

# Southend-on-Sea Borough Council

Agenda  
Item

Report of the Corporate Director of Place  
To  
Development Control Committee  
On  
04<sup>th</sup> March 2015

## Report(s) on Pre-Meeting Site Visits

### A Part 1 Agenda Item

WARD & TIME	APP/REF NO.	ADDRESS	PAGE
Kursaal	14/01462/FULM	Marine Plaza Land between Southchurch Avenue and Pleasant Road fronting Marine Parade	3
Shoeburyness	14/01672/BC4M	Hinguar Primary School Hinguar Street Shoeburyness	77
Shoeburyness	14/01744/BC4M	Saxon Lodge 20 Smith Street	105
West Leigh	15/00101/FULH	54 Braemar Crescent Leigh-On-Sea	127

**Depart Civic Centre at: 10.30am**

## **DEVELOPMENT CONTROL COMMITTEE**

### **SITE VISIT PROTOCOL**

#### **Purpose of Visits**

- (i)** The purpose of the site visits is to enable Members to inspect sites of proposed developments or development which has already been carried out and to enable Members to better understand the impact of that development.
- (ii)** It is not the function of the visit to receive representations or debate issues.
- (iii)** There will be an annual site visit to review a variety of types and scales of development already carried out to assess the quality of previous decisions.

#### **Selecting Site Visits**

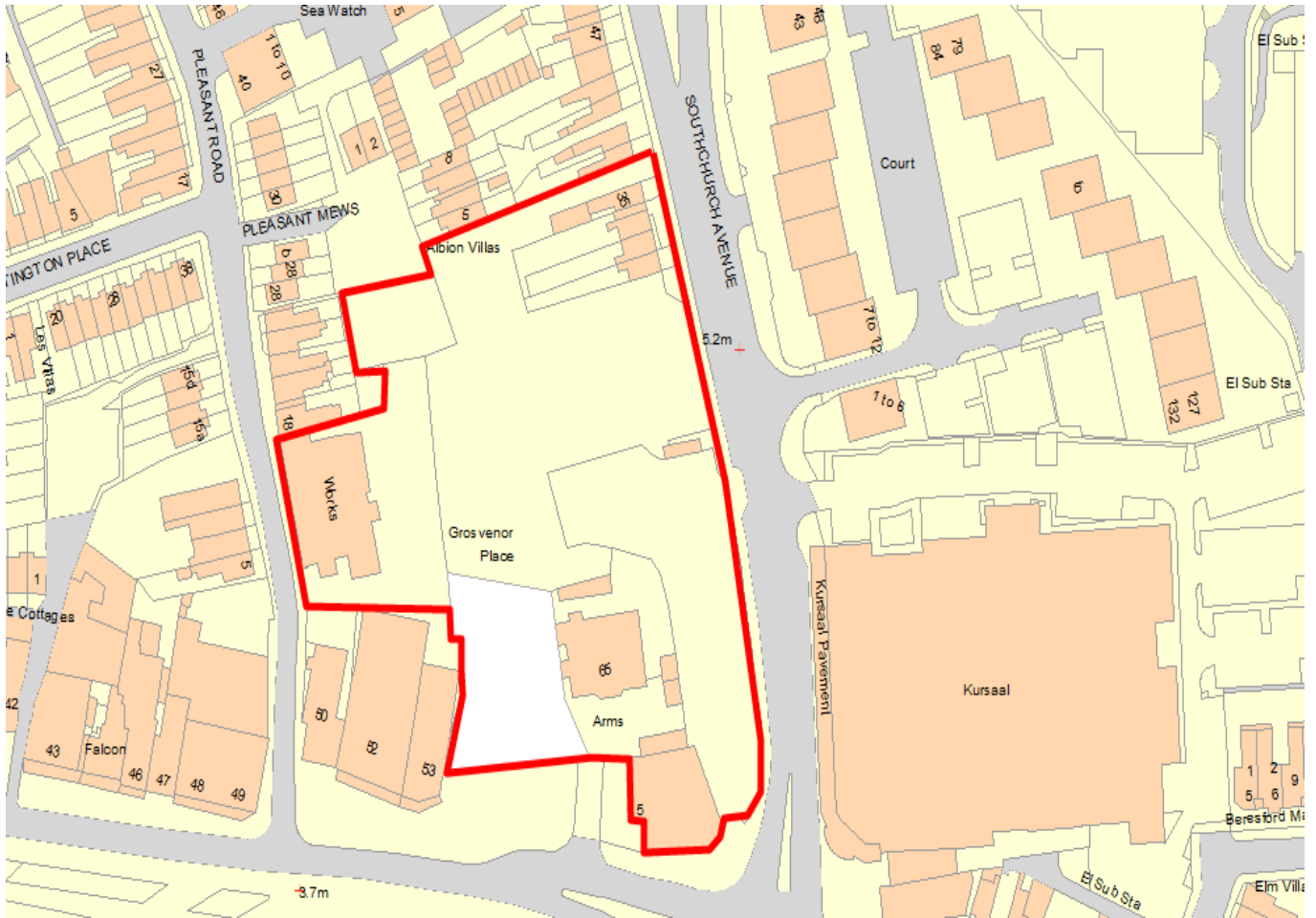
- (i)** Visits will normally be selected (a) by the Corporate Director of Enterprise, Tourism & the Environment and the reasons for selecting a visit will be set out in his written report or (b) by their duly nominated deputy; or (c) by a majority decision of Development Control Committee, whose reasons for making the visit should be clear.
- (ii)** Site visits will only be selected where there is a clear, substantial benefit to be gained.
- (iii)** Arrangements for visits will not normally be publicised or made known to applicants or agents except where permission is needed to go on land.
- (iv)** Members will be accompanied by at least one Planning Officer.

#### **Procedures on Site Visits**

- (i)** The site will be inspected from the viewpoint of both applicant(s) and other persons making representations and will normally be unaccompanied by applicant or other persons making representations.
- ii)** The site will normally be viewed from a public place, such as a road or footpath.
- (iii)** Where it is necessary to enter a building to carry out a visit, representatives of both the applicant(s) and any other persons making representations will normally be given the opportunity to be present. If either party is not present or declines to accept the presence of the other, Members will consider whether to proceed with the visit.
- (iv)** Where applicant(s) and/or other persons making representations are present, the Chairman may invite them to point out matters or features which are relevant to the matter being considered but will first advise them that it is not the function of the visit to receive representations or debate issues. After leaving the site, Members will make a reasoned recommendation to the Development Control Committee.

**Version: 6 March 2007**

<b>Reference:</b>	<b>14/01462/FULM</b>
<b>Ward:</b>	<b>Kursaal</b>
<b>Proposal:</b>	<b>Demolish existing building and erect 282 self-contained flats in six blocks (comprising: one 14 storey block, one 9 storey block, one 5/6 storey blocks, one 4/6 storey block, two 2/4 storey block), erect 2717sqm of commercial floorspace (A1, A3 and D2 uses), layout 318 underground parking spaces, landscaping, cycle/motorcycle/refuse storage, formation of vehicular access from Southchurch Avenue and Pleasant Road</b>
<b>Address:</b>	<b>Marine Plaza Land between Southchurch Avenue and Pleasant Road fronting Marine Parade, Southend-On-Sea</b>
<b>Applicant:</b>	<b>Goldfield Developments Limited</b>
<b>Agent:</b>	<b>Christopher Wickham Associates</b>
<b>Consultation Expiry:</b>	<b>24<sup>th</sup> February 2015</b>
<b>Expiry Date:</b>	<b>31<sup>st</sup> March 2015</b>
<b>Case Officer:</b>	<b>Charlotte Galforg</b>
<b>Plan Nos:</b>	<b>PL001, PL002, PL003, PL004, PL101A, PL102A, PL103A, PL104A, PL105A, PL106A, PL107A, PL108A, PL109A, PL110A, PL111A, PL112A, PL113A, PL114A, PL115A, PL116A, PL117A, PL201A, PL202A, PL203A, PL204A, PL205A, PL206A, PL207A, PL208A, PL209A, PL210A, PL25A, PL26A.</b>
<b>Recommendation:</b>	<b>Delegate to the Head of Planning and Transport or the Group Manager Planning and Building Control to GRANT PLANNING PERMISSION subject to completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (As Amended).</b>



# 1 The Proposal

## 1.1 The application proposals comprise the following:

Demolition of all existing buildings on site, including dwellings within Southchurch Avenue.

