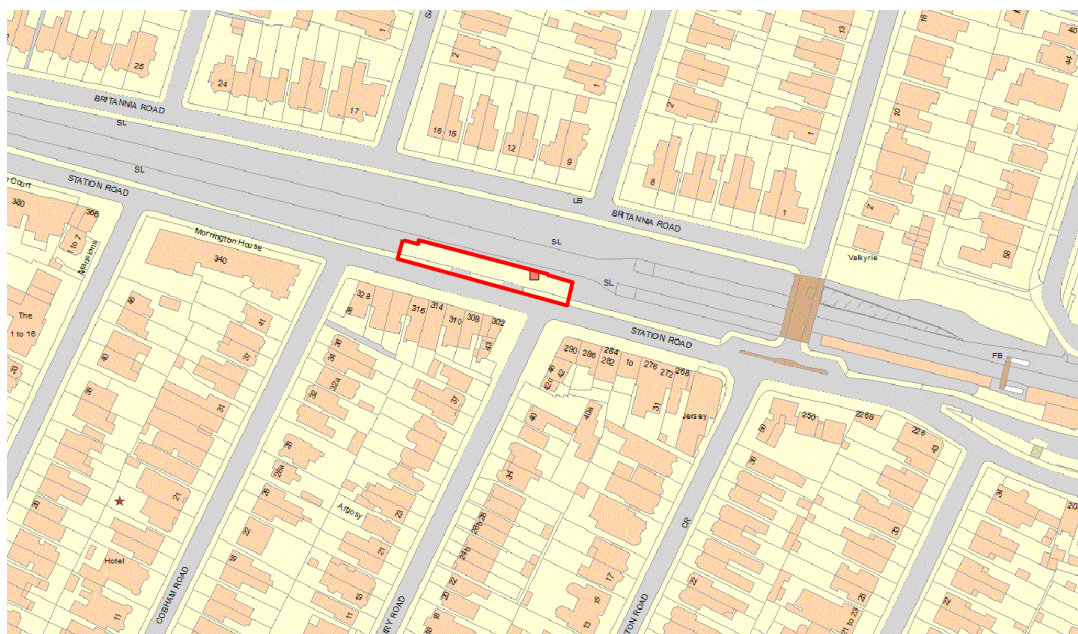


Reference:	21/01315/FUL	
Application Type:	Full Application	
Ward:	Chalkwell	
Proposal:	Erect 6no. new dwellings with integral garages, roof terraces, balconies and associated amenity space, layout landscaping and form new vehicular accesses onto Station Road	
Address:	315 Station Road, Westcliff-On-Sea, Essex	
Applicant:	Mr Ari Feferkom	
Agent:	Mr Pantazis of Redwoods Projects Ltd	
Consultation Expiry:	7 th September 2021	
Expiry Date:	4 th November 2021	
Case Officer:	Janine Rowley	
Plan Nos:	E 00, P01, P02, P03, P04, P05, P06, P07, P08, P09, P10, P11, P12, P13, P14, P15, P16, P17, P18, P19, P20, P21, P22, P23, P24, P25, P26, P27, P28, P29 Revision A, P30, P31, P32 Revision A, P33, P34, P35, P36, P37, P38, P39, P40, P41, Topographical Survey	
Supporting Documents:	Design Access and Planning Statement; Construction Method Statement; Email dated 18.10.2021 with obscurity details for proposed screens	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

1.1 The application site is a narrow strip of land on the north side of Station Road. Originally a petrol station and formerly a garage, until recently, it was used for a hand car washing business. The site was previously occupied by a single storey building which was demolished under the provisions of planning permission 16/01134/OUT. The site backs onto the railway line running along the north side of Station Road. The south side of the road facing the site is characterised by three storey mansion blocks of traditional design incorporating shops at ground floor level. A four-storey building is located at the corner of Station Road with Pembury Road. Pembury Road allows views towards the Thames Estuary. Station Road is a classified road. Other than the Leas Conservation Area the nearest boundary of which lies some 50m to the south of the site on Pembury Road, there are no specific policy or other designations affecting the site or the surrounding area.

2 The Proposal

2.1 Planning permission is sought for the erection of six (6no.) dwellinghouses, grouped in two terraces. The western terrace would accommodate three (3no.) x three-storey dwellings and the eastern terrace would accommodate two (2no.) x three-storey and one (1no.) x two-storey dwellings. The existing building on site would be demolished as part of the proposal. The proposed dwellings would each measure some 11.6m in width by 5.8m in depth and would be located abutting the boundary of the site with the public footpath. The dwellings would have roof gardens on top which would be surrounded by a glazed balustrade 1m fronting Station Road increasing to 2m in height adjacent to the stairwell and to the rear of the site adjacent to the railway. On the rooftop there would be structures some 2.6m wide, 3.3m deep and 2.1m to 2.6m high to accommodate the access from the lower floors resulting in an overall maximum height of approximately 10.3m for the three-storey properties and 7.6m for the two-storey property. The eaves height would be 8.2m and 5.5m for the three-storey and two-storey parts of the development, respectively. The proposed dwellings would be finished with brick over decorative timber and metal cladding, timber doors and polyester powder coated aluminium windows with glazed balustrades.

2.2 One of the proposed dwellings would accommodate three bedrooms with five bed spaces and the rest would accommodate four bedrooms with six bed spaces. Each dwelling would have a single, integral garage at ground floor, where it is also proposed to accommodate cycle parking and bin storage. All dwellings would be provided with at least 44m² of private amenity space in the form of a roof terrace. The five larger dwellings would also benefit from a second floor balcony.

2.3 This proposal is an amended scheme following the approval of planning application 20/02207/FUL. The main changes are set out below:

- The eastern terrace will now include two (2no.) instead of one (1no.) three-storey dwellings and one (1no.) instead of two (2no.) two-storey dwelling;
- The rooftop structure would now measure 2.6m wide by 3.3m deep rather than 1.2m wide by 4.2m deep;
- The applicant states following discussions with Network Rail, following the approval of application 20/02207/FUL, the overall building-line is to be pushed back by 0.5m from the rear boundary with the rail tracks and the balustrades to the rear elevation have increased to 2m.

- The depth of the properties under planning application 20/02207/FUL were 6.6m the dwellings under this amended proposal would be 5.8m;
- Minor alteration to the fenestration to both sets of terraces;
- The internal floorspace of each dwelling has been reduced due to the building set back from the rear boundary as set out in the table below:

	'House A'	'House B'	'House C'	'House D'	'House E'	'House F'
21/01315/FUL	90.7sqm	148.04sqm	148.04sqm	148.04sqm	148.04sqm	134.08sqm
20/02207/FUL	104.98sqm	104.98sqm	171.62sqm	171.62sqm	171.sqm	156.20sqm

- The proposed dwelling mix will now include one (1no.) three-bedroom (four persons) unit and five (5no.) four-bedroom (six persons) units.
- The applicant has submitted details including a construction method statement, proposed materials (including balustrades), details of proposed green roof, details of soft landscaping, details of hard landscaping, and details of internal storage space.

2.4 The Design and Access Statement accompanying this planning application states the increased height of dwelling 'B' in the eastern terrace compared to that of the appeal scheme (16/01134/OUT) which could be implemented would not impact on the views enjoyed from the adjacent street and properties. This statement has been corroborated with the topographical survey.

3 Relevant Planning History

3.1 The relevant planning history of the site is shown on Table 1:

Table 1: Relevant Planning History of Application Site

Reference	Description	Outcome
14/01211/OUT	Demolish existing single storey office building, erect eight three storey dwelling houses with roof terraces to front, associated landscaping and form vehicular accesses on to Station Road	Refused [16.04.2015] Appeal Dismissed [18.09.2015]
15/00219/OUT	Demolish existing single storey office building, erect six three storey dwelling houses, associated landscaping and form vehicular accesses on to Station Road (Outline - Amended Proposal)	Refused [16.04.2015] Appeal Dismissed [15.03.2016]
15/00669/OUT	Demolish existing single storey office building, erect four three storey dwelling houses, associated landscaping and form vehicular accesses on to Station Road (Outline - Amended Proposal)	Permission Granted [15.06.2015]
16/01134/OUT (the "2016 Permission")	Demolish existing single storey office building, erect six two storey dwellinghouses, associated landscaping and form vehicular accesses on to Station Road (Outline)(Amended Proposal)	Refused [07.09.2016] Appeal Allowed [18.07.2017]
16/02006/OUT	Demolish existing single storey office building, erect five two storey	Refused [30.12.2016]

	dwellinghouses, associated landscaping and form vehicular accesses on to Station Road (Outline) (Amended Proposal)	Appeal Dismissed [18.07.2017]
20/00993/RES	Approval of Reserved Matters (details of Landscaping) pursuant to outline Planning Permission ref: 16/01134/OUT - Demolish existing single storey office building, erect six two storey dwellinghouses, associated landscaping and form vehicular accesses on to Station Road (Outline)(Amended Proposal) allowed on Appeal 18 July 2017	Reserved Matters Approved [27.08.2020]
20/01185/AD	Application for approval of details pursuant to conditions 14 (Construction Method Statement) of planning permission 16/01134/OUT allowed on Appeal dated 18.07.2017	Details Approved [25.09.2020]
20/01355/AD	Application for approval of details pursuant to condition 5 (details of materials) of planning permission 16/01134/OUT allowed on Appeal dated 18.07.2017	Details Approved [03.11.2020]
20/01197/FUL	Demolish existing buildings, erect two buildings to form 6 self-contained three storey dwellings, with associated amenity space, landscaping and form vehicular accesses onto Station Road	Refused [22.09.2020]
20/01608/FUL	Demolish existing buildings, erect no.6 three storey dwellinghouses with associated amenity space, landscaping and form vehicular accesses onto Station Road (Amended Proposal)	Refused [26.11.2020]
20/02207/FUL (the "2020 Permission")	Demolish existing buildings at former hand car wash site and erect no. 4 three storey dwellings and no.2 two storey dwelling with integral garages and associated amenity space , layout landscaping and form vehicular accesses onto Station Road (Amended Proposal)	Approved [03.03.2021]
21/00743/AD	Application for approval of details pursuant to condition 11 (construction method statement) of planning permission 20/02207/FUL dated 03.03.2021	Details Approved [07.06.2021]

3.2 Both the 2016 Permission granted on appeal and the 2020 Permission are extant and either one of them can be implemented. This is a material planning consideration of significant weight in the determination of this application. The officer's report to the Development Control Committee for the 2020 Permission is appended to this report as Appendix A.

