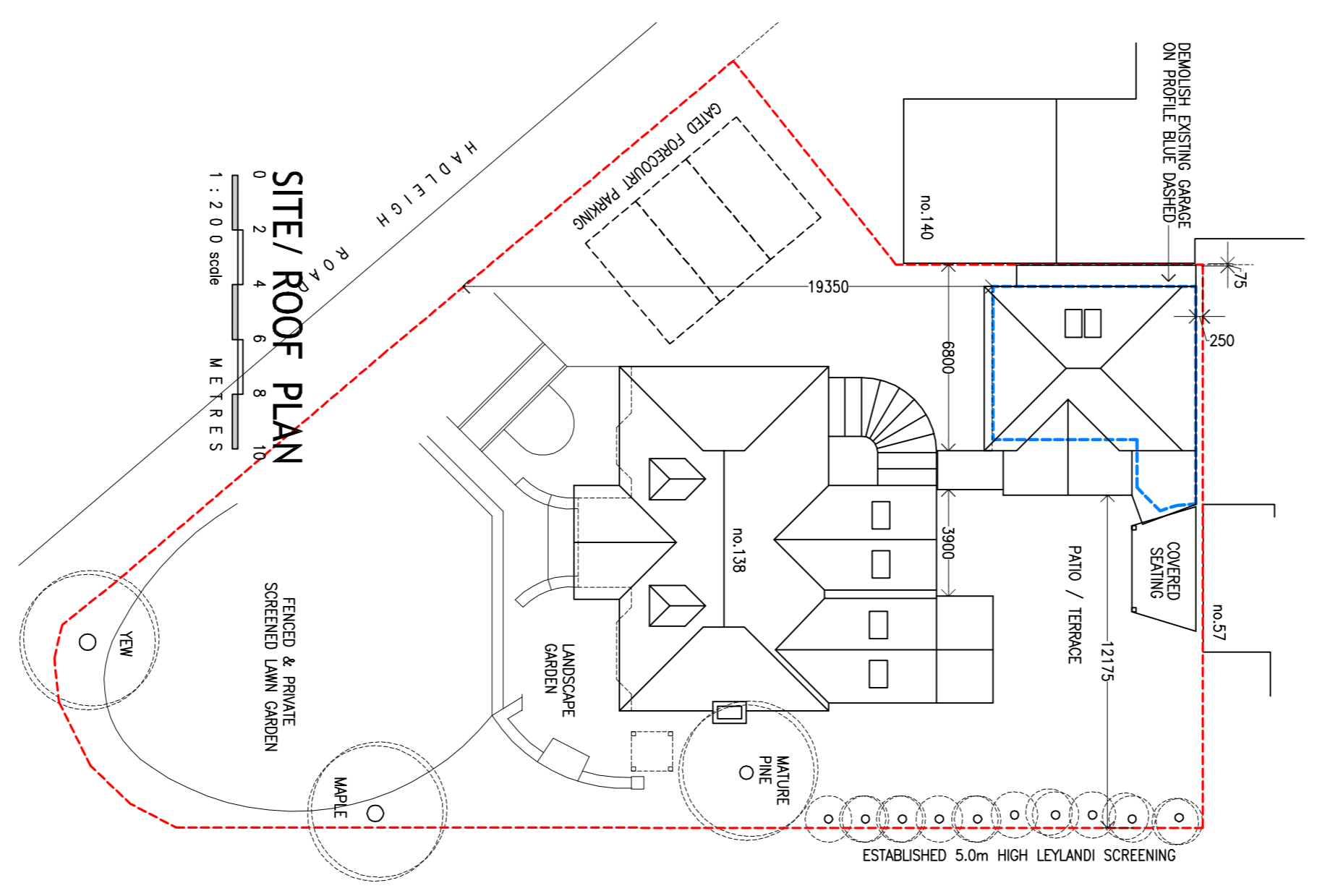
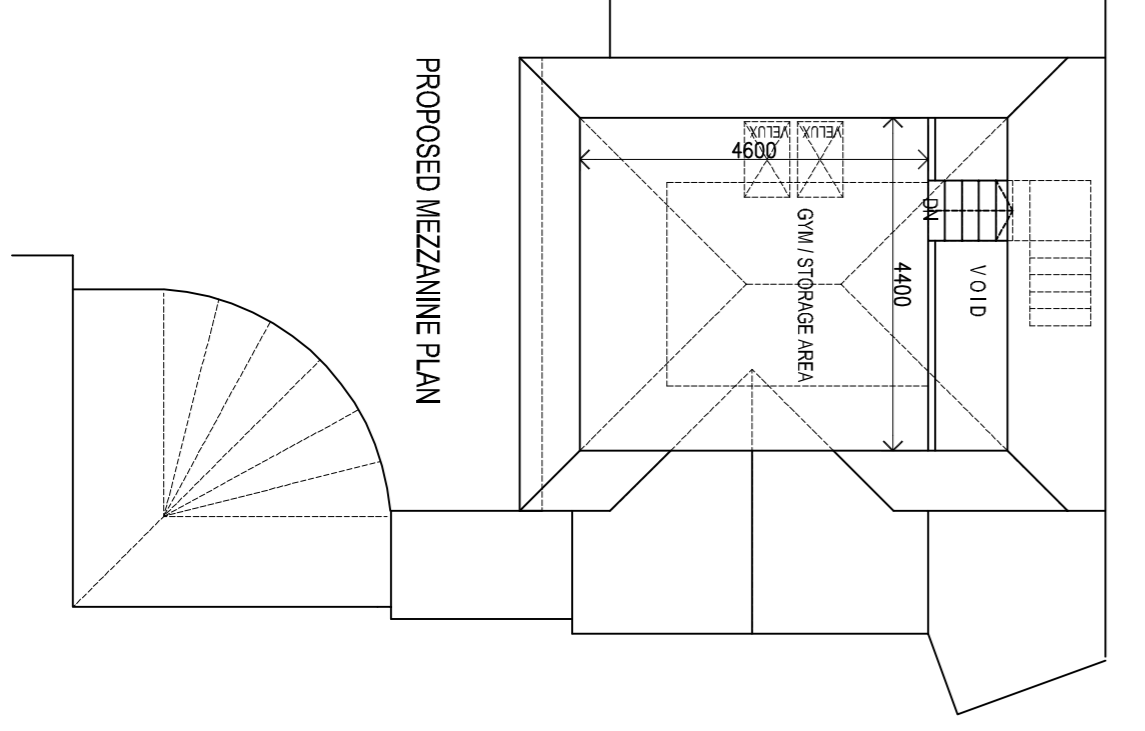
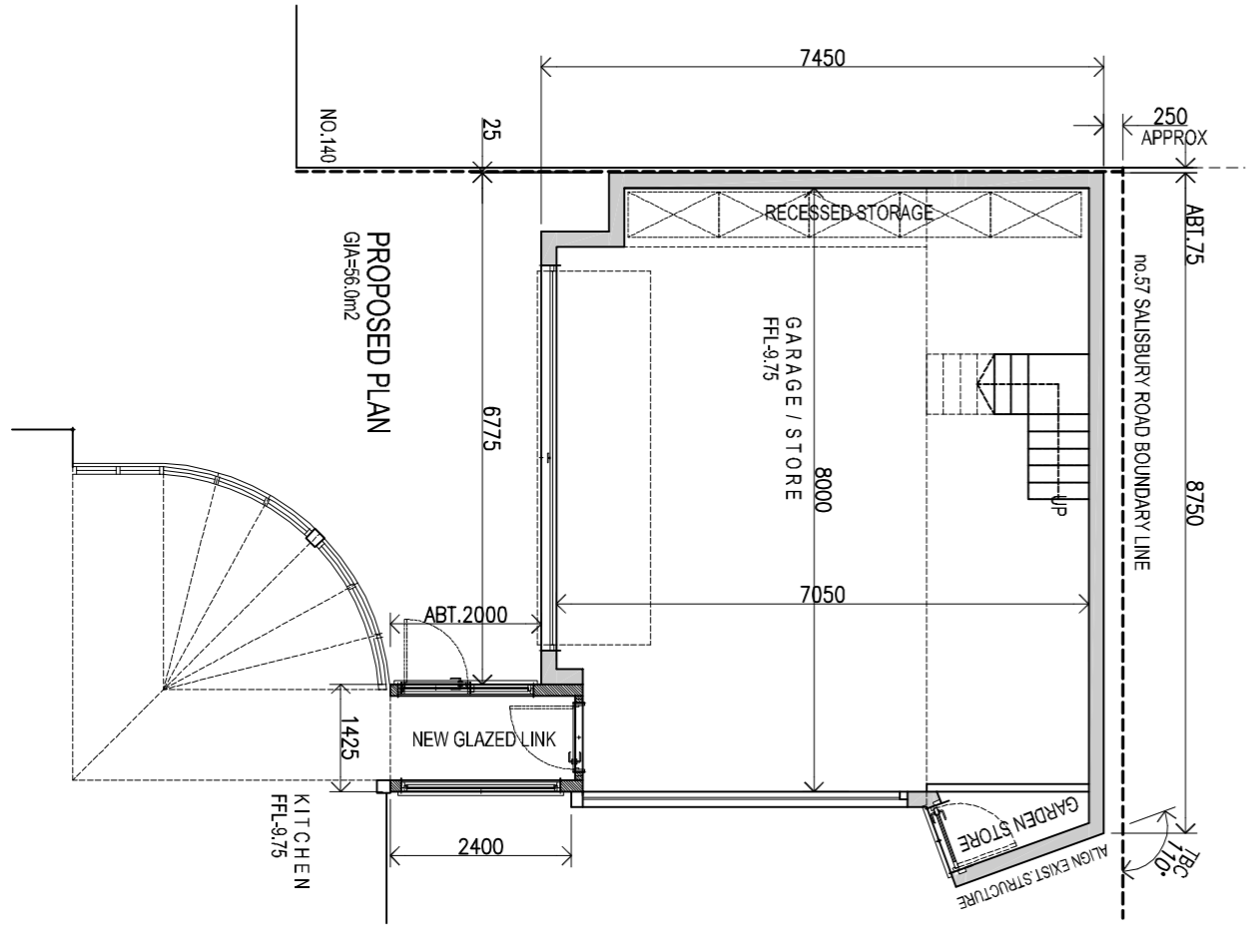
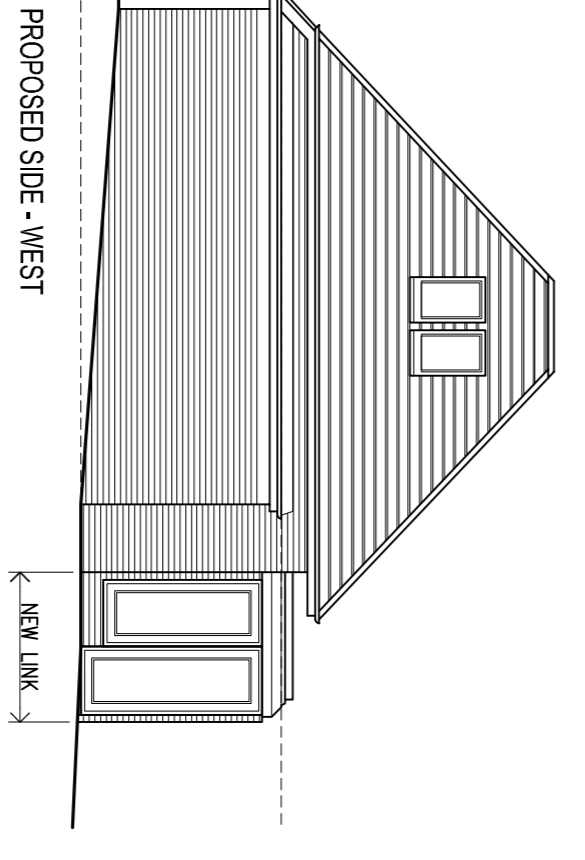
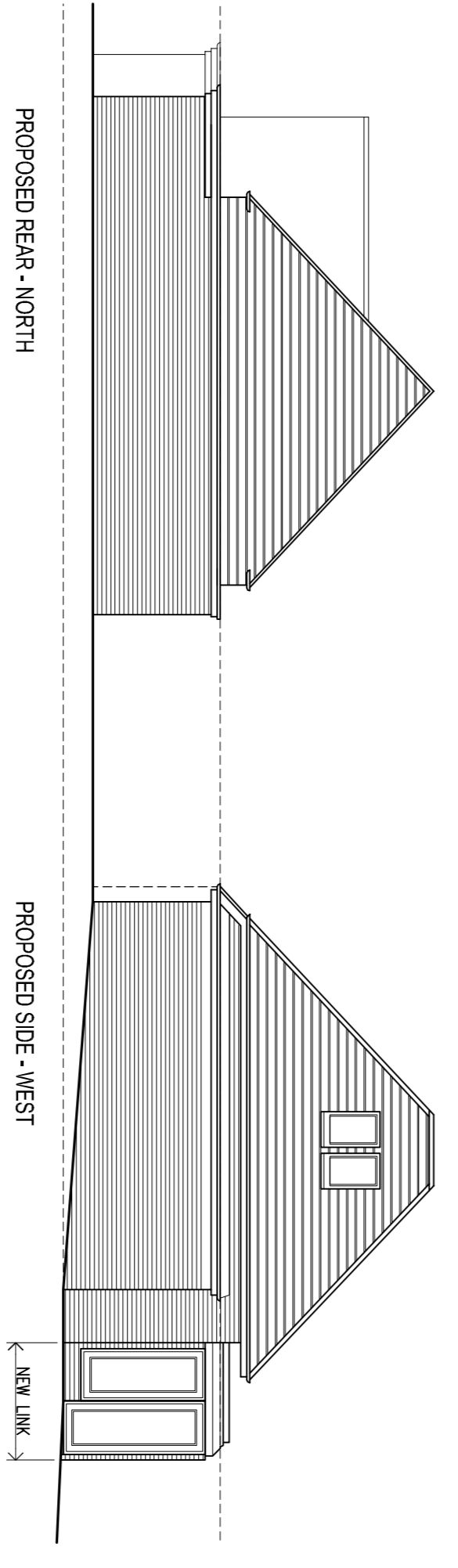
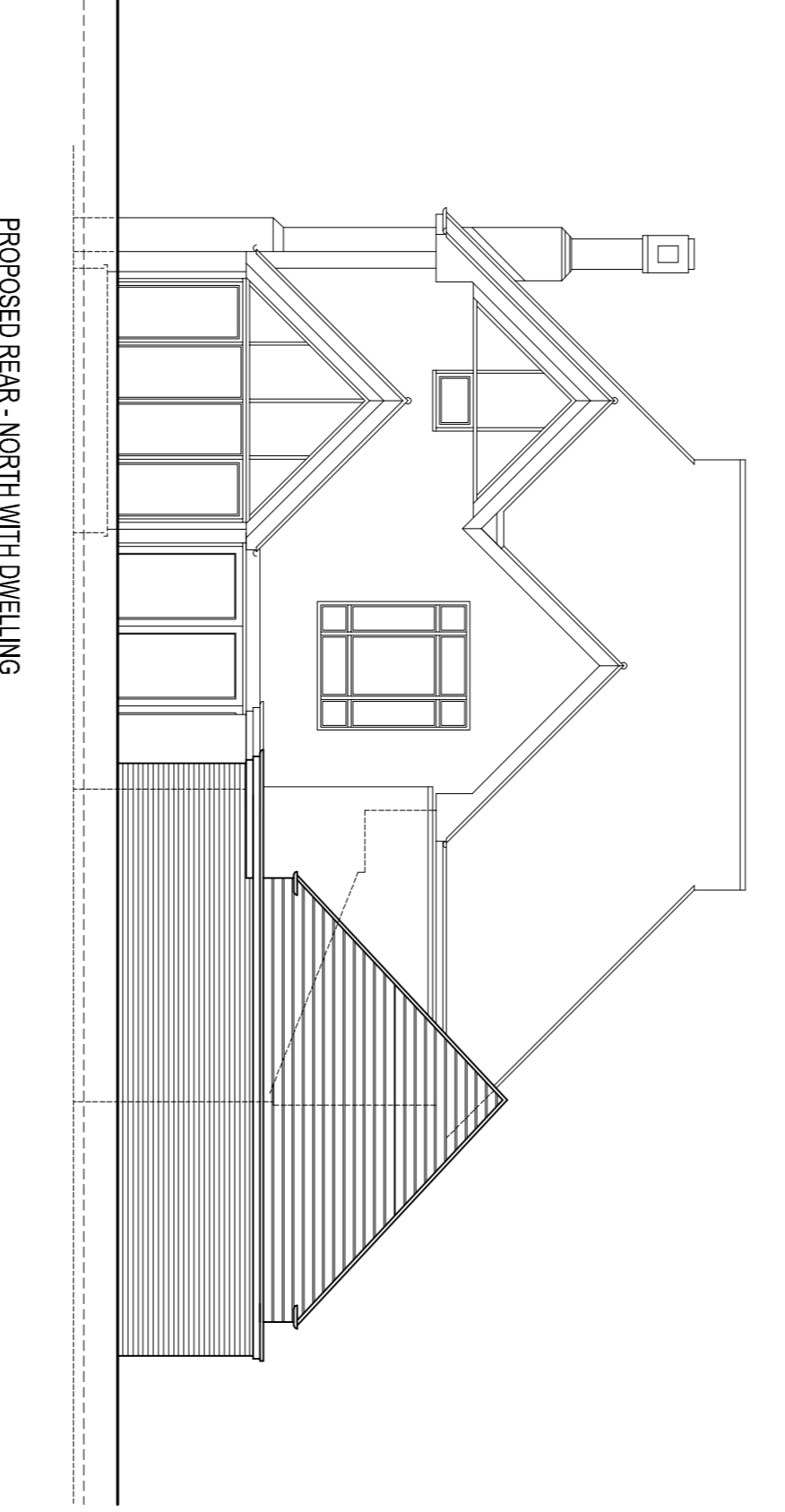
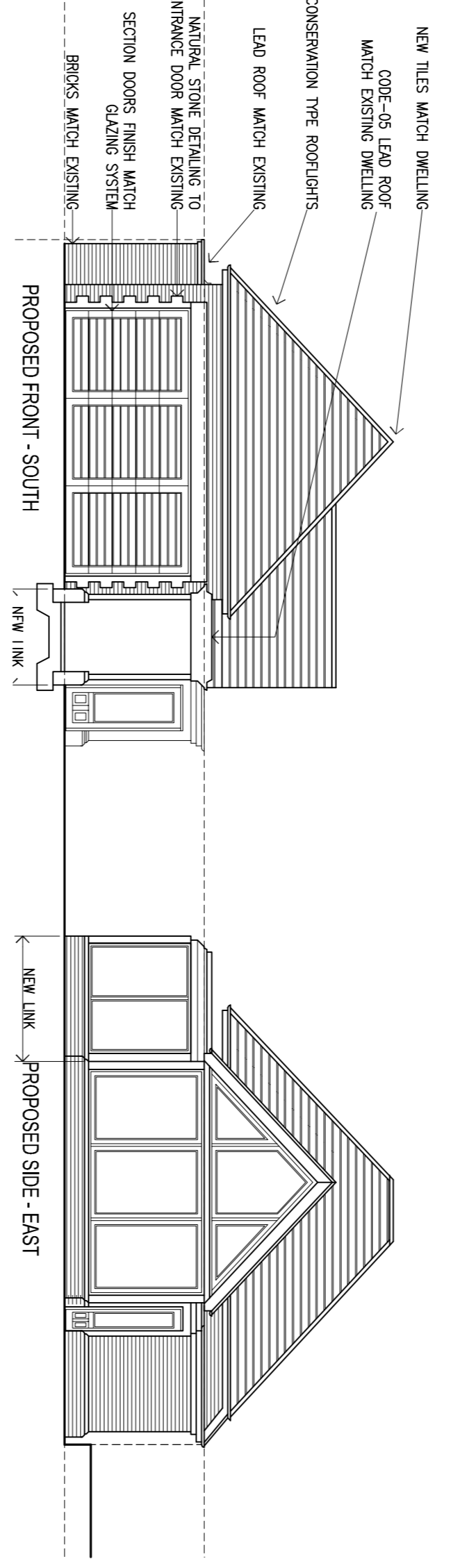
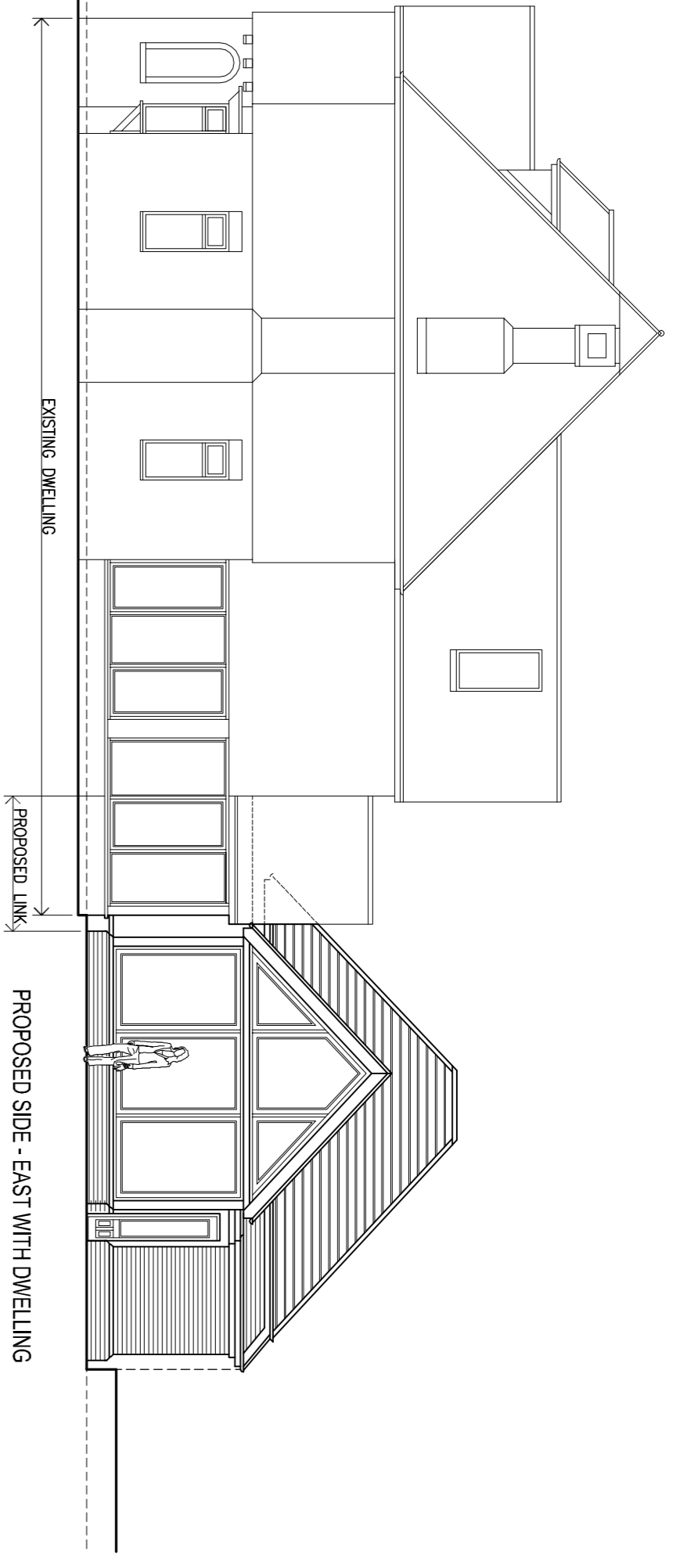
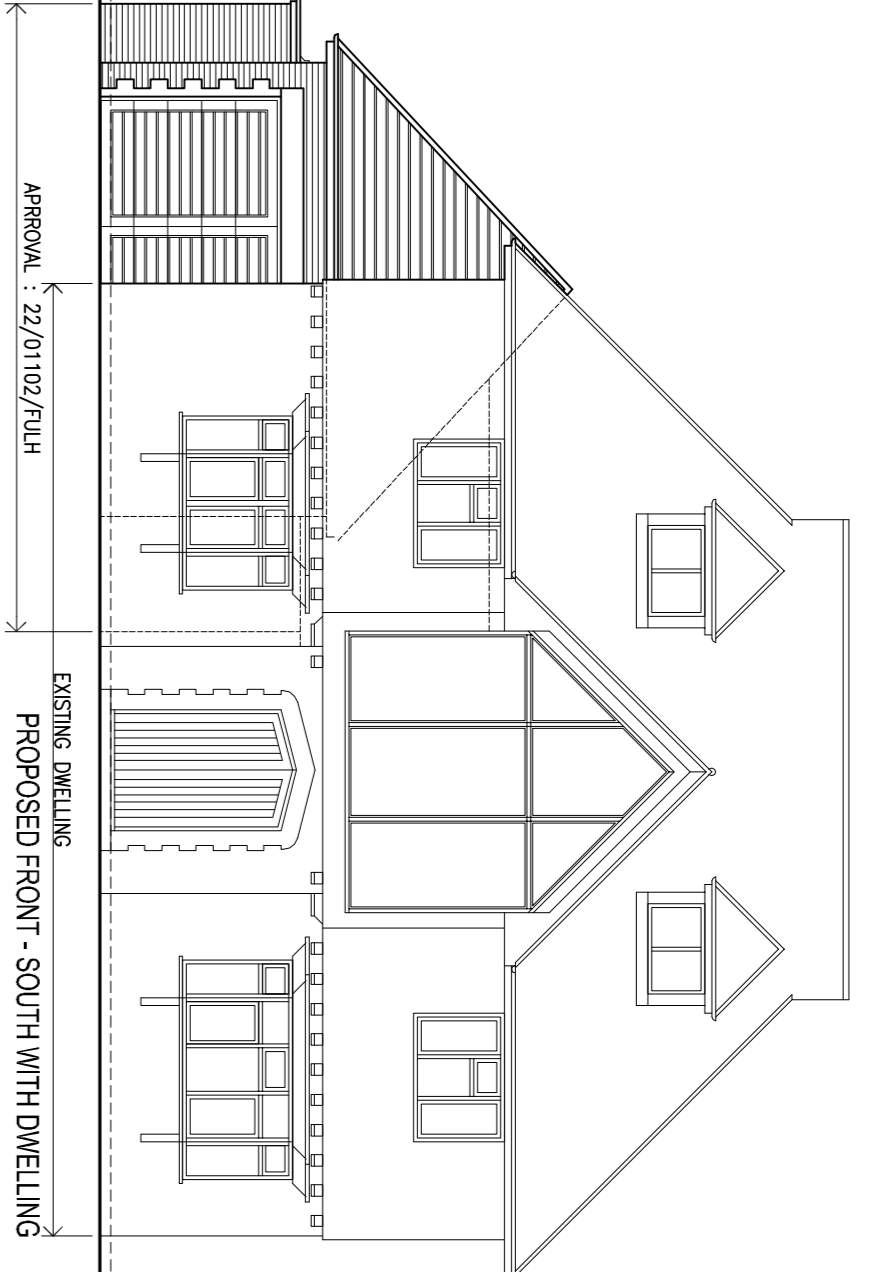
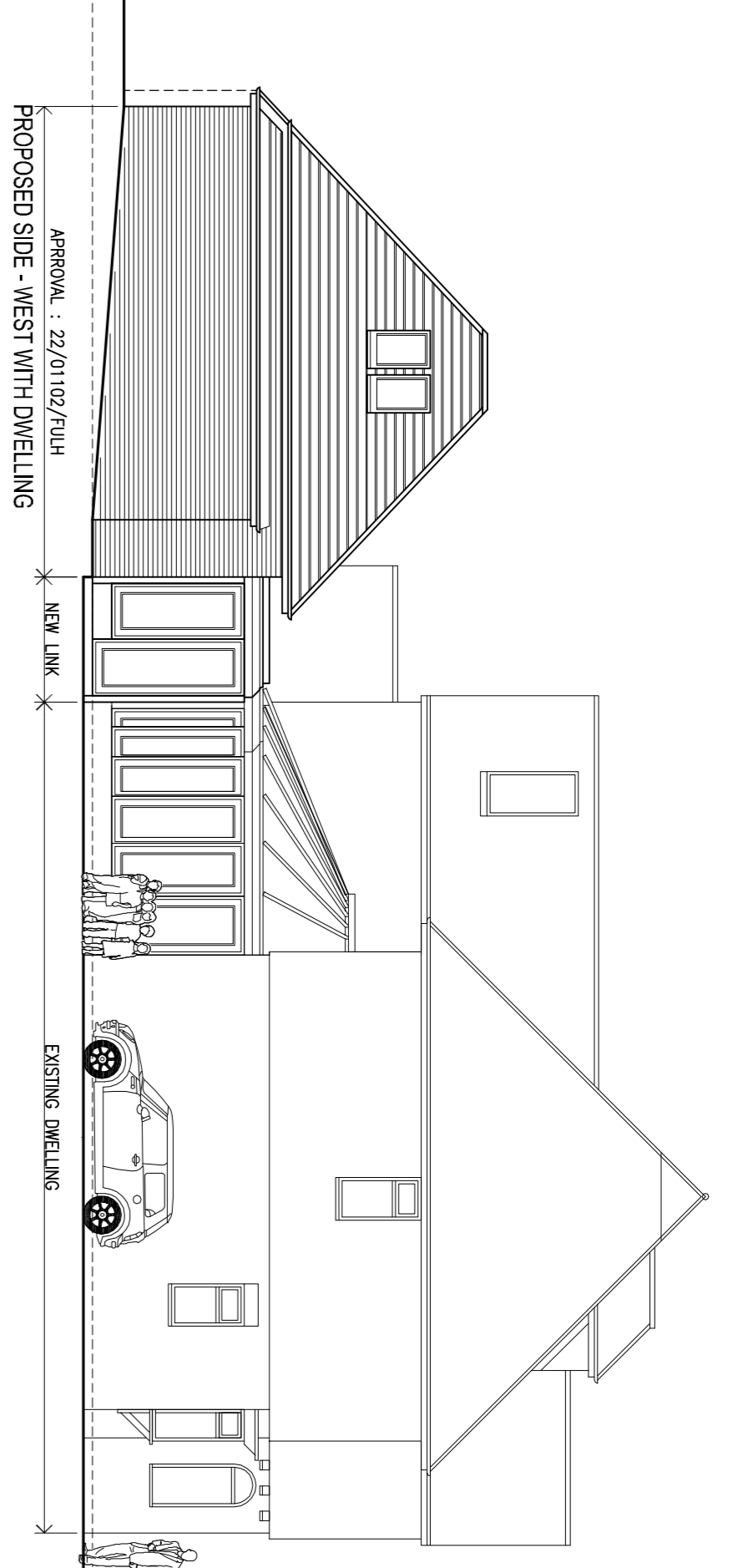
STUDIO 1
LEIGH PARK ROAD LEIGH-ON-SEA
ESSEX SS9 2DU 01702 472714
www.muttonarchitects.co.uk
admin@muttonarchitects.co.uk