The redevelopment of the site to provide 6 blocks of between 2 and 14 storeys (above podium level) comprising 282 residential units, and 2717 sqm m of commercial floorspace over two levels (podium and street level) for A1, A3 and D2 uses. Flexibility is sought in relation to the precise mix of commercial uses but indicative floor areas under each category are included on the application form as follows:

- A1 shops 687sqm
- A3 Restaurants and cafes 1081sqm
- A4 drinking establishments 482 sqm
- D2 Assembly and Leisure 949 sqm

The development will comprise a total of 16 floors. The ground level slopes considerably across the site, allowing parking and commercial uses to be provided towards the southern part of the site. The bottom floor, i.e. the lower ground floor will be occupied by commercial space along the southern edge of the site, with vehicle parking over the remaining floor area. The upper ground floor will be occupied by a small residential area on the west side of the site and vehicle parking over the remainder of that level. Above the upper ground floor is the “podium” level which will be occupied by commercial space along the southern edge of the site and residential to the north. The podium level will also include the landscaping and public space and will be where the majority of servicing of the development will take place. The remaining floors above the podium will be occupied by residential units.

- A residential mix is proposed as follows: as of 5no. studios, 123no. one bedroom flats, 129no. two bedroom flats, and 25no. three bedroom flats;
- Affordable housing in the form of 84 units (30% overall provision) comprising 58 units for affordable rent and 26 units for intermediate rent (70/30 split). Within this affordable provision, 37% of the units would be one bedroom, 33% would be two bedroom, and 30% would be three bedroom;
- Two lower levels of parking providing 318 car parking spaces including 282 spaces for the residential units, 26 disabled spaces (allocated for dual visitor use), and 10 spaces for staff of commercial units, 499 cycle spaces and 8 motor cycle spaces are proposed;
- Private and public amenity space in the form of residential balconies and private terraces (approx. 4095 sqm), shared private amenity space (1142.7 sqm), semi-public space (1511.4 sqm) and public space (2200.1 sqm);

- Residential vehicular access will be achieved from Southchurch Avenue from a new two way junction on Southchurch Avenue approx. 125m north of the existing signals junction. The existing northbound bus stop will be relocated to the south and the existing taxi rank relocated to Eastern Esplanade. The proposed access will include a right hand turn ghost island and traffic would be held off the main carriageway so as not to compromise highway capacity. The current two lane southbound approach will be extended northwards. This access will also give access to the commercial staff parking spaces. The existing CCTV camera will be relocated.
- Access to the podium level for delivery and service vehicles will be from a single, one-way entry only ramp off of Pleasant Road. In order to exit the podium level vehicles will travel down a second ramp which will link with the car park access on Southchurch Avenue. To avoid service vehicles travelling through the existing residential streets it is proposed that the existing “no entry” restriction at the southern end of Pleasant Road together with the short section of one way are revoked, thus allowing all vehicles to turn left or right from Marine Parade into Pleasant Road.
- The potential, through a Masterplan approach, for the integration of the scheme with the later development of the third party land to the south-west of the application plot, currently occupied by Happidrome, Rockery and a fish and chip bar.

1.2 Due to its scale, nature and location the development is considered to constitute Environmental Impact Assessment (EIA) development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (EIA Regulations), and therefore an EIA has been submitted in support of the application. The documents examines: socio economic issues, visual impact and townscape, ecology and nature conservation, transport and traffic, air quality, noise and vibration, hydrology flood risk and drainage, ground conditions and contamination, archaeology and cultural heritage and microclimate.

1.3 The applicant has also submitted the following supporting documents:  
 Design and Access Statement, including recycling and waste proposals, landscape proposals, lighting proposals and public art strategy;  
 A Transport Assessment, Residential Travel Plan, Commercial Travel Plan;  
 Retail and Commercial Uses Assessment;  
 Daylight, Sunlight and Overshadowing report and internal Daylight Assessment;  
 Energy and Sustainability Statements.  
 Planning Statement

1.4 Revised plans and information were submitted in January 2015, responding to officer’s comments and those of consultees. This submission included Addenda to the Design and Access statement and Environmental Impact Assessment (in particular in response to Flood Risk Issues) and revised highways work details.

## **2 Site and Surroundings**

- 2.1 The application site, which has an area of 1.1036 hectares, is located on the Seafront at the junction of Marine Parade and Southchurch Avenue. It includes a western frontage onto Pleasant Road. A large proportion of the site comprises open land that is used, without the benefit of planning permission, for car parking. The Marine Parade frontage includes buildings used as a fast food outlet, amusement arcades and a public house. The Pleasant Road frontage is occupied by a former sweet factory, and there is a short terrace of four houses on the north-eastern corner of the site fronting onto Southchurch Avenue. Three of these houses are derelict. Existing buildings on the site range between one and three storeys in height. There are a number of mature trees on the site.
- 2.2 The site is located within the established commercial central Seafront area, albeit with two, three and four storey residential properties predominating to the north. This part of the eastern central seafront includes two and three storey buildings of varying age and design, including the listed Hope Hotel. The grade II listed Kursaal entertainment complex and the associated Kursaal Conservation Area are situated opposite the site on the east side of Southchurch Avenue. Bourgee Restaurant adjoins the Kursaal to the south and is a locally listed building. Ground levels rise across the site towards the north and north-west. On the south (seaward) side of Marine Parade, the land is relatively open comprising the main landscaped promenade and a public car park and small ancillary buildings. The sites frontage onto Marine Parade stretches 115m and typically the sites depth is approximately 120m.
- 2.3 The junction of Marine Parade and Southchurch Avenue is traffic-light controlled. The southern end of Pleasant Road is one way northbound and Marine Parade has been subject to environmental improvements, as part of the 'City Beach' programme, providing a vehicular and pedestrian shared surface. Pleasant Road is a relatively narrow road serving the neighbouring residential area to the north; it is one way within the southernmost part. Access is prohibited from Marine Parade into Pleasant Road. Marine Parade/Eastern Esplanade and Southchurch Avenue form part of the main road pattern and are both principle urban distributors.
- 2.4 The site lies partially within the Central Seafront Area and partially within a Visitor Accommodation Area as defined within the Borough Local Plan (BLP). The site lies within Flood zones 2 and 3 and within the Southend Airport Safeguard Zone. It is adjacent to the Kursaal Conservation Area and to the Kursaal Grade II Listed Building. There are also a number of Locally Listed buildings within the vicinity of the site along the Marine Parade frontage. To the south of the site lies the estuary which is a SSSI, SPA, RAMSAR site and SINC.
- 2.5 Within the Core Strategy 2007 the site also lies within the Seafront Area. Within the Southend Central Area Action Plan (SCAAP) boundary, the site is within the Seafront Area and allocated as a potential development site, Proposals site CS6b.

### **3 Planning Considerations**

- 3.1 The main planning considerations are the principle of redevelopment of the site for the uses proposed; impact on the character of the area, the adjacent Listed Buildings and Conservation Area; detailed design, traffic generation, parking and highways issues, impact on surrounding occupiers, living conditions for future occupiers, ecology and nature conservation, trees, archaeology, flood risk and drainage, contamination, microclimate, sustainability, and developer contributions.

### **4 Appraisal**

#### **Principle of development**

**NPPF, DPD1 (Core Strategy) Policies, KP1; KP2; CP1, CP2, CP6, CP8; BLP Policies; E1, E5, H5, H7, L1, L2, S5.**

- 4.1 One of the Core Planning Principles of the NPPF is to “encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”  
The proposed development meets this requirement.
- 4.2 The application site lies within the Seafront Area within the Core Strategy. Although the primary focus for regeneration is the town centre and central area, appropriate regeneration and growth will also be focussed in the Seafront area, “in order to enhance the Seafront’s role as a successful leisure and tourist attraction and place to live, and make the best use of the River Thames, subject to the safeguarding of the biodiversity importance of the foreshore” Policy KP1
- 4.2 With regard to employment generating development, policy seeks to deliver a distribution of investment and development reflecting national, regional, sub regional and local policy and based on an approach which inter alia seeks to “maximise the role of the Town Centre as a catalyst in the town’s regeneration through the implementation of a town centre renewal package with emphasis on refocusing of retail opportunities, a major expansion of town centre housing and an expansion of the town’s leisure and cultural provision, including the renaissance of the sea frontage.”  
The proposed development meets this requirement.



4.3 Policy KP2 of the Core Strategy states that “All new development, including transport infrastructure, should contribute to economic, social, physical and environmental regeneration in a sustainable way throughout the Thames Gateway Area, and to the regeneration of Southend’s primary role within Thames Gateway as a cultural and intellectual hub and a higher education centre of excellence. This must be achieved in ways which: (inter alia)

- make the best use of previously developed land, ensuring that sites and buildings are put to best use
- apply a sequential approach to the location and siting of development ... and promote the vitality and viability of existing town and local centres.
- respect, conserve and enhance and where necessary adequately mitigate effects on the natural and historic environment, including the Borough’s biodiversity and green space resources...
- do not place a damaging burden on existing infrastructure;
- are within the capacity of the urban area in terms of the services and amenities available to the local community
- secure improvements to transport networks, infrastructure and facilities
- promote improved and sustainable modes of travel;
- secure improvements to the urban environment through quality design;
- respect the character and scale of the existing neighbourhood where appropriate;
- include appropriate measures in design, layout, operation and materials to achieve a reduction in the use of resources, including the use of renewable and recycled resources.