4 Representation Summary

Call in

4.1 Councillor Folkard has called in this application for consideration by the Development Control Committee.

Public Consultation

4.2 Seventy neighbouring properties were consulted and a site notice was displayed. Three interested parties object to the proposal and a pro forma letter with 10 signatories was also received. The objecting comments are summarised as follows:

Impact on character and appearance of the area

- The height of the development is unacceptable

Living conditions of future occupiers

- Concerns about living conditions of future occupiers.

Impact on residential amenity

- Negative impact on residential amenity of neighbouring residents.

Impact on highway safety

- Negative impact on highway safety.
- Parking concerns.
- More people on site would require additional parking.
- Any visitors to the properties would lead to congestion in the road

Other matters

- Pressure on waste collection services.
- Loss of property value.
- The applicant tries to circumvent the system by increasing the occupancy on site when compared to the approved scheme.
- The development will obscure the sea view of properties 10A, 9D and 9A Britannia Road;
- Residents at number 10 Britannia Road have now had a roof terrace plan drawn up but the proposal would obscure that view;
- The area already struggles with anti-social behaviour and this development would add to the behaviour issues in the surrounding area;
- Not enough space to build a development so close to the railway

4.3 The comments have been taken into consideration and those relevant to planning matters are discussed in the relevant sections of the report. The objecting points raised by the representations are not found to include justifiable reasons for recommending refusal of the planning application in the circumstances of this case.

Environmental Health

4.4 No objections subject to conditions regarding noise and vibration mitigation measures.

Highways

4.5 No objections.

Parks

4.6 No objections subject to conditions.

Fire Safety Officer

4.7 No objections.

Network Rail

4.8 No objections subject to informatives.

5 Planning Policy Summary

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

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

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

5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend on Sea Historic Environment), DM6 (The Seafront), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM15 (Sustainable Transport Management).

5.5 Design & Townscape Guide (2009)

5.6 National Housing Standards (2015)

5.7 Technical Housing Standards Policy Transition Statement (2015)

5.8 Vehicle Crossing Policy & Application Guidance (2021)

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

5.10 Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)

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

6 Planning Considerations

6.1 The main considerations in relation to this application are the principle of the development, the design and impact on the character of the streetscene and wider area, including on public views towards the seafront and the impact on the significance of the Leas Conservation Area, the standard of accommodation for future occupiers, the impact on residential amenity of neighbouring occupiers, any traffic and transportation issues, refuse and recycling storage, energy and water sustainability, water drainage, ecology and compliance with the Essex Coast RAMS SPD and whether the development would be liable for CIL. The planning history is a material consideration in the determination of this application, as set out in previous sections of this report.

7 Appraisal

Principle of Development

- 7.1 The principle of residential development on this site has been considered acceptable following the grant of previous planning permissions, including the most recent permission granted under planning reference 20/02207/FUL for six dwelling houses. Therefore, no objections are raised in principle to the development. Other material planning considerations are discussed in the following sections of the report.

Design and Impact on the Character of the Area

- 7.2 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that: “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”
- 7.3 Policy DM6 of the development management document also states that any development near the Seafront Area must not detrimentally impact upon the Thames Estuary’s openness or views across and backdrops to the River Thames and Southend’s beaches
- 7.4 The site is located a short distance away from The Leas Conservation Area. Section 72 (1) of the Planning (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. This is reinforced by Development Management Policy DM5.
- 7.5 The layout of the development remains very similar to that previously approved. Moving the proposal away from the rear boundary of the site would not resulted in a significant change to the impact of the proposal on the urban grain which remains acceptable.
- 7.6 The current proposal has increased the scale of dwelling ‘B’, which sits to the middle of the eastern terrace, by an additional storey. This would match the previously approved three-storey dwelling ‘C’. The proposal would retain a two-storey dwelling ‘A’ at the easternmost end of the site. Whilst the height of this particular dwelling has increased, it would be no higher than the other three-storey dwellings previously approved. It has been confirmed with the submission of the topographical survey that vistas of the Thames Estuary and the Leas Conservation Area from Britannia Road would be retained. Any impact on these would be similar to that of the committed scheme under the 2016 Permission. It is noted that the rooftop structures would be wider than previously approved in order to accommodate revised, “U”-shaped staircases. Due to the reduction of the depth of the buildings, straight staircases could no longer be accommodated on site. Despite this, the proposal would allow more public views towards the Thames Estuary and the Leas Conservation Area from Meteor Road when compared to the committed scheme due to the two-storey nature of the easternmost dwelling.
- 7.7 The proposal would respect the scale of neighbouring buildings to the south side of Station Road. The proposed dwellings would abut the boundary of the site with the public highway. The three-storey dwellings would have a maximum height some 2m above the extant permission on site. The scale of the proposal is considered acceptable.
- 7.8 In terms of form and appearance, the current scheme would introduce a step between three and a two-storey property which is considered acceptable. Generally, the simple

rectangular form and modern appearance which were previously found to be acceptable under application 20/02207/FUL are similarly reflected by this scheme.

- 7.9 The applicant has submitted full details of the proposed landscaping including trees and grass verges to the front of the development along Station Road, smooth charcoal hard landscaping to the pavement and driveways to the front of the properties together with lawned areas to the rear garden and a green roof to the roof garden with decking, which will enhance the character and appearance of the development and streetscene. The choice of the materials is not intended to directly reference the palette of traditional materials present in the area. However, given the isolated location of the site within the northern side in this part of Station Road, as well as the contemporary form proposed, a variation of materials would not materially harm the character and appearance of the area as previously considered when other applications were determined.
- 7.10 Overall, the current proposal would, on balance, have an acceptable impact on the character and appearance of the area, it would not significantly harm public views towards the Thames Estuary and would preserve the significance of the Leas Conservation Area. The proposal is, subject to conditions, is therefore acceptable and in line with policy in these regards.

Standard of Accommodation and Living Conditions for Future Occupiers

- 7.11 Delivering high quality homes is a key objective of the NPPF. Policy DM3 of the Development Management Document states that proposals should be resisted where they create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents.
- 7.12 The proposed internal floorspace to all of the dwellings has been altered following the set back from the railway and are set out below:
- Unit 'A' two storeys 90.7sqm 3 bed 4 persons
 - Unit 'B' three storeys 148.04sqm 4 bed 6 persons
 - Unit 'C' three storeys 148.04sqm 4 bed 6 persons
 - Unit 'D' three storeys 148.04sqm 4 bed 6 persons
 - Unit 'E' three storeys 148.04sqm 4 bed 6 persons
 - Unit 'F' three storeys 134.48sqm 4 bed 6 persons
- 7.13 The bedroom sizes are all acceptable in terms of space standards and all of the dwellings all exceed the Nationally Described Space Standards (NDSS), and the quality of accommodation in terms of outlook, daylight and sunlight, the quantum of amenity space provision and compliance with accessibility requirements in line with building regulation M4 (2) for the dwellings is acceptable.
- 7.14 When planning application 20/02207/FUL was considered there was a concern in relation to the lack of built-in internal storage space provided and a condition was imposed for details to be submitted for consideration. Drawing nos. P35-P40 provide further details on how storage will be accommodated within the dwellings, which is considered sufficient for future occupiers in line with the NDSS.
- 7.15 For all proposed dwellings, the situation in relation to noise and disturbance is comparable to the situation considered when the 2016 Permission was granted by the Inspector. A condition to provide mitigation measures against noise and vibration that

would be caused by the use of the adjoining rail line is recommended. Subject to such a condition, the Council's Environmental Health service raised no objection.

- 7.16 The proposed glass balustrade around the proposed rooftop amenity areas would leave them exposed to views from the buildings on the opposite side of Station Road. Details have been submitted for consideration confirming the balustrade would be constructed from Aerofoil system glass balustrade in a silver anodised colour and the level of obscurity would be from Regency Glass Level 5 called 'Regency Satin'. A condition is recommended to ensure the screens are constructed and permanently retained in accordance with the submitted details.
- 7.17 In the round and bearing in mind the planning history of the site, to which significant weight is attached, it is considered that the proposal, subject to conditions, would not result in substandard accommodation for future occupiers and would not be detrimental to their living conditions. The proposal is, therefore, subject to conditions, acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.18 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities and also: "having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight."
- 7.19 Given that the current proposal is similar in many regards to the previously approved application 20/02207/FUL, albeit the dwelling 'B' has been raised to the same height as the four three storey dwellings to the west, the current proposal remains similarly acceptable. The applicant has submitted a Construction Method Statement in relation to control of construction hours and construction method to minimise pollution, noise and disturbance during construction. The Council's Environmental Health service has raised no objections subject to appropriate conditions. The proposed development is considered acceptable and in line with policy in the above regards.