SCALE. @A3
DATE. SEPT. 2020
CLIENT. MR G DAY
JOB. 138 HADLEIGH ROAD, LEIGH ON SEA SS9 2LZ

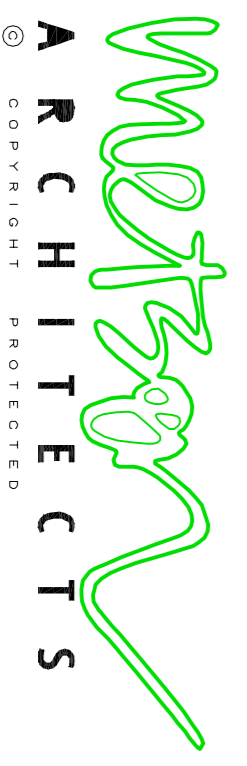
EXISTING PLANS
REV.
DWG NO. **2015-X00**



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TOWN PLANNING



STUDIO 1
LEIGH PARK ROAD LEIGH ON SEA ESSEX SS9 2DU
01702 472714 adm@metsoonarchitects.co.uk www.metsoonarchitects.co.uk
SCALE: 0 1 2 3 4 5 METERS
DATE: FEBRUARY 2023
CLIENT: MR & MRS
JOB: 138 HANDLEIGH ROAD, LEIGH ON SEA SS9 2LZ

REV.
DWG NO. 2304-TP-01

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138 Hadleigh Road



Existing garage





Existing garage

Existing garage



East flank of the existing garage



Rear of application site and relationship with flank of 57 Salisbury Road



Rear of No.57 Salisbury Road

Rear of the application site



1/5

View from rear garden of No.57 Salisbury Road to application site



| | | |
|-----------------------------|---|------------|
| Reference: | 23/00434/FUL | <h1>9</h1> |
| Application Type: | Full Application | |
| Ward: | Chalkwell | |
| Proposal: | Install 8 No. steel columns complete with 8 No LED floodlights mounted at 8m above the court surface for 3 existing tennis courts | |
| Address: | Leigh Road Baptist Tennis Club, Victory Path, Westcliff-on-Sea, Essex, SS0 8HW | |
| Applicant: | Mr Simon Joyce | |
| Agent: | Mr Lee Burton of Midlands Lighting Solutions LTD | |
| Consultation Expiry: | 20.04.2023 | |
| Expiry Date: | 09.06.2023 | |
| Case Officer: | Oliver Hart | |
| Plan Nos: | Location Plan; MLS/8MOCT/OVLED/SINGLE Rev A; MLS792/LRBCTC/ELEVATIONS/001 Rev A; MLS792/LRBCTC/EXTLIGHT/001 Rev A | |
| Supporting Document: | Outdoor Courts LED Lighting report ref. MLS792 dated 27-09-2022 | |
| Recommendation: | GRANT PLANNING PERMISSION subject to conditions | |



1 Site and Surroundings

- 1.1 The application site contains three artificial surface tennis courts belonging to Leigh Road Baptist Tennis Club, none of which are currently floodlit.
- 1.2 The courts are to the rear of dwellings (Nos 30 – 40) which front Crosby Road. The site is accessed from Crosby Road down an access track between two neighbouring dwellings.
- 1.3 The site is otherwise surrounded by tennis courts belonging to neighbouring clubs, including Invicta Tennis Club to the east and Crowstone and St Saviours Tennis Club immediately to the west, both of which have floodlights on at least one or more of their courts (between 6m and 8m in height).
- 1.4 The site is allocated as protected green space, as identified on the policies map of the Development Management Document. No other designations affect the site.

2 The Proposal

- 2.1 Planning permission is sought to erect eight (8no.) 8m high lighting poles with 830W Philips Asymmetrical LED floodlights to the three tennis courts within the application site. The floodlights would contain an integral louvre to control potential light spill. The lighting poles would be located at equidistant intervals at either end of the three courts.
- 2.2 The proposed hours of use of the lights as confirmed by the applicant are from 4pm until 10pm Monday to Saturday and from 4pm until 6pm on Sundays, not including bank or public holidays. Operation of the floodlights would be seasonal, with the maximum hours applied for taking place in the winter months from November to February. No details of the external finish materials for the lighting poles have been received.
- 2.3 There is recent planning history at the site including an extant permission for comparable development under reference 21/01567/FUL (the “2021 Permission”). The 2021 Permission included twelve (12no.) 6m high lighting poles located at equidistant intervals around and within the three courts. The applicant explains that the current proposal is better for costs management.
- 2.4 The main differences between the 2021 Permission and the current proposal are:
 - the number of lighting poles applied for is reduced from twelve to eight;
 - the height of the lighting poles is increased from 6m to 8m (the applicant explains that the increased height of the lighting poles represents a more cost effective way of achieving the minimum artificial lighting (Lux) levels required to meet LTA standards) and;
 - the position of several of the end lighting poles has been altered.

3 Relevant Planning History

- 3.1 21/01567/FUL- Install floodlights to the 3no. tennis courts- Granted. Extant permission. Details outlined at paragraph 2.3 above. This extant permission holds significant weight in the assessment of this proposal.
- 3.2 Invicta Tennis Club (to the east of the application site)
86/0674- Erect 8m high floodlighting columns to tennis courts- Granted with condition limiting use of the floodlights between 08:00 and 22:00

- 3.3 Crowstone and St Saviours Tennis Club (to the west of the application site)
06/00177/FUL- Erect six 6 metre high 400 watt bulb floodlighting columns to one tennis court (Renewal of permission SOS/01/00119/FUL granted 28th March 2001) - Granted with condition limiting use of the floodlights between 08:00 and 22:00

4 Representation Summary

Call-in request

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

4.2 Public Consultation

Thirty-two (32no.) neighbouring properties were notified and a site notice was posted. Three (3no.) letters of objection and twenty-eight (28no.) letters of support have been received. Summary of representations:

Objection

- Impact on outlook from rear garden
- Floodlights will appear as intrusive features
- Noise and disturbance from later hours of operation
- Amenity concerns
- Light nuisance
- Floodlights will appear as intrusive features
- Need to have restrictions on when floodlights are used

Support

- Physical and mental health benefits being able to play in the winter months
- Results in the enhancement of an existing sporting and community asset
- Neighbouring tennis clubs have floodlights
- LED system proposed is environmentally friendly

[Officer Comment]: The concerns are noted and those relevant to planning matters have been taken into account in the assessment of the application. The points of objection have been found not to represent a reasonable basis to refuse planning permission in the circumstances of this case.

4.3 Chalkwell Ward Residents Association

Objection. Members are concerned that the increased height of the lighting poles will result in unacceptable light pollution to the rear of properties along Crosby Road. Concerns are also raised with regard the revised position of some of the lighting poles and their impact on the outlook from the rear of properties along Crosby Road.

Environmental Health

- 4.4 No objections subject to conditions relating to construction hours and permission to be in accordance with the LED lighting Scheme submitted by Midlands Lighting Solutions.

Highways

- 4.5 No objections.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance and National Design Guide (2021)
- 5.3 Core Strategy (2007): KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport & Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP7 (Sport, Recreation and Green Space)
- 5.4 Development Plan Document (2015): DM1 (Design Quality), DM2 (Low Carbon and Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM15 (Sustainable Transport Management)
- 5.5 Southend-on-Sea Design and Townscape Guide (2009)
- 5.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations are the principle of development, design and impact on the character of the area, traffic and transportation, impact on residential amenity and CIL contributions.

7 Appraisal

Principle of Development

- 7.1 Policy CP7 of the Core Strategy relates to sport, recreation and green space and states that the Council will bring forward proposals that contribute to sports, recreation and green space facilities within the City for the benefit of local residents and visitors.
- 7.2 Policy CP6 of the Core Strategy (2007) relates to community infrastructure and states that new development should not jeopardise the Borough's ability to improve education attainment, health and well-being of local residents and visitors to Southend.
- 7.3 At paragraph 98 the NPPF states that access to opportunities for sport and physical activity is important for the health and well-being of communities.
- 7.4 The proposed development would allow for evening use of the existing courts which would in turn provide improved sports facilities for local residents and visitors in line with local and national planning policy and the promotion of active, healthy communities. These public benefits of the proposal should be weighed in the assessment including should any harm associated with other areas of consideration be identified.
- 7.5 Therefore, and in line with the assessment of the previously approved scheme which remains extant, the proposed development is considered to be acceptable in principle, subject to the determining material considerations discussed below.

Design and Impact on the Character of the Area

- 7.6 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.7 As noted there is an extant permission at the application site for twelve 6m high lighting poles. Only two of the columns now proposed (columns 2 and 8) are closer to the rear boundaries of neighbours along Crosby Road.
- 7.8 It is considered that the proposed floodlight arrangement remains consistent with the use of the site and in terms of the scale, position and height, would continue to appear in keeping with the existing sports courts and adjacent floodlights at neighbouring clubs which comprise both 6m and 8m lighting poles. The lights would not have any significantly harmful impact on the character of Crosby Road subject to a condition requiring the development to be carried out in accordance with the lighting spill mitigation measures proposed. The columns would be publicly visible from the Victory Path but being of generally slimline design and seen in context with the existing row of courts and neighbouring courts' floodlights, they would not cause any significant harm to the character and appearance of the site, any streetscene or the wider surrounding area.
- 7.9 No details of the finishing colour have been detailed. This can be controlled by a condition limiting the colours to grey, black or green.
- 7.10 On this basis, the proposal is acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.11 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 7.12 The nearest residential properties to the application site are Nos. 32-40 Crosby Road which adjoin immediately to its north. The nearest of the proposed floodlights would be positioned approx. 0.6m from the rear fence line of these properties beyond which their rear gardens are between 11 and 14m deep. When compared with the 2021 Permission, only columns 2 and 8 are now proposed to be positioned closer to the rear boundaries of neighbours along Crosby Road, specifically Nos. 32 and 40.
- 7.13 The height of the columns has been materially increased over the previous approval and the new siting of columns 2 and 8 is such that the resultant visual impact will be increased when taken in views from the rear of these properties.
- 7.14 In determining the acceptability or otherwise of the scheme, due regard has been had to the separation distances involved from the rears of the neighbouring dwellings and the slim-line nature of the columns such that it is not considered that the proposal would significantly harm nearby residential occupiers' amenity by reason of impacts on their light, outlook or sense of enclosure.

- 7.15 A Lighting Assessment has been submitted with the application. This concludes that the floodlighting would be sited and screened so as not to cause detrimental intrusion of light into adjacent premises and/or residential properties. The lighting, located on 8m high columns is designed to direct light onto the courts and would not result in any harmful overspill of lighting into the atmosphere due to its design. Environmental Health have raised no objection to the proposed development.
- 7.16 The proposed artificial lighting would enable extended playing hours up to 10pm in the evening Monday to Saturday and until 6pm on Sundays, This would be in general accordance with the hours permitted under the extant 2021 Permission as well as the use of artificial lighting at the immediately neighbouring clubs, Invicta and Crowstone and St Saviours of which the present hours of operation are:
- Invicta
Monday – Thursday 9am to 9.30pm
Friday – Sunday 8.30am to 8pm
- Crowstone & St Saviours
Monday – Sunday 9am to 10pm.
- 7.17 The proposed hours are considered acceptable in amenity terms. It is considered appropriate to include a condition to control the hours of use for the floodlighting to no later than 10pm on Mondays to Saturdays and 6pm on Sundays.
- 7.18 In line with the findings of the 2021 Permission, it is considered that any increase in activity at and around the site in association with the extended hours of operation would not significantly harm the amenity of nearby residents, given the existing use, scale of development and the site characteristics.
- 7.19 Subject to the described condition the proposal is considered to be acceptable and policy compliant in all relevant amenity regards.

Traffic and Transportation Issues

- 7.20 Policies CP3 and DM15 seeks to maintain highway safety and accessibility. Policy KP2 requires that new development does not compromise delivery of the identified Strategic Objectives which include securing the health and well-being of the community.
- 7.21 An additional level of traffic and parking demand would be expected from the enhanced facility proposed, however, in line with the findings of the 2021 Permission, this would likely be minor in nature and reasonably capable of being accommodated within the surrounding highways with no adverse impacts identified. The Council's Highways officers raise no objection on parking, traffic or highway safety grounds. The proposal is therefore considered to be acceptable policy compliant in the above regards.

Community Infrastructure Levy (CIL)

- 7.22 The proposed development creates no 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, including the extant permission, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The development would provide sporting and community benefits in association with the existing use of the land and neighbouring facilities and would have an acceptable impact on the character and appearance of the area, neighbour amenity and the surrounding transport network. The proposed development is found to be acceptable and compliant with planning policy in all other regards. Should any areas of harm be identified these should be weighed against the identified public benefits, as part of the overall assessment of the proposal. The proposal is recommended for approval subject to conditions.

9 Recommendation

9.1 GRANT PLANNING PERMISSION subject to the following conditions:

- 01 The development hereby permitted shall begin not later than three years from the date of this decision.**

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

- 02 The development hereby permitted shall be carried out solely in accordance with the approved plans: Location Plan; MLS/8MOCT/OVLED/SINGLE Rev A; MLS792/LRBCTC/ELEVATIONS/001 Rev A; MLS792/LRBCTC/EXTLIGHT/001 Rev A**

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

- 03 The lighting hereby approved shall be switched off and not be operated between the hours of 10pm and 8am the following day on Mondays to Saturdays inclusive and between the hours of 6pm and 8am the following day on Sundays.**

Reason: To ensure the lighting does not harm the amenities of nearby residents, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, the Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 04 The development hereby permitted shall be carried out and permanently operated for its lifetime thereafter solely in accordance with the details and specifications contained within the Outdoor Courts LED Lighting report ref. MLS792 by Midlands Lighting Solutions dated 27-09-2022. All external lighting shall be directed, sited and screened so as not to cause detrimental intrusion of light into adjacent residential properties.**

Reason: To ensure the development is carried out in accordance with the development plan and the floodlighting does not cause demonstrable harm by way of light pollution to nearby residents in accordance with the National Planning Policy Framework (2021); Core Strategy (2007) policies KP2, CP4; Development

Management Document (2015) Policy DM1 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 05 The lighting poles and any other associated structural elements for the lighting hereby approved shall be finished only in dark green, black or grey colour.**

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

Positive and Proactive Statement

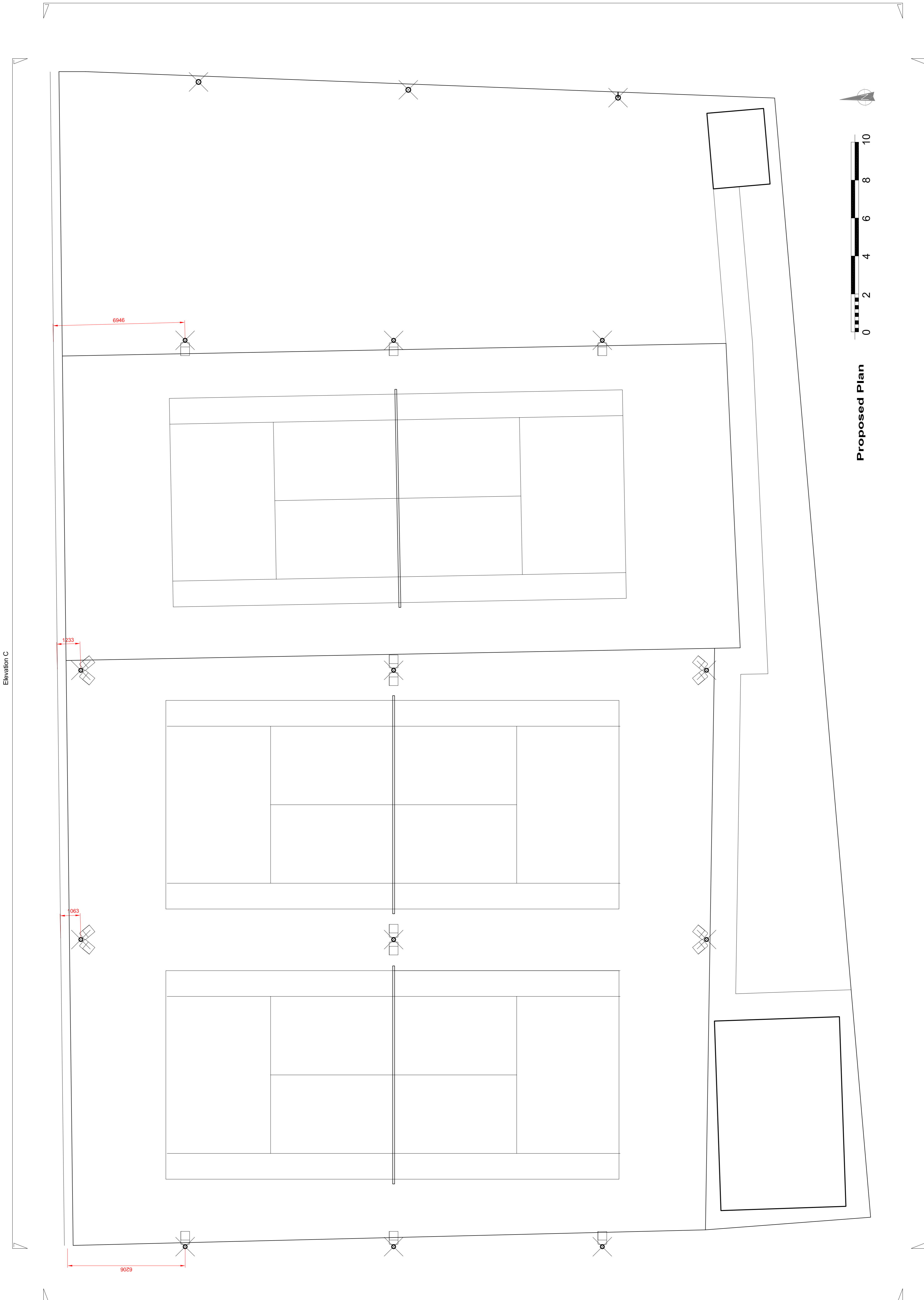
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in 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 proposed 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 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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 The drawing must be read in conjunction with all other project related drawings and documentation issued by the Architect and Appointed Consultants.
 It is the contractor's responsibility to ensure compliance with the Building Regulations.
 It is the contractor's responsibility to check all dimensions on site, any discrepancy to be reported immediately.
 Details and sizes shown are indicative only and are subject to confirmation by the relevant Specialist contractor & sub-contractors.
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 The Author is not responsible for any changes to the drawings as implemented on site without prior approval in writing.