This approach is reiterated and enlarged upon in further policies within the Core Strategy and Borough Local Plan.

4.4 Policy CP1 sets out how and where jobs should be provided and 750 jobs within the seafront area are sought by 2021. However it should be noted that policy CP1 also states *“Development proposals involving employment must contribute to the creation and retention of a wide range of jobs, educational and re-skilling opportunities. Employment generating development should be located using a sequential approach in accordance with the spatial priorities and roles set out in Policies KP1 and CP2. Offices, retailing, leisure and other uses generating large numbers of people should be focused in the town centre. Industrial and distribution uses will be supported on existing and identified industrial/employment sites, where this would increase employment densities and/or reinforce their role in regeneration.”*

4.5 Policy CP1 also confirms that *“in order to promote economic regeneration, development will be expected to: inter alia:*

- *enhance the town’s role as a cultural and intellectual hub, a higher education centre of excellence, visitor destination and cultural centre;*
- *support the town’s regional potential to develop as a Hotel and Conference Resort with high quality hotels, casinos and broad-based leisure and tourism facilities;*
- *contribute to the regeneration and development of existing and proposed employment sites; the Town Centre and Seafront; existing industrial areas and other Priority Urban Areas;*
- *improve the vitality and viability of Southend town centre, the district centres of Leigh and Westcliff and smaller local centres”*

It is considered that the development meets the aspirations of Policy CP1.

4.6 Policy CP2 of the Core Strategy relates to Town Centre and Retail Development. It states that *“Southend Town Centre will remain the first preference for all forms of retail development and for other town centre uses attracting large numbers of people”*. The policy sets out the hierarchical preference for provision of retail development and concludes that:

*“Any proposal not in accordance with the above hierarchy and sequential preferences will be required to demonstrate that:*

- *there is a need for the proposed development, and in particular that it would contribute to meeting the development needs and objectives set out in this policy or, where it seeks to demonstrate other need to be met, it would not prejudice the achievement of those needs and objectives, or the wider strategic objectives of this Core Strategy;*
- *it would not prejudice the role of Southend Town Centre as a regional centre and, in all its functions, as the key driver of regeneration in the Borough and its urban renaissance*
- *a sequential approach and test has been rigorously followed in the selection of the site, in accordance with national planning policy and the sequential preferences set out in this policy; and*
- *there are no unacceptable impacts on any other existing centres.*

This issue is explored further at paragraphs 4.15-4.18 below.

4.7 Policy CP8 of the Core Strategy states that some 1,100 new dwellings can be accommodated within the Seafront area, within the plan Period and requires that 80% of residential development should be on previously developed land. The proposals are in accordance with this aspiration.

4.8 Borough Local Plan Policy L1 seeks to encourage proposals to provide new visitor attractions or improve existing tourist facilities, where they enhance the resort's ability to attract and cater for visitors, increase local employment opportunities and provide for environmental improvements and Policy L2 deals specifically with the Central Seafront Area and seeks to promote new leisure facilities to improve its environment for visitors. It is considered that the proposals accord with these policies.

4.9 Within the emerging Southend Central Area Action Plan (SCAAP), there are specific policies for the various quarters of the town and for specific sites, para 415. Sets out objectives for the Central Seafront, which are (inter alia) :

*“to deliver strategic development sites in accordance with planning policy and guidance, ensure that new development is supported by appropriate infrastructure and services, and minimises and mitigates against flood risk; protect and enhance the distinctive historic and natural environment; creating a high quality Central Seafront gateway which provide a seamless connection between the seafront, Pier Hill and the Town Centre; delivery of a high quality mix use development with a focus on retail, culture and leisure on Seaway Car Park / Marine Parade which successfully links with open space and green corridors via St. John’s Church and the Town Centre with the Central Seafront; a high quality and seamless extension to the ‘City Beach’ Scheme along Eastern Esplanade; improve transport, legibility, accessibility and connectivity by all modes of travel but fundamentally reduce the impact of the road and parking as a barrier to movement within the entire Central Seafront Area; provide a high quality and sustainable environment with well-designed buildings, structures and spaces; to promote, rebalance and enhance culture, leisure and tourism in the Central Seafront area and foreshore in accordance with designations (SSSI, Ramsar and SPA); delivering of a public art, urban greening and lighting strategy for the central seafront area, including a dedicated creative lighting scheme for the Pier; provide a clean, safe, friendly, well managed and well maintained Central Seafront Area in the daytime and at night to attract a wider range of visitors”.*

4.10 Policy CS2 sets out the Key Principles for the Central Seafront Strategy – these seek to support development opportunities that (inter alia):

- *broaden the leisure, tourism and cultural offer,*
- *provide for appropriately located, high quality and sustainable housing development*
- *protect and enhance conservation areas, listed buildings and key landmarks;*
- *secure high quality and sustainable redevelopment of poor quality, vacant and underused sites and buildings to improve the environment and offer;*
- *create an attractive, green, high quality, well designed and well-connected environment;*
- *contribute to creating well designed ‘gateways’ to mark, frame and enhance the main approaches to the Central Seafront Area;*
- *include environmental, landscaping and public realm improvements,*

*The specific approach for Marine Parade is set out within Proposal Area Policy CS6b which states:*

*“The Council will pursue with private sector partners and private landowners and developers the redevelopment of this area for high quality mixed use development, including the provision of (inter alia):*

- leisure, cultural and tourism attractions including restaurants, digital gallery destination space and quality hotel offer together with new housing and re-provision of car parking.*

4.11 The specific approach for Marine Parade is set out within Proposal Area Policy CS6b which states:

*“The Council will pursue with private sector partners and private landowners and developers the redevelopment of this area for high quality mixed use development, including the provision of (inter alia):*

- leisure, cultural and tourism attractions including restaurants, digital gallery destination space and quality hotel offer together with new housing and re-provision of car parking”.*

4.12 The applicant has submitted a Retail and Commercial Uses Assessment with the application, this assesses not only the uses that are proposed and their impact on the town centre, but also explains why other uses weren't considered suitable on the site.

4.13 The report explains that the commercial space has the potential for both restaurant and commercial leisure uses, but also for retailing or quasi retail/service uses such as beauty salon or coffee shop. Also the space could be used for more/leisure tourist related uses such as gallery, dance studio, yoga centre, nursery or children's soft play space.

4.14 The report states that the applicants did consider inclusion of a hotel within the development. However this was discounted because the scheme configuration and design does not lend itself to a hotel use, which would have taken a substantial amount of space out of the site, would have had significantly greater parking requirements and would not have provided sufficient return compared to total building cost. In addition the current market is for budget hotels and not a higher quality hotel. A budget hotel operation would not fulfil the Councils' policy for high and hotels and furthermore it is noted that there a number of other budget hotels already operating in the vicinity of the site and this would therefore lessen its attractiveness to potential operators.

4.15 With regard to the impact of the development on existing town centre uses, the applicant has carried out a sequential test in accordance with the NPPF requirements. The report concludes that the evidence base demonstrates there is a potential for additional floorspace within the town centre/seafront area and that this evidence base also highlights the importance for improving linkages between the seafront and the retail area.

- 4.16 With regard to the retail need to the applicant concludes that there is a very significant level of quantitative retail floorspace need and also highlights the need for a qualitative improvement in the existing retail offer. They have also carried out their own assessment of the existing A3 offer and consider that there is a shortfall in food and beverage offer, with gaps and deficiencies particularly for family and fine dining. They consider that the quality of the units being provided within Marine Plaza would be attractive to these types of operators. Examination of spending potential within the area and operator demand also demonstrates that there is future capacity for growth in this sector.
- 4.17 The Marine Plaza site, although outside the town centre shopping boundary falls within the Southend Central Area covered by the SCAAP and which specifically allocates the site for mixed use including leisure and restaurants. The applicant has demonstrated that the modest level of retail development that is proposed has a potential for only a very low impact on the turnover of the existing centre and that the proposals would not significantly impact upon the vitality of viability of the town centre. Therefore the proposals are considered acceptable in this regard and to accord with Policy CP2.
- 4.18 To conclude, the regeneration of this site is anticipated within the local planning policy and the emerging action plan. The site is brownfield, but currently underused and does not benefit the seafront at this point or the wider area. The proposed development will have the potential to regenerate not only this site but also to spark regeneration of the wider area. The proposed commercial floorspace has the potential to yield approximately 100 operational jobs once completed and occupied and in addition the construction phase will provide direct and indirect employment (estimated to be about 50 further jobs). The applicants state that the residents of the apartments have the potential to generate a significant localised spending boost and income and the development will have the potential to improve the leisure and tourism offer of the seafront area. Therefore no objection is raised on principle to the redevelopment of the site as proposed.