Traffic and Transportation Issues

- 7.20 Policy DM15 of the Development Management Document states: "Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner". The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards.
- 7.21 The current scheme would not give rise to any different considerations in relation to parking or cycling as approved under application 20/00207/FUL. Conditions are recommended to ensure the car and cycle parking is provided as shown on the plans. The construction method statement confirms that the development could take place without significant harm to the rail traffic on the adjoining rail line and could be controlled by condition. The proposal would be acceptable and policy compliant in these regards.

Refuse and Recycling Storage

- 7.22 According to the policy requirements it is expected that individual dwellings would use the Council's scheme for sack collection from the kerbside. The proposed dwellings would be adjacent to the highway and it would be convenient to collect and leave sacks there. The proposal shows bin storage areas for all dwellings within the ground floor area which is acceptable but not required by policy or guidance. The proposal is acceptable and policy compliant in this regard.

Energy and Water Sustainability

- 7.23 Policy KP2 of the Core Strategy requires that: "at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)". Policy DM2 of the Development Management Document states that: "to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions". The same policy requires all new development to provide "water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliance and water recycling systems such as grey water and rainwater harvesting".
- 7.24 No details have been submitted with the application to demonstrate whether the proposed development would meet the target of renewable energy sources covering at least 10% of the anticipated energy consumption in line with policy requirement or how the water consumption would be limited. It is considered that the requirements for renewable energy and restrictions on water usage can be controlled with conditions which are recommended. This aspect of the proposal is, therefore, considered to be acceptable and policy compliant in these regards.

Flooding and surface water drainage

- 7.25 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. Adequate drainage should be installed to ensure that there is no increased risk of flooding on site or elsewhere, including any undue discharge of surface water on the highway or the railway. A condition is recommended to require details of drainage arrangements incorporating principles of Sustainable Drainage Systems. Subject to such a condition, the development would be acceptable and policy compliant in these regards.

Ecology - Essex Coast RAMS

- 7.26 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast RAMS. It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The Essex Coast RAMS SPD, which was adopted by Full Council on 29 October 2020, requires that a tariff of £127.30 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.

- 7.27 The applicant has paid the relevant tariff. The development offers suitable mitigation of the in-combination effect of the net increase of six dwellings on habitats and species. The development is acceptable and in line with policies in this regard.

Community Infrastructure Levy (CIL)

- 7.28 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 817.41sqm, which may equate to a CIL charge of approximately £20,938.27 (subject to confirmation). Any existing floor area being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, including the relevant planning history of the site, it is found that the proposed development is acceptable and in line with local and national planning policies and guidance. The current proposal is considered to maintain public vistas towards the seafront and the significance of The Leas Conservation Area. Furthermore, the proposal is considered, to have an acceptable impact on the living conditions of future occupiers. The proposal is considered acceptable in all other relevant regards.
- 8.2 The proposal makes a contribution to the housing needs of the borough through provision of a good standard of new family housing. Therefore, if any harm is identified, including in those areas for judgement identified within this report's analysis of the proposal, it would be necessary to demonstrate that in reaching the decision an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any such harm. The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development should be applied when determining the application as relevant. The test set out by the NPPF is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the NPPF taken as a whole. The proposal's contribution to the housing needs of the borough must be given increased weight in the planning balance, albeit the weight to be attached to this would not be so significant in this instance in view of the number of units involved. This application is recommended for approval subject to conditions.

9 Recommendation

- 9.1 MEMBERS ARE RECOMMENDED TO GRANT PLANNING PERMISSION subject to the following conditions:**

General conditions

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

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

- 02 The development hereby approved shall be carried out in accordance with the approved plans: E 00, P01, P02, P03, P04, P05, P06, P07, P08, P09, P10, P11, P12, P13, P14, P15, P16, P17, P18, P19, P20, P21, P22, P23, P24, P25, P26, P27, P28, P29 Revision A, P30, P31, P32 Revision A, P33, P34, P35, P36, P37, P38, P39, P40, P41.**

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

Design and related conditions

- 03 The development hereby permitted shall be carried out only in complete accordance with the materials as shown on drawings P29 Revision A, P30, P31, or alternative materials details of which would need to be submitted to and approved in writing by the Local Planning Authority under the provisions of this condition, before it is brought into first use.**

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 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 shall be implemented and completed in full accordance with the scheme contained in drawing P32 Revision A.**

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 Design and Townscape Guide (2009).

- 05 The use of the development hereby approved shall not commence until and unless a hard landscaping scheme has been carried out and implemented solely in full accordance with details contained within drawing P33.**

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 Design and Townscape Guide (2009).

Quality of accommodation and related conditions

- 06 Notwithstanding the details submitted and otherwise hereby approved, the development hereby approved shall be constructed to ensure that the dwellings comply with building regulation M4 (2) “accessible and adoptable dwellings” prior to their first occupation.

Reason: To ensure the development hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

- 07 Notwithstanding the details submitted and otherwise hereby approved, no development above ground floor slab level shall take place until a detailed noise and vibration assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include noise and vibration mitigation measures where needed along with a mechanism for verification of their effectiveness on site after they have been carried out. The assessment shall be carried out by a suitably qualified and experienced consultant. Mitigation measures as recommended by the assessment shall be tested and implemented in full prior to the first occupation of the dwellings and maintained on site as approved for the lifetime of the development.

Mitigation measures shall ensure that dwellings are protected from:

- external noise from the railway and road traffic in accordance with BS8233:2014 and the current Noise Policy Statement for England. The internal ambient noise levels shall not exceed the guideline values in BS8233:2014 Table 4:

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

External areas shall be designed and located to ensure that amenity areas are protected on all boundaries as to not exceed 55 dB LAeq,16hr.

- vibration from the railway in accordance with BS6472:2008 and the current Noise Police Statement for England.

Where necessary a scheme for approval for alternative means of ventilation and air cooling and heating is required in writing to demonstrate that:

- Noise from the system will not present an adverse impact on occupants
- The alternative means of ventilation will enable optimum living conditions for heating and cooling in all weather and with reference to climate change

predictions

The noise and vibration verification shall also ensure that the performance of any ventilation and cooling/heating system that has been installed to the satisfaction of the local authority. The approved alternative means of ventilation and cooling/heating shall be installed and tested prior to first occupation and maintained as such thereafter.

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

- 08** The obscurity of all privacy screens shall be constructed to Regency Class 'Regency Satin' Level 5, in accordance with the obscurity details received on the 18th October 2021, to be fixed to the proposed buildings as shown on drawings P29 Revision A, P30 and P34. Before each dwelling hereby approved is occupied the privacy screens as applicable to that dwelling shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: In the interests of the residential amenity of adjoining residents and the living conditions of future occupiers in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM8 and the Design and Townscape Guide (2009).

Residential amenity of neighbours

- 09** Demolition or construction works for the approved development on site, loading or unloading of goods or materials during demolition or construction works shall only be taken at or dispatched from the site between 8 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Public Holidays.

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

- 10** The development hereby approved shall be carried out in accordance with the Construction Method Statement prepared by Blackrock Development and dated 24th June 2021.

Reason: In the interest of the residential amenity of nearby occupiers and the highway and rail 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).

Highways and Parking related conditions

- 11** The dwellings hereby approved shall not be occupied unless and until the parking

provision shown on the approved plans P01, P02, P03, P10 and P11 has been provided and made available for use on site. The parking spaces shall be retained for the lifetime of the development for the purposes of car parking solely for residents of the approved dwellings on site and their visitors.

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

Flood risk and drainage related conditions

- 12 No drainage related works shall take place or installed on site unless and until surface water drainage works have been submitted to and approved in writing by the local planning authority. The drainage works shall be carried out solely in full accordance with the approved details prior to the first occupation of the development hereby approved. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

Energy and water sustainability related conditions

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

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 (2019) and the Design and Townscape Guide (2009).

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

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2019) and the 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 may 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 borough.

- 3 You attention is drawn to the advice given by Network Rail and you are advised to contact the Network Rail's Asset Protection (ASPRO) team via AssetProtectionAnglia@networkrail.co.uk to discuss the scheme in detail, and to ascertain the impact the proposed development will have on Network Rail infrastructure.**
- 4 The applicant is encouraged to provide electric vehicle charging points at the site in accordance with Policy DM15 which encourages their provision wherever practical and feasible.**

APPENDIX A

Reference:	20/02207/FUL
Application Type:	Full Application
Ward:	Chalkwell
Proposal:	Demolish existing buildings at former hand car wash site and erect no. 4 three storey dwellings and no.2 two storey dwellings with integral garages and associated amenity space , layout landscaping and form vehicular accesses onto Station Road (Amended Proposal)
Address:	315 Station Road, Westcliff-On-Sea, Essex
Applicant:	Mr Ari Feferkom
Agent:	Mr Pantazis of Redwoods Projects Ltd
Consultation Expiry:	11th February 2021
Expiry Date:	12th March 2021
Case Officer:	Spyros Mouratidis
Plan Nos:	E 00, E 01, P01 REV A, P02 REV A, P03, P04 REV A, P05, P06 REV A, P07, P08 REV A, P09, P10 REV A, P11, P12 REV A, P13, P14 REV A, P15, P16 REV A, P17, P18 REV B, P19 REV B, P20 REV A, P21 REV B, P22 REV A, MGS40163-3DM-01 REV A
Supporting Documents:	Design Access and Planning Statement
Recommendation:	GRANT PLANNING PERMISSION subject to conditions

1 Site and Surroundings

- 1.1 The application site is a narrow strip of land on the north side of Station Road. Originally a petrol station and formerly a garage, until recently, it was used for a hand car washing business. The site is occupied by a single storey building. The site backs onto the railway line running along the north side of Station Road. The south side of the road facing the site is characterised by three storey mansion blocks of traditional design incorporating shops at ground floor level. A four-storey building is located at the corner of Station Road with Pembury Road. Pembury Road allows views towards the Thames Estuary. Station Road is a classified road. Other than the Leas Conservation Area the nearest boundary of which lies some 50m to the south of the site on Pembury Road, there are no specific policy or other designations affecting the site or the surrounding area.