Revision: A. Amended to suit client information
 Date: 04.10.21



Elevation C

Elevation B

Elevation D

Elevation A



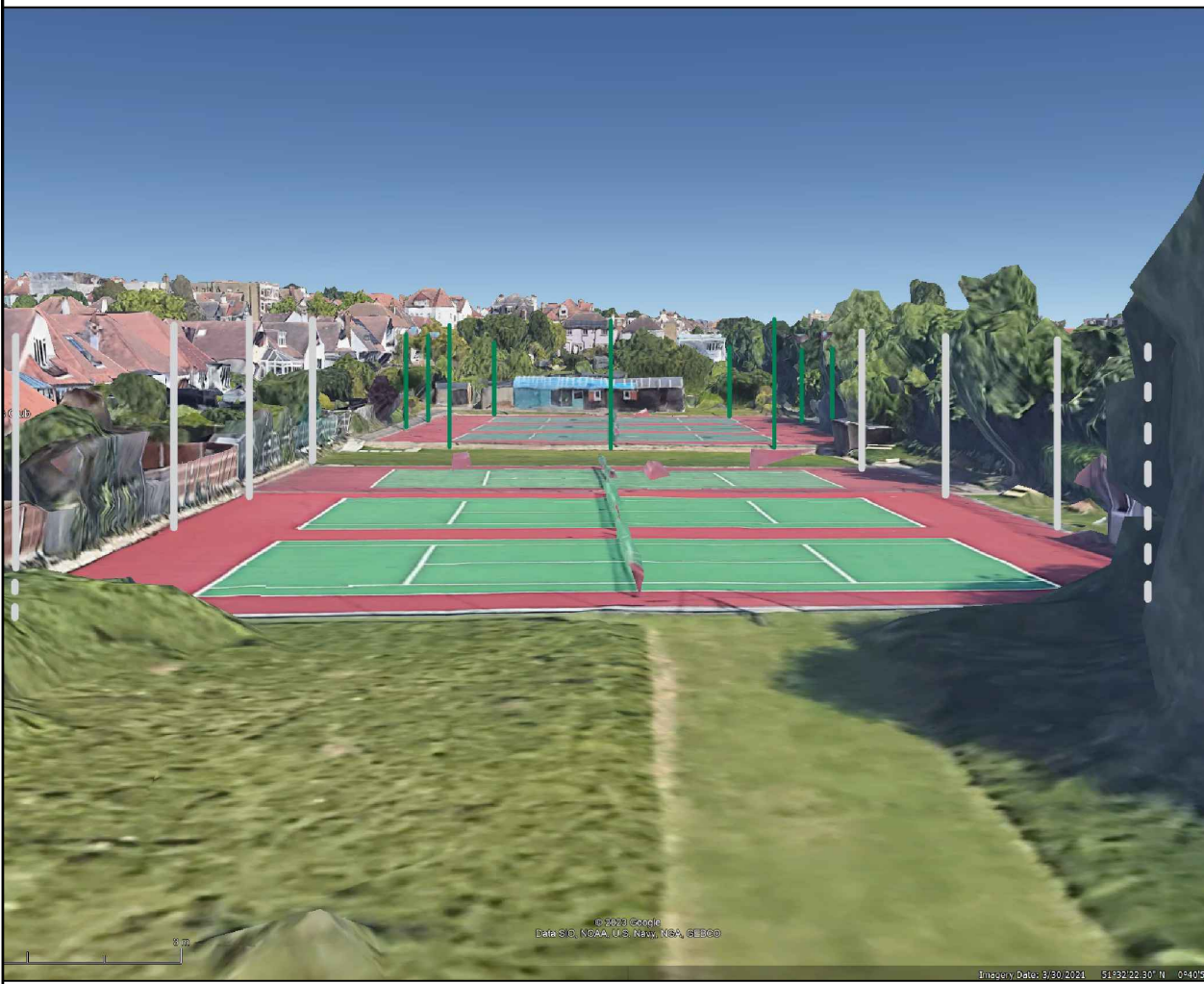
suite 1 boxes
 630-634 london road
 westcliff on sea
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 ss0 9hw
 t 01702 715517
 e mail@knightgratrix.com
 w www.knightgratrix.com

Client: Leigh Road Baptist Church
 Project: LRBC Tennis Club
 Description: Proposed Floodlight Layouts Proposed Plan

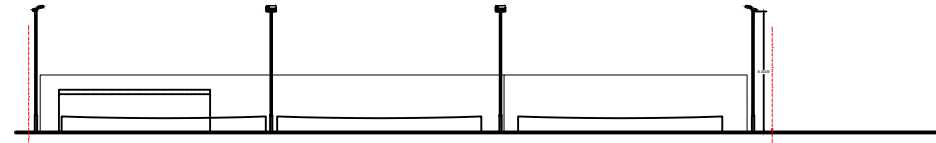
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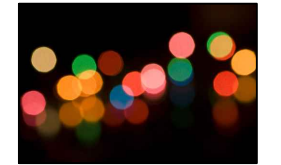
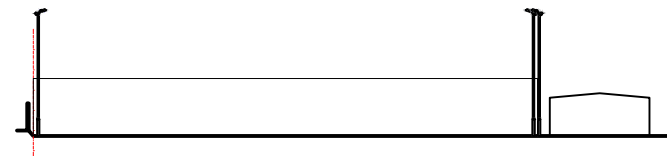
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ELEVATION NORTH TO SOUTH
SCALE 1:500



ELEVATION EAST TO WEST
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MIDLANDS LIGHTING SOLUTIONS

SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION

IN ADDITION TO THE HAZARDS/RISKS NORMALLY ASSOCIATED WITH THE TYPES OF WORK DETAILED ON THIS DRAWING, NOTE THE FOLLOWING SIGNIFICANT RESIDUAL RISKS

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| Stat | Purpose of Issue | Date | Auth |

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| A | FIRST ISSUE | LB | 03/23 | MLS | FLS |
| Rev | Description | By | Date | Chk'd | Auth |

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B80 7QL

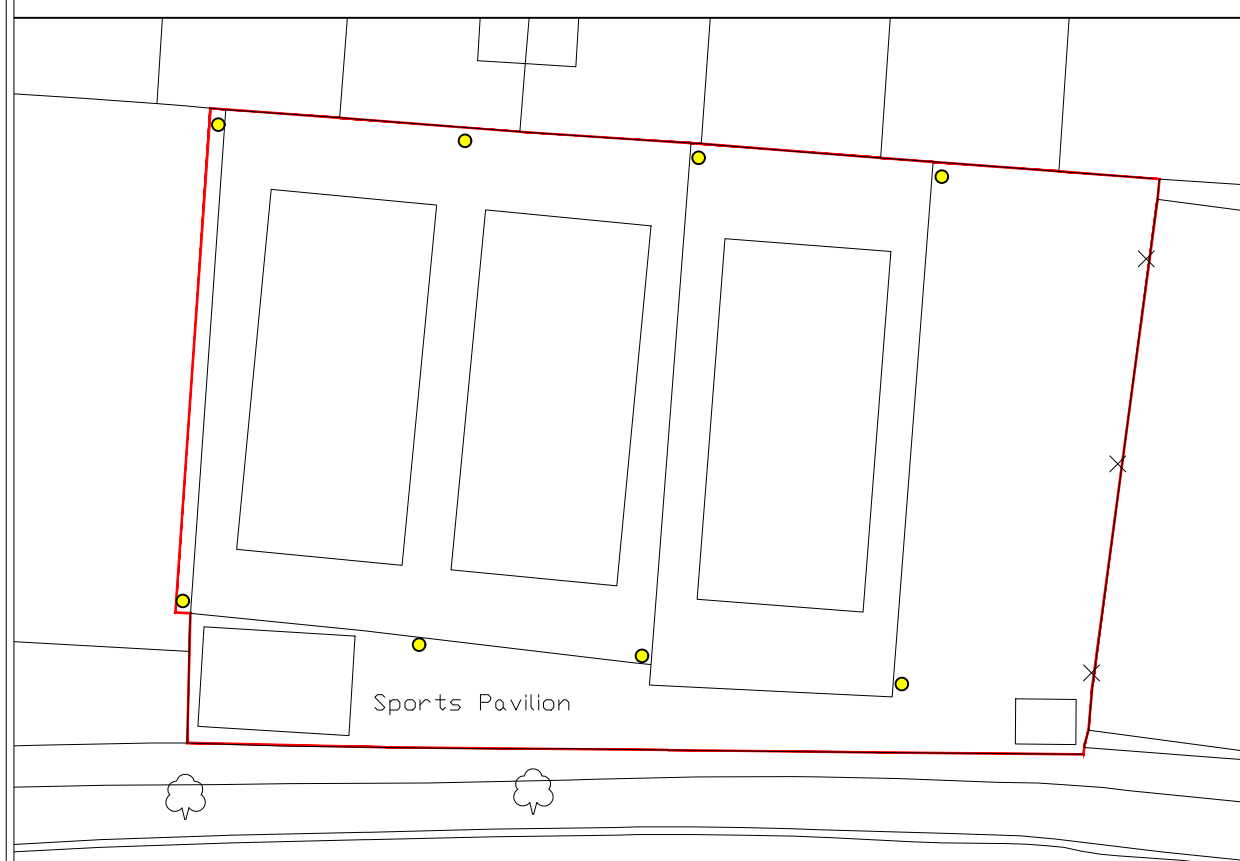
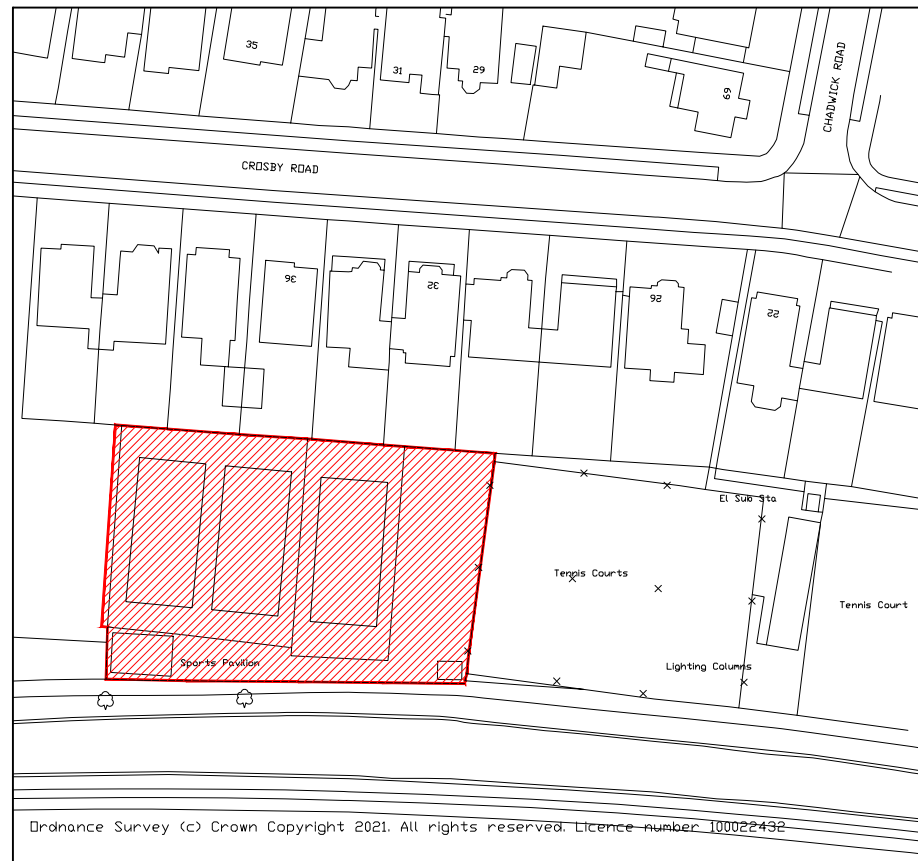
Client
LEIGH ROAD BAPTIST CHURCH
TENNIS CLUB

Project
LEIGH ROAD BAPTIST CHURCH TC
LED FLOODLIGHTING TO 3 COURTS

Title
LED FLOODLIGHTING TO 3 COURTS
ELEVATION DRAWINGS

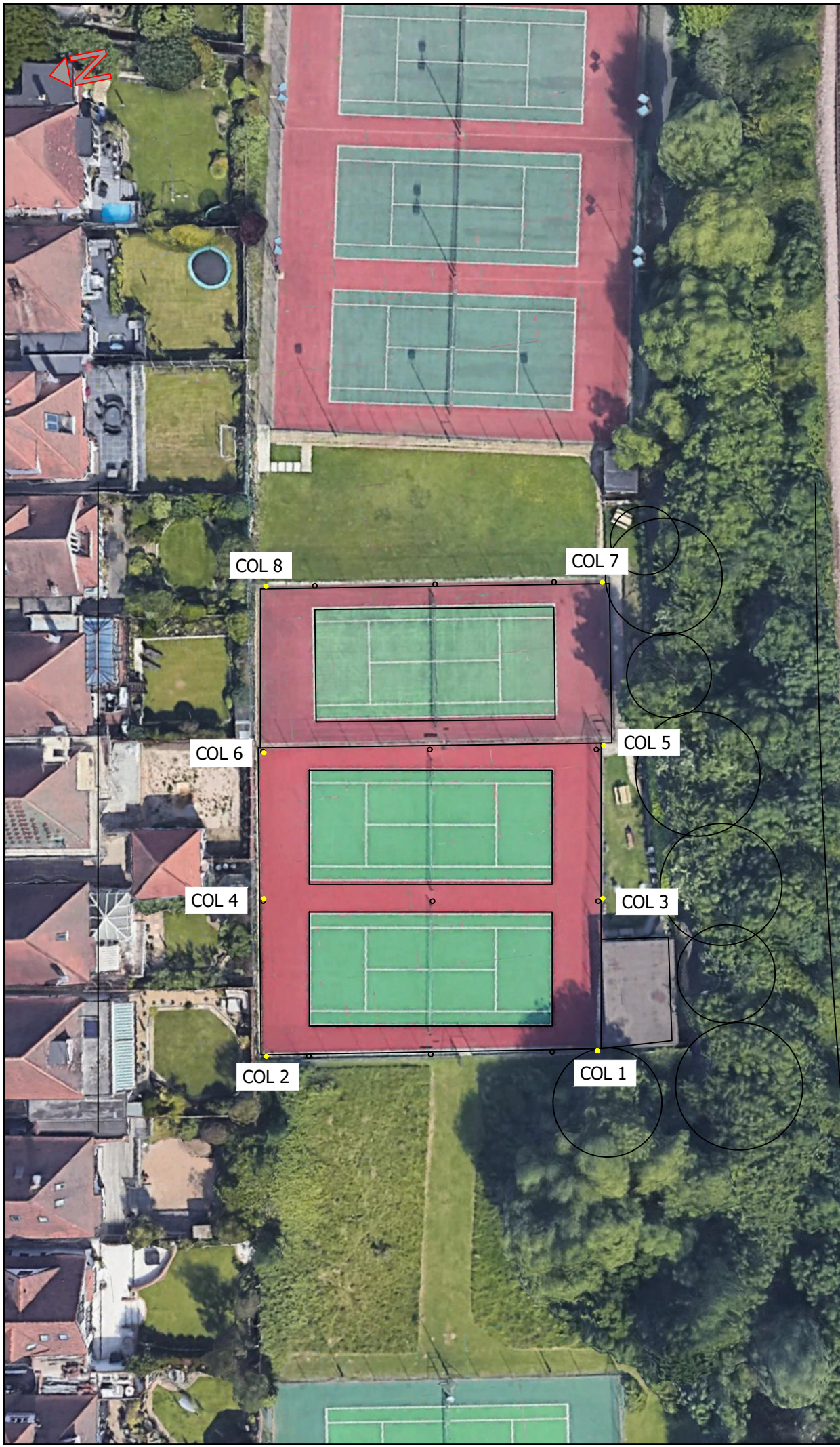
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| Date | 07/03/23 | Date | 07/03/23 | Date | 07/03/23 |

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MIDLANDS LIGHTING SOLUTIONS

KEY & NOTES

- PROPOSED TUBULAR STEEL COLUMN WITH 8M MOUNTING HEIGHT FINISHED IN NATURAL GALVANISING, COMPLETE WITH 1 NO. PHILIPS ASYMMETRICAL LED WITH INTEGRAL SPILL CONTROL AND NOMINAL 4000K COLOUR TEMPERATURE
- THE OUTER MOST CONTOUR SHOWN IS 5 LUX
- THE LIGHTING SATISFIES THE REQUIREMENTS OF THE INSTITUTION OF LIGHTING PROFESSIONALS RECOMMENDATIONS FOR ENVIRONMENTAL ZONE 2 (E2).

SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION

IN ADDITION TO THE HAZARDS/RISKS NORMALLY ASSOCIATED WITH THE TYPES OF WORK DETAILED ON THIS DRAWING, NOTE THE FOLLOWING SIGNIFICANT RESIDUAL RISKS

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| A | FIRST ISSUE | LB | 03/23 | MLS | FLS |
| Rev | Description | By | Date | Chk'd | Auth |

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 Client

Tel: 07757 830436
 Email: enquiries@midlandslightingsolutions.co.uk
 www.midlandslightingsolutions.co.uk

LEIGH ROAD BAPTIST CHURCH
 TENNIS CLUB

Project
 LEIGH ROAD BAPTIST CHURCH TC
 LED FLOODLIGHTING TO 3 COURTS

Title
 LED FLOODLIGHTING TO 3 COURTS
 PROPOSED LAYOUT AND LIGHT SPILL

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Tennis Club Leigh Baptist Church

View to application site



Court 1

Courts 2 & 3

8m high floodlights at Invicta Tennis Club (immediately east)



163

6m high floodlights at Crowstone and St Saviours Tennis Club
(immediately west)



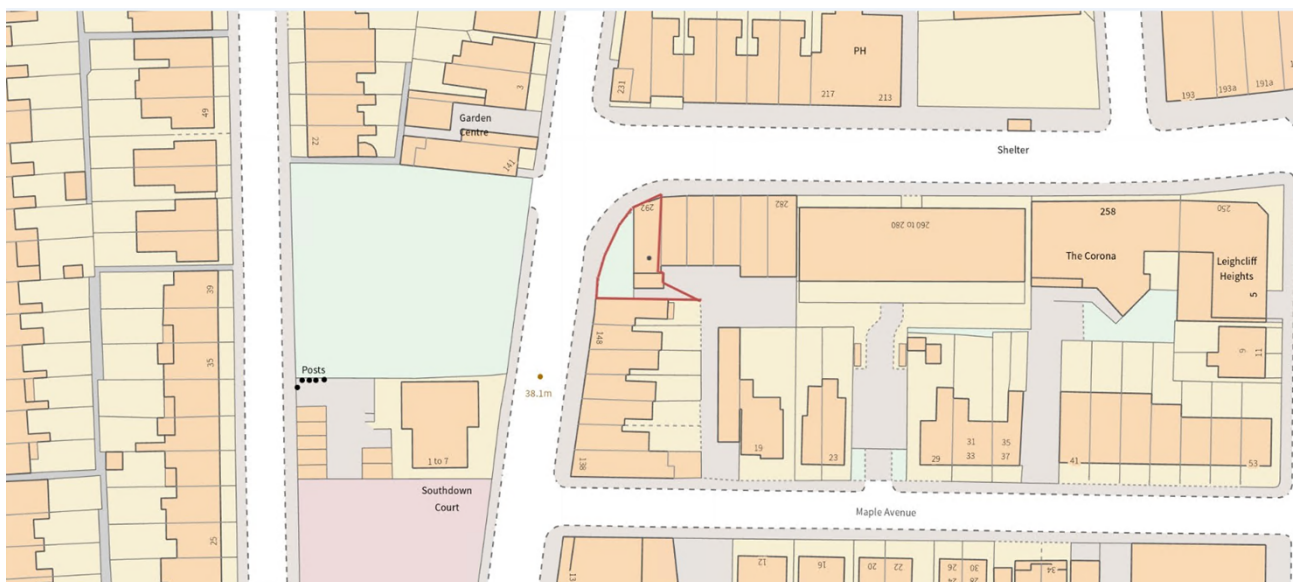
View to relationship with properties along Crosby Road



View to relationship with properties along Crosby Road



| | | |
|--------------------------------|---|-------------|
| Reference: | 22/01496/FUL | <h1>10</h1> |
| Application Type: | Full Application | |
| Ward: | Leigh | |
| Proposal: | Demolish existing storeroom and erect two storey building with basement for use as a restaurant (Class E) and use existing basement at 292 Leigh Rd as associated restaurant floorspace. | |
| Address: | Land adjacent to 292 Leigh Road and 152 Broadway Leigh-on-sea, Essex | |
| Applicant: | Capability Ltd | |
| Agent: | Mr Dwight Breley of Breley Design Ltd | |
| Consultation Expiry: | 12.05.2023 | |
| Expiry Date: | 02.06.2023 | |
| Case Officer: | Scott Davison | |
| Plan Nos: | 1447- 01 Rev A, 1447 - 02 Rev F, 1447 - 03 Rev G, 1447-04 Rev D & 1447 – 05 Rev B | |
| Additional information: | Planning, Design and Access Statement, Appendix A (Daylight and Sunlight Report – Right to Light Chartered Surveyors 16.11.2022), Appendix B Extract Design Information, CGI Images 1f & 2c, Acoustic Assessment by Ned Johnson Acoustic Consultants Limited dated 26.02.2023, reference 572223, Email from Agent dated 20 March 2023 RE BREAAAM & Materials, Email from Consultant dated 26/04/2023, Email from Daylight and Sunlight Consultant dated 11/04/2023. | |
| Recommendation: | GRANT PLANNING PERMISSION, subject to conditions | |



1 Site and Surroundings

- 1.1 The application site is an irregular shaped plot of land at the western end of a terrace in Leigh Road and to the north of a parade of shops in the Broadway. It is known locally as both Moon Corner and Blind Corner. The site is covered in a hard surfaced material and there is a mosaic on the flank wall and on the ground. There is a gradient across the site reducing from north to south.
- 1.2 The site is bounded to the east by No.292 Leigh Road, a 2.5-storey building with mainly commercial use at ground floor plus a ground floor entrance hall and stairs to the residential uses above which comprise a first floor one-bedroom flat and a one-bedroom duplex flat at first and second storey levels and by No.150 Broadway, a two-storey end of terrace building with a vacant retail use (at the time of a site visit in December 2022) with a first floor residential flat. There is a two-storey commercial parade to the south of the site and a mix of three and four storey buildings to the east in Leigh Road which comprise retail, commercial and residential uses. On the opposite side of Broadway, a flats development is under construction to the north of Sandown Court (No.133 Broadway) and the Grand Hotel, which itself is being extended. To the south-east of the site are the service access and yards for the Leigh Road and Broadway premises and beyond that are residential properties in Maple Avenue.
- 1.3 The site is within flood zone 1 and some 35m north of the boundary of the Leigh Cliff Conservation Area. The site is within the Leigh District Centre and is within a Secondary Shopping Frontage. It is not subject to any other site-specific planning policies.

2 The Proposal

- 2.1 The proposal seeks permission to erect a two-storey building with a basement and to demolish a storeroom to the rear of the site. The building would be used as a restaurant (Use Class E).
- 2.2 The proposed building would be two storeys with a flat roof and would be located on the land between No.292 Leigh Road and No.150 Broadway. The restaurant use would be set over three levels comprising a lower ground floor, upper ground floor and a first floor. Its lower ground floor would continue the proposed use into the existing basement at 292 Leigh Road. The new building would be accessed from an entrance to the upper ground floor level at the Leigh Road end of the building. To the rear, the lower ground floor would be level with existing rear servicing areas and service access.
- 2.3 The building would have an irregular shaped footprint and a curved frontage. It would be a maximum of some 16.2m wide and some 13.1m deep, some 6.8m high where it abuts the side of No.292 Leigh Road and some 7.6m high where it abuts the side of No.150 Broadway, due to differences in land levels across the site. The building would have a contemporary design with a glazed ground floor level. The first floor would also be largely glazed but interspersed with aluminium fins breaking up the extent of glass creating a brises soleil (i.e. solar screen) effect. Other external materials to the site frontage include brick and tiles. Brick would be used to the rear of the site. A small section of living wall is proposed on the western elevation.
- 2.4 No parking or cycle storage is proposed for the development. Waste storage facilities would be located to the rear of the building accessed from an existing service access off Maple Avenue. Extract ventilation would be located to the rear of the building and solar panels are proposed on the flat roof.
- 2.5 Revised plans and additional information including a daylight and sunlight survey,

acoustic assessment and details of extract ventilation equipment and materials have been submitted during the course of the application. A further revised plan has been submitted since deferral of this application from 5 April 2023 Development Control Committee for clarification of neighbouring rooms' use. Those plans now accurately reflect the roof profile of No.150 Broadway showing chimneys and a flat roof section. The application form states that the proposed development could provide work for approximately 30 people (10 full time equivalent). The applicant has estimated that there would be an average of 20 covers during the weekday lunch time and evenings. On weekends including Friday evenings, up to 40 covers during lunchtime and 60 covers on the weekend evening are estimated.

3 Relevant Planning History

| Reference | Description | Outcome |
|--------------|--|------------------------------|
| 07/00149/FUL | Erect two storey building with basement (268 m2) for use as restaurant (Class A3). | Refused. |
| 87/0737 | Erect 2 storey building to provide shop on ground floor and 1 self-contained flat on first floor. *Officer Comment - This is an historic appeal decision made under a materially different planning policy framework and is not considered to hold any material weight in the assessment of the current application. | Refused - Allowed on appeal* |

4 Representation Summary

Call-in

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

Public Consultation

- 4.2 A site notice was displayed, and eighteen (18) neighbours were notified of the application including following the receipt of a revised plan showing a corrected existing flank of No.150 Broadway. Nineteen (19) letters of objection have been received including five (5) from one address and two (2) from another address together with four (4) letters of support. The overall comments received are summarised below.

Objection

- Amenity concerns: Loss of daylight, noise and disturbance, sense of enclosure, intrusive and loss of privacy and views.
- Highways safety concerns due to location at a blind corner.
- Increase in noise, rubbish and vermin.
- Site not suitable for size and scale of development.
- Floorplan and layout concerns.
- Size and impact of the development.
- Design, out of keeping with prevailing built form and character and no space or setting for the development.
- Loss of a site which is of local historic and religious significance to pagan communities and loss of mosaics. Representations state that women were tortured and murdered during the witch trials and the site is a memorial ground.
- Concerns regarding maintenance and waste storage to the rear. Should remain a community area.
- The site is unsuitable for development.

- Impact on neighbouring habitable room windows and correction to report description of No.292 ground floor configuration.
- Clarification of flats being constructed on west side of Broadway.
- Leigh is already provided for in terms of restaurants and fine dining has not been successful.
- Loss of light and ventilation to adjoining shop's staff room.
- Queries relating to fire escape, ventilation, bin storage and disabled access.

[Officer Comment: The concerns within the representations are noted, and where relevant to planning have been considered in the assessment of the application but are not found to constitute justifiable reasons for refusal in the specific circumstances of this case.]

Support

- Good use of an awkward site.
- Would provide a modern approach/gateway to shopping area.