#### *Housing Mix*

- 4.19 To create balanced and sustainable communities in the long term, it is important that future housing delivery meets the needs of households that demand private market housing and also those who require access to affordable housing. Providing dwellings of different types (including tenure) and sizes will help to promote social inclusion by meeting the needs of people with a variety of different lifestyles and incomes. A range of dwelling types will provide greater choice for people seeking to live and work in Southend and will therefore also support economic growth. The Council therefore seeks to ensure that all residential development provides a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing, to reflect the borough's housing need and housing demand.

- 4.20 The application proposes a residential mix of 5no. studios, 123no. one bedroom apartments, 129no. two bedroom apartments, and 25no. three bedroom apartments. Whilst this mix contains a larger proportion of 1 and 2 bed properties than would ideally be provided, the inclusion of 3 bed apartments/maisonettes is welcomed. Given the nature and location of this development, on balance no objection is raised to the proposed housing mix.
- 4.21 Residential development proposals will be expected to contribute to local housing needs, including affordable housing. All residential developments of 50 dwellings or more will be expected to provide not less than 30% of the total number of units on site as affordable housing.
- 4.22 Affordable housing is proposed in the form of 84 units (30% overall provision) comprising 58 units (69%) for affordable rent and 26 units (31%) for intermediate rent. Within this affordable provision, 37% of the units would be one bedroom, 33% would be two bedroom, and 30% would be three bedroom. This amount and mix of affordable housing is considered to be acceptable.

### **Design and impact on the character of the area, the adjacent Listed Buildings and Conservation Area**

#### **Planning Policies: NPPF, DPD1 (Core Strategy) policies KP1, KP2, KP3, CP4, BLP policies; C2, C4, C11, C14, C15, C16, H5, H7, SPD1 Design and Townscape Guide.**

- 4.23 A core planning principle set out in Paragraph 17 of the NPPF is to seek to secure high quality design and good standards of amenity for existing and future occupants.
- 4.24 The NPPF also states at paragraph 56:  
“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”
- 4.25 Policy CP4 of the Core Strategy states “Development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend” and “promoting sustainable development of the highest quality and encouraging innovation and excellence in design to create places of distinction and a sense of place”.  
The need for good design is reiterated in policies C11 and H5 of the BLP and Policies KP2 and CP4 of the Core Strategy, the Design and Townscape Guide and emerging policy SCAAP policy CS2.

4.26 This application site is identified in the Southend Central Masterplan (2007) as being suitable for a new landmark building and outline approval was granted in 2007 for a building rising to 16 storeys which formed part of a large mixed use redevelopment scheme. The proposed development includes frontage buildings that rise up to 16 storey equivalent. The emerging SCAAP (proposed submission version (2011)) also states that new landmark buildings in the Central Seafront Area will be acceptable in locations where they would 'create well designed 'gateways' to mark, frame and enhance the main approaches of the central seafront area'. The principle of a tall building on this site is therefore established.

4.27 What is of importance therefore, with this current proposal, is ensuring that the form of the proposal and the quality of the design is befitting of a new landmark for the seafront.

4.28 Emerging SCAAP Policy CS6 set out detailed design/layout criteria for the site. Emerging SCAAP Policies PR1, PR2, PR3, PR4, PR5 refer to the public realm and landmark buildings.

4.29 Policy PR5 of the SCAAP states that:

The Council will support and encourage the creation of new landmarks in the areas identified within Appendix 2 of the SCAAP (this site is included), where development proposals can demonstrate:

*a. design, detailing and use of materials are of exceptional quality and interest;*

*b. the location would provide a focal point for an existing vista/sight line or generate a new one; and*

*c. the proposals do not adversely affect the amenity of local residents.*

*The site also falls within the Policy Area CS6b where the following are sought (inter alia):*

- Creation of a 'Southend Balcony' approach – a new public space combined with new active frontage on the seaward side of the Royals and 'Spanish Steps' approach as part of major development proposals on Eastern Esplanade and Seaway Car Park;*

- Remodelling of urban form to create a new link to Marine Parade designed around the Spanish Steps concept of the stepped public urban space;*

- Enhance the quality of public spaces around the Kursaal conservation area.*

4.30 With regard to tall building design the Design and Townscape Guide (2009) states that the Council will assess applications against the CABI Tall Building Criteria for Evaluation which identifies the following key areas for consideration:

- *The relationship to context including form, massing and layout, streetscape*
- *The effect of the historic context which should consider the relationship with the Kursaal*
- *The architectural quality of the buildings including appearance and design detailing, materials, interaction with the streetscape*
- *The contribution to public space and facilities including provision of new public spaces, landscaping, public art, creation of a 'sense of place'*
- *The relationship to transport infrastructure*
- *The sustainable design and construction*
- *The effect on the local environment including microclimate and shadowing, night time appearance, neighbours*
- *The contribution made to the permeability of the site including connectivity with the surrounding area, views and legibility*
- *The provisions of a well-designed environment for the proposed residents including internal layout and amenity space*
- *The credibility of the design including confidence in the quality of the proposal.*

The design of the application is therefore assessed in these respects.

*Relationship to context*

4.31 The site and its surroundings are described in details at paras 2.0 above onwards. The commercial seafront frontage itself is typically 3-4 storeys for the most part and it is bounded at each end by much larger buildings. To the east the new Premier Inn is 5 storeys with a wide form and similarly the significant mass of the Park Inn to the west sits on an elevated position on Pier Hill and rises a full 9 storeys across site. These buildings are significantly taller than those in the central section but here it also important to note that a large scale development has also been approved at Esplanade House adjacent to the Premier Inn site, which includes a 12 storey tower and that a significant redevelopment proposal is likely to come forward for Seaways Car Park this change in skyline over recent and coming years is the start of the regeneration of the central seafront and, whilst a significant increase in scale may not be appropriate on all sites, a few new landmarks should serve to stimulate investment and renewal in this area building on the success of the city beach public realm proposals.



- 4.32 In response to this context consideration has been given to the form and massing of the development to ensure that the relationship between the new development and the surrounding townscape, including the grade II listed Kursaal and the more domestic scaled residential area to the north are respected. In contrast to the previously approved scheme, which had a greater overall massing and a more singular form, the architects have chosen to break the massing into a series of individual blocks sitting on top of a podium. The podium will enable the commercial street frontage to be continuous at ground floor and should reduce the perceived massing of the proposal for pedestrians.
- 4.33 The heights of the blocks above vary greatly and provide a staggered transition between the existing more domestic townscapes at the northern end of the site and the more substantial frontage along the seafront, culminating in a feature tower in the south east corner. The Design and Access Statement claims that locating the tower at this junction is more legible in townscape terms and would create a synergy between the new building and the Kursaal dome forming a gateway to the seafront and that this is a better approach than locating the tower elsewhere on the site where there would be a greater competition between the two landmarks. It is also claimed that a landmark at this end of the site would draw footfall to the eastern helping to regenerate the business furthest away from the town centre including the Kursaal itself. This argument is considered to be valid provided the tower is well deigned has a positive relationship with the Kursaal itself.
- 4.34 To ensure that views of the Kursaal dome are maintained and that the Kursaal remains a prominent landmark in the seafront townscape, the feature tower has been set back significantly and a thorough assessment of the views has been undertaken as part of the Environmental Impact Assessment. This has demonstrates that from key viewpoints the Kursaal dome remains visible and offers reassurance that the proposal will work together with the Kursaal in creating a new landmark gateway for the seafront rather than obscuring it in the streetscape.
- 4.35 The EIA also shows that the proposal will appear subservient to the massing of the Park Inn when viewed from the Pier Hill Lift Tower and will relate well to the height of the Park Inn when viewed from the end of the Pier. These views also highlight the slimmer profile of the development in comparison to the Park Inn which is in an elevated position and has a long elevation facing the seafront.
- 4.36 To the north the site adjoins traditional terraced housing on both street frontages (Southchurch Avenue and Pleasant Road). In Pleasant Road the building drops to its lowest point (2 storeys) and references the height of the adjacent terrace which is considered to be a positive reference. In Southchurch Avenue there is a small jump in scale between the development and the adjacent housing but this is a much wider road of mixed character and a key route to the seafront and it is considered that the small change in scale at this point would help to mark the start of the central seafront area and would not be inappropriate in townscape terms.