2 The Proposal

- 2.1 Planning permission is sought for the erection of six (6no.) dwellinghouses, grouped in two terraces. The western terrace would accommodate three (3no.) x three-storey dwellings and the eastern terrace would accommodate one (1no.) x three-storey and two (2no.) x two-storey dwellings. The existing building on site would be demolished as part of the proposal. The proposed dwellings would each measure some 11.6m in width by 6.6m in depth and would be located abutting the boundary of the site with the public footpath. The dwellings would have roof gardens on top which would be surrounded by a glazed balustrade 1m in height. On the rooftop there would be structures some 1.2m wide by 4.2m deep to accommodate the access from the lower floors resulting in an overall maximum height of approximately 10.3m for the three-storey properties and 7.6m for the two-storey properties. The eaves height would be 8.2m and 5.5m for the three-storey and two-storey parts of the development, respectively. The proposed dwellings would be finished with white brick over decorative timber and metal cladding, timber doors and polyester powder coated aluminium windows with iron railings or glazed balustrades.
- 2.2 Two of the proposed dwellings would accommodate three bedrooms with five bed spaces and the rest would accommodate four bedrooms with six bed spaces. Each dwelling would have a single, integral garage at ground floor, where it is also proposed to accommodate cycle parking and bin storage. All dwellings would be provided with at least 44m² of private amenity space in the form of a roof terrace. The four larger dwellings would also benefit from a second floor balcony.
- 2.3 The proposal is an alternative scheme to the extant planning permission 16/01134/OUT (the “2016 Permission”) granted on appeal¹. The main difference between the two schemes is the height, size, scale, form and appearance of the development. The 2016 Permission allowed for two-storey dwellings measuring up to 7.1m in height. These dwellings were of a more rectangular form and of a more rudimentary appearance when compared to the current proposal. Details of the 2016 Permission are included in the following section.
- 2.4 Moreover, this proposal is an amended scheme following the refusal of planning application 20/01608/FUL (the “Second 2020 Application”). The difference between this proposal and the previously refused scheme is reduction in size of the two easternmost dwellings (units 315a and 315b). These two dwellings have been reduced by a storey and from a maximum height of 9.2m (without the staircase structure) they are proposed now to be a maximum of 7.6m.

3 Relevant Planning History

- 3.1 The relevant planning history of the site is shown on Table 1:

Table 2: Relevant Planning History of Application Site

Reference	Description	Outcome
14/01211/OUT	Demolish existing single storey office building, erect eight three storey dwelling houses with roof terraces to front, associated landscaping and form vehicular accesses on to Station Road	Refused [16.04.2015] Appeal Dismissed [18.09.2015]
15/00219/OUT	Demolish existing single storey office	Refused

¹ APP/D1590/W/17/3170982

	building, erect six three storey dwelling houses, associated landscaping and form vehicular accesses on to Station Road (Outline - Amended Proposal)	[16.04.2015] Appeal Dismissed [15.03.2016]
15/00669/OUT	Demolish existing single storey office building, erect four three storey dwelling houses, associated landscaping and form vehicular accesses on to Station Road (Outline - Amended Proposal)	Permission Granted [15.06.2015]
16/01134/OUT (the "2016 Permission")	Demolish existing single storey office building, erect six two storey dwellinghouses, associated landscaping and form vehicular accesses on to Station Road (Outline)(Amended Proposal)	Refused [07.09.2016] Appeal Allowed [18.07.2017]
16/02006/OUT	Demolish existing single storey office building, erect five two storey dwellinghouses, associated landscaping and form vehicular accesses on to Station Road (Outline) (Amended Proposal)	Refused [30.12.2016] Appeal Dismissed [18.07.2017]
20/00993/RES	Approval of Reserved Matters (details of Landscaping) pursuant to outline Planning Permission ref: 16/01134/OUT - Demolish existing single storey office building, erect six two storey dwellinghouses, associated landscaping and form vehicular accesses on to Station Road (Outline)(Amended Proposal) allowed on Appeal 18 July 2017	Reserved Matters Approved [27.08.2020]
20/01185/AD	Application for approval of details pursuant to conditions 14 (Construction Method Statement) of planning permission 16/01134/OUT allowed on Appeal dated 18.07.2017	Details Approved [25.09.2020]
20/01355/AD	Application for approval of details pursuant to condition 5 (details of materials) of planning permission 16/01134/OUT allowed on Appeal dated 18.07.2017	Details Approved [03.11.2020]
20/01197/FUL (the "First 2020 Application")	Demolish existing buildings, erect two buildings to form 6 self contained three storey dwellings, with associated amenity space, landscaping and form vehicular accesses onto Station Road	Refused [22.09.2020]
20/01608/FUL (the "Second 2020 Application")	Demolish existing buildings, erect no.6 three storey dwellinghouses with associated amenity space, landscaping and form vehicular accesses onto Station Road (Amended Proposal)	Refused [26.11.2020]

3.2 While there are other planning history items associated with the application site, they are not considered to be relevant to this application. The officers' reports for the First and Second 2020 Applications are appended to this report as Appendix 1 and Appendix 2 respectively. In summary, both the First and Second 2020 Applications were refused

because:

“The proposed development, by reason of its height and scale, would result in the overdevelopment of the site, appearing cramped within the narrow application site, and would obscure public vistas towards the seafront and Thames Estuary and The Leas Conservation Area from Britannia Road and Meteor Road to the material detriment of the character and appearance of the site and the wider area. The proposal would also result in material albeit less than substantial harm to the character and appearance of the conservation area with no public benefits outweighing the identified harm.”

- 3.3 The appeal decision² allowing the extant 2016 Permission is appended to this report as Appendix 3. The extant permission is a material planning consideration of significant weight in the determination of this application. The other historic applications mentioned in Table 1 are either expired or have been refused hence they carry only limited weight for the consideration of this application in so far the matters considered are comparable with the current scheme.

4 Representation Summary

Call in

- 4.1 Councillor Walker called in this application for consideration by the Development Control Committee due to concerns regarding the living conditions of future occupiers by reason of proximity to the rail line.

Public Consultation

- 4.2 Sixty (60) neighbouring properties were consulted and a site notice was displayed. Representations from eight (8) interested parties have been received. One of the interested parties have made comments in support of the application and these comments are summarised as follows:

Impact on character and appearance of the area

- Great new addition to the area.

- 4.3 Four interested parties object to the proposal. The objecting comments are summarised as follows:

Impact on character and appearance of the area

- Negative impact on character and appearance of the area.
- The proposed dwellings are too deep for the depth of the site.
- The development would be isolated on the northern side of the road.
- Gross overdevelopment of a small site.

Living conditions of future occupiers

- Concerns about living conditions of future occupiers.
- Cramped accommodation.
- Little or no outside space.
- Limited or no sunlight.
- The proposed dwellings would be close to the rail line and a pub.
- Noise from traffic on Station Road.

² APP/D1590/W/17/3170982

Impact on residential amenity

- Negative impact on residential amenity of neighbouring residents.
- The roof top terraces would affect the privacy and overlook neighbouring occupiers.
- Loss of light to neighbouring properties to the south.

Impact on highway safety

- Negative impact on highway safety.
- Parking concerns.
- More people on site would require additional parking.
- Public footpath would be blocked.
- Cars would exit from the garage straight on the footpath and the busy road.
- Construction traffic would cause congestion and disruption.
- Deliveries and collections, including waste collection would cause congestion.

Other matters

- Pressure on waste collection services.
- Impact on community safety and stability due to transient profile of residents.
- Loss of private view.
- Loss of property value.
- The proposed properties would not be saleable.
- The applicant tries to circumvent the system by increasing the occupancy on site when compared to the approved scheme.

- 4.4 The comments have been taken into consideration and those relevant to planning matters are discussed in the relevant sections of the report. The objecting points raised by the representations are not found to represent material reasons for recommending refusal of the planning application in the circumstances of this case.

Environmental Health

- 4.5 No objections subject to conditions regarding noise and vibration mitigation measures. Although not part of the application, the construction of the development would require some overnight works due to the proximity of the site to rail line cables and the health and safety complications. The applicant has applied for prior consent to the regulatory services for demolition works.

Parks and Greenspace Officer

- 4.6 No objections subject to additional information regarding tree planting on Station Road and on the proposed roof terraces.