Leigh Town Council

- 4.3 Objection. The proposed development by its design, size, bulk and mass, represents a cramped form of development and an overdevelopment of the land, which is out of keeping with and detrimental to the character and appearance of the application site and the area more widely. It certainly does not respond positively to local character and will not successfully integrate itself in a positive relationship with the surroundings.

The location of the proposed development is on an area of the highway which is a blind corner and extremely narrow. The proposed design could also be a significant distraction for drivers and highway safety is therefore an issue.

Additionally, delivery access proposed is very restrictive. The narrow entrance to the rear of the property adjacent to residential properties presents both safety and noise concerns. Vehicles would have to reverse from the private access on to a busy thoroughfare which is in constant use by residents and local businesses, particularly a dance school with children using the facility.

The siting of the refuse storage also means that the development will cause noise disturbance for residents with disposal of bottles etc late in to the evening after the business closes. The proposal is therefore unacceptable and contrary to National and Local Planning Policy and guidance.

Leigh Society

- 4.4 Objection. Lack of parking, highway safety concerns including from cars dropping customers off at this corner and overdevelopment of this small site.

Environmental Health

- 4.5 A noise impact assessment was submitted in response to initial Environmental Health comments. On reviewing the Acoustic Assessment submitted by Ned Johnson Consultants dated 26 February 2023, noting that neighbouring rooms could be bedrooms, Environmental Health have raised no objections subject to conditions for noise mitigation measures concerning kitchen extraction ventilation system(s) and soundproofing party walls, refuse and recycling construction/demolition management.

Highways

- 4.6 No objection. Directly outside the site there are double yellow lines to prevent pick up and drop off. Any contravention of this Traffic Regulation Order will be enforced. The

applicant should provide a construction method statement for the construction phase of the scheme.

Essex Fire

4.7 No objection.

Design and Conservation Officer

4.8 No objection to the scale, form and design concept. The amended design and large-scale cross sections now provided have addressed concerns initially raised in regard to the detailing and materials of the scheme and how it will relate to the surrounding context. This proposal will now provide an interesting and positive addition to this corner which at present is a rather a negative void in the streetscene. A modern design is appropriate given the unusual shape of the site and varied townscape in this location and the scale and form of the development provides an acceptable transition between the existing buildings.

The success of this proposal will rely on the use of high quality materials and detailing to ensure that all the features work together to provide an elegant and finessed design. Details of the materials should be conditioned along with signage and lighting, which will need to be bespoke and will need to complement the overall design, and it will be important that a clear and active frontage is maintained with no pipes, gutters, plant or vinyl to the frontage. It will also be necessary to ensure that the living wall is properly installed and maintained and that plant is hidden from public view including any ventilation which may be required given that there are no opening windows in the frontage.

5 Planning Policy Summary

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

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

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

5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (The Efficient and Effective Use of Land), DM5 (Southend on Sea's Historic Environment), DM10 (Employment Sectors), DM13 (Shopping Frontage Management outside the Town Centre) and DM15 (Sustainable Transport Management).

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

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

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

5.8 Community Infrastructure Levy (CIL) (2015)

6 Planning Considerations

6.1 The main considerations in relation to this application are the principle of the development, the design and impact on the character and appearance of the area, including the nearby conservation area, residential amenity, traffic, highway safety and parking implications, sustainability, refuse and recycling storage and CIL liability.

7 Appraisal

Principle of Development

- 7.1 Policy CP1 states that the Council will aim to “improve the vitality and viability of Southend town centre, the district centres of Leigh and...smaller local centres.” Similarly, policy CP3 states that “the centres of...Leigh will be supported as District Centres providing a range of local comparison shopping, convenience shopping and services to the neighbouring communities.”
- 7.2 Policy DM13(3) states “All developments in the secondary shopping frontage, as defined on the Policies Map, must maintain or provide an active frontage with a display function for goods and services rendered and the proposed use will provide a direct service to visiting members of the general public.”
- 7.3 The site is within a secondary shopping frontage and within the Leigh District Centre. The development proposed would create a new commercial building within the District Centre incorporating an active frontage and providing a direct service for members of the general public, in accordance with Policy DM13. The proposal would also support the local economy as a facility that serves shoppers and visitors to this District Centre and the proposed development would contribute to the promotion of sustainable economic growth through the provision of additional jobs compliant with the aims of Policy DM10.
- 7.4 No objection is raised to the broad principle of development of the site for commercial purposes. Other material planning considerations are discussed below.

Design and Impact on the Character of the Area including the Conservation 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 Policy DM3 (2) states: “All development on land that constitutes backland and infill development will be considered on a site-by-site basis. Development within these locations will be resisted where proposals:
- (i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or
 - (ii) Conflict with the character and grain of the local area; or
 - (iii) Result in unusable garden space for the existing and proposed dwellings in line with policy DM8; or
 - (iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees.
- 7.8 Section 72(1) of the Planning and Listed Buildings and Conservation Areas Act 1990

states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Policy DM5 of the Development Management Document states that the Council has a statutory duty to preserve or enhance their character and appearance.

- 7.9 The application site is a modest, curved section of what appears to be leftover land on a tight bend between two existing buildings at the transition between Broadway and Leigh Road. The area is considered to be a negative space in the streetscene in terms of built form. Whilst property and access considerations, as they arise here, fall outside of the planning system, in the past third parties appear to have tried occasionally to enhance the setting of this land with elements of hard landscaping but the landowner(s) appear to have reinforced through signage that there are no public access rights onto the land. The planning application is accompanied by ownership certification rendering it valid for consideration in all relevant regards. It is considered that the proposal would not conflict with the grain of the area in which adjacent and nearby development is typically set close to, or onto the back edge of the public highway providing a strong sense of enclosure to the public realm. Given its irregular shape, the proposal for a modern building two storeys above ground level and of a relatively simple design which follows the curve of the site is appropriate in principle and enables the developable area to be reasonably maximised. It also enables the building to achieve strong enclosure to the street, continuing that theme of development either side and which would not be so achievable with a more formal traditional design. Staff are of the view that the proposal's scale, form and design are acceptable and that the development would be a positive contributor in streetscene and character terms. The proposal would not result in the loss of ecological assets.
- 7.10 In terms of the detailed design, the proposed development would abut the flank of No.292 Leigh Road, which is a traditional terrace and it would have a small set back from its frontage. The highest point of the proposed building would meet the eaves of No.292. It is considered this would ensure that there is a clear vertical division between the different scales and typologies of buildings respecting how adjoining Leigh Road building heights successively increase eastward away from this corner.
- 7.11 The frontage of the proposed building would meet the side of No.150 Broadway, adjoining that traditional end of terrace building with a small set back which is considered appropriate in providing a clear vertical division between the different building scales and typologies. This is considered to sufficiently assist in reducing the perception of the difference in height between the proposal and No.150 Broadway and the terrace to the south which is set at a lower land level resulting in the proposed building partially extending above the ridge. This would be visible from the south and subject to conditions requiring details of materials and design elements to ensure that this is well resolved, the scale of the development generally is considered to sit comfortably in the streetscene. The applicant has provided detailed information of the proposed materials. These can be conditioned along with signage and lighting to seek that they are suitably bespoke to complement the overall design. A living wall feature within the entrance overhang is considered to be an acceptable, albeit not essential, design element and its details can be controlled by condition.
- 7.12 Waste storage is proposed to the rear of the site adjacent to the rear of the building and to the side of No.150. It is considered that this would not appear out of character in the prevailing rear service environment of the Broadway and Leigh Road where external storage is provided for existing commercial uses.
- 7.13 It is not considered that the development would have a materially harmful impact on the character of the neighbouring buildings or streetscene or the visual amenities of the

wider area and due to its scale, position and form would have a neutral and thereby acceptable impact on the character and appearance of Leigh Cliff Conservation Area, the nearest boundary of which is some 35m to the south. Representations state that this site has religious and historic significance, but the site is not afforded any special protection such as that for a listed building or conservation area and is not understood to be registered as an asset of community value (ACV) which may otherwise potentially afford protection to a site with such characteristics.

- 7.14 In summary, staff are of the view that the proposal is acceptably designed and detailed and appropriately scaled. Subject to the described conditions staff consider the proposal to be a positive contributor in character and streetscene terms and so to be acceptable and policy compliant in the above regards.

Amenity Impacts

- 7.15 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.
- 7.16 The application site is bounded to the east and south by properties with commercial uses at ground floor (noting that No.292 Leigh Road has a ground floor access, hallway and staircase serving the two flats above at ground floor level) and residential uses above including a flat above No.150 Broadway and two flats above No.292 Leigh Road. No.150 has a blank north side elevation with front and rear facing windows. No.150 is accessed via an external staircase to the rear of the site. At No.292, the commercial ground floor unit was noted as vacant and above it, served by a ground floor entrance and stairs, are two flats, No.292A, a one bedroom flat which is set across the northern, front part of the first floor, and No.292B, a one bedroom maisonette, set over the southern, rear part of the first floor plus the second floor rooms in the roof. A first floor window in the southern rear elevation of that neighbouring building's outrigger serves the bedroom of No.292B. That maisonette's second floor has a rear facing dormer which serves its kitchen/living area and opens onto an external terrace oriented southwards and that would have views over the proposed development.
- 7.17 The proposed development would infill the gap on the corner and would have a rear projection into the site. This would not project significantly (some 0.9m) beyond the rear elevation of the first floor flat at No.150 Broadway and is not considered to result in an undue sense of enclosure, dominant or overbearing impacts or any harmful loss of privacy, outlook or daylight for that neighbouring property in any relevant regards. In regard to the relationship with No.292 at ground level, the neighbouring window serves a non-residential unit and an existing single storey building would be removed and the new building erected. The new building would result in the loss of the ground floor rear window at No.292 Leigh Road, but this serves a staff room which is understood to also benefit from a side window so it is considered that the development would not result in any significant harm in this respect. Given the location of the rear window and the internal layout of the ground floor it is considered that the loss of this rear window would not result in any significant harm in terms of loss of light or outlook to the ground floor, non-habitable hallway and stairs serving the upper storey flats.
- 7.18 The rear of No.292 already sits close to the side of the existing storeroom building and close to the northern flank wall of No.150 Broadway, the latter at a distance of some 4m.

The applicant has submitted a daylight and sunlight report and on site inspection by planning staff confirms that the window identified as No.4 in the daylight and sunlight report serves the bedroom of No.292B and window No.5 serves an en-suite shower/WC room for No.292B. The window shown as No.6 is a shower/WC for No.292A and window No.7 serves the bedroom of No.292A. An extract from the Daylight and Sunlight report is included in Figure 1 below showing these window numberings. .

Neighbouring Windows



292 Leigh Road



292 Leigh Road

Figure 1: Extract from Daylight and Sunlight Report showing neighbouring windows.

7.19 The outlook from No.292B's bedroom window (No.4 in the daylight/sunlight report) is due south towards the two-storey outrigger of No.150 Broadway some 4m away and of the sky above that. A person standing directly within the window would have views to the south east of the site and views to the south west towards Broadway but this outlook is constrained to an extent because of the gabled elevation of No.150. In regard to the rear facing dormer and external terrace at second floor level, the outlook is over and

above the side elevation of No.150 offering views of the roofscape of properties to the south and over the Estuary in the distance. In regard to windows 5, 6 & 7 identified in the daylight and sunlight report shown in Figure 1, it is considered that their outlook would remain unchanged, therefore the outlook to the flat at No.292A Leigh Road remains unchanged as a result of the development. The proposal due to its scale, form and position would increase the sense of enclosure at first floor and second floor level for No.292B to a certain degree but in a situation where outlook from the first-floor bedroom window is already materially constrained and the added sense of enclosure due to the proposed built form would be towards that window's south west side. Overall, it is considered that there would be some harmful effect on the outlook from the rear first floor bedroom window at No.292B and that this would be moderate in extent. Due to its more elevated position there would be less impact on the outlook from No 292B's second floor dormer window and not to a level that would be considered materially harmful. The material but moderate harm to No.292B's bedroom window outlook is considered in the round as part of an overall balanced assessment in which this moderate negative is weighed against the proposal's several public benefits as explained in subsequent sections of this report. In the circumstances outlined, it is not considered that the nature and extent of the outlook impacts identified would justify refusing planning permission for the development in the specific circumstances of this case.

- 7.20 The applicant has submitted a daylight and sunlight report specifically in regard to the impacts on neighbouring properties. This is based on BRE (Building Research Establishment) guidance for such studies. The report assesses the impact of the development on the light received by the neighbouring properties at No 150 Broadway and No's 286 to 292A and 292B Leigh Road including those in the "well" configuration between No's 292 & 290 Leigh Road. The submitted report demonstrates that the proposal would not adversely impact on neighbouring residential properties' daylight or sunlight and would meet relevant BRE (Building Research Establishment) tests. It states: "In summary, the numerical results in this assessment demonstrate that the proposed development will have a low impact on the light receivable by its neighbouring properties. In our opinion, the proposed development sufficiently safeguards the daylight and sunlight amenity of the neighbouring properties."
- 7.21 Following deferral of this application from the April Committee for clarification of No.292B rear windows' purpose, the applicant's consultant confirmed that the daylight and sunlight report's assessment methodology had in any event already been based on the assumption that window No.4 served a room in domestic use and was therefore likely to have a requirement for daylight and sunlight. The results of the Daylight and Sunlight report demonstrate that No.292B's first floor rear window, which faces due south, will retain levels of daylight and sunlight above the BRE recommended absolute figures for both tests, regardless of that room's use.
- 7.22 Having reviewed the submitted acoustic assessment, Environmental Health found that the information supplied on proposed kitchen extract ventilation demonstrates that, on balance, the levels will be acceptable. Environmental Health noted that the report states that there will be no external air conditioning condenser units and only background music will be played. The proposed development would abut the party walls with No.150 Broadway and the walls of No.292 and both flats at No's 292A & 292B Leigh Road. The submitted acoustic report states that the existing construction would be sufficient along with additional soundbloc plasterboard to provide added soundproofing. Whilst the properties of the wall of No.150 were unknown at the initial point of assessment and it was clarified through the deferral that No 292B's adjoining first floor room is a bedroom it was in any event assumed by the acoustic assessor that there was a bedroom on the opposite side of the wall of No.150 Broadway and a habitable room on the other side of

the wall shared with No 292B. Based on that position Environmental Health have not objected to the proposed development subject to the imposition of conditions for noise mitigation measures concerning kitchen extraction ventilation system(s) and soundproofing party walls, refuse and recycling construction/demolition management.

- 7.23 The applicant's acoustic consultant has confirmed that neighbouring rooms adjoining the proposed restaurant walls, were all assessed on the basis they were or may be habitable rooms. The consultant's report confirms that with the existing structure of the separating walls plus the extra insulation of the Soundbloc plasterboard, the sound generated inside the restaurant will not be audible in comparison to normal sound levels in residential flats. A condition is recommended to require a scheme of soundproofing to be implemented as required. It is not considered that using the existing basement at No 292 as an extension of the proposed lower ground floor restaurant use building would have any adverse amenity impacts in any relevant regards.
- 7.24 As the premises would serve alcohol, it would be subject to Licensing controls which are separately enforced by this Council and cover matters of detailed licensing control which are not for the Local Planning Authority to take into account in the determination of this planning application. It is relevant for the Committee to know that under licensing provisions the playing of music in premises between the hours of 8am to 11pm would not require a Music/Events license where those premises have an alcohol license for consumption on the premises and it would be in use. This is consistent with the Government's desire to allow for reasonable diversification of business uses in the interests of the economy. It is considered that the type of music-related entertainment proposed here which, within the planning application is described as background music only, would be incidental in nature. It is considered that this incidental activity would not be significantly harmful to the amenity of the adjoining and nearby residents, subject to a condition requiring a Noise Management Strategy to be submitted to and approved by the Local Planning Authority prior to the first use of the development.
- 7.25 The proposed use would potentially generate a degree of noise and activity during daytime and evening hours of operation; however, the immediate surroundings of the site include other commercial uses which are diverse and mainly fall within 'town centre' type uses. The site is within the District Centre and within a secondary shopping frontage. There is already a level of footfall from visitors to existing uses in the neighbouring parades and on their way passing through to the centre of Leigh including during evening hours. Given the existing and established activity levels, and the nature of the location, it is considered that the proposed development would, subject to the described restrictions and requirements, integrate satisfactorily with the existing uses in the vicinity. In light of the proximity to residential properties, it is considered appropriate that the use's hours of operation, delivery and servicing arrangements be controlled by planning conditions in the interests of neighbour amenities.
- 7.26 In summary, subject to the described conditions, and allowing for the balance involved in assessing the moderate impact of the development on the outlook from the first floor rear bedroom window at No.292B Leigh Road staff consider the proposal overall and on balance to be acceptable in the above regards.

Traffic and Transportation Issues

- 7.27 The NPPF states (paragraph 111) 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."
- 7.28 Policy CP3 of the Core Strategy and Policy DM15 of the Development Management

Document aim to improve road safety, quality of life and equality of access for all. Policy DM15 of the Development Management Document states that development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner. Maximum parking standards are set out in relation to the proposed use.

- 7.29 The proposal would not provide any off-street parking for customers or staff. Development Management Policy DM15 recommends a *maximum* of 1 space per 5 sqm for restaurants (former A3 uses – now class E (b)). Policy DM15 does not take account of changes to the Use Classes Order. Nor is cycle parking proposed for the development and it is unlikely that a secure cycle storage facility could realistically be provided to the rear of the site. This is a less positive aspect of the proposal to be weighed in the overall balanced assessment but can be regarded as a consequence of the particular confines of this specific site's configuration and the balanced approach called for in enabling a beneficial new commercial use when considered matters in the round.
- 7.30 It is considered that the site is within a sustainable location in relation to public transportation frequency and links. On street parking and public car parks are located within Leigh. The site is within reasonable walking distance of Chalkwell Train Station. Staff have not identified any justified parking-based reason for objection to this proposal. Highways have not objected.
- 7.31 In relation to third party concerns about highway safety, whilst the site is a corner location, directly outside are double yellow lines to prevent pick up and drop off. Any contravention of this Traffic Regulation Order can be separately enforced under the Highways Acts as appropriate.
- 7.32 Servicing would be taken from the rear of the property using an existing access road off Maple Avenue. This access is already in use by other commercial premises and no objection is raised to its use for this development.
- 7.33 Submission and approval of a construction method statement (CMS) is proposed to be required by a planning condition subject to which it is not considered that the proposal will have a detrimental impact on the local highway network.
- 7.34 Subject to the described conditions, the proposal is on balance considered acceptable and policy compliant in the above regards attaching due weight to the objectives set out in NPPF paragraph 111 summarised in 7.27 above.

Sustainability

- 7.35 Policy KP2 of the Core Strategy requires that “at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in the Design and Townscape Guide, wherever feasible. How the development will provide for the collection of re-usable and recyclable waste will also be a consideration.” Policy DM2 of the Development Management Document also states that “to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions.”
- 7.36 The plans show renewable energy (photovoltaic panels) on the roof of the proposed building which would be acceptable in principle, however further details are required in relation to these or other renewables on site. This matter can be covered by a planning condition.

- 7.37 Policy DM2 (iv) of the Development Management Document requires all new development to provide “water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.” No information has been submitted but this can be achieved by condition.
- 7.38 Policy DM2 (iii) requires all non-residential buildings to achieve a BREEAM ‘very good’ rating, and a move towards zero carbon by 2019. Applications should include Interim Code or BREEAM certificates based on the design stage assessment. Planning conditions will require submission of final Code certificates and post-construction BREEAM certificates, as appropriate.
- 7.39 The applicant has confirmed that the development will be designed to achieve BREEAM “very good” rating. No objections are therefore raised on this basis subject to a condition to secure this.
- 7.40 Subject to the described conditions it is considered that the development would be acceptable and policy compliant and in the above regards.

Refuse and Recycling

- 7.41 Policy DM8 states that refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply. The submitted plan 03G shows the location of refuse storage which would include 2 x 1100 litre bins for the proposed commercial use to the rear of the site and adjacent to No.150 Broadway. The collection of waste would be from the rear of the property using an existing access road off Maple Avenue. This access is already in use by other commercial premises. It is considered that there is scope within the application site for the provision of facilities for refuse storage for the development. Full and final details of the location of refuse and recycling facilities for the development as well as a limitation on the hours use that waste can be deposited in the evening period, to prevent harmful amenity impacts, can be secured by condition.
- 7.42 Subject to the described conditions, the proposal is acceptable and policy compliant in the above regards.

Flooding and surface water drainage

- 7.43 National policy requires that any development be safe from flooding and does not increase the risk of flooding elsewhere. The proposal is for a new build development and adequate drainage should be installed to ensure that there is no increased risk of flooding on site or elsewhere. Details of drainage arrangements incorporating principles of Sustainable Drainage Systems can be secured by condition. Subject to such a condition, the development would be acceptable and policy compliant in these regards.

Community Infrastructure Levy (CIL)

- 7.44 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material ‘local finance consideration’ for the purpose of planning decisions. The proposed development includes a gross internal area of some 283 sqm, which may equate to a CIL charge of approximately £3,613.91 (subject to confirmation).

Equality and Diversity Issues

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

Conclusion

- 7.46 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would overall, and on balance in several key respects, be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of the development which introduces a new commercial unit bringing a beneficial land use which will contribute positively to the District Centre with associated public benefits is found to be acceptable. The proposal would have a moderate impact on the outlook enjoyed from the first floor rear bedroom window at No.292B Leigh Road but this is already constrained, albeit to a lesser degree, due to the relationship of this window to the two storey flank of the outrigger at No.150 Broadway, to its immediate south. The extent to which outlook would be moderately negatively impacted has been given careful consideration and found to be outweighed overall by the several public benefits of the proposed development. Subject to conditions the proposal would otherwise have an acceptable impact on the amenities of neighbouring occupiers. The absence of on site parking is found, on balance, to be acceptable in this sustainably located District Centre. The absence of any cycle parking is a negative factor similarly to be weighed in the balance noting the particular circumstances and configuration of this site. Staff judge overall that highway safety and parking conditions would not be materially harmed. The impact on the character and appearance of the application site, the street scene and the locality more widely are considered by staff to be acceptable and a positive contributor. The proposal would have a neutral and thereby acceptable impact on the character, appearance and setting of the nearby Leigh Cliff Conservation Area. The provision of additional employment is considered to be a public benefit of the scheme to be weighed in the balance. This scheme is recommended for approval subject to conditions.

8 Recommendation

8.1 Members are recommended to:

GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

- 01 The development hereby permitted shall begin no later than 3 (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 strictly in accordance with the approved plans: 1447- 01 Rev A, 1447 – 02 Rev F, 1447 – 03 Rev G, 1447-04 Rev D & 1447 – 05 Rev B.**

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

- 03 Prior to commencement of any drainage related works associated with the development hereby approved, a drainage scheme comprising details of drainage infrastructure (including any Sustainable Urban Drainage Systems (Suds), foul and surface water drainage infrastructure, connection points and discharge rates) and a drainage management plan shall be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall only be constructed in accordance with the approved details.**

Reason: This condition is required to prevent flooding, drainage, environmental and amenity problems arising from the development, in accordance with the National Planning Policy Framework (2021) and Policies KP1 and KP2 of the Core Strategy (2007).

- 04 Notwithstanding the details shown on the submitted plans otherwise hereby approved the development hereby permitted shall not commence other than for groundworks and site preparation works unless and until full details including section details as appropriate and full specifications of the materials to be used for all the external surfaces of the approved building at the site including for elevations, face and engineering brickwork, bath stone panels, curtain and all other glazing, aluminium fins, doors, windows, louvres, roofing materials, concealed gutters, rainwater goods, lighting and signage have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development hereby permitted shall be implemented and completed in full accordance with the details and/or samples approved under this condition before it is first occupied.**

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of this prominent corner site and its surroundings. This is as set out in the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the guidance contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

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

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

- 06 The development hereby approved shall not be open for customers outside the following hours: 09:00 hours to 23:00 hours Monday to Sunday.**

Reason: To protect residential amenity 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 in the Southend-on-Sea Design and Townscape Guide (2009).

- 07** All deliveries to and collections from the site subject of this permission shall only be undertaken between 08:00 hours and 19:00 hours Monday to Friday and between 08:00 hours and 13:00 hours on Saturdays and not at any time on Sundays and Bank and Public Holidays.

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the guidance in the Southend-on-Sea Design and Townscape Guide (2009).

- 08** The noise mitigation measures for the kitchen extraction ventilation system to serve the development hereby approved and as detailed in the report entitled Acoustic Assessment at 152 Broadway/292 Leigh Road Leigh-on-Sea Document Ref: 572223 Date: 26/02/2023 by Ned Johnson Acoustics shall be implemented and installed by competent persons at the site prior to the first use of the development hereby approved. Prior to the first use of the development hereby approved, a post completion noise survey shall be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set out in the report.

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

The mitigation measures as approved shall be retained in good working order thereafter for the lifetime of the development.

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 09** Prior to the occupation of the development hereby approved a scheme demonstrating how noise transmission from the development through the party walls with No.150 Broadway and No's 292, 292A and 292B Leigh Road, Leigh-on-Sea, Essex will be controlled from within the proposed development, such scheme to be undertaken by a suitably competent person, shall be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved scheme shall thereafter be implemented and installed at the site by suitably competent persons prior to the first use of the development hereby approved. Prior to first use of the development hereby approved, a post completion noise survey must be undertaken by a suitably qualified acoustic consultant, and a report on this must be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The post completion testing shall assess the performance of the noise mitigation measures

against the noise levels as set out in the scheme.