- 4.37 To the front of the site the other blocks surrounding the main tower are a significant step down so as not to compete with its landmark status and to provide the stepped transition in scale across the site. It is noted that the south west corner of the site is not included within the detailed proposals but that a masterplan has been completed for this area to demonstrate how it can be developed in the future to complement the proposed design. This includes an indicative design and massing for another lower block on this corner which references the design of blocks A and F on this frontage but provides a transition between the scale of these blocks and the adjacent townscape to the west. The scheme also safeguards the access to a possible car park extension under the building in this area. This masterplan offers reassurance that it will be possible in the future to provide a comprehensive redevelopment of this street block.
- 4.38 On balance it is therefore considered that the approach taken by the architects to the scale and massing of the development will provide the seafront with a new gateway landmark whilst also being responsive to the local context and is considered to be a justified approach to the redevelopment of the site.
- 4.39 The footprint of the building varies greatly over the site as it responds to the scheme design, but how it interacts with the neighbouring buildings is a key consideration. The decision to build tight up to the existing building on Marine Parade (third party land) is considered to be the correct approach as it will avoid any negative space being created between the buildings and enable a continuous commercial frontage to be achieved in line with local character. The staggered building line on this frontage adds interest to the streetscene and would not be out of character with the irregular building line at this end of Marine Parade. Along the other frontages in Southchurch Avenue and Pleasant Road the building footprint is simpler. In Southchurch Avenue the building line reflects the consistent frontage of the existing properties adjacent to the site and this works well. In Pleasant Road the proposal is set back to allow space for an access ramp but the street has a staggered building line so this would not be out of character.
- 4.40 The quality of the street frontages at ground and at podium level is crucial in determining the successful integration of the building into the townscape and are a key consideration for any tall building. The decision to continue the commercial frontage of the 'golden mile' at ground level and create an additional level of commercial floorspace at first floor is compatible with local character and should work well and should create a lively frontage to Marine Parade. Furthermore this commercial frontage wraps around the corner into Southchurch Avenue and this should improve the environment at the junction and respond well to the commercial frontage of the Kursaal. The setting back of the taller elements on this side should help to create a comfortable more pedestrian scaled frontage to the development at street level and one which references the form of the surrounding townscape.

### *Relationship to historic context*

- 4.41 As mentioned above, the grade II listed Kursaal building, which is an existing seafront landmark, is located directly east of the site and the main tower in this location has been positioned to enable key views of this building to be maintained. In addition to these issues of scale and form, the proposal has also sought to respect the historic context of the Kursaal in its detailed design of the Southchurch Avenue frontage in particular and in its choice of materials. At ground floor on this frontage the development contains the car park access and the podium exit ramp, which it is noted can only be located on this street. Concerns were raised at pre application stage regarding the impact that these inactive uses may have on the listed building, however, the architect has responded to this concern by carefully detailing this frontage to reference the rhythm of the arcading of the Kursaal in the design of the plinth and providing bespoke designed the car park ventilation screens and access gates of a decorative form picking up on the lattice pattern found on the balconies above. At the upper levels and at either end the proposal has maintained a well articulated and active frontage to the development including a number of residential entrances at the northern end and a continuation of the shopfront at the southern end. It is considered that the attention to detail in this frontage has overcome the initial concerns raised regarding this frontage and that the proposed design should ensure a well detailed pedestrian friendly frontage which responds positively to the character of the Kursaal.
- 4.42 With regard to the choice of materials the Design and Access Statement states that a deliberate decision was made to contrast the materials of the Kursaal in the design of the towers by choosing a simple white palette. This will help to highlight the red brick and decorative stonework of the Kursaal helping to maintain its landmark status in the streetscene and this is considered to be appropriate in this instance.
- 4.43 It is therefore considered that the proposal has taken great care to ensure a positive response to the historic character of the Kursaal and the associated Kursaal Conservation Area.

### *Architectural quality*

- 4.44 The architectural quality of the proposal is of paramount importance in ensuring that a development of this scale, which is so prominent and exposed, makes a positive addition to the townscape and to the regeneration of the area. This includes ensuring that the architectural style and detailing of the buildings are well considered, that the scheme is cohesive but has sufficient interest that the materials are high quality and that public frontages are appropriately detailed.

- 4.45 With regard to the architectural language of the blocks, the architects have chosen to differentiate between those that face directly onto the livelier commercial seafront and those to the rear of the site adjacent to the existing residential areas, but to have a family of architectural elements, such as balconies, fenestration, entrance language and materials running through the development to ensure that it appears cohesive. The front blocks are bolder in their detailing and are characterised by a strong horizontal layering of balconies picking up on the seaside vernacular and the horizontal references found in the 'golden mile' and the long balconies of the Park Inn. This is also expressed in the overhanging 'diving board' features of the terraces above the shopfronts which will add drama to the frontage at street level and again references the strong canopies features seen on the arcade buildings to the west of the site. The length of the balconies are broken up by recessed glazed sections with an etched lattice pattern which add a richness and interest to the elevations and enables more extensive views for the occupants. This motif is referenced in other elements of the scheme including the balustrade and shutters and screen to the car park which helps to tie the development together as a complete scheme.
- 4.46 The blocks to the rear are 'quieter' in their architectural language which relates to the more domestic character of the side streets but remain well detailed. Recessed balconies and large windows and a subtle change in materials and texture add articulation to the frontages and help to distinguish them from the more lively blocks at the front of the development. The central blocks provide the transition between these two styles incorporating elements of both in their design. This approach adds interest and variety to the scheme but enables it to remain cohesive in its design approach. It also helps to distinguish the more public areas and spaces to the front of the site from the more private residential areas to the rear and is considered to work well.
- 4.47 At the lower levels there is also a consistency in the design of the shopfronts and in the entrances to the blocks themselves and this also unites the development with a common language. It is noted that the shopfronts, which are shown to be a simple glazed design with recessed columns, are to be fitted by the individual occupiers. Further information was submitted in relating to these elements in January 2015; it is proposed that retail signage be located on a recessed fascia behind fully glazed shopfronts. This is considered to be a good way of ensuring a high quality consistent façade to the retail units and this approach is considered acceptable. However it will remain necessary to ensure that the consistency in the design detail found across the rest of the scheme is maintained in this area and it is therefore suggested that the applicant be required by condition to produce a design code for the shopfronts and which can be passed to tenants in due course. A consistent approach has also been adopted for the entrances to the blocks which appear to be prominently located and generously scaled and this will also improve the legibility of the scheme.

- 4.48 Revisions were made to the scheme in January 2015 and have resulted various changes as follows:
- Alterations to the detailing of blocks A-F including a 200mm increase in balcony depth, the removal of Juliette balconies to enable the glazed waling system to read as a continuous façade and refinement of the balcony profile. It is considered that these amendments to the detailing of blocks A and F have resulted in a more refined and sculptural form as the balconies now appear to float on the façade. These changes will make the tower more distinctive and are therefore welcomed.
  - The detailing of the car park screens has been developed and now has a more organic form. This ensures that it is more robust whilst also having a richer form. There is no objection to either design of screens as it is considered that they both enrich the development. It is noted that the revised design will be more robust and this may be beneficial in terms of maintenance. It will also better obscure views of the cars and plant from the pedestrians and this is also considered to be a positive.
  - The external staircase on the junction of Marine Parade and Southchurch Avenue has been stepped and refined in its materials. It is considered that the amendments to the external staircase have improved this key corner of the development by reducing the bulk of the retaining wall and adding texture and richness to the corner.
  - The balustrade to Southchurch Avenue has been amended from solid to a railing. This has the benefit of reducing the height and scale of the retaining wall for pedestrians and improving the visual connection with activities at the podium level and is welcomed. The rhythm of the Kursaal colonnade is picked up in the column detail and aligned lighting poles and this is considered to be a positive reference to the historic building.
- 4.49 The design of the public art feature which comprises groupings or ‘clouds’ of small canopies in the public areas should add colour and drama to the development and should help to link the public spaces at both levels drawing pedestrians into the heart of the scheme. The design of the canopies plays on the seaside parasol theme and should relate well to the wider seaside character.
- 4.50 Significant information has been provided regarding the proposed materials, which are high quality and complementary but the schedule is not exhaustive so full details of these will be conditioned.
- 4.51 Overall the styling and detailing of the proposal including design of features such as balconies, the quality of materials, the entrances and the public art and landscaping are all well considered and will make the difference between a mediocre development and a high quality one. Features such as the etched glass lattice detailing which is picked up in the balconies, the podium balustrades and the car park gates and screens will make the proposal distinctive and enrich the design. The proposed public art canopy features will also contribute to the unique and special character of the development by linking the public areas with a common theme and one which has a fun seaside character. These elements demonstrate the attention to detail in this scheme which raises it to a higher level of quality befitting of a new landmark building.