Highways

- 4.7 No objections. There is an extant permission and it is not considered that the revised proposal will have a detrimental impact upon the public highway. The applicant will be required to apply to highways to carry out any vehicle crossover works.

Fire Safety Officer

- 4.8 No objections.

Network Rail

- 4.9 No objections subject to informatives.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2019)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2019)
- 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP8 (Dwelling Provision).
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend on Sea Historic Environment), DM6 (The Seafront), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM15 (Sustainable Transport Management).
- 5.5 Design & Townscape Guide (2009)
- 5.6 National Housing Standards (2015)
- 5.7 Technical Housing Standards Policy Transition Statement (2015)
- 5.8 Vehicle Crossing Policy & Application Guidance (2014)
- 5.9 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.10 Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.11 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, the design and impact on the character of the streetscene and wider area, including on public views towards the seafront and the impact on the significance of the Leas Conservation Area, the standard of accommodation for future occupiers, the impact on residential amenity of neighbouring occupiers, any traffic and transportation issues, refuse and recycling storage, energy and water sustainability, water drainage, ecology and compliance with the Essex Coast RAMS SPD and whether the development would be liable for CIL. The planning history is a material consideration in the determination of this application, as set out in previous sections.

7 Appraisal

Principle of Development

- 7.1 Paragraphs 7.1 to 7.4 of the Officer's report in Appendix 1 discuss the principle of the development applied for with the First 2020 Application which was found to be acceptable. The principle for this development is equally acceptable. Other material planning considerations are discussed in the following sections of the report.

Design and Impact on the Character of the Area

- 7.2 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that: “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”
- 7.3 Policy DM6 of the development management document also states that any development near the Seafront Area must not detrimentally impact upon the Thames Estuary’s openness or views across and backdrops to the River Thames and Southend’s beaches
- 7.4 The site is located a short distance away from The Leas Conservation Area. Section 72 (1) of the Planning (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. This is reinforced by Development Management Policy DM5.
- 7.5 Paragraphs 7.5 to 7.13 of the officer’s report for the First 2020 Application at Appendix 1 and paragraphs 7.2 to 7.11 of the officer’s report for the Second 2020 Application at Appendix 2 discuss the design implications of the previous proposals. The layout, landscaping and choice of materials of the proposed development are identical to those proposed under the First and Second 2020 Applications and remain acceptable.
- 7.6 The scale of the proposal has not been altered for four of the dwellings. The current proposal directly addresses the previous reasons by reducing the scale of the two easternmost dwellings by a storey. This reduction would result in a scheme which would allow more public views towards the Thames Estuary and the Leas Conservation Area from Britannia Road and Meteor Road when compared to the committed scheme allowed with the 2016 Permission. Similarly to previous schemes the proposal would, generally, respect the scale of neighbouring buildings to the south side of Station Road. The proposed dwellings would abut the boundary of the site with the public highway. The three-storey dwellings would have a maximum height some 2m above the extant permission on site. On balance, the scale of the proposal is acceptable.
- 7.7 In terms of form and appearance, the current scheme would introduce a step between three and two storey properties which was not previously proposed. Such a step is not uncommon in the streetscene. Generally, the simple rectangular form and modern appearance which were previously found to be acceptable are also proposed with this scheme. Overall, the current proposal would, on balance, have an acceptable impact on the character and appearance of the area, it would not significantly harm public views towards the Thames Estuary and would preserve the significance of the Leas Conservation Area. Conditions are recommended in relation to materials, hard and soft landscaping. The Council’s Parks and Greenspace Officer in consultation with the Tree Officers have requested more details for the soft landscaping of the site and the proposed street trees in particular. The proposal is, on balance and subject to conditions, acceptable and in line with policy in these regards.

Standard of Accommodation and Living Conditions for Future Occupiers

- 7.8 Delivering high quality homes is a key objective of the NPPF. Policy DM3 of the

Development Management Document states that proposals should be resisted where they create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents.

7.9 Internally, the four western dwellings of the current proposal are identical to those which were proposed under the refused First and Second 2020 Applications. Paragraphs 7.14 to 7.23 of the Officer's report in Appendix 1 and 7.12 to 7.15 in Appendix 2 discuss the matters relevant to the living conditions of future occupiers. The previous proposal was found to be acceptable in these regards. These findings are relevant in relation to compliance with the Nationally Described Space Standards (NDSS), the quality of accommodation in terms of outlook, daylight and sunlight, the quantum of amenity space provision and compliance with accessibility requirements in line with building regulation M4 (2) for the four dwellings.

7.10 In relation to the two easternmost dwellings, the relevant required overall sizes for residential units and the minimum standards for bedrooms are shown on the following table. The relevant dimensions of the proposed scheme are also shown on the table below.

Table 3: Housing Standards

Type	Area (m ²)	Bedroom 1	Bedroom 2	Bedroom 3	Storage area (m ²)	Amenity (m ²)
Standard for 3 bed 5 person (two storeys)	93	11.5m ² Wmin=2.75m	11.5m ² Wmin=2.55m	7.5m ² Wmin=2.15m	2.5	N/A
Proposed dwellings A & B 3 bed 5 person (two storeys)	105	15.5m ² W = 3.8m	11.9 m ² W = 3.3m	9.7m ² W=2.2m	1	At least 50

7.11 The table shows that the two proposed easternmost dwellings would exceed the minimum overall space standard and all bedrooms would exceed the minimum space required but would fail to provide internal storage space in line with the minimum standard required. Given that both units exceed the minimum overall space standards, this shortcoming would not be materially detrimental to living conditions of future occupiers subject to a condition to secure the provision of internal storage space in line with the NDSS.

7.12 All habitable rooms would benefit from adequate outlook and light. The proposed amenity provision would be satisfactory for the level of accommodation proposed for these two dwellings. Moreover, similarly to the other four dwellings, these two units appear capable of complying with the requirements of building regulation M4 (2) in terms of step-free access and adaptability. A condition is recommended in this regard.

7.13 For all proposed dwellings the situation in relation to noise and disturbance is comparable to the situation considered when the 2016 Permission was granted by the Inspector. A condition to provide mitigation measures against noise and vibration that would be caused by the use of the adjoining rail line is recommended, Subject to such a condition, the Council's Environmental Health service raised no objection.

7.14 As commented in the previous refusal, the report for the Second 2020 Application, the proposed glass balustrade around the proposed rooftop amenity areas would leave

them exposed to views from the buildings on the opposite side of Station Road. A condition is recommended to secure details of screens to protect the quality of the amenity spaces.

- 7.15 Overall and particularly bearing in mind the planning history of the site, to which significant weight is attached, it is considered that the proposal, subject to conditions, would not result in substandard accommodation for future occupiers and would not be detrimental to their living conditions. The proposed dwellings would generally comply with the NDSS, save for a minor width deficiency in one of the smaller bedrooms of dwelling F and the deficiency in internal storage space in dwellings A and B which can be rectified with the recommended condition. The proposed units would also have appropriate amenity space, subject to appropriate screening, and all habitable areas would have adequate outlook, daylight and sunlight. Adequate noise and vibration mitigation is recommended to be secured by condition as is the compliance with building regulation M4 (2). The proposal is, therefore, subject to conditions, acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.16 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities and also: “having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”
- 7.17 Paragraphs of 7.24 to 7.26 of the Officer’s report in Appendix 1 and paragraphs 7.16 to 7.17 in Appendix 2 discuss these matters. The First and Second 2020 Applications were found to be acceptable in relation to the impact of the development on the residential amenity of neighbouring occupiers. Given that the current proposal is similar in many regards, and two dwellings have lower maximum height and smaller mass, the current proposal remains equally acceptable. Conditions are recommended in relation to control of construction hours and construction method to minimise pollution, noise and disturbance during construction. The proposed development is considered acceptable and in line with policy in the above regards.

Traffic and Transportation Issues

- 7.18 Policy DM15 of the Development Management Document states: “Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner”. The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards.
- 7.19 Paragraphs 7.27 to 7.28 of Appendix 1 and 7.18 to 7.19 of Appendix 2 discuss the reasons why the First and Second 2020 Applications was found to be acceptable in these regards. The current scheme would not give rise to any different considerations in relation to these matters. Conditions are recommended to ensure the car and cycle parking is provided as shown on the plans and that construction would take place without material harm to the rail traffic on the adjoining rail line. The proposal would be acceptable and policy compliant in these regards.

Refuse and Recycling Storage

- 7.20 According to the policy requirements it is expected that individual dwellings would use the Council's scheme for sack collection from the kerbside. The proposed dwellings would be adjacent to the highway and it would be convenient to collect and leave sacks there. The proposal shows bin storage areas for all dwellings within the ground floor area which is acceptable but not required by policy or guidance. The proposal is acceptable and policy compliant in this regard.

Energy and Water Sustainability

- 7.21 Policy KP2 of the Core Strategy requires that: "at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)". Policy DM2 of the Development Management Document states that: "to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions". The same policy requires all new development to provide "water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliance and water recycling systems such as grey water and rainwater harvesting".
- 7.22 No details have been submitted with the application to demonstrate whether the proposed development would meet the target of renewable energy sources covering at least 10% of the anticipated energy consumption in line with policy requirement or how the water consumption would be limited. It is considered that the requirements for renewable energy and restrictions on water usage can be controlled with conditions which are recommended. This aspect of the proposal is, therefore, considered to be acceptable and policy compliant in these regards.