If the mitigation measures tested in the post-completion report prove to be insufficient, additional noise mitigation measures (where necessary to ensure the appropriate noise levels can be met), shall be submitted to and approved in writing by the Local Authority under the terms of this condition. The mitigation measures as approved shall be fully installed at the site prior to first use of the approved development and retained in good working order thereafter for the lifetime of the development.

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

- 10 Prior to the first use of the development hereby approved for restaurant purposes details of the means of ventilation for the extraction and dispersal of cooking smells/fumes, including full specification of any installation of odour control measures, noise levels, noise mitigation measures and anti-vibration measures, air conditioning units and other plant and equipment, its location, appearance and finish shall have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved scheme shall be installed at the site in full accordance with the approved details before the development hereby approved is brought into first use and thereafter shall be permanently retained as such in good working order for the lifetime of the development.

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 11 Prior to the first occupation of the development hereby approved details of the design and materials of the proposed commercial waste storage and an associated waste management plan which shall include full details of the timings that waste can be deposited to the outside refuse and recycling stores, shall be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall be implemented in full accordance with the approved details from first occupation for the proposed use and shall be maintained and managed as such for the lifetime of the development.

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety, residential amenity and visual amenity and to protect the character of the surrounding area, in accordance with National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1 and DM15 of the Development Management Document (2015).

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

- i. the parking of vehicles of site operatives and visitors,
- ii. loading and unloading of plant and materials,
- iii. storage of plant and materials used in constructing the development,
- iv. the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate,
- v. wheel washing facilities,
- vi. measures to control the emission of dust and dirt during construction,
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works,
- viii details of the duration and location of any noisy activities.

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

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

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

- 14** Notwithstanding the provisions of the Use Class Order, as amended or the General Permitted Development Order (2015), as amended, the development hereby approved shall be used for purposes as a restaurant (Use Class E(b)) with the sale of drink wholly ancillary to consumption of food on the premises and with no take away facilities and shall be used for no other purposes including any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any revocation, amendment or re-enactment of that order aside from Use Class E(a), (c), (g)(i).

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to control the impact of the use of the premises within the Use Class specified in the interests of residential amenity and highway safety in accordance with the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

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

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007) and in the interests of general environmental quality in accordance with Core Strategy (2007) Policies KP2 and

CP4, Development Management Document (2015) Policies DM1 and DM3 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 16 Water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems shall be installed and made available for use prior to the first occupation of the development hereby approved and retained in perpetuity.**

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

- 17 Notwithstanding the details shown on the documents submitted and otherwise hereby approved, with reference to British Standard 7445:2003, the noise rating level arising from activities associated with the use hereby approved (including amplified music and human voices) shall be at least 10dB (A) below the background noise level as measured at 1m from the facades of the neighbouring noise sensitive premises.**

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

- 18 Prior to the first use of the development hereby approved, full details of hard landscape works, the soft landscaped living wall and any rooftop planting to be carried out at the site shall be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved hard and soft landscaping works shall be carried out in accordance with the approved details prior to first use of the development hereby approved. The details submitted shall include, but not be limited to:-**

- i. any means of enclosure of the site including any gates or boundary fencing;**
- ii. any other vehicle and pedestrian access and circulation areas;**
- iii. hard surfacing materials;**
- iv. details of planting to the living wall area together with supporting framework and drainage where necessary, with inspection and management proposals, to ensure its successful establishment and maintenance.**

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

- 19. Notwithstanding the information submitted and otherwise hereby approved, the development hereby approved shall not be brought into first use unless and until a Noise Management Strategy has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. Before the development hereby approved is brought into first use, the development shall be completed and thereafter operated in accordance with the findings and recommendations of the approved Noise Management Strategy and shall be**

retained as such thereafter for the lifetime of the development.

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

Positive and Proactive Statement:

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

Informatives

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

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

03 The applicant is reminded that the proposed materials as set out in the submitted plans and email dated 20th March 2023 are expected to accord with the nature and quality of materials for which design cues are shown in their submitted documents including the CGI representations and the email from Breley Design dated 24th November 2022 including its enclosed document entitled "Response to Council comments."

04 This permission does not convey any form of consent for external advertisement signs, consent for which will separately be required under the

provisions of the Town and Country Planning Advertisement Regulations.

05 Essex County Fire and Rescue Service (ECFRS) advise that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. ECFRS therefore uses every occasion to urge building owners and developers to consider the installation of AWSS.

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Land Adjacent to 292 Leigh Road & 152 Broadway Leigh-on-Sea

22/01496/FUL

Site





191

BLIND CORNER
CURTAINS • BLINDS • INTERIOR DESIGN

Large Road
Blind Corner



dentistry for you

Restaurant 237

BLIND CORNER
CURTAINS • BLINDS • INTERIOR DESIGN

GIVE WAY

LEIGH

TO LEFT

EF65 XTD



sscaffolding.co.uk
K S SCAFFOLDING
VECO
CN66 TYK



Pe ny Jane
— FLOWERS —
01702 482034

EcoHome BOILERS Heating
01702 842 777
www.ecohomeboilers.com



Rear Environment Broadway &
Leigh Road



Service Access to
rear of Broadway



Site from rear





198

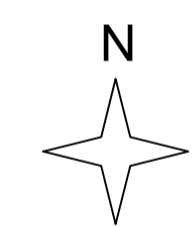
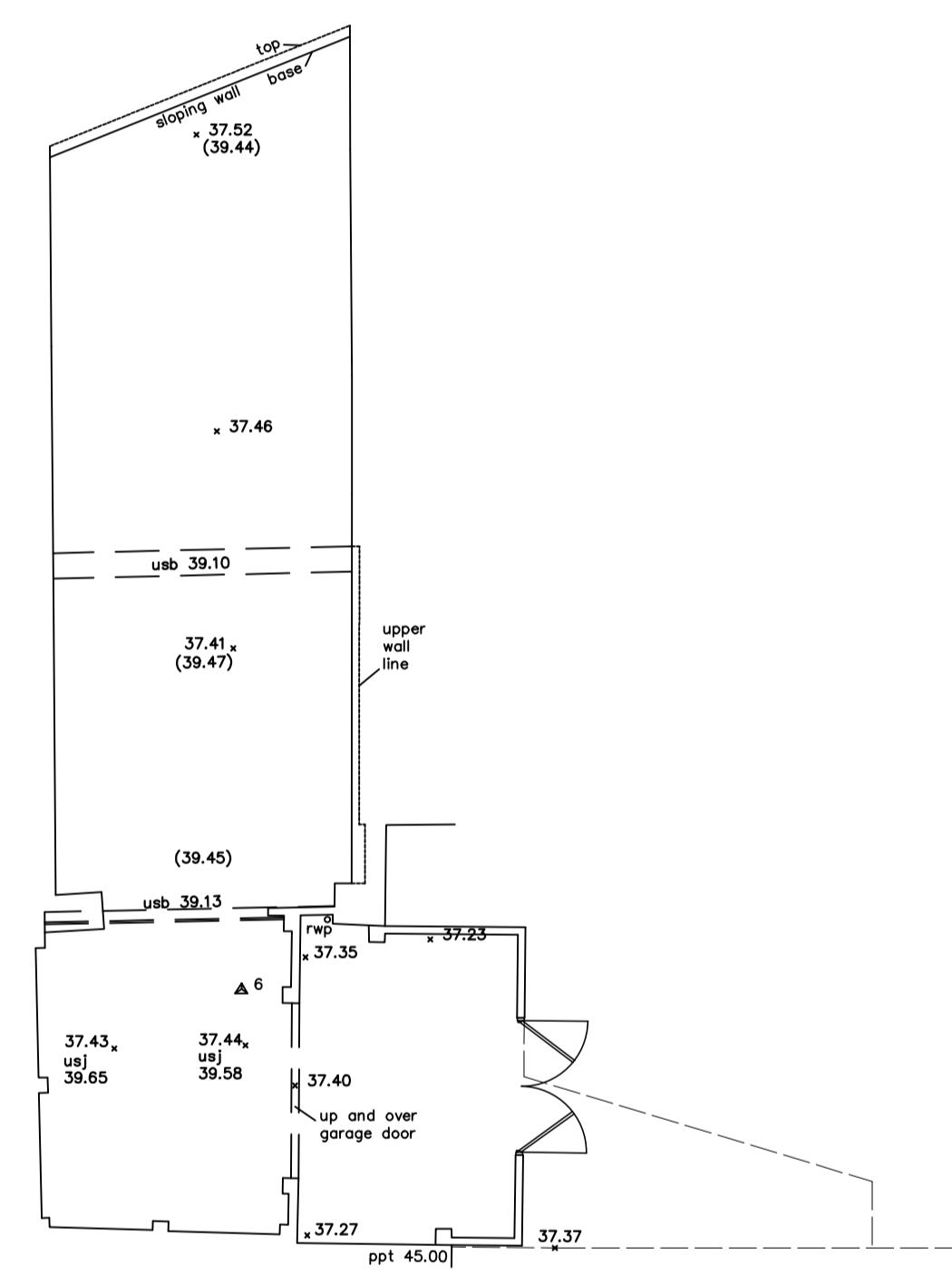
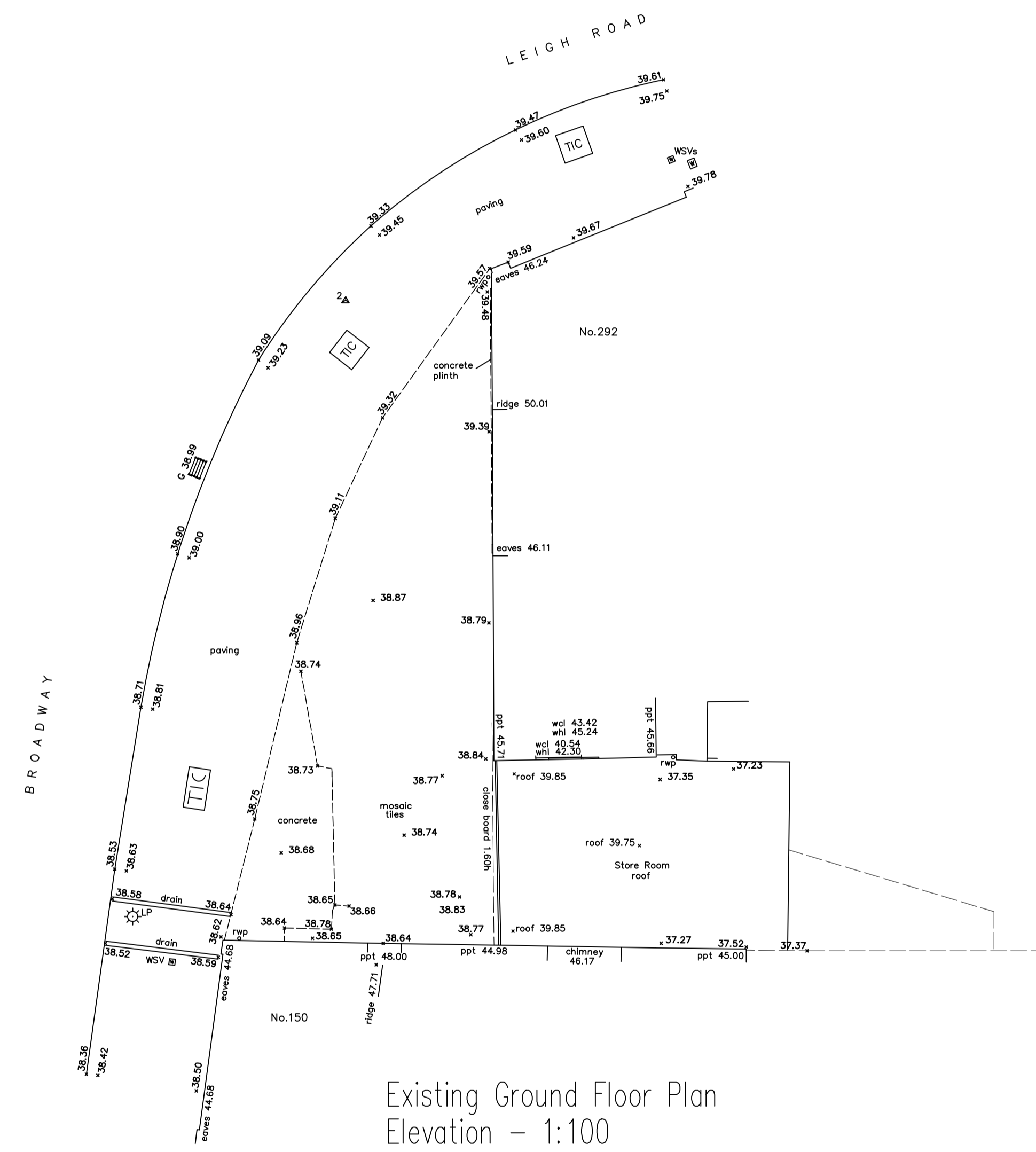
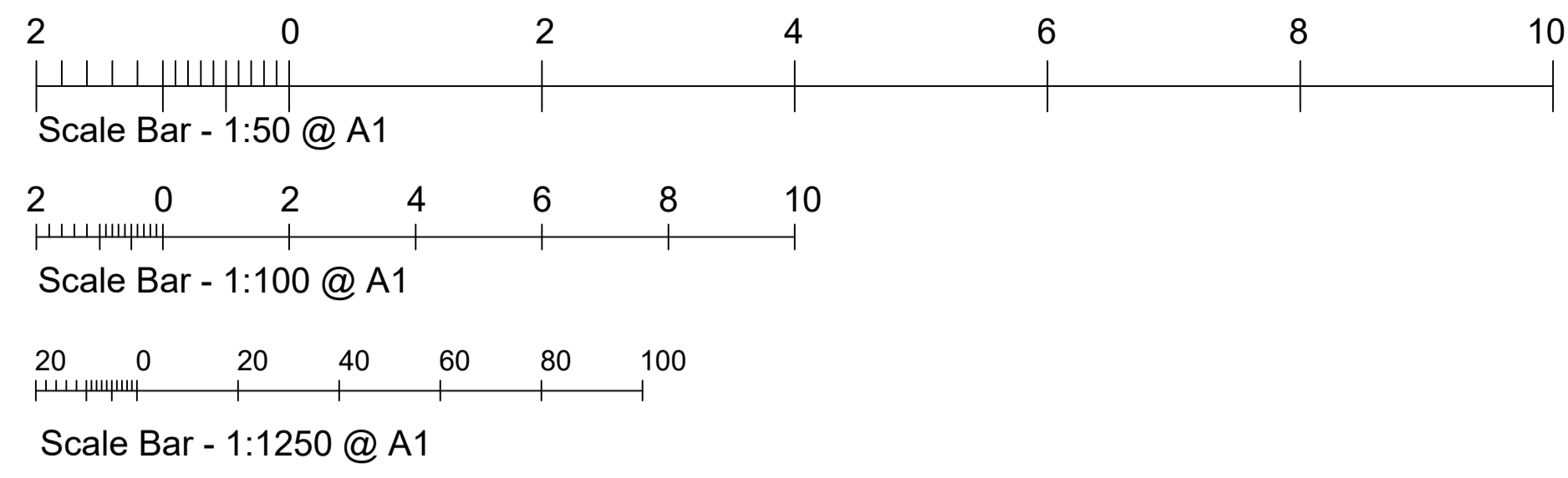
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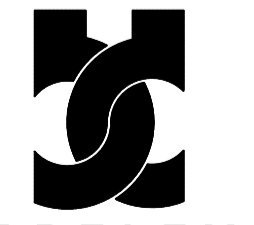
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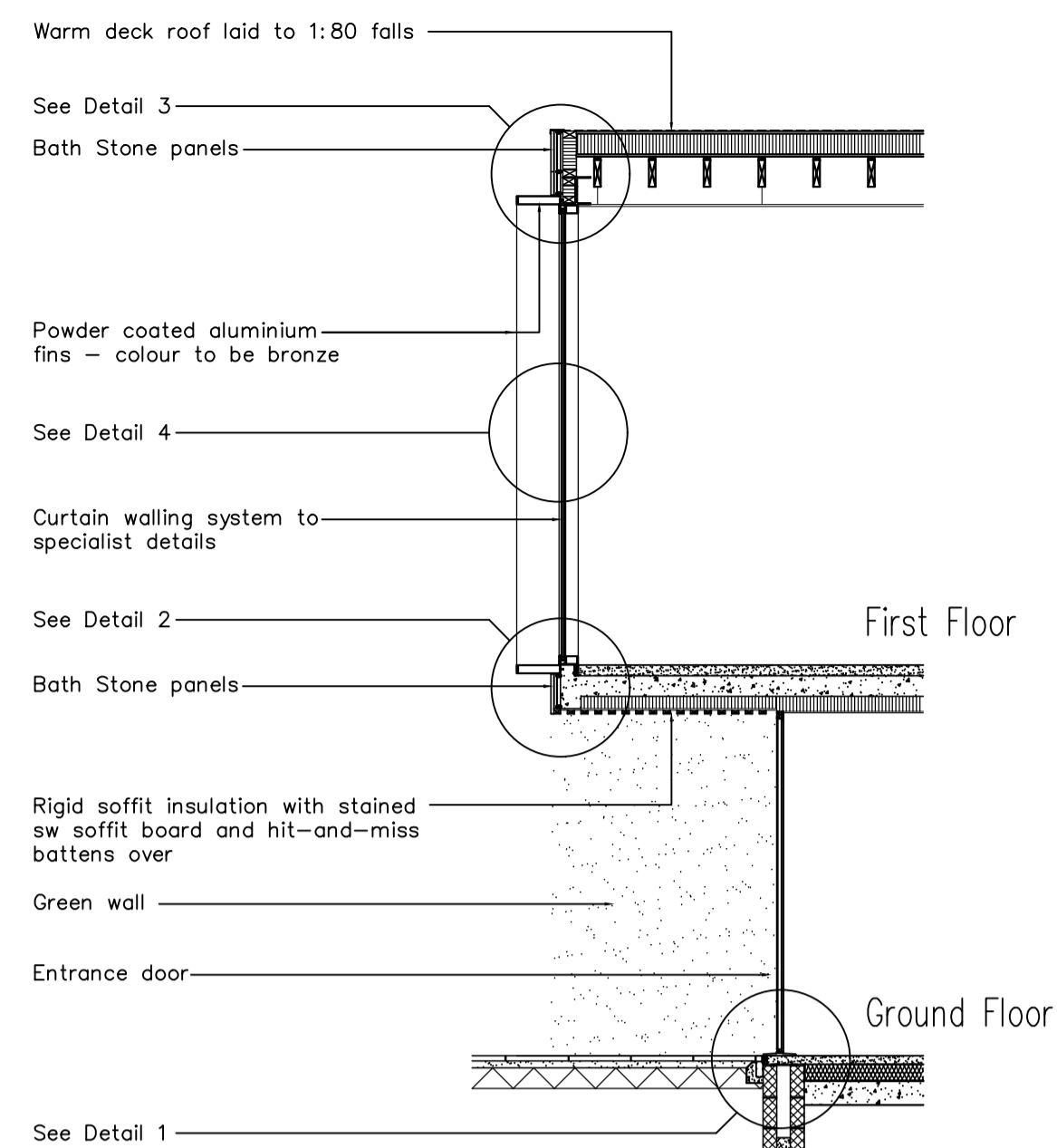
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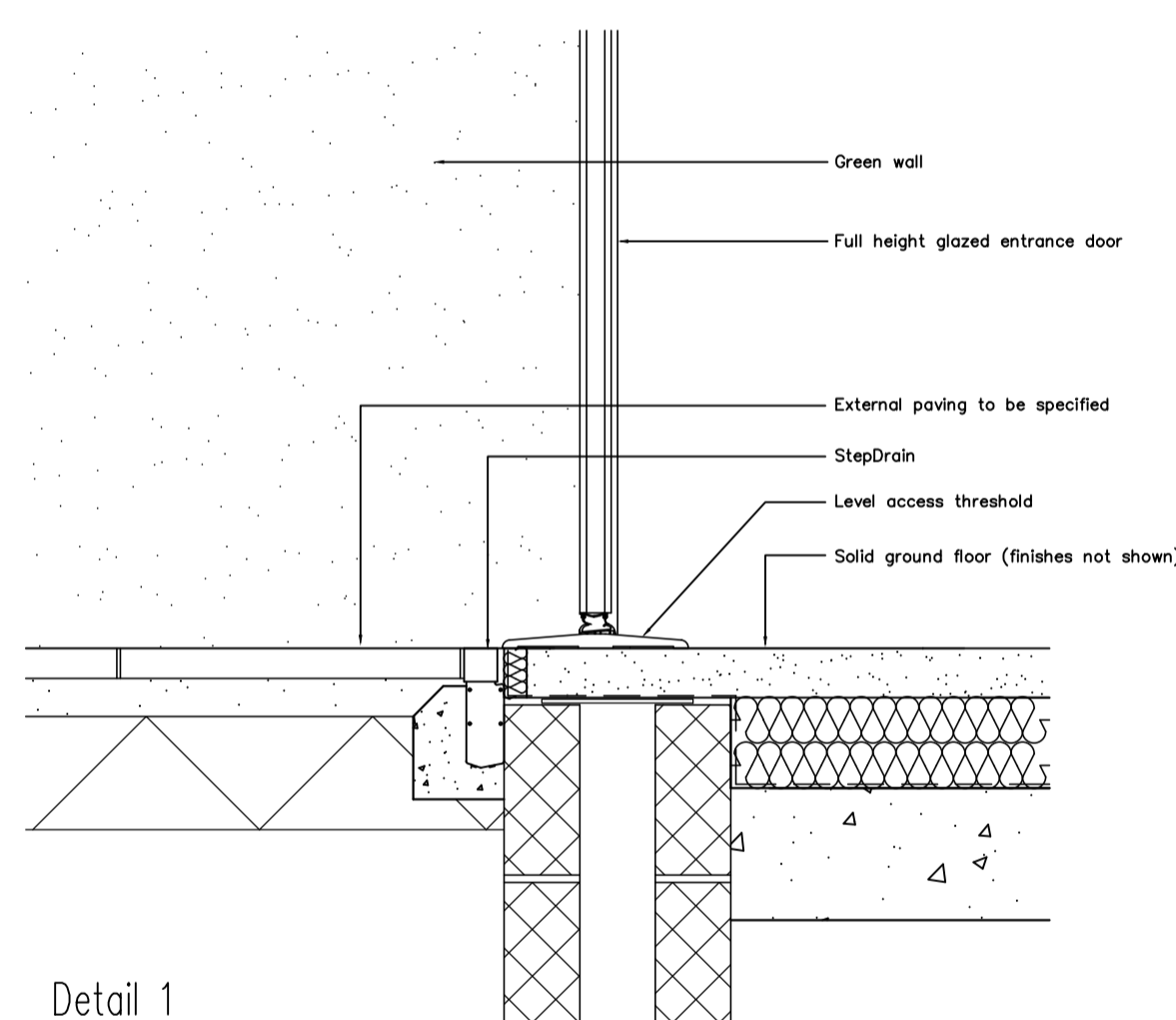
199