### *Contribution to public space and facilities*

- 4.52 Two significant public spaces will be created as part the development proposal – at ground level a public space is proposed at the front of the site enhancing the setting of the retail units at this level and improving the setting of the junction and the Kursaal and building on the city beach enhancements. A wide feature staircase leading from this area connects it to a new podium public space at first floor level which includes terraces overlooking the estuary and a central area providing street frontages to the residential blocks. The area towards the back of the podium is proposed as a semi private space for the residents.
- 4.53 The podium layout has arisen from the need to protect the residential units from the risk of flooding, for the creation of a workable service route for the rear blocks and to screen the large area of car parking that is required for the development but by making a feature of it these constraints are not apparent in the design and the podium appears as a townscape feature in its own right and will be a destination for visitors as a meeting and viewing area, as a backdrop to the upper commercial units and as a route through the development. The subtle demarcation of the podium's vehicular route ensures that this area appears as a pedestrian space rather than a service road and this will be crucial in ensuring a high quality townscape at this level. The soft planting at the northern end helps to delineate the more public area at the front from the more private forecourt area to the rear blocks whilst still providing an attractive setting for the buildings. It is considered that there would be scope for some soft landscaping to the front of the podium to add softening to this area but the architect has chosen instead to use this area for part of the public art installation and, whilst this will not provide softening, it will add height, drama and intrigue to the area and help to unite the three main public adjacent to the main steps and this should improve the accessibility of the spaces. The decision to make this glazed at the upper level will make it appear as a design feature rather than an 'add on' and better integrate it into the development.
- 4.54 At ground level the design approach adopted at city beach is to be continued onto the forecourt as this should ensure a seamless integration with the wider seafront at this level. The decision to wrap the paving into Southchurch Avenue will help to improve the visual impact of the junction and the setting of the Kursaal. Small details such as a raised table to the lower vehicular access are also welcomed in ensuring pedestrian priority in this area. There is no space for landscaping on the pavement at the southern end of Southchurch Avenue but the architect has provided some significant tree planting and landscaping on this elevation at podium level so this will provide some greenery in the streetscene. There is further tree planting at the northern end of this frontage.
- 4.55 On the Pleasant Road frontage there is a significant amount of planting to the street and to the sides of the podium ramp and this will make an important contribution to the attractiveness of this route for pedestrians and in the general streetscene. Landscaping has also been used to good effect to soften the boundaries between the proposal and the 3rd party land in this area and will help the development to appear more complete in the interim. The indicative landscaping plan for these areas offers reassurance that the podium, street frontages and amenity areas will be well designed and softened but a detailed scheme will be conditioned.

- 4.56 The Design and Access Statement goes into some detail regarding the external lighting of the proposal and this is welcomed as it will ensure that the development comes makes a positive contribution to the character of the seafront at night and plays its role in the seafront illuminations. The lighting to the undersides of the main front balconies, the podium overhang, the steps and the public art feature will be particularly important in this respect.

*Relationship to transport infrastructure*

- 4.57 This site is within the central area which is well served by public transport but it is not considered that this criteria impacts on the detailed design of this proposal.

*Sustainable design and construction*

- 4.58 The scheme is to be built to breem very good and code for sustainable homes level 3 and includes various commitments to sustainable design and construction including responsible sourced materials, high levels of insulation, drying space and home office provision, energy monitors for all units, enhanced biodiversity including green and brown roofs and a commitment to meet lifetime homes standards. A proportion of the development is specifically adaptable for wheelchairs. Overall it is considered that the applicant has demonstrated a good commitment to sustainable design and construction.

*Effect on the local environment*

- 4.59 Information has been provided on the impact on the local microclimate around the blocks especially on the podium which explains how generation of down drafts and wind will be mitigated. This is expanded below.

- 4.60 All public areas are well overlooked by the residential units and this should provide high levels of natural surveillance. As mentioned above a comprehensive lighting scheme is proposed which should ensure that the proposal feels safe to walk around at night as well as being an artistic feature of the development.

*Contribution to the permeability of the site*

- 4.61 The podium design concept connects into the surrounding street network in 5 different places and this has dramatically increased the permeability of the site and combined with a high quality landscaping scheme, should help to encourage pedestrian activity to and through the site. It is noted that the podium also enables service and emergency access into the centre of the development.

- 4.62 In addition to the physical connections the layout and form of the development also opens up views of the seafront and surrounding streets from the central podium space and this should help to make the scheme legible and assist navigation. It is therefore considered that the proposal has improved the permeability of the site both in the physical and visual sense.

### *Credibility of the Design*

- 4.63 This proposal has been designed to a high level of detail to ensure that the challenges of the site and the local context have been well considered and addressed. The proposal includes a number of areas of detail, such as the unique lattice design theme and the public art installation which will make the scheme distinctive and create a sense of place befitting of a new landmark building. This reassurance of quality is in the most part due to the appointment of an experienced and well regarded architectural practice who have built many developments of this scale and who provide confidence in the delivery of a high quality landmark building for this site.
- 4.64 To conclude, the development is considered to meet the current Policy requirements and those of the emerging SCAAP, it would also comply with the CABE Tall Building Criteria for Evaluation. It is considered that the development represents an exciting opportunity to regenerate this open brownfield site into a landmark development for Southend, which would uplift this Central Seafront Area.

### **Traffic and Transport**

**Planning Policies: NPPF; DPD1 (Core Strategy) policies: KP1, KP2, KP3, CP3; BLP Policies; T1, T8, T10, T11, T12, T13, T14.**

- 4.65 The site is set in a sustainable location. It is located within walking distance of Southend Central station which connects with London Fenchurch Street, and is adjacent to cycle routes and bus routes. The site is within ready walking distance of the town centre and its associated amenities and is also located close to the A13 and A127, Southend to London arterial roads. Highway works have recently been completed along Marine Parade as part of the "City Beach/Better Southend project which sought to make the highway around the site more pedestrian and cyclist friendly.
- 4.66 Permission was granted on this site in 2006 for a scheme comprising 126 residential units, a 100 bed hotel, 7,500m<sup>2</sup> casino, a 2,500m<sup>2</sup> nightclub and 2,000m<sup>2</sup> of restaurants. That permission is a material consideration when assessing the current development. The 2006 development included provision of 650 car parking spaces.
- 4.67 The current proposal includes 2,717m<sup>2</sup> of commercial floorspace and 282 residential units. It includes 318 car parking spaces. Parking spaces will be allocated to individual dwellings. There would be 10 spaces allocated for staff of the commercial units and 26 spaces for disabled persons. Parking spaces would be provided on the lower ground floor and upper ground floor.
- 4.68 It should be noted that the site as existing is used for car parking (without the benefit of planning permission) which impacts upon the surrounding highway.
- 4.69 The scheme is accompanied by a Traffic Assessment; both Residential and Commercial Travel Plans, a draft Waste Management Plan and a draft Car Park Management Plan.



- 4.70 The scheme includes alterations to the highway as described at para 1.1 of this report.

#### *Traffic Generation*

- 4.71 Trip Generation has been assessed using the recognised TRICS database and using the towns VISSIM model. The modelling assessed the impact of the development together with other nearby development. This methodology was agreed with Council officers.
- 4.72 Following the modelling work, highways works were identified as being necessary to the highway around the site as set out at para 1.1 of this report. Provided these highways works are carried out, the modelling demonstrates that the development would have only a marginal impact on junction performance during AM and PM peak times. It should be noted that the highways network has the capacity to accommodate any queues into the site within the right turn ghost island and hence traffic movements along Southchurch Avenue will not be obstructed.
- 4.73 Whilst it is recognised that during seasonal peaks the highways around the site can become congested, it is considered that by the use of judicious signage as described below, additional traffic can be directed away from the seafront and into the underutilised town centre car parks. The site is currently being used as a public surface car park which operates on Sundays and bank holidays and attracts a number of trips on the transport network during weekends, and which will not be present following development. Taking the above factors into account, on balance, the impact of the development at busy times is likely to be minimal in comparison with the traffic already on the network.
- 4.74 It is noted that there will also be an impact on the surrounding highway for construction traffic and this needs to be controlled appropriately therefore a condition requiring a construction traffic strategy will be required.

#### *Car Parking*

- 4.75 Residential - The development is policy compliant with regard to residential parking provision. The scheme includes 100% parking to serve the residential units (1 space per unit). This provision is in accordance with EPOA standards for accessible sites.
- 4.76 It should be noted that the emerging DM DPD includes revised parking standards for residential properties in accordance with the revised EPOA standards 2009, however the DM recognises that town centres have good public transport options and have services and facilities within walking distance, making sustainable travel choices a realistic alternative for many people. The car parking requirement for dwellings within the area covered by the SCAAP therefore remains at 1 space per dwelling. Thus the development is considered to be in accordance with the existing and emerging parking standards.