Flooding and surface water drainage

- 7.23 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. Adequate drainage should be installed to ensure that there is no increased risk of flooding on site or elsewhere, including any undue discharge of surface water on the highway or the railway. A condition is recommended to require details of drainage arrangements incorporating principles of Sustainable Drainage Systems. Subject to such a condition, the development would be acceptable and policy compliant in these regards.

Ecology - Essex Coast RAMS

- 7.24 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast RAMS. It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The Essex Coast RAMS SPD, which was adopted by Full Council on 29 October 2020, requires that a tariff of £125.58 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.

- 7.25 The applicant has paid the relevant tariff for the Second 2020 Application and requested the fee is transferred to this application. The development offers suitable mitigation of the in-combination effect of the net increase of six dwellings on habitats and species. The development is acceptable and in line with policies in this regard.

Community Infrastructure Levy (CIL)

- 7.26 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of 1068.12m², which may equate to a CIL charge of approximately £ 27,442.47 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, including the relevant planning history of the site, it is found that the proposed development is, on balance, acceptable and in line with local and national planning policies and guidance. The current proposal is considered to have, on balance, overcome the previous reasons for refusal in relation to character and appearance, public vistas towards the seafront and the significance of The Leas Conservation Area. Furthermore, the proposal is considered, to have an acceptable impact on the living conditions of future occupiers. The proposal is considered acceptable in all other relevant regards. The proposal makes a contribution to the housing needs of the borough through provision of a good standard of new family housing which must be weighed in the overall planning balance, albeit the weight to be attached to this would be limited in this instance in view of the number of units involved. This application is recommended for approval subject to conditions.

9 Recommendation

9.1 GRANT PLANNING PERMISSION subject to the following conditions:

- 01 The development hereby permitted shall 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 hereby approved shall be carried out in accordance with the approved plans: E 00, E 01, P01 REV A, P02 REV A, P03, P04 REV A, P05, P06 REV A, P07, P08 REV A, P09, P10 REV A, P11, P12 REV A, P13, P14 REV A, P15, P16 REV A, P17, P18 REV B, P19 REV B, P20 REV A, P21 REV B, P22 REV A, MGS40163-3DM-01 REV A.**

Reason: To ensure 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, including roof, walls and fenestration, shall be in accordance with the details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition or such alternative details as may be approved under the terms of this condition. The development shall be carried out solely in complete accordance with the approved details before it is brought into first use.

Reason: In the interest of visual amenity in accordance with 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 within the National Design Guide (2019) and the 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 shall be implemented and completed in full accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include measures to enhance the biodiversity on site, details of the species to be planted, the treatment of the ground before planting and maintenance details. It should also include details as to how the proposed planting of street trees would be achieved.

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 (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

- 05** The use of the development hereby approved shall not commence until and unless a hard landscaping scheme has been carried out and implemented solely in full accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. 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 (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

- 06** Notwithstanding the details submitted and otherwise hereby approved, the dwellings hereby approved shall not be brought into first use unless internal storage space in line with the nationally described space standards, at least 2.5m² for all three-bed units and 3m² for all four-bed units, excluding kitchen cupboards and wardrobes less than 0.72m² in a double bedroom and 0.36m² in a single bedroom, have first been provided and made available on site in line with details that have previously been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the development hereby approved provide high quality internal layouts to meet the needs of future residents in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009), the National Housing Standards (2015) and the Technical Housing Standards Policy Transition Statement (2015).

- 07** Notwithstanding the details submitted and otherwise hereby approved, the development hereby approved shall be constructed to ensure that the dwellings comply with building regulation M4 (2) “accessible and adoptable dwellings” prior to their first occupation.

Reason: To ensure the development hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

- 08** Notwithstanding the details submitted and otherwise hereby approved, no development above ground floor slab level shall take place until a detailed noise and vibration assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include noise and vibration mitigation measures where needed along with a mechanism for verification of their effectiveness on site after they have been carried out. The assessment shall also contain the details for a review mechanism. The mitigation proposed shall ensure that the rating level of noise within the internal areas determined by the procedures in British Standards BS:4142:2014, shall not exceed the safety levels advised by the World Health Organisation. The assessment shall be carried out by a suitably qualified and experienced consultant. The mitigation measures as recommended by the assessment shall be implemented in full prior to the first occupation of the dwellings and maintained on site as approved for the lifetime of the development.

Reason: In the interest of the living conditions of intended future occupiers of the approved development in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

- 09** Notwithstanding the details shown in the plans submitted and otherwise hereby approved none of the buildings hereby granted planning permission shall be

occupied unless and until plans and other appropriate details which specify the size, design, obscurity, materials and location of all privacy screens to be fixed to the proposed buildings are submitted to and approved in writing by the Local Planning Authority. Before each dwelling hereby approved is occupied the privacy screens as applicable to that dwelling shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: In the interests of the residential amenity of adjoining residents and the living conditions of future occupiers in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM8 and the Design and Townscape Guide (2009).

- 10 Demolition or construction works for the approved development on site, loading or unloading of goods or materials during demolition or construction works shall only be taken at or dispatched from the site between 8 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Public Holidays.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

- 11 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. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide, amongst other things, for: i) the parking of vehicles of site operatives and visitors ii) loading and unloading of plant and materials iii) storage of plant and materials used in constructing the development iv) the erection and maintenance of security hoarding v) measures to control the emission of noise, dust and dirt during construction vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site vii) details of drainage/surface water, including foul drainage, to ensure the proposal does not discharge onto Network Rail land viii) scaffolding ix) piling x) lighting xi) future maintenance of the site.

Reason: In the interest of the residential amenity of nearby occupiers and the highway and rail safety in accordance with the National Planning Policy Framework (2019), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015).

- 12 The dwellings hereby approved shall not be occupied unless and until the parking provision shown on the approved plans P01 REV A, P02 REV A, P03, P10 REV A and P11 has been provided and made available for use on site. The parking spaces shall be retained for the lifetime of the development for the purposes of car parking solely for residents of the approved dwellings on site and their visitors.

Reason: To ensure the provision of adequate parking in accordance with Policy

CP3 of the Core Strategy (2007) and Policies DM3, DM8 and DM15 of Development Management Document (2015).

- 13 No drainage related works shall take place or installed on site unless and until surface water drainage works have been submitted to and approved in writing by the local planning authority. The drainage works shall be carried out solely in full accordance with the approved details prior to the first occupation of the development hereby approved. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:**
- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;**
 - ii) include a timetable for its implementation; and,**
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.**

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and KP3.

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

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 (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

- 15 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 (2019), Core Strategy

(2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

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 may 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 borough.
- 3** Your attention is drawn to the advice given by Network Rail and you are advised to contact the Network Rail's Asset Protection (ASPRO) team via AssetProtectionAnglia@networkrail.co.uk to discuss the scheme in detail, and to ascertain the impact the proposed development will have on Network Rail infrastructure.

APPENDIX 1**Delegated Report**

Reference:	20/01197/FUL
Application Type:	Full Application
Ward:	Chalkwell
Proposal:	Demolish existing buildings, erect two buildings to form 6 self contained three storey dwellings, with associated amenity space, landscaping and form vehicular accesses onto Station Road
Address:	315 Station Road, Westcliff-On-Sea, Essex
Applicant:	Mr Ari Feferkorn
Agent:	Mr Greenhalgh of Redwoods Projects Ltd
Consultation Expiry:	2nd September 2020
Expiry Date:	22nd September 2020
Case Officer:	Spyros Mouratidis
Plan Nos:	E 00, E 01, P01, P02, P03, P04, P05, P06, P07, P08, P09, P10, P11, P12, P13, P14, P15, P16, P17, P18, P19, P20, P21, P22, P23, P24, P25, P26, R 01, R 02, R 03, R 04, R 05, R 06, R 07, R 08, R 09, R 10, R 11, R 12
Recommendation:	REFUSE PLANNING PERMISSION

1 Site and Surroundings

- 1.1 The application site is a narrow strip of land on the north side of Station Road. Originally a petrol station and formerly a garage, until recently, it was used for a hand car washing business. The site is occupied by a single storey building. The site backs onto the railway line running along the north side of Station Road. The south side of the road facing the site is characterised by three storey mansion blocks of traditional design incorporating shops at ground floor level. A four-storey building is located at the corner of Station Road with Pembury Road. Pembury Road allows views towards the Thames Estuary. Station Road is a classified road. Other than the Leas Conservation Area which lies some 50m to the south of the site on Pembury Road, there are no specific policy or other designations affecting the site or the surrounding area.

2 The Proposal

- 2.1 Planning permission is sought for the erection of six (6no.) three-storey dwellinghouses, grouped in two terraces. The existing building on site would be demolished as part of

the proposal. The proposed dwellings would each measure some 11.6m in width by 6.6m in depth and would be located abutting the boundary of the site with the public footpath. The dwellings would have roof gardens on top which would be surrounded by a parapet wall of up to 2.5m in height resulting in an overall maximum height of approximately 10.6m. The proposed dwellings would be finished with brick over decorative timber and metal cladding, timber doors and polyester powder coated aluminium windows with iron railings or glazed balustrades.