| | | |
|--|------------------|--|
| PROJECT: 152 Broadway Leigh-on-Sea, Essex SS9 1AA | |  BRELEY DESIGN LTD <small>Breley Design Ltd, Harrier House Aviation Way, Southend on Sea Essex SS2 6UN, England Telephone: +44 (0)1702 541300 Facsimile: +44 (0)1702 543123 Email: info@breleydesign.com</small> |
| TITLE: Existing Plans and Location Plan | | |
| SCALE: As Shown | DATE: July 22 | |
| Drawing No. 1447-01 | REV. A | |
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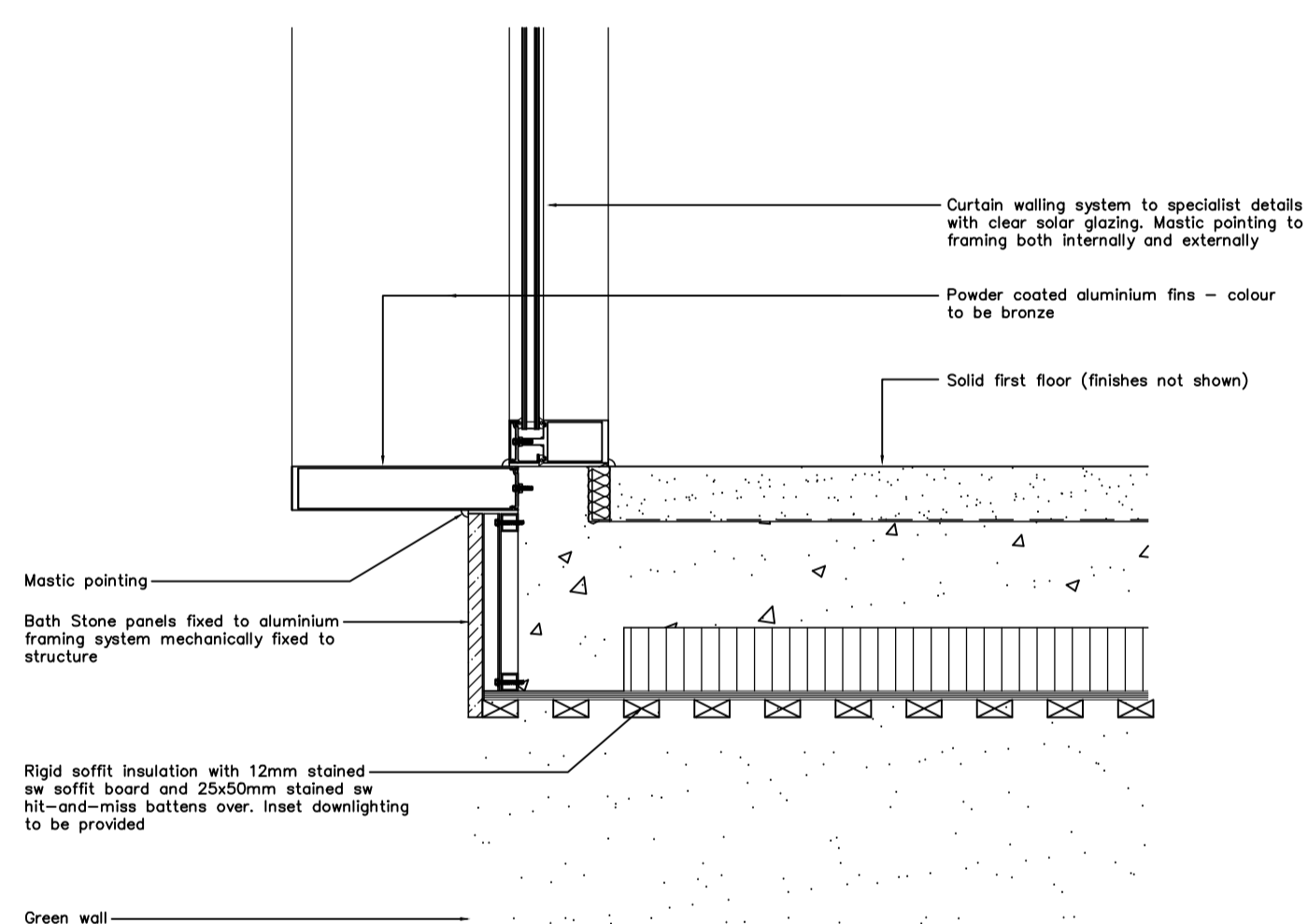
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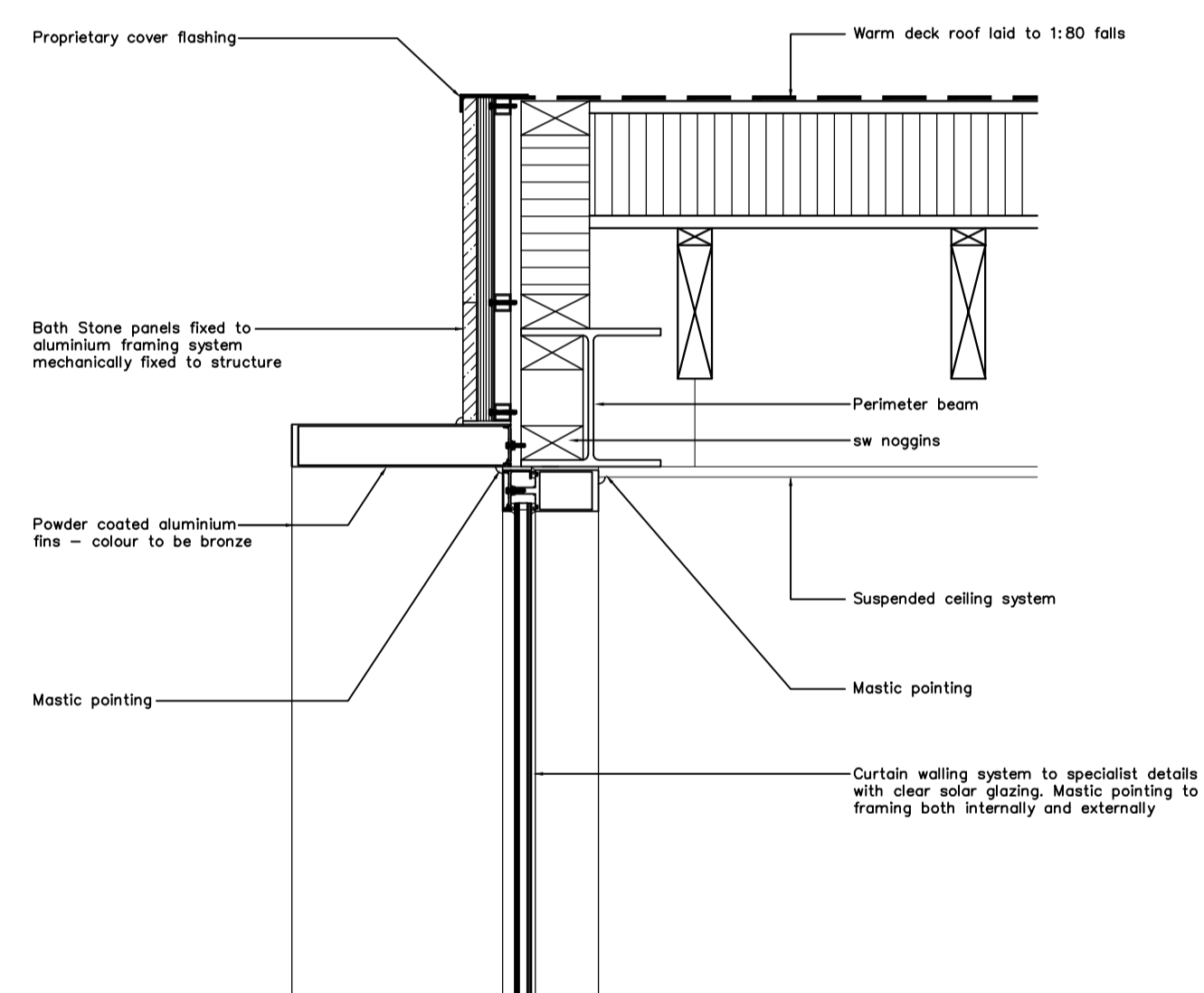
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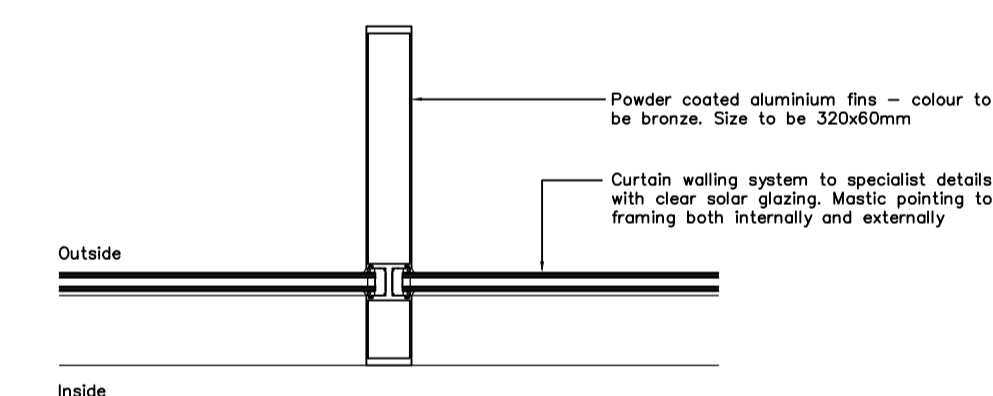
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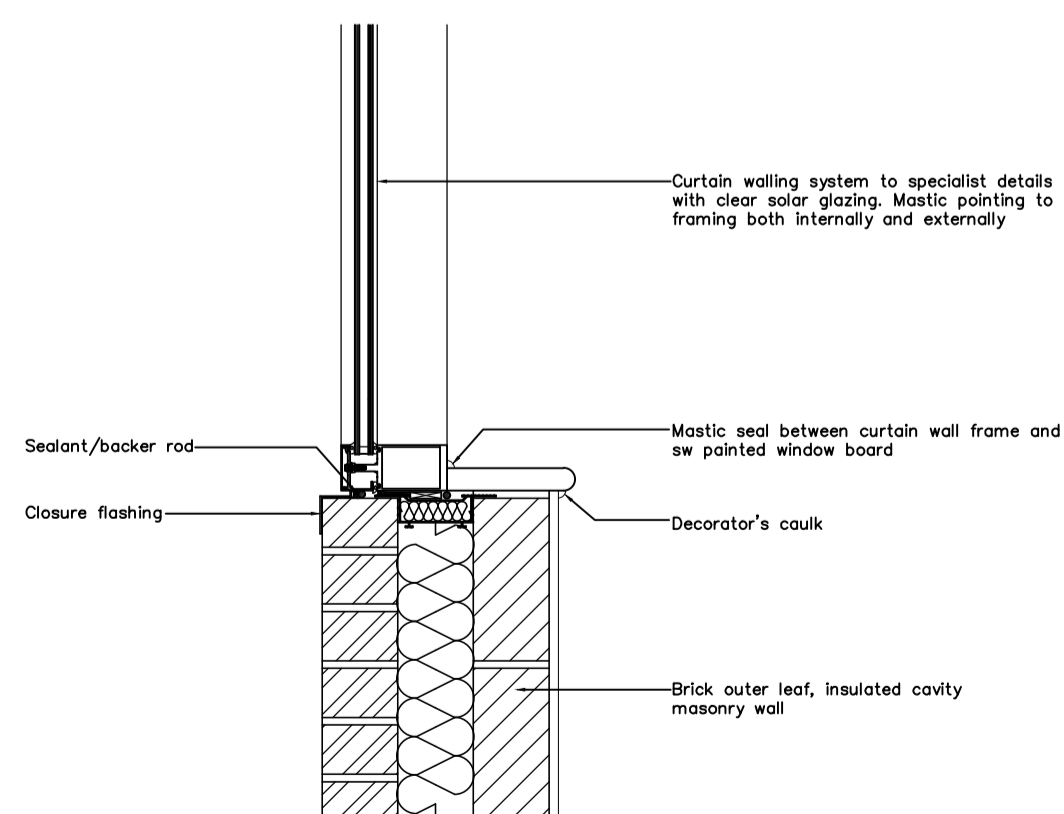
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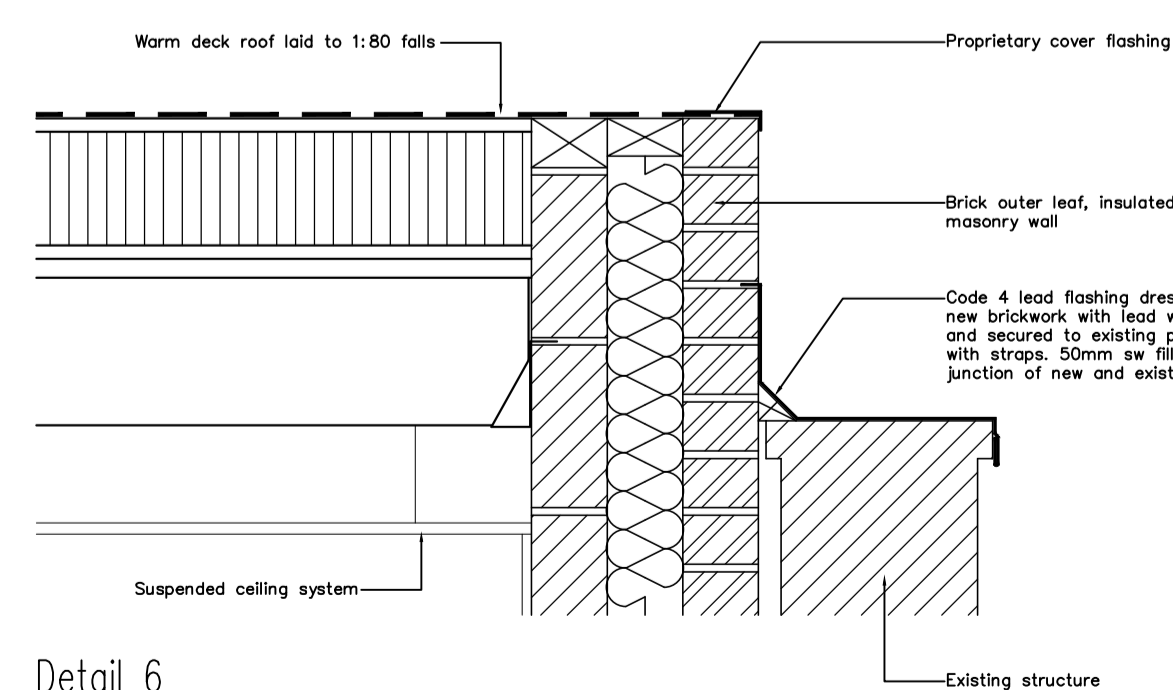
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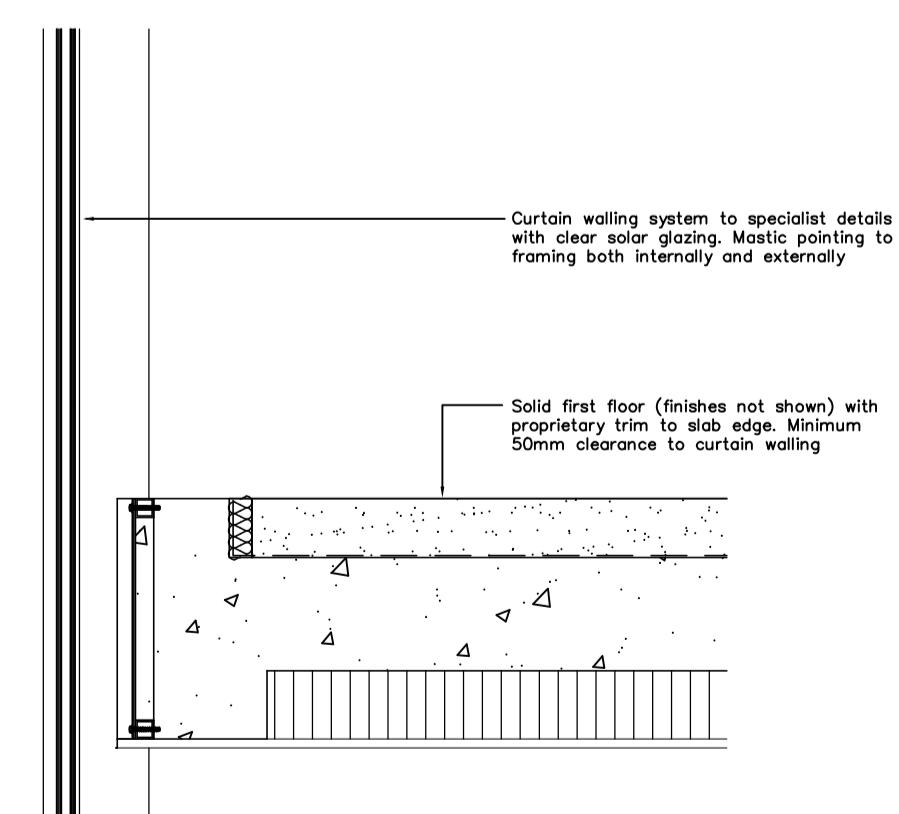
Detail 4 - Plan View
Scale 1:10 @ A1



Detail 5
Scale 1:10 @ A1



Detail 6
Scale 1:10 @ A1



Detail 7
Scale 1:10 @ A1

PROJECT:
152 Broadway
Leigh-on-Sea, Essex SS9 1AA

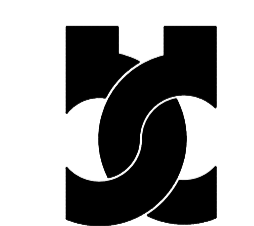
TITLE:
Proposed Details

SCALE: 1:10/50 @ A1

DATE: Nov 22

Drawing No. 1447-05

REV: B



BRELEY
DESIGN LTD

Breley Design Ltd, Harrier House
Aviation Way, Southend on Sea
Essex SS2 6UN, England.
Telephone: +44 (0)1702 541300
Facsimile: +44 (0)1702 543123
Email: info@breleydesign.com

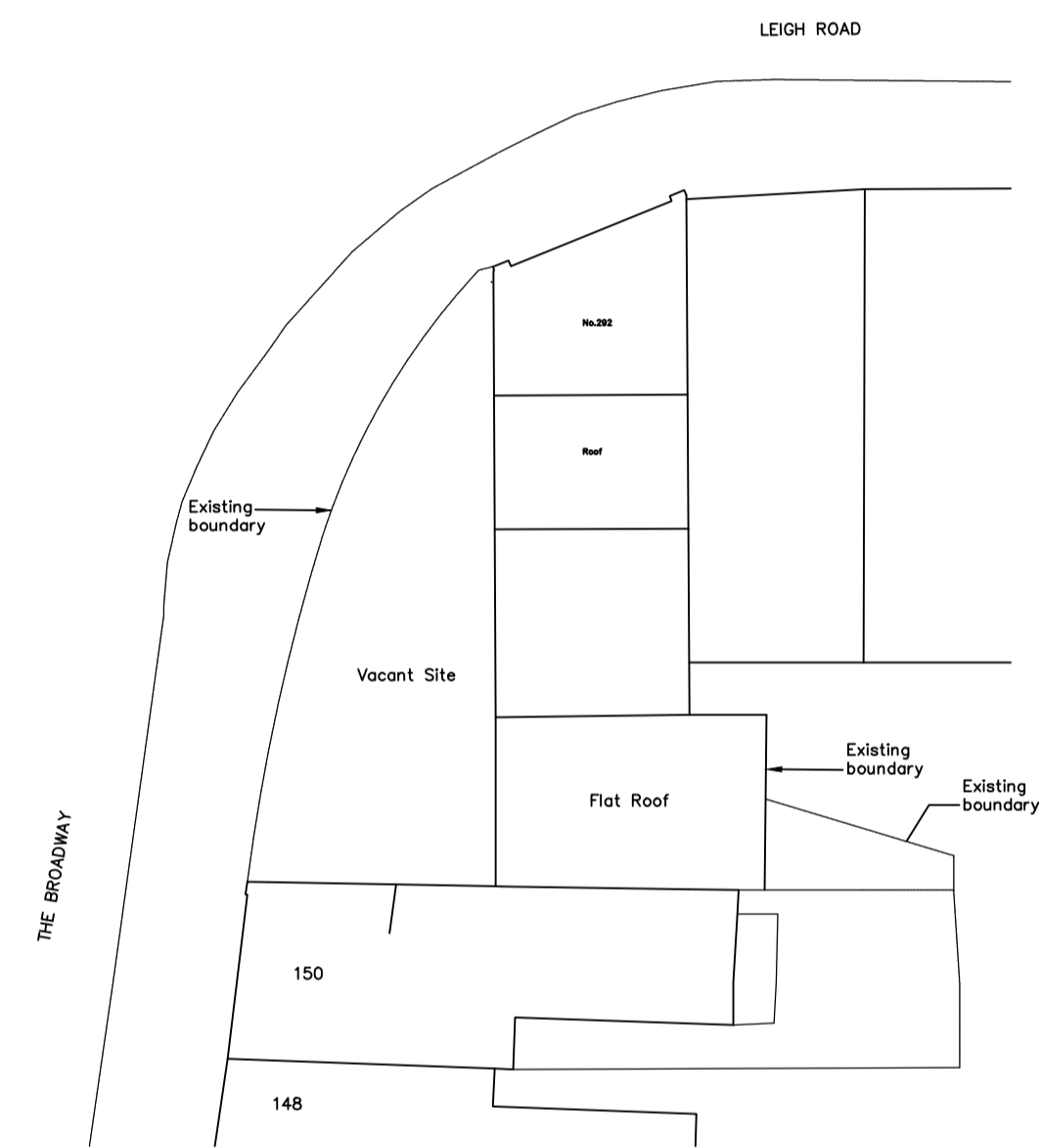
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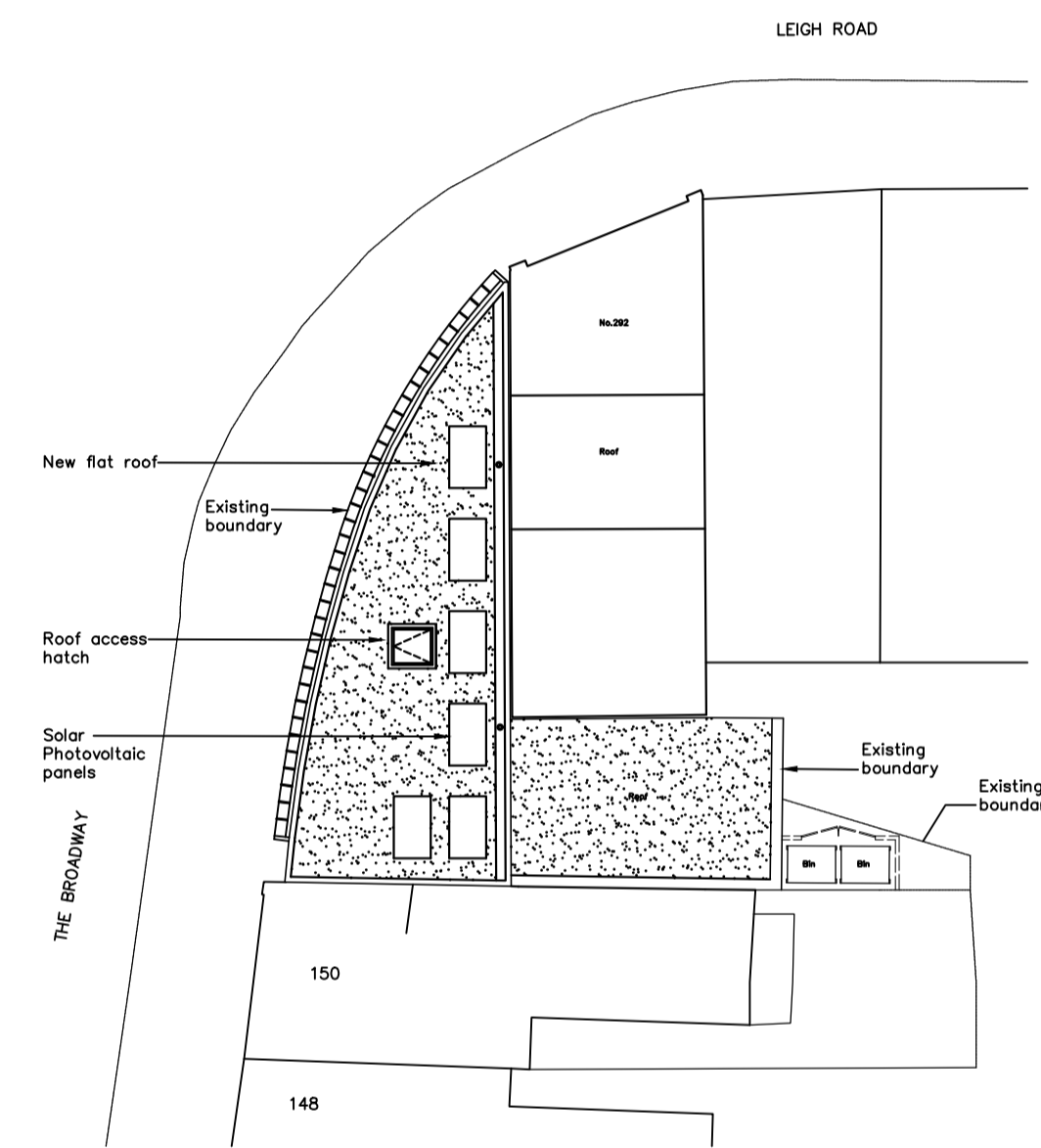
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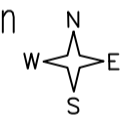
203



Existing Block Plan
Scale 1:200



Proposed Block Plan
Scale 1:200



PROJECT:
152 Broadway
Leigh-on-Sea, Essex SS9 1AA

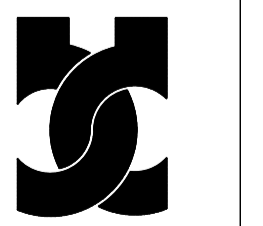
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Existing & Proposed Block Plan

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DATE: July 22

Drawing No. 1447-04

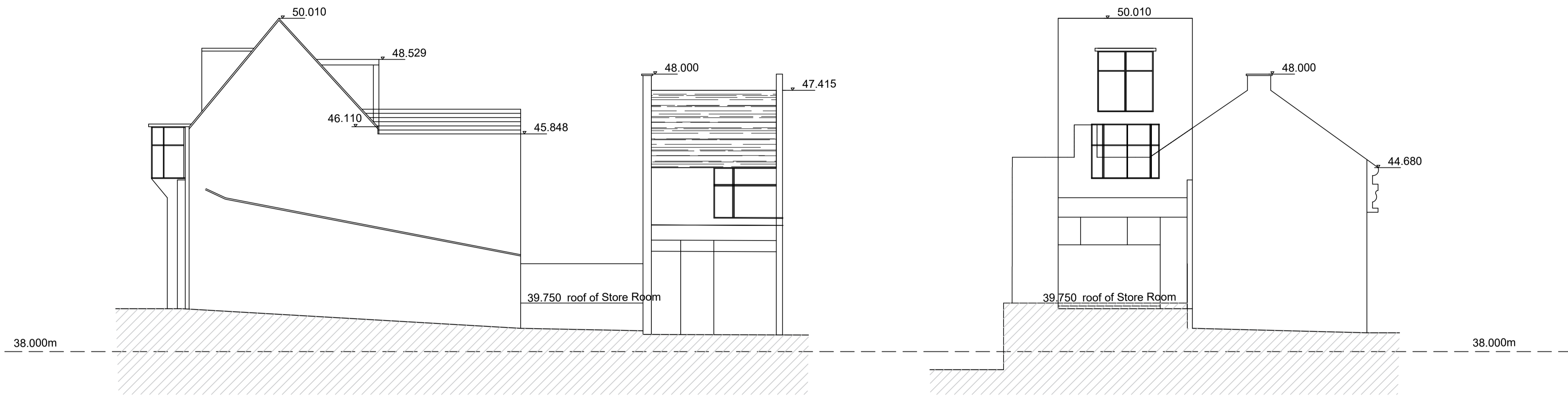
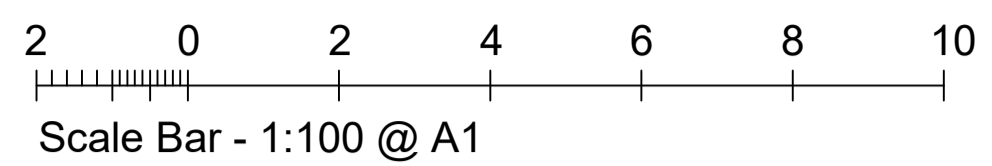
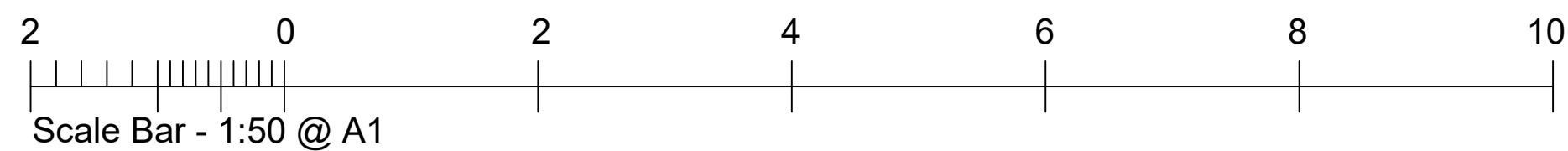
REV. D