- 4.77 Commercial– parking standards for commercial development are maxima standards within the current and emerging policy. The applicants state that it is there intention to provide only “operational” commercial parking spaces. This is because:  
national and local policy seeks to encourage travel by sustainable modes of transport and maximum parking would undermine this objective,  
a lower level of car parking is appropriate in this accessible area,  
the proposed commercial uses will not generate a demand for additional parking on the basis they will attract “linked trips” undertaken by local residents, persons already within the town centre who have parked elsewhere or those who have travelled specifically to the seafront and therefore will have again parked elsewhere.  
The site lies within a highly sustainable location with excellent public transport availability and thus the development is capable of supporting a lower provision of car parking;  
As stated in the Local Transport Plan (2011 – 2016), Southend town centre has a higher than average number of parking spaces for a town of this size and on average the maximum occupancy throughout the day for all car parks is about 70% of available capacity.  
Officers concur with these views.
- 4.78 There is, as stated, capacity within town centre car parks to accommodate in excess of the levels of parking demand which would be associated with the proposals. The applicant has agreed to make a contribution for signage which it is intended would be used to adapt existing directional and VSM signage to alert drivers before such time as the seafront is reaching capacity, and to direct them to other car parks within the town so as to make them aware of alternatives. This information could include details of walking times to the seafront area. Officers are satisfied that this is a satisfactory solution and that the proposed level of overall parking is sufficient to meet the needs of the development.
- 4.79 It should also be noted that the travel plans have been submitted for both the commercial and residential elements of the development. These plans set out a number of initiatives and measures which will be implemented with a view to reducing reliance on the private car and maximising the used of sustainable transport modes. Implementation of theses Travel Plans will be a requirement of the S106 Agreement.
- 4.80 The applicants have shown 499 cycle parking spaces to be provided to serve the development. This will be provided in various locations within the site close to the properties which it will serve and will be covered and secure in accordance with policy. Motor cycle parking is also provided. This is welcomed.

### *Access and Servicing*

- 4.81 The main pedestrian access to the development is Marine Parade, this includes feature steps plus a lift for less able pedestrians. Southchurch Avenue provides a secondary route with access via stairs and a ramp which connect street level up to the Terrace and courtyard levels. The Pleasant Road footpath is proposed to be widened and will include entrances to the flats on this frontage. The Pleasant Road and Southchurch Road ramps are shared surfaces and will encourage pedestrian access through the site.
- 4.82 All accesses and vehicular paths through the site have been subject to swept path analysis as have the parking areas and all will function properly.
- 4.83 Servicing – Service access to the site will be routed in a one way route taken from Pleasant Road (the current one way section will be reversed to allow service access into the site), through the site and will exit onto via the ramp onto Southchurch Avenue. This access will facilitate waste collection, and emergency and delivery access. The public realm is also accessible to those with mobility issues, with ramps and or level accesses.
- 4.84 Commercial waste is centralised for the Marine Parade level, within a dedicated commercial waste store room in the basement, accessible via entrance doors in the eastern podium wall. The upper level Block F and Block A commercial units have independent and dedicated commercial waste rooms, accessed off the internal vehicular route. Residential Communal refuse and recycling stores are discretely located near the front entrances of the Blocks. Refuse stores can be accessed within the maximum carrying distances and the proposed waste stores have been designed with adequate storage to serve the development.
- 4.85 A Waste Management Strategy will be required by condition, covering both residential, commercial and public space refuse management. This will include management of waste containers within the stores, emptying and maintaining of public litter bins within the site demise, and will facilitate the smooth-running of waste and recycling collections by Council operatives. In due course and prior to occupation a detailed assessment of the developments waste collection requirements will be made and any monitored throughout the life of the development.
- 4.86 Servicing and waste facilities to serve the development are therefore considered acceptable.
- 4.87 Taking all these factors into account proposed development is considered to meet with policies T8, T11 , T12 and T13 of the BLP and CP3 of the Core Strategy with regard to traffic generation, parking, access and servicing.

### *Developer Contributions for Highways works*

- 4.88 Policy KP2 of the Core Strategy requires that “new development should ensure good accessibility to local services and the transport network ... facilitate the use of travel modes other than the private car....secure improvements to transport networks, infrastructure and facilities and promote improved and sustainable modes of travel”.
- 4.89 As noted above at para 1.1 various highways works are proposed to address the impact of the development on surrounding highways and these will need to be subject to a S106 Agreement and Traffic Regulation Order (including potential relocation of the existing CCTV camera). It is also recommended that the arrangements are monitored following implementation and any appropriate remedial action undertaken at the expense of the developer.
- 4.90 Further contributions/provisions are sought for the following:
- Pedestrian signage to and from the development (£40k)
  - Changes to signal timings at Southchurch Avenue/Eastern Esplanade (£2k)
  - 4 x AVL display signs and associated works £36k
  - 2 x raised borders and 2 x bus shelters £16k
  - 1 x new layout for taxi rank £1k
  - Traffic Regulations Order to cover all advertisement amendments and new orders £10k
  - Relocation of SPECS traffic speed system £30k
- 4.91 Discussions are currently on-going with the applicants in relation to these contributions and the outcome will be reported.

### **Impact on amenity of adjacent occupiers and future occupiers of the development**

#### **Planning Policies: NPPF, Core Strategy policy CP4, BLP policies H5, H7, E5, U2. Design and Townscape Guide SPD1**

- 4.92 Policies H5 of the BLP and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. Residents are currently facing a mostly undeveloped site, therefore the proposed development will undoubtedly have a greater impact. However the key point is to consider whether the impact of the development will result in material harm to those occupiers.

*Outlook, sunlight and daylight and overlooking.*

- 4.93 The scheme has been designed taking into account the impact on the living conditions of neighbouring residential occupiers. The proposal incorporates buildings (Blocks C, D & E) of a lower height along the sensitive northern and western boundaries of the site and provides appropriate separation distances to the boundaries of neighbouring residential plots in Pleasant Road, Albion Villas and Southchurch Avenue.
- 4.94 The application is accompanied by a Daylight, Sunlight & Overshadowing Report which assesses the impact of the scheme on the living conditions of neighbouring and nearby residential occupiers having regard to a recognised methodology. In respect of daylight, the overall impact of the proposal on levels of daylight in adjacent properties is demonstrated not to be detrimental.
- 4.95 In relation to sunlight, the assessment indicates that surrounding existing windows are predicted to receive sufficient sunlight in accordance with BRE Guidance. Therefore, given that the overwhelming majority of tested windows facing within 90 degrees of due south are not likely to be adversely affected, the scheme's impact on sunlight levels in neighbouring properties is not considered to be detrimental.
- 4.96 The proposal's potential for overshadowing of adjoining amenity spaces has also been assessed, in line with BRE guidelines. The closest amenity spaces have been assessed. One of these gardens falls marginally below the BRE guidelines, however all others meet the BRE guidelines. On balance it is not considered that the impact is so great as to warrant raising an objection to the development on that basis.
- 4.97 It is concluded that the proposed development will therefore not have a significant impact on surrounding buildings and amenity spaces in terms of daylight, sunlight and overshadowing.

*Overlooking*

- 4.98 The development has been designed to include the highest block, which will have the greatest impact, at the south of the site, furthest away from the most affected occupiers. The blocks have been placed, either to replicate existing relationships with surrounding development, as to the north adjacent to Pleasant mews and Southchurch Avenue, or are sited sufficiently distant from residential properties to prevent undue overlooking.
- 4.99 There will be overlooking of properties in Southchurch Avenue but this is a situation that commonly occurs across streets and is not considered to result in material harm, particularly taking into account the width of Southchurch Avenue.

### *Noise and disturbance*

- 4.100 The applicant has submitted a noise impact assessment with the application, as part of the EIA, which examines not only the impact on surrounding development but also future occupiers of the development. The applicant has assessed the noise impact on residents from the development, including any ventilation/extraction etc. and construction noise and considered what mitigation measures are required.
- 4.101 The noise and disturbance emanating from the residential uses of the site will be relatively low and similar to those generally expected within a residential area. The proposed uses would not give rise to disturbance to surrounding occupiers.
- 4.102 Traffic noise from servicing etc. will be contained within the site and again should not give rise to harm to surrounding occupiers. Noise from ventilation ducting etc. will be controlled through the use of suitable conditions, (car park ventilation details have been shown on the submitted plans) and in any case the commercial uses on the site are located well away from the surrounding residential uses and are not anticipated to give rise to material harm.
- 4.103 Construction noise will be mitigated by use of hoardings around the development, carrying out construction in accordance with best practice and limiting the permitted hours of construction.