- 2.2 The proposed dwellings would accommodate four bedrooms. Five of the dwellings would have seven bed spaces and one dwelling would have six bedspaces. Each dwelling would have a single, integral garage at ground floor, where it is also proposed to accommodate cycle parking and bin storage. All dwellings would be provided with at least 51m² of private amenity spaces in the form of a second floor balcony and a roof terrace. The application is supported by a Design and Access Statement.
- 2.3 The proposal is an alternative scheme to the extant planning permission 16/01134/OUT (the “2016 Permission”) granted on appeal³. The main difference between the two schemes is the height, size, scale, form and appearance of the development. The 2016 Permission allowed for two-storey dwellings measuring up to 7.1m in height. These dwellings were of a more rectangular form and of a more rudimentary appearance when compared to the current proposal. Details of the 2016 Permission are included in the following section.

3 Relevant Planning History

- 3.1 The relevant planning history of the site is shown on Table 1:

Table 4: Relevant Planning History of Application Site

Reference	Description	Outcome
14/01211/OUT	Demolish existing single storey office building, erect eight three storey dwelling houses with roof terraces to front, associated landscaping and form vehicular accesses on to Station Road	Refused [16.04.2015] Appeal Dismissed [18.09.2015]
15/00219/OUT	Demolish existing single storey office building, erect six three storey dwelling houses, associated landscaping and form vehicular accesses on to Station Road (Outline - Amended Proposal)	Refused [16.04.2015] Appeal Dismissed [15.03.2016]
15/00669/OUT	Demolish existing single storey office building, erect four three storey dwelling houses, associated landscaping and form vehicular accesses on to Station Road (Outline - Amended Proposal)	Permission Granted [15.06.2015]
16/01134/OUT	Demolish existing single storey office building, erect six two storey dwellinghouses, associated landscaping and form vehicular accesses on to Station Road (Outline)(Amended Proposal)	Refused [07.09.2016] Appeal Allowed [18.07.2017]
16/02006/OUT	Demolish existing single storey office	Refused

³ APP/D1590/W/17/3170982

	building, erect five two storey dwellinghouses, associated landscaping and form vehicular accesses on to Station Road (Outline) (Amended Proposal)	[30.12.2016] Appeal Dismissed [18.07.2017]
20/00993/RES	Approval of Reserved Matters (details of Landscaping) pursuant to outline Planning Permission ref: 16/01134/OUT - Demolish existing single storey office building, erect six two storey dwellinghouses, associated landscaping and form vehicular accesses on to Station Road (Outline)(Amended Proposal) allowed on Appeal 18 July 2017	Reserved Matters Approved [27.08.2020]
20/01185/AD	Application for approval of details pursuant to conditions 14 (Construction Method Statement) of planning permission 16/01134/OUT allowed on Appeal dated 18.07.2017	Pending Consideration
20/01355/AD	Application for approval of details pursuant to condition 5 (details of materials) of planning permission 16/01134/OUT allowed on Appeal dated 18.07.2017	Pending Consideration

3.2 While there are other planning history items associated with the application site, they are not considered to be relevant to this application. The appeal decision⁴ allowing the extant 2016 Permission is appended to this report as Appendix 1. The extant permission is a material planning consideration of significant weight in the determination of this application. The other historic applications mentioned on Table 1 are either expired or have been refused hence they carry only limited weight for the consideration of this application. It is noted that the refused scheme under application 14/01211/OUT (the “2014 Application”) is the one that is most comparable to the current proposal. The appeal decision⁵ for the 2014 Application is appended to this report as Appendix 2.

4 Representation Summary

Public Consultation

4.1 Fifty-five (55) neighbouring properties were consulted and a site notice was displayed. Representations from five (5) interested parties have been received objecting to the proposal. The objecting comments are summarised as follows:

- Impact on character and appearance of the area.
- The proposed dwellings are too deep for the depth of the site.
- Concerns about living conditions of future occupiers.
- The proposed dwellings would be close to the rail line and a pub.
- Parking concerns.
- More people on site would require additional parking.
- Impact on highway safety.
- Public footpath would be blocked.
- Cars would exit from the garage straight on the footpath and the busy road.

⁴ APP/D1590/W/17/3170982

⁵ APP/D1590/W/15/3016802

- Loss of view.
- Loss of property value.
- The proposed properties would not be sold.

4.2 Representations from eight (8) interested parties have been received supporting the proposal. The supporting comments are summarised as follows:

- The Borough needs spacious new houses suitable for families.
- The project would invigorate the local community.
- Homes occupied by families would result in less crime and anti-social behaviour.
- The proposal would improve the character and appearance of the area.
- The development would regenerate the area and would bring more affluent occupiers.
- The site is in a sustainable location.

4.3 The comments have been taken into consideration and the relevant to planning matters raised are discussed in the relevant sections of the report. Other than the reasons stated in section 9 of this report the objecting points raised by the representations are not found to represent material reasons for recommending refusal of the planning application.

Environmental Health

4.4 Object – a detailed noise and vibration assessment is required to establish whether the proposal would have a detrimental impact on the amenity of future occupiers.

Parks

4.5 No objections subject to additional information regarding tree planting on Station Road and on the proposed roof terraces.

Fire Brigade

4.6 No objections.

5 Planning Policy Summary

5.1 The National Planning Policy Framework (NPPF) (2019)

5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2019)

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

5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend on Sea Historic Environment), DM6 (The Seafront), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM15 (Sustainable Transport Management).

5.5 Design & Townscape Guide (2009)

5.6 National Housing Standards (2015)

5.7 Technical Housing Standards Policy Transition Statement (2015)

- 5.8 Vehicle Crossing Policy & Application Guidance (2014)
- 5.9 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.10 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, the design and impact on the character of the streetscene and wider area, the standard of accommodation for future occupiers, the impact on residential amenity of neighbouring occupiers, any traffic and transportation issues, refuse and recycling storage, energy and water sustainability, water drainage and whether the development would be liable for CIL. The planning history is a material consideration in the determination of this application, as set out above.

7 Appraisal

Principle of Development

- 7.1 Paragraph 117 of the NPPF states: "Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, while safeguarding and improving the environment and ensuring safe and healthy living conditions." Furthermore, the NPPF requires development to boost the supply of housing by delivering a wide choice of high-quality homes.
- 7.2 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the Borough. Similarly, the Council's Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the Borough. The South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend has a higher proportion of flats/maisonettes and a housing stock comprised of a greater proportion of one-bed units and smaller properties a consequence of which is that there is a lower percentage of accommodation of a suitable size for families.
- 7.3 For the proposed provision of housing the HDT and 5YHLS are weighing in favour of the principle of this type of development. The proposed dwellinghouses would be four-bed, six and seven-person units which are suitable for families. There is a greater need for this type of housing as identified by the SESHMA.
- 7.4 The application site is considered to be previously developed land. Brownfield sites like this are where development should be directed according to local and national policies. It is noted that the site already benefits from the extant and implementable 2016 Permission. The principle of the proposed development is acceptable. Other material planning considerations are discussed in the following sections of the report.

Design and Impact on the Character of the Area

- 7.5 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document.

The Design and Townscape Guide also states that: “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”

- 7.6 Paragraph 124 of the NPPF states that: “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.” Policy DM1 of the Development Management Document states that all development should: “add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”
- 7.7 Policy KP2 of the Core Strategy states that new development should: “respect the character and scale of the existing neighbourhood where appropriate”. Policy CP4 of the Core Strategy requires that development proposals should: “maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”.
- 7.8 Policy DM6 of the development management document also states that any development near the Seafront Area must not detrimentally impact upon the Thames Estuary’s openness or views across and backdrops to the River Thames and Southend’s beaches
- 7.9 The Design and Townscape Guide states that: “The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant [...] the easiest option is to draw reference from the surrounding buildings.”
- 7.10 The site is located a short distance away from The Leas Conservation Area. Section 72 (1) of the Planning (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. This is reinforced by Development Management Policy DM5 which states:
1. 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.
 2. 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.
- 7.11 In terms of layout, the proposed development would result in a similar layout as that already approved with the 2016 Permission and would be, similarly, acceptable. With regard to the proposed scale, the proposal would be of similar width and depth as that approved with the 2016 Permission but would result in up to 3.4m of additional height.

While the proposal would, generally, respect the scale of neighbouring buildings to the south side of Station Road, it would result in the site appearing overdeveloped. The proposed dwellings would abut the boundary of the site with the public highway and given the narrowness of the site and the public footpath in this side of Station Road, the additional height of the proposal would be oppressive and would loom over passing pedestrians and would appear squeezed in the site and cramped. A similar harm was identified when the 2014 Application was considered by the Planning Inspector as seen in paragraph 10 of Appendix 2. Furthermore, the additional height of this proposal when compared to the 2016 Permission, would result in the material obstruction of public vistas of the Thames Estuary and the conservation area as experienced from Meteor Road and Britannia Road, to the north of the rail line. This would result in less than substantial but nevertheless material harm to the historic asset and a significant conflict with local policy stipulations which seek to protect views towards the seafront.

- 7.12 Considering the form of the proposed development, the variation in shape and use of recessed balconies would result in an acceptable contemporary form. In terms of appearance, the proposal contains well resolved elevations which would feature proportionate level of openings. Coupled with the proposed use of materials in a contemporary way on the proposed elevations, the proposal would be of an acceptable appearance. The proposed materials would not directly reference the palette of traditional materials present in the area. Given the isolated location of the site within the northern side in this part of Station Road, as well as the contemporary form proposed, a variation of materials would not materially harm the character and appearance of the area, subject to details of those materials. An indicative landscaping scheme has been submitted and would be acceptable subject to additional details.
- 7.13 Overall, given that the site can already be developed for a scheme offering a comparable level housing, the additional benefits of this proposal would not outweigh the material harm identified in the previous paragraphs as a result of the additional scale and height. The proposal is unacceptable and contrary to policy in these regards.