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Email: info@breleydesign.com

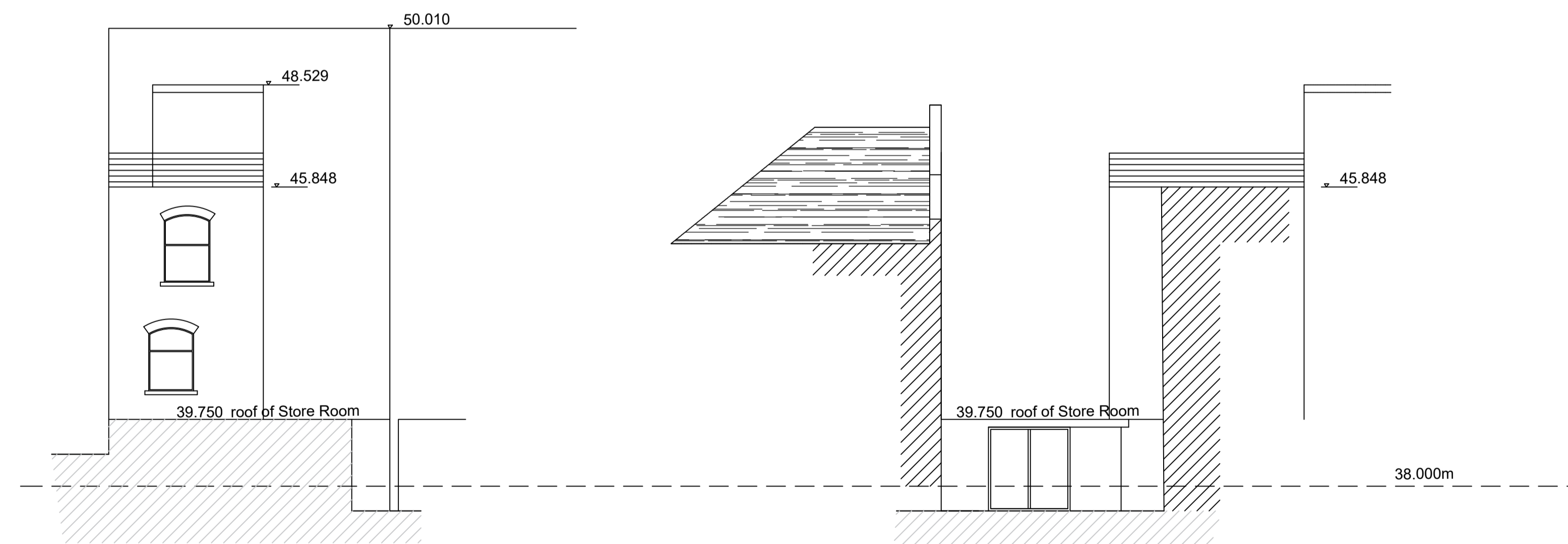
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Existing West Elevation
Elevation - 1:100

Existing North Elevation
Elevation - 1:100



Existing South Elevation
Elevation - 1:100

Existing East Elevation
Elevation - 1:100

205

PROJECT:
152 Broadway
Leigh-on-Sea, Essex SS9 1AA

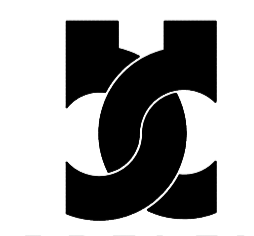
TITLE:
Existing Elevations

SCALE: 1:50/100 @ A1

DATE: July 22

Drawing No. 1447-02

REV. F

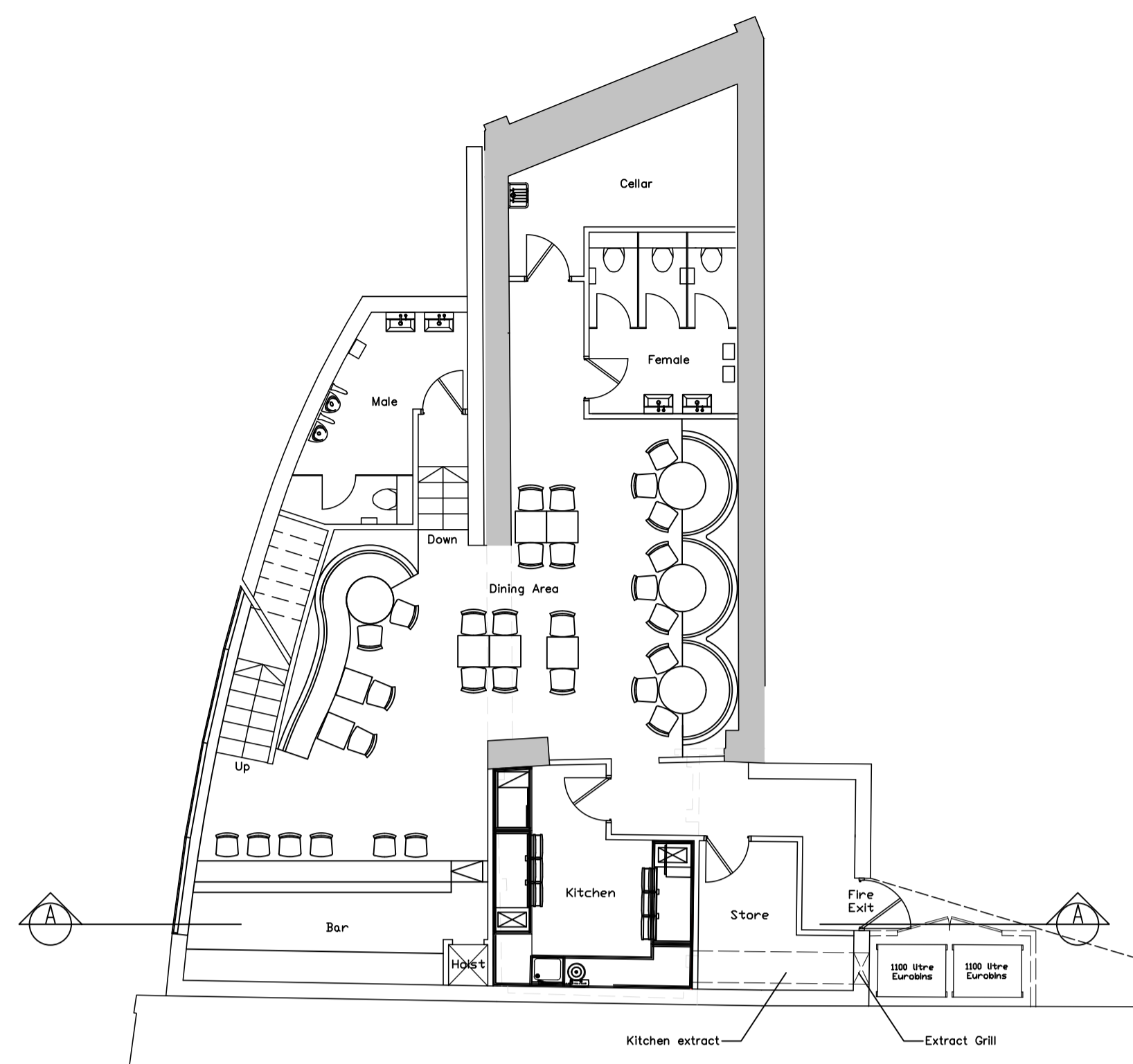


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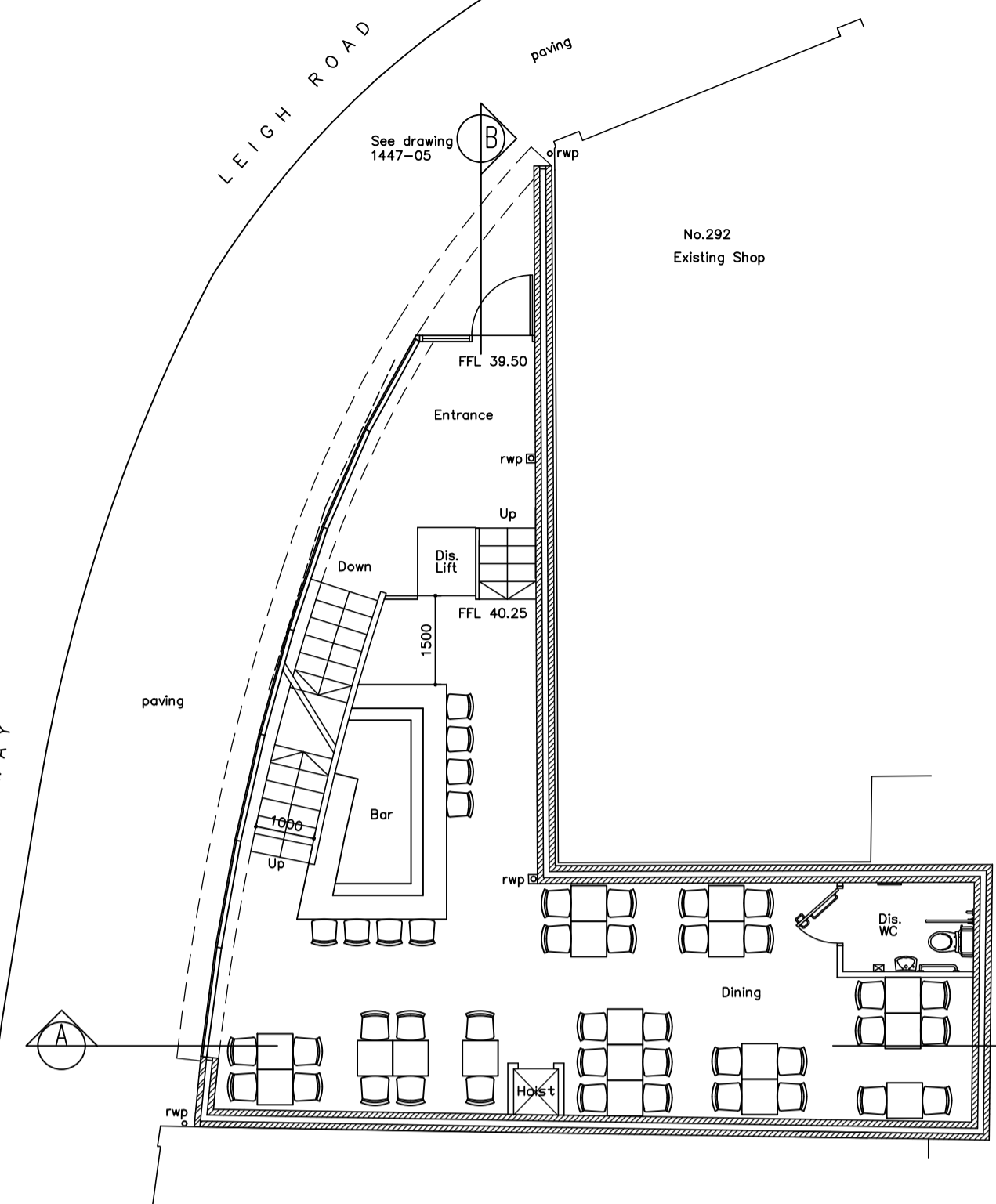
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Aviation Way, Southend on Sea
Essex SS2 6UN, England
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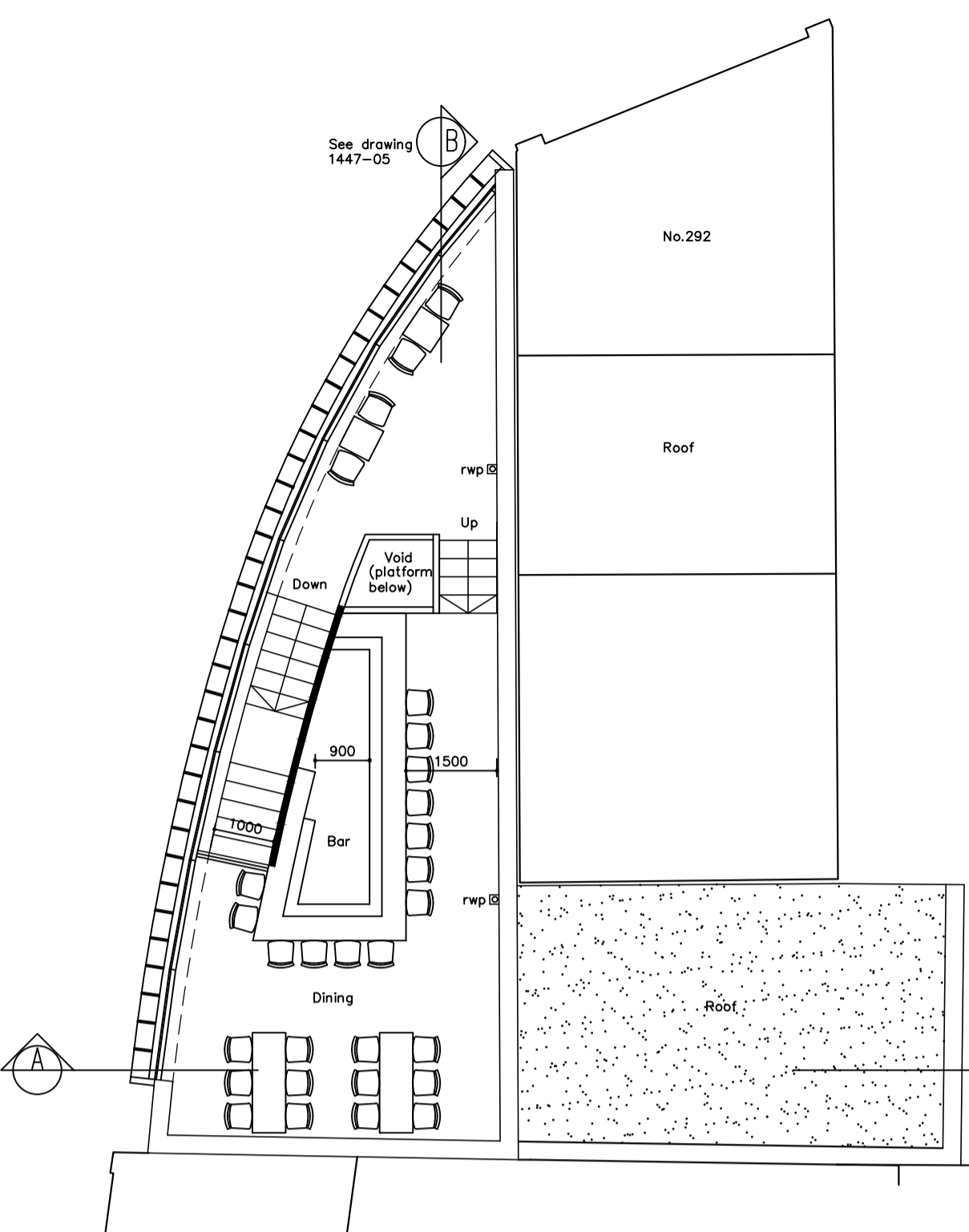
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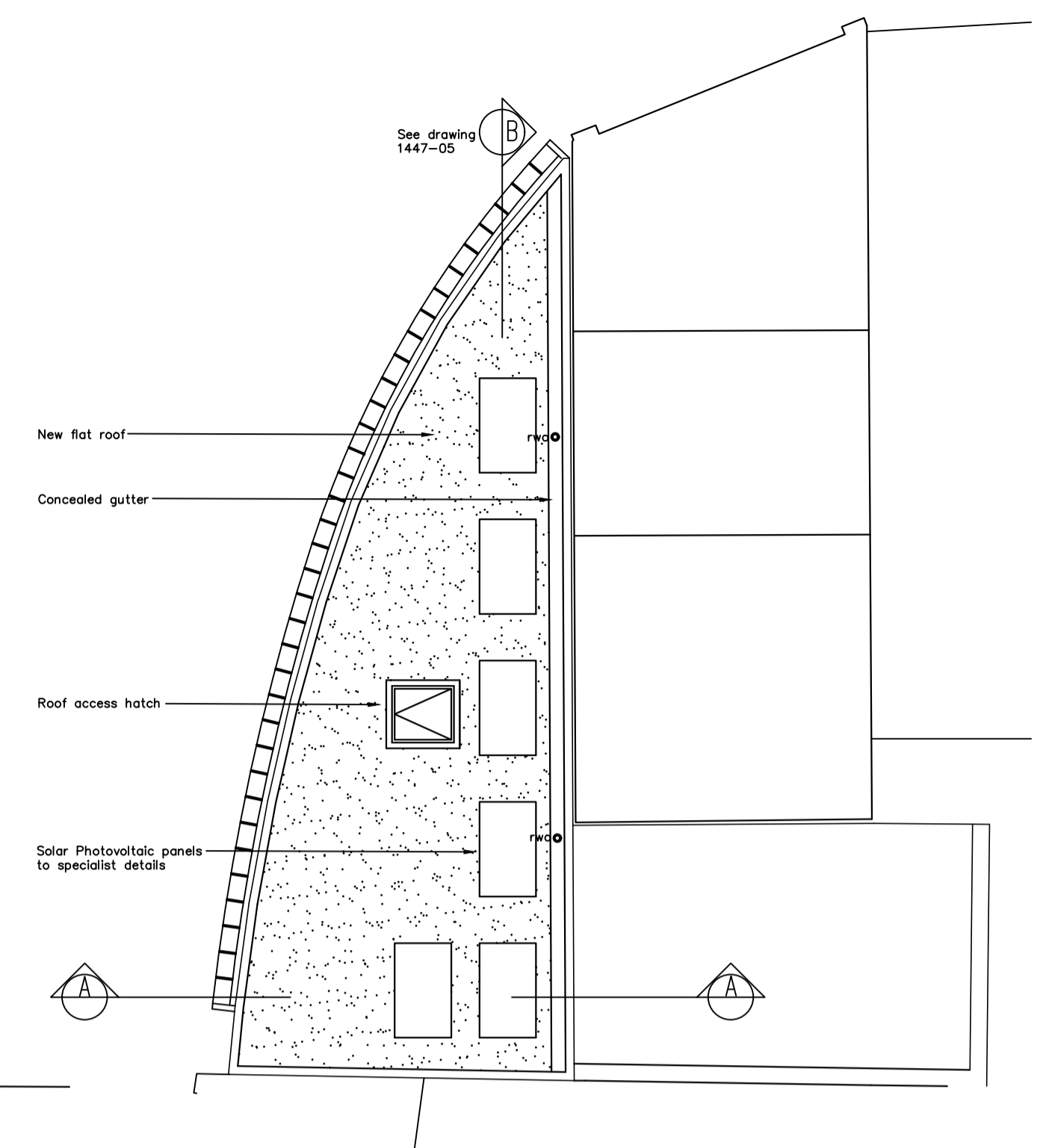
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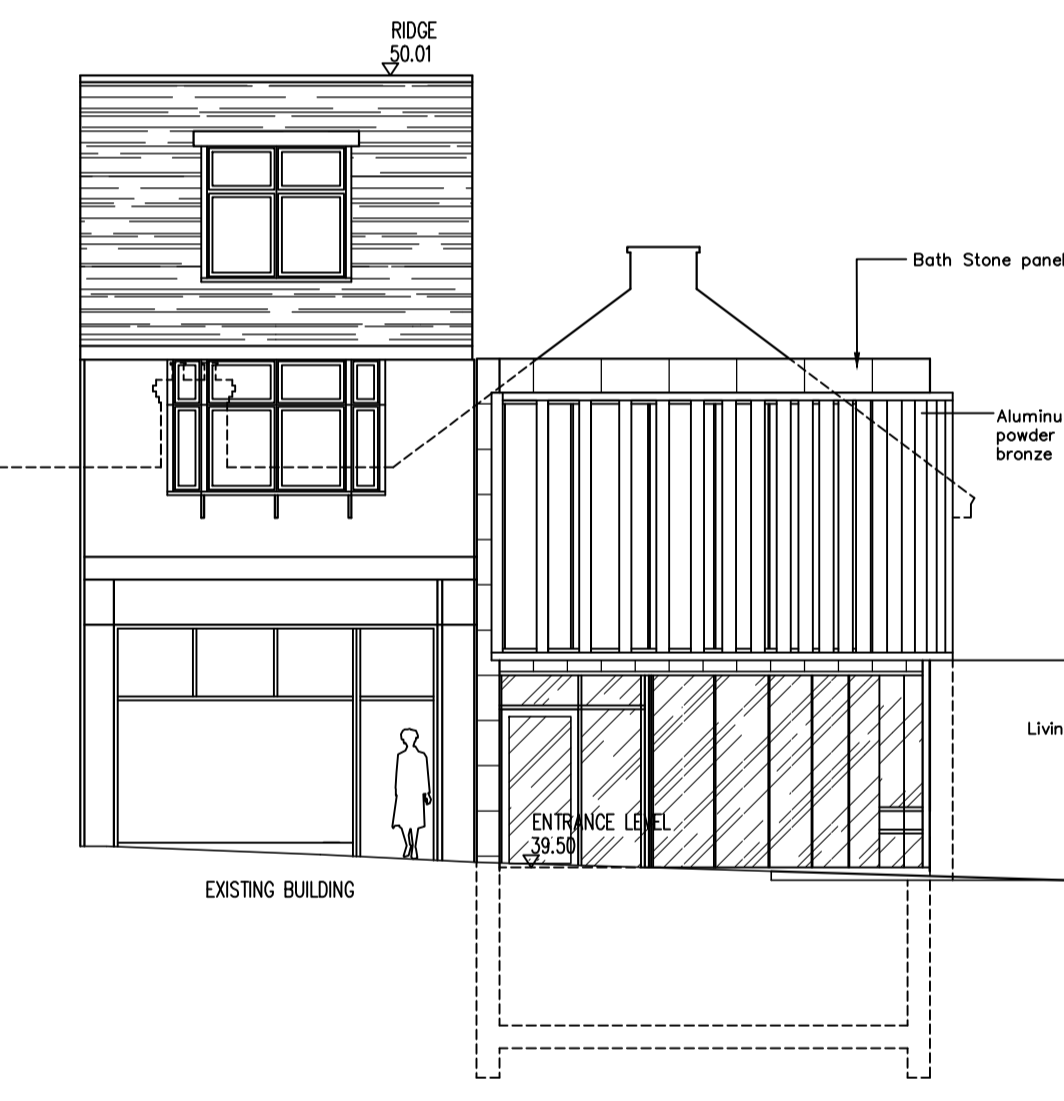
Upper Ground Floor Plan
Scale 1:100 @ A1