Standard of Accommodation and Living Conditions for Future Occupiers

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

Space Standards

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

Table 5: Housing Standards

Type	Area (m ²)	Bedroom 1(2)	Bedroom 2 (3)	Bedroom 3 & 4 (1 & 4)	Storage area (m ²)	Amenity (m ²)
Standard for 4 bed 7 person (three storeys)	121	11.5m ² Wmin=2.75m	11.5m ² Wmin=2.55m	7.5m ² Wmin=2.15m	3	N/A

Standard for 4 bed 6 person (three storeys)	112	11.5m ² Wmin=2.75m	11.5m ² Wmin=2.55m	7.5m ² Wmin=2.15m	3	N/A
Proposed dwelling A 4 bed 7 person (three storeys)	171.6	15.5m ² W = 3.8m	14.4m ² & 11.6m ² W = 3m & 2.3m	10.2m ² W=2.8m	In excess	51.3
Proposed dwelling B 4 bed 7 person (three storeys)	171.6	15.5m ² W = 3.8m	14.4m ² & 11.6m ² W = 3m & 2.3m	10.2m ² W=2.8m	In excess	56.5
Proposed dwelling C 4 bed 7 person (three storeys)	171.6	15.5m ² W = 3.8m	14.4m ² & 11.6m ² W = 3m & 2.3m	10.2m ² W=2.8m	In excess	54.1
Proposed dwelling D 4 bed 7 person (three storeys)	171.6	15.5m ² W = 3.8m	14.4m ² & 11.6m ² W = 3m & 2.3m	10.2m ² W=2.8m	In excess	52
Proposed dwelling E 4 bed 7 person (three storeys)	171.6	15.5m ² W = 3.8m	14.4m ² & 11.6m ² W = 3m & 2.3m	10.2m ² W=2.8m	In excess	57.8
Proposed dwelling F 4 bed 6 person (three storeys)	156.2	12.9m ² W = 3.3m	13.8m ² W = 3.1m	10.2m ² & 10.1m ² W=2.8m & 2m	In excess	52

7.16 The proposed development would meet the minimum NDSS in all regards save for the minimum width required for a single bedroom at proposed dwelling F. Although there is a small deficit in that regard, this is only marginal. The proposed dwellings would provide adequate space and acceptable living conditions for future occupiers.

Daylight, Sunlight and Outlook from Habitable Rooms

7.17 All habitable rooms are required to have good outlook and receive enough daylight or sunlight. In this instance, all habitable rooms would receive adequate daylight and sunlight and would have an acceptable outlook.

Amenity Provision

7.18 In relation to the provision of amenity space Policy DM8 states that all new dwellings should: "Make provision for usable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space. Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances, the reasons for which will need to be fully justified and clearly demonstrated."

7.19 The proposed dwellings would be provided with private amenity spaces in the form of a roof terrace and a second floor balcony. At least 51m² would be provided for each dwelling. The amenity provision would be acceptable for the proposed size of accommodation in the proposed dwellings.

Noise and disturbance

- 7.20 Given the location of the site adjacent to the rail line, increased noise and vibration levels are expected. The application has not been supported by any noise or vibration impact assessment. However, given the extant 2016 Permission, it is accepted that a scheme on site can be developed with mitigation measures so that the future occupiers of the development would not be detrimentally impacted by the noise and vibration emitted from the rail line. The Council's Environmental Health (EH) Officer has raised an objection to the application on the basis that there is no supporting information in this regard and no mitigation is offered against expected noise and vibration. It is also noted that the World Health Organisation guidelines for the acoustic environment would not be able to be achieved when the windows of the proposed property would be open. It is noted that similar issues were raised when assessing the application 20/00817/BC3 for two dwellings on the opposite side of the rail line at Saxon Gardens. The approach taken there was to impose conditions to clarify further the mitigation measures. There the installation of an acoustic fence was required. An up to date Noise and Vibration Impact Assessment would need to be submitted to clarify which mitigation measures would be required. These measures could be secured by condition. On balance and subject to such conditions, it is not considered that the identified shortcoming of the proposal would have such an impact on the living conditions of its future occupiers as to justify the refusal of the application on this ground.

M4 (2) – Accessibility

- 7.21 Development Management Policy DM8, as amended, requires all new homes to be accessible and meet the standards set out in Building Regulations M4 (2) Accessible and Adaptable Dwellings. This ensures that all new homes are flexible enough meet the needs of all generations.
- 7.22 The proposed dwellings appear capable of complying with the requirements of building regulation M4 (2) in terms of step-free access and adaptability. A condition could secure compliance if the application is otherwise acceptable.
- 7.23 Overall, it is considered that the proposal, on balance, would not result in substandard accommodation for future occupiers and would not be detrimental to their living conditions. The proposed dwelling would exceed the overall space standards, save for a minor width deficit in one of the smaller bedrooms of dwelling F, would have appropriate amenity space and all habitable areas would have adequate outlook, daylight and sunlight. Adequate noise and vibration mitigation could be secured by conditions. The proposal is, therefore, on balance and subject to conditions, acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.24 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities and also: "having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight."
- 7.25 The proposed dwellings would be located at least 15.3m to the north of properties facing

Station Road and at least 40m to the south of properties facing Britannia Road. Although the proposal would have many openings to the north and south, the impact on the residential amenity of neighbours in terms of overlooking and loss of privacy would not be materially worse than that of the 2016 Permission which was found to be acceptable. In terms of outlook, sense of enclosure/overbearing relationship, daylight and sunlight, the separation distance between the site and neighbouring properties would be sufficient to result in an acceptable relationship.

- 7.26 The proposed construction could potentially cause some pollution, noise and disturbance but if the proposal were otherwise acceptable a condition could be imposed to control those issues. The proposed use as dwellinghouses would not give rise to any undue pollution, noise or disturbance. The proposed development is considered acceptable and in line with policy in the above regards.

Traffic and Transportation Issues

- 7.27 Policy DM15 of the Development Management Document states: “Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner”. The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards.
- 7.28 Assessed against parking standards, outside of the central area the minimum parking requirements for dwellings with two or more bedrooms is two spaces per unit. The proposed development would accommodate one space per unit which is not dissimilar to the extant 2016 Permission. Given the sustainable location of the proposal, this shortage of parking is not considered materially harmful to the parking conditions and highway safety of the area. Two cycle spaces would be provided for each dwelling in excess of policy requirements. The proposal would be acceptable and policy compliant in these regards.

Refuse and Recycling Storage

- 7.29 According to the policy requirements it is expected that individual dwellings would be using the Council’s scheme for sack collection from the kerbside. The proposed dwellings would be adjacent to the highway and it would be convenient to collect and leave sacks there. The proposal shows bin storage areas for all dwellings within the ground floor area which is acceptable but not required. The proposal is acceptable and policy compliant in this regard.

Energy and Water Sustainability

- 7.30 Policy KP2 of the Core Strategy requires that: “at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)”. Policy DM2 of the Development Management Document states that: “to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions”. The same policy requires all new development to provide “water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliance and water recycling systems such as grey water and rainwater harvesting”.

- 7.31 No details have been submitted with the application to demonstrate whether the proposed development would meet the target of renewable energy sources covering at least 10% of the anticipated energy consumption in line with policy requirement or how the water consumption would be limited. It is considered that the requirements for renewable energy and restrictions on water usage could be controlled with conditions. This aspect of the proposal is, therefore, considered to be acceptable and policy compliant in these regards.

Flooding and surface water drainage

- 7.32 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. Adequate drainage should be installed to ensure that there is no increased risk of flooding on site or elsewhere, including any undue discharge of surface water on the highway or the railway. Details of drainage arrangements incorporating principles of Sustainable Drainage Systems could be secured by condition had the proposal been otherwise acceptable. Subject to such a condition, the development would be acceptable and policy compliant in these regards.

Community Infrastructure Levy (CIL)

- 7.33 This application is CIL liable. If the application had been recommended for approval, a CIL charge would have been payable. If an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application may also be CIL liable.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that the proposed development is unacceptable and contrary to local and national planning policies. The proposed development would result in material, albeit less than substantial harm to The Leas Conservation Area and would materially harm the character and appearance of the area as it would materially obscure public views towards the seafront and would result in the overdevelopment of the site. Whilst the proposal is acceptable in other regards and would result in some provision of housing, the benefits of the proposal do not outweigh the identified harm, particularly given that an acceptable scheme for the same amount of housing already benefits from planning permission. The application is, therefore, recommended for refusal.

9 Recommendation

9.1 REFUSE PLANNING PERMISSION for the following reasons:

- 01 The proposed development, by reason of its height and scale, would result in the overdevelopment of the site, appearing cramped within the narrow application site, and would obscure public vistas towards the seafront and Thames Estuary and The Leas Conservation Area from Britannia Road and Meteor Road to the material detriment of the character and appearance of the site and the wider area. The proposal would also result in material albeit less than substantial harm to the character and appearance of the conservation area with no public benefits outweighing the identified harm. This is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3, DM5 and DM6 of the Southend-on-Sea**

Development Management Document (2015) and the advice contained within the National Design Guide (2019) and the Southend Design and Townscape Guide (2009).

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

Informatives:

- 1 Please note that this application would have been liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore, if an appeal is lodged and subsequently allowed the CIL liability will be applied. Any revised application may also be CIL liable.**