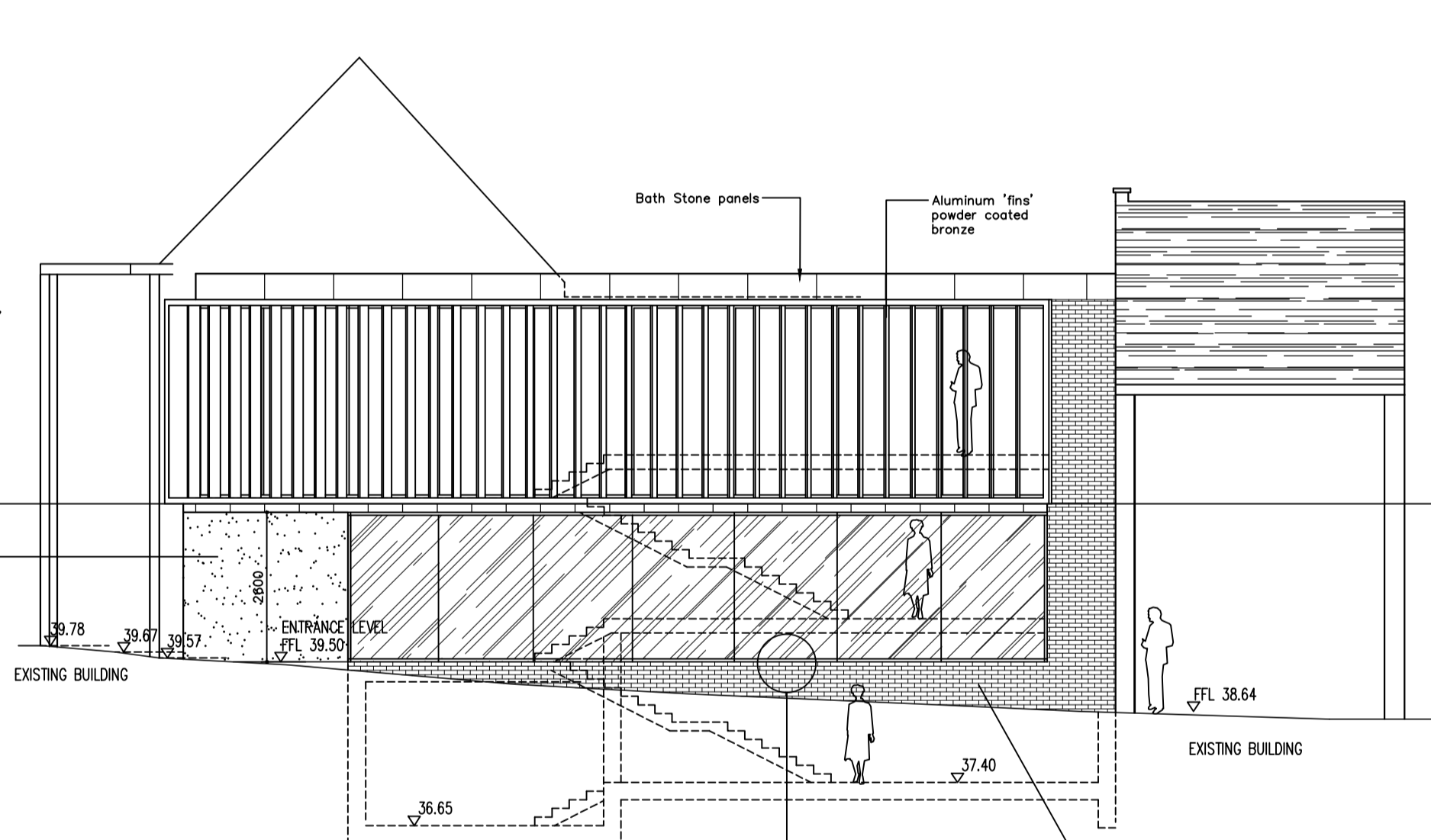
First Floor Plan
Scale 1:100 @ A1



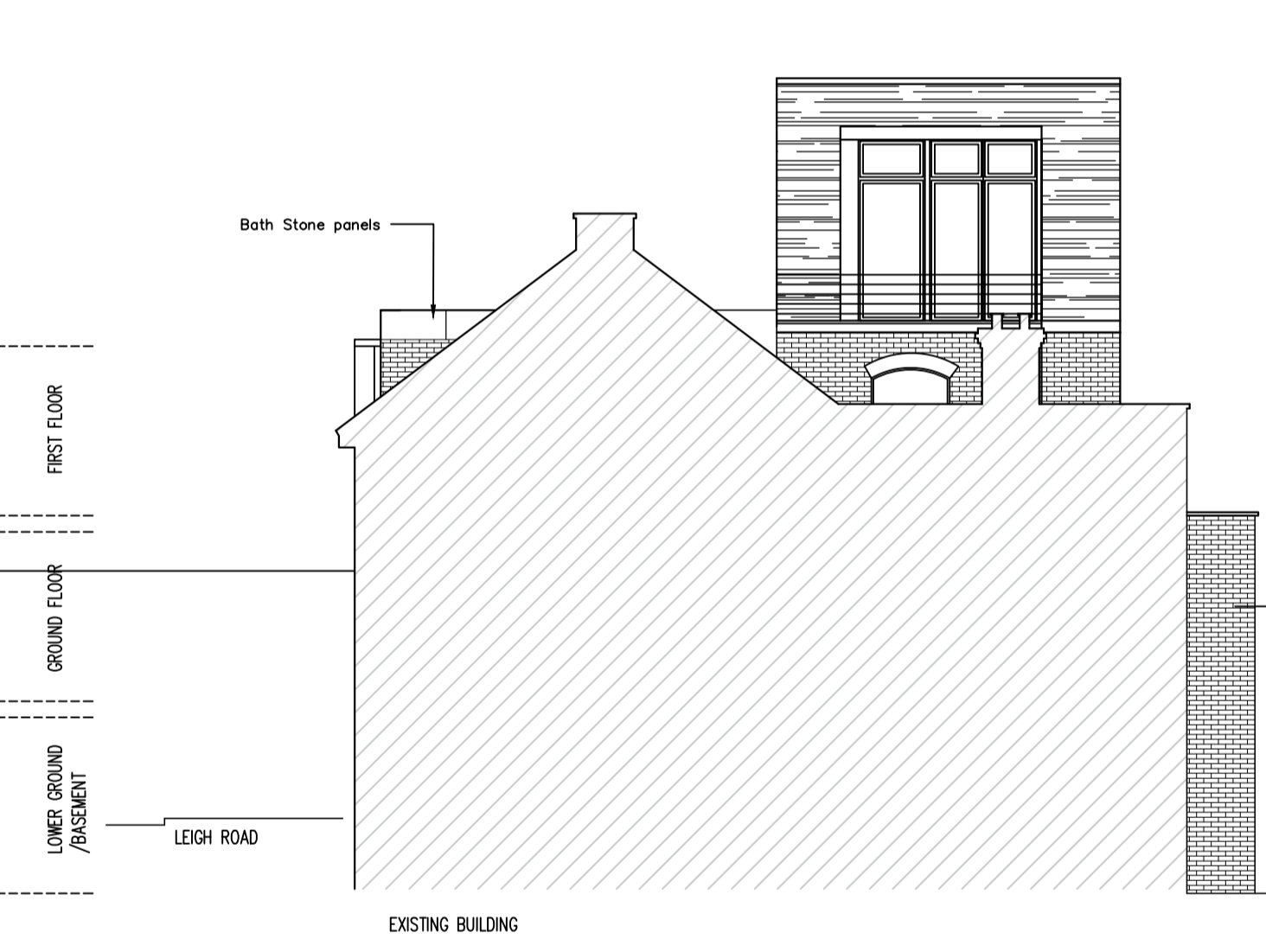
Roof Plan
Scale 1:100 @ A1



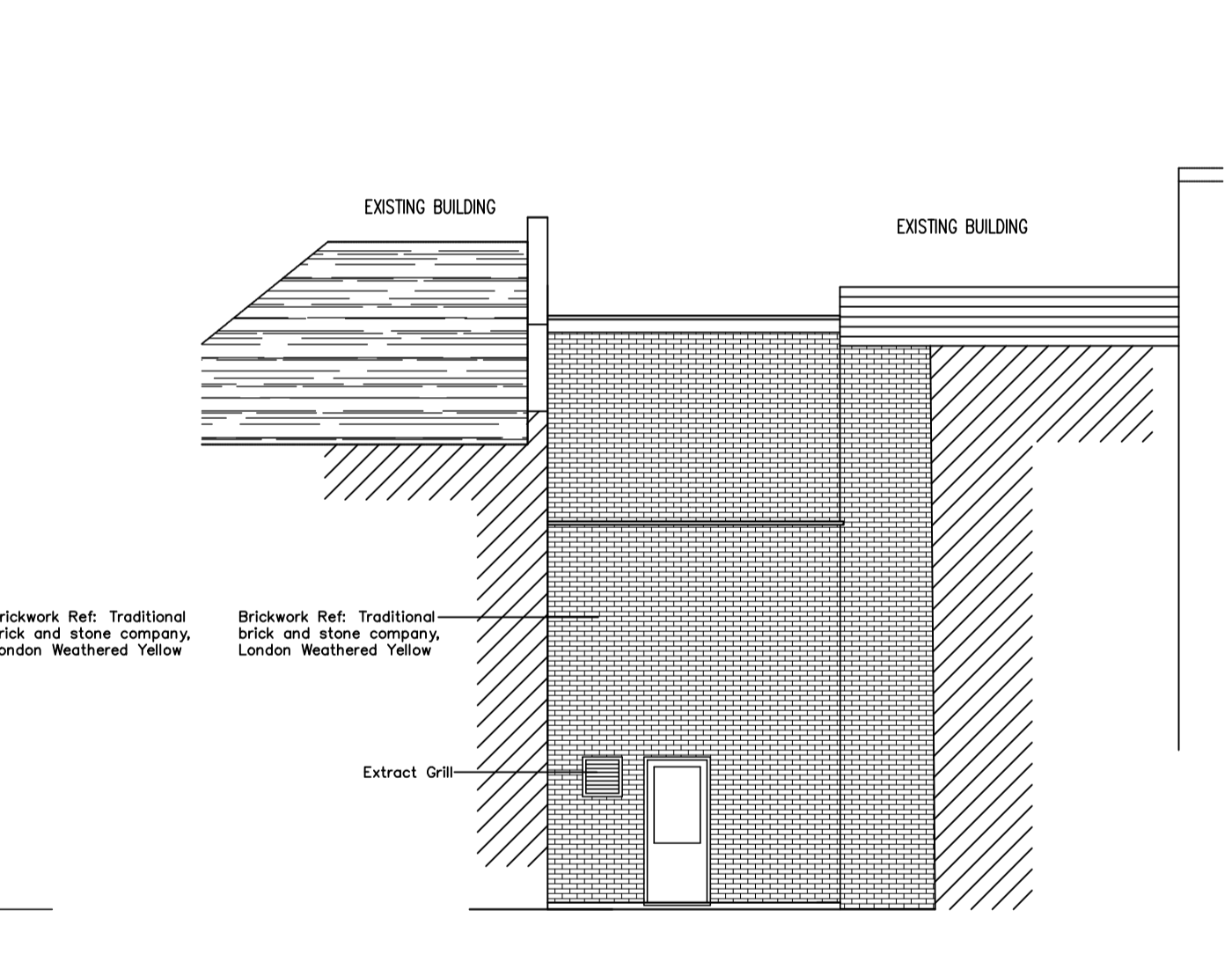
Proposed North Elevation
Scale 1:100 @ A1



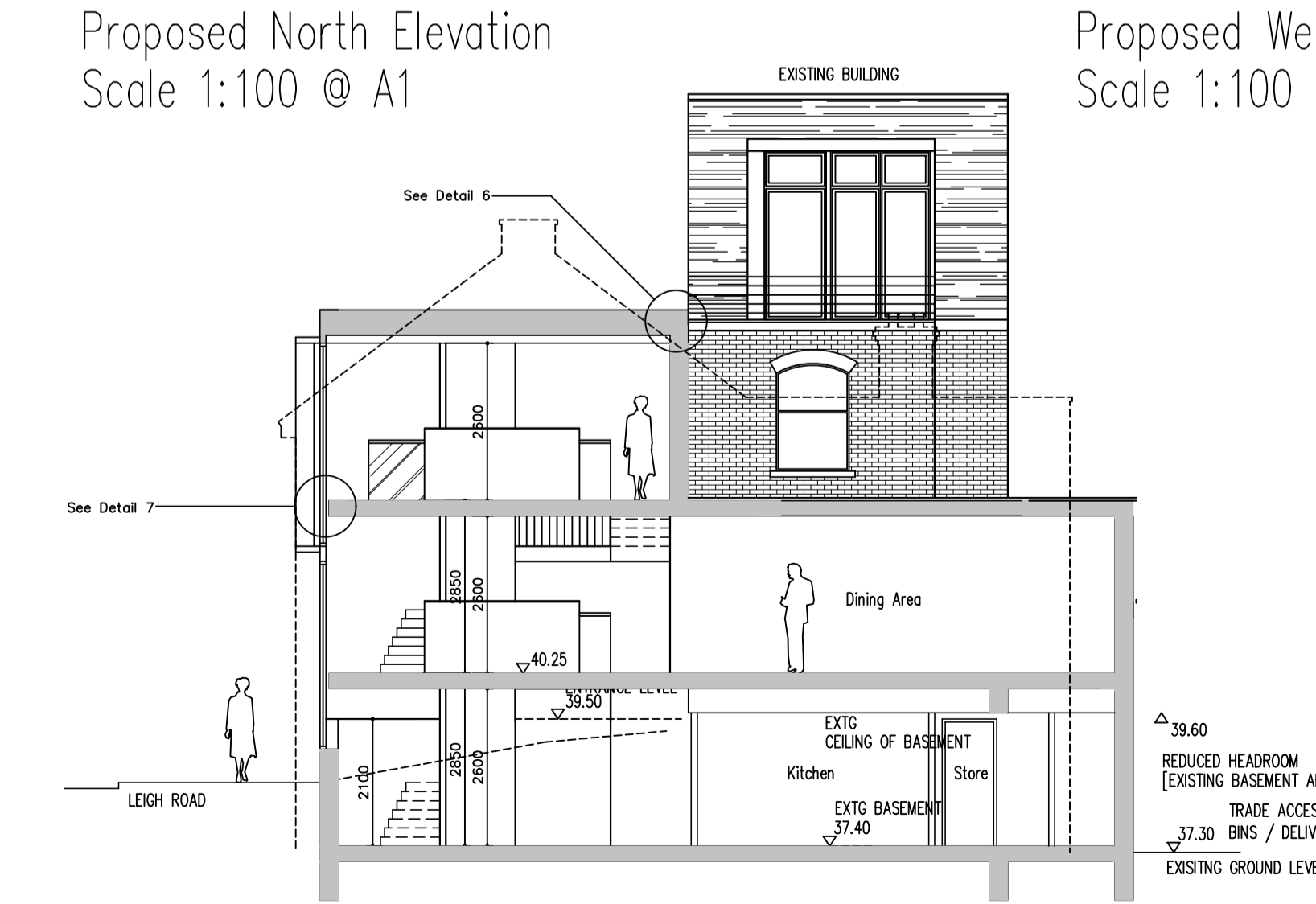
Proposed West Elevation
Scale 1:100 @ A1



Proposed South Elevation
Scale 1:100 @ A1



Proposed East Elevation
Elevation - 1:100



Proposed Section A-A
Scale 1:100 @ A1

| | | |
|---|------------------|---|
| PROJECT: 152 Broadway Leigh-on-Sea, Essex SS9 1AA | | Breley Design Ltd, Harrier House Aviation Way, Southend on Sea Essex SS2 6UN, England Telephone: +44 (0)1702 541300 Facsimile: +44 (0)1702 543123 Email: info@breleydesign.com |
| TITLE: Proposed Floor Layouts and Elevations | | |
| SCALE: 1:50/100 @ A1 | DATE: July 22 | |
| Drawing No. 1447-03 | REV. G | |

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209



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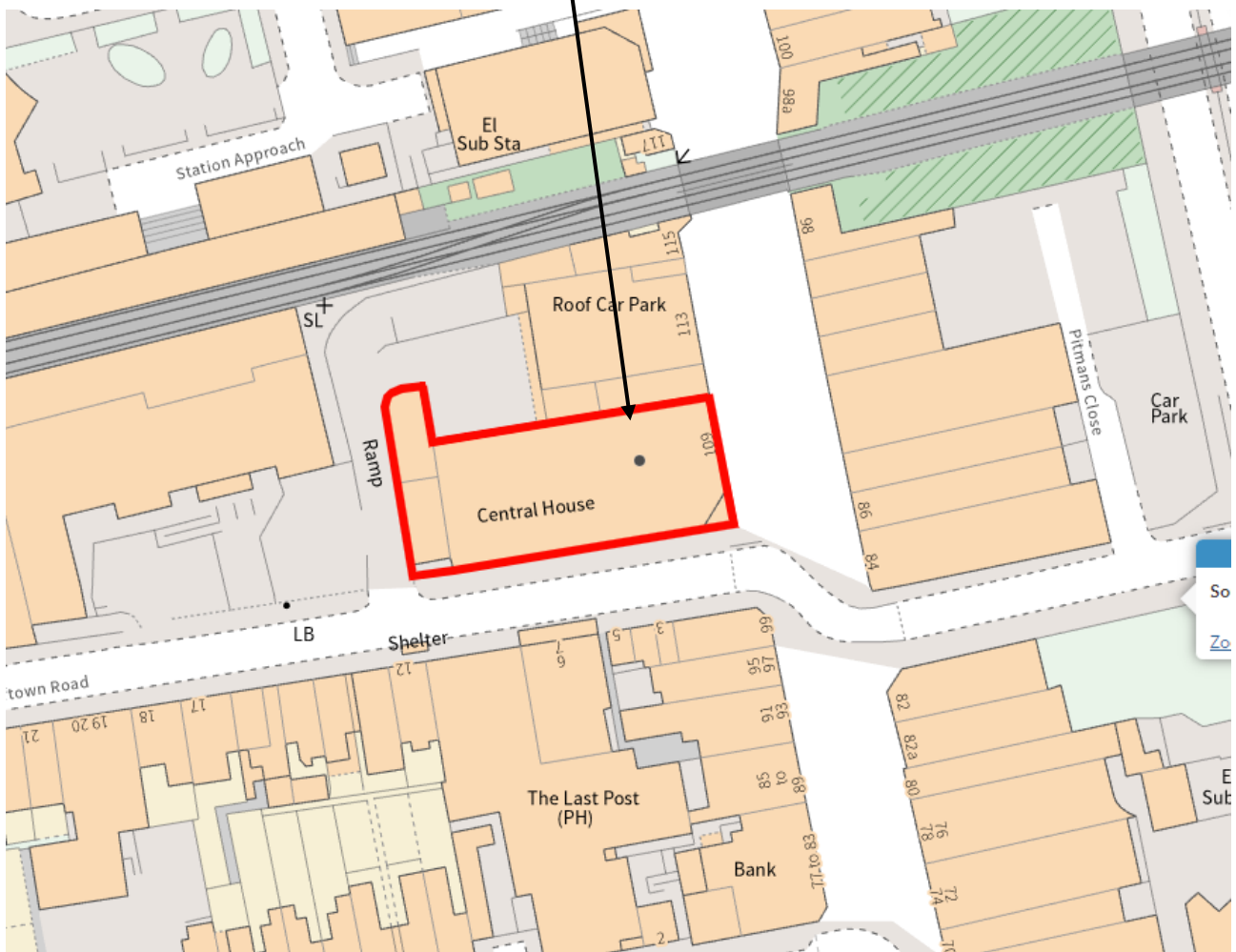


211

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|------------------------------------|--|-------------|
| Reference: | 21/00218/UNAU_B | <h1>11</h1> |
| Report Type: | Enforcement | |
| Ward: | Milton | |
| Breach of Planning Control: | Installation of four external air conditioning units to roof with associated works | |
| Address: | 107-109 High Street, Southend-on-Sea, Essex, SS1 1LQ | |
| Case Opened Date: | 14 July 2021 | |
| Case Officer: | Edward Robinson/James Benn | |
| Recommendation: | AUTHORISE ENFORCEMENT ACTION | |

107-109 High Street, Southend-on-Sea,
Essex, SS1 1LQ



1 Site and Surroundings

- 1.1 The site is on a corner plot on the western side of Southend High Street and on the northern side of Cliff town Road. The site is occupied by Central House a typical 1960s style former office block. It has 6 storeys in mixed use, comprising the ground floor job centre and retail units, service areas at first floor and open-air parking at second floor. There is a fenced compound of external plant units at second floor, which have been present since at least 2016.
- 1.2 There are 9no. flats on floor 3 of Central House, further to prior approval (ref. 16/01531/PA3COU). The remaining floors 4-6 are established in office use but have an extant prior approval to convert them to 27 self-contained flats (ref. 21/01299/PA3COU). The roof top is host to principally telecoms apparatus; a recent application indicated there is also a single air conditioning cassette unit.
- 1.3 The site is within the High Street and Clifftown policy areas of the Southend Central Area Action Plan (SCAAP) and the majority of the site (apart from a small area of the north of the site) is within the Town Centre Primary Shopping Area. The Locally Listed Southend Central Railway Station is some 10m to the west of the site.

2 Lawful Planning Use

- 2.1 The lawful planning use of the site is a mixture of Class E (Commercial, Business and Service) and Class C3 (Dwellinghouses) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

3 Relevant Planning History

- 3.1 22/01863/FUL: Install four external air conditioning units to roof with associated works - Application Refused.
- 3.2 16/01531/PA3COU: Change of use of third floor office (Class B1a) to 9 no. self-contained flats (Class C3) (Prior Approval) – Prior Approval granted. It is understood that this prior approval was implemented.
- 3.3 14/01209/PA3COU: Change of use of floors 3-6 from office (Class B1a) to dwelling (Class C3) – Prior approval granted. It is understood that this prior approval was not implemented.

Central House:

- 3.4 21/01299/PA3COU – Change of use and convert floors 4-6 from Office Space (Class B1a) to form 27 self-contained flats (Prior Approval) – Prior Approval granted. It is understood that this prior approval has not been implemented.

4 Planning Policy Summary

- 4.1 The National Planning Policy Framework (NPPF) (2021)
- 4.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 4.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (Environment and Urban Renaissance)
- 4.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3

(Efficient and Effective Use of Land) and DM5 (Southend-on-Sea's Historic Environment).

4.5 Southend Central Area Action Plan (SCAAP) (2018): Policies DS1 (A Prosperous Retail Centre), DS2 (Key Views), DS3 (Landmarks and Landmark Buildings), PA1 (High Street Policy Area Development Principles), PA6 (Clifftown Policy Area Development Principles)

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

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

5.1 The identified breach of planning control is:

Installation of four external air conditioning units with associated works externally on the second floor (the flat roof of the first floor) without planning permission.

5.2 In July 2021 a complaint was received by the Council alleging air conditioning units had been installed externally on floor 2 of the building (the external flat roof of floor 1), above the Job Centre, and were causing noise disturbance to the residential units in close proximity above on floor 3. The Council's Enforcement Officer investigated the complaint which identified that no planning permission existed for these air conditioning units and that there are no permitted development rights for these works. A site visit was completed by the Council's Enforcement Officer on 27 July 2022.

5.3 A planning application was received (ref. 22/01863/FUL) which proposed to relocate the air conditioning units to the roof of floor 6 of the building and was refused due to unacceptable residential amenity impacts on the future occupiers of the dwellings capable of being implemented on floors 4-6 under that prior approval. A retrospective planning application has not been received to seek to retain the air conditioning units in their existing location on floor 2.

Impact on the Character of the Area

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

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

5.6 Paragraph 203 of the NPPF states "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

5.7 Policy DS3 of the SCAAP seeks to conserve landmark buildings and their settings; this includes Frontages of Townscape Merit which are non-designated heritage assets. Policies DS1 and PA6 support this approach. Policy DM5 seeks to maintain the

significance of designated and non-designated heritage assets.

- 5.8 Paragraph 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest.
- 5.9 Paragraph 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in the exercise of planning functions in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Policy DM5 of the Development Management Document seeks to conserve and enhance all heritage assets including their setting, Policy DM5 states that development proposals that affect a heritage asset will be required to conserve and enhance its historic and architectural character, setting and townscape value.
- 5.10 Due to their siting and surrounding existing buildings and structures, public views of the air conditioning units and associated equipment are limited. They are situated to the north side of the building which fronts the onsite carpark and railway line, and are set in some 9m from the west side of the building and some 35m from its east side. Their character is consistent with the existing installations of equipment of similar appearance on floor 2 of the building. It is not considered that they materially harm the character and appearance of the subject building. The significance of nearby designated and non-designated heritage assets is not affected such that there is a neutral impact.
- 5.11 It is not considered that the design, size, siting and scale of the unauthorised development results in any significant harm to the character and appearance of the site, the streetscene and the area more widely, including the setting of the Locally Listed Southend Central Railway Station.

Amenity Impacts

- 5.12 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.
- 5.13 These air conditioning units on floor 2 of the building are close to the residential flats above on floor 3. A complaint has been received by the Council from a resident concerned at the noise being emitted from the air conditioning units. No planning application has been submitted seeking to retain the air conditioning units in their existing location on floor 2. It has not been reasonably demonstrated that the residential amenity of the occupiers of the flats on floor 3 and the future occupiers of the residential dwellings which could be provided on floors 4-6 are, and would for the lifetime of these air conditioning units be, reasonably protected from noise and vibration impacts from the equipment.
- 5.14 It has not been demonstrated that the residential amenity of existing and future neighbouring occupiers would be reasonably protected. This is unacceptable and contrary to the relevant local and national policies.

Enforcement Action

- 5.15 Given the harm identified above, it is reasonable, expedient and in the public interest to pursue enforcement action in the circumstances of this case. Enforcement action in this case will reasonably aim to secure the removal of the unauthorised air conditioning units in their entirety and remove from the site all materials resulting from compliance with the removal of the development. No lesser steps that could remedy the identified breach or associated harm have been identified.
- 5.16 Staff consider that taking enforcement action is proportionate and justified in the circumstances of the case and that an enforcement notice should be served as this will bring further focus to the need for the breach to cease and the identified harm to be remedied. Service of an enforcement notice carries its own right of appeal and does not fetter the owner in seeking to gain planning permission for a different proposal which remedies the identified harm, albeit the owner's attempts to do so through planning application 22/01863/FUL were unsuccessful.
- 5.17 Taking enforcement action in this case may amount to an interference with the owner/occupiers' human rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control land within its area in the public interest.

6 Equality and Diversity Issues

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

7 Recommendation

- 7.1 **Members are recommended to AUTHORISE ENFORCEMENT ACTION to:**
- a) Remove from the site the four air conditioning units and associated equipment in their entirety from floor 2 of the building (the external flat roof of floor 1), and
 - b) Remove from site all materials resulting from compliance with a)
- 7.2 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.
- 7.3 When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is considered reasonable for the removal of the air conditioning units.

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- Stables & Pubs
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- South Essex College
- Victoria Shopping Centre
- The Forum & FPO
- Victoria Station
- Southend Courthouse

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