### *Lighting*

- 4.104 The development will be externally lit. Details of the lighting can be controlled by condition to ensure that the light source is directed away from surrounding residential occupiers and is not excessively bright and will not therefore cause detrimental intrusion of light.

### *Impact on future occupiers*

- 4.105 It is also necessary to consider whether the development will result in an acceptable environment for future occupiers of the flats.

### *Size and layout of units*

- 4.106 It is the Council's aim to deliver good quality housing, ensuring that new developments contribute to a suitable and sustainable living environment now and for future generations. To achieve this, it is necessary to ensure that new housing developments provide the highest quality internal environment that will contribute to a good quality of life and meet the requirements of all the Borough's residents. Minimum space standards are intended to encourage provision of enough space in dwellings to ensure that they can be used flexibly by residents, according to their needs, and that sufficient storage can be integrated.
- 4.107 The DM DPD includes minimum indicative residential space standards and the development exceeds these standards for all units.

### *Overlooking*

- 4.108 As noted above it is not considered that there will be undue levels of overlooking between the development and existing properties surrounding the site. With regard to the relationship between buildings within the site, there will be a degree of overlooking between the units which front onto the public spaces, as would be expected in any similar street. However with the exception of the frontage blocks all units also have a more secluded side which will not be publically overlooked. The higher blocks to the front of the site will be open to view on all sides, however given their height and their location apart from other buildings; it is not considered that occupiers will be overlooked. Balconies to the development have been carefully designed to both give maximum views out of the development towards the seafront, but also to avoid unacceptable degrees of overlooking between units. Balcony screens are proposed to be installed on some units.

### *Amenity Space*

- 4.109 Private outdoor space is an important amenity asset and provides adults and children with external, secure recreational areas. It is considered that this space must be useable and functional to cater for the needs of the intended occupants. All new residential units will be expected to have direct access to an area of private amenity space.
- 4.110 All of the above ground floor have access to balconies, the majority of which are generous in size. The larger of the units at ground floor (including the duplex units) also have access to small private garden areas. In addition the development includes generous areas of private communal open space (over 1000sqm) to serve the residential development, sited to the north of the site and well separated from the commercial/public uses. The site is also close to the seafront and its beaches. Taking all these factors into account the development is considered to be well provided with amenity space.

### *Noise*

- 4.111 The noise assessment submitted with the application, examines the impact on future occupiers of the development. Traffic noise levels surrounding the development are high and there will be service vehicles travelling through it. Mitigation measures will be necessary to achieve a suitable noise environment for occupiers, and acoustic glazing will be required to the new flats. The developer has submitted information to demonstrate that with suitable acoustic glazing in place, noise levels for occupiers of the units facing both into and out of the development will be at an acceptable level. Details of the glazing specification will be controlled by the use of suitable conditions
- 4.112 It should be noted that some of the balconies serving the development will experience high levels of noise. Whilst design features and potential parapet screening will help, the impact cannot which be entirely mitigated. However given that they are good levels of communal amenity space within the development, and that the site is adjacent to the seafront and its beaches, it is considered that the development will still result in a satisfactory level of amenity space for occupiers and no objections are raised on that basis.

### *Ventilation and extract ducting*

- 4.113 Any mechanical extraction, ventilation or air conditioning plant, particularly that serving the residential and commercial units, would need to be carefully located and designed in order to prevent statutory noise or odour nuisance. A fully detailed specification for the ventilation strategy will be developed at construction phase of the development and details for the commercial element will be based to an extent on the occupiers of the commercial units. However the development has been designed to include space for such equipment, including ventilation points for the car park. Each of the commercial units will be heated and cooled using high efficiency VRF heat pumps. These will be centrally located within the lower ground floor plant room. Officers are satisfied that the details of the mechanical extraction, ventilation or air conditioning plant can be satisfactorily incorporated into the development and can therefore controlled by the use of a suitable condition.

### **Sustainable Construction**

#### **Planning Policy Statements: NPPF DPD1 (Core Strategy) policies: Key Policies: KP2, CP4, SPD 1 Design and Townscape Guide**

- 4.114 Policy KP2 sets out development principles for the Borough and refers specifically to the need to:
- “include appropriate measures in design, layout, operation and materials to achieve:*
- a reduction in the use of resources, including the use of renewable and recycled resources.*
- All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. At least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in SPD 1 Design and Townscape Guide, wherever feasible. How the development will provide for the collection of re-usable and recyclable waste will also be a consideration.....*
- .....development proposals should demonstrate how they incorporate ‘sustainable urban drainage systems’ (SUDS) to mitigate the increase in surface water run-off...”*
- 4.115 The applicants have submitted Sustainability and Energy Statements in support of their application. These set out how the energy needs of the development might be met and looks at all the possible options.
- 4.116 The residential part of the development will achieved Code for Sustainable Homes level 3 and the Commercial element will achieve BREEAM very good.



- 4.117 The applicants have explored a number of renewable energy options for the site and conclude that photovoltaics (lying flat) are the most suitable renewable technology for the dwellings and Air Source Heat Pumps (ASHP) most suitable for the commercial units. The energy calculations submitted indicate that in order to achieve a policy compliant scheme, 432 solar PV panels are required. The applicant has submitted a roof plan to show that this can be accommodated within the development. This will reduce emissions by 10%, which would be in line with the requirements of KP2. The development will also encourage energy reduction during operation of the development by other means such as high performance glazing, efficient lighting etc.
- 4.118 In accordance with policy the proposals incorporate a Sustainable Drainage system (SuDs) to manage water runoff from buildings and areas of hardstanding.
- 4.119 Overall the sustainability credentials of the development are considered to be acceptable. The proposed sustainability measures are generally considered to be acceptable and subject to an appropriate condition, the development is therefore considered to meet the requirements of policy KP2.

## **Ecology**

### **NPPF Section 11, Core Strategy Policies KP1, KP2 and CP4.**

- 4.120 The application site is close to an area which forms part of the Benfleet and Southend Marshes SPA and Ramsar site. The location of the proposal in relation to this European and Ramsar site means that the application must be determined in accordance with the requirements of the Habitat Regulations in particular Regulation 61 and in relation to the Wildlife and Countryside Act 1981 (as amended). Consideration of the application must also take into account the impact of the development on protected species. Natural England, the Environment Agency, RSPB and Essex Wildlife Trust have all been consulted regarding the application.
- 4.121 Natural England has no objection to the proposed development subject to the inclusion of their recommended conditions (which are included within Section 11) and the proposal being carried out in strict accordance with the details of the application. The reason for this view is that subject to the inclusion of the recommended conditions, Natural England consider that the proposed development, either alone or in combination with other plans or projects, would not be likely to have a significant effect on the Benfleet and Southend Marshes SPA and Ramsar site
- 4.122 Officers have carried out an assessment of the application under the Habitats Regulations 2010 and in particular Regulation 61. The Habitats Regulations require a two step process. Firstly consideration needs to be given as to whether the development is likely to have a significant effect and if it does, the next step is to make an appropriate assessment.

- 4.123 As required by the regulations the applicant has provided such information as the authority reasonably requires for the purposes of the assessment or to enable them to determine whether an appropriate assessment is required. An ecological scoping survey has been carried out in relation to the site and surrounding area. Separate Bat surveys have been carried out and it is concluded that the site is not of importance to bats. No other notable species were found on the site. The submitted report recommends a number of mitigation measures in relation to the development such as the type of lighting to be used, incorporation of features to encourage biodiversity, etc. These mitigation measures will be required to be carried out by virtue of suitable conditions.
- 4.124 The authority has consulted the appropriate nature conservation bodies and has had regard to the representations of those bodies.
- 4.125 Both the applicant's ecologist and Natural England have assessed the impact of the development and concluded that it would not be likely to have a significant impact on the Benfleet and Southend Marshes SPA and Ramsar site. No adverse comments have been received either from Essex Wildlife Trust or the Councils Parks officers in relation to the application and taking into account the information submitted with the application and the opinions of the general public as set out in the representations received it is not considered necessary to make an appropriate assessment.
- 4.126 Given the nature of the seafront being well lit and crowded, and containing other development close to the protected area, it is considered that the impact of the construction works associated with the development, will not be significant in relation to the impact upon the protected sites and wintering birds and indeed Natural England has not raised concerns in relation to construction issues subject to appropriate conditions being imposed. Conditions will be imposed to mitigate the impacts of the development.
- 4.127 Provided the appropriate mitigation measures are proposed and the recommended conditions are imposed, it is considered that the development would have an acceptable impact in relation to ecology and would not have a significant environmental impact.

#### **Flood risk and drainage**

**Planning Policy: NPPF Section 10, DPD1 (Core Strategy) policies: KP1, KP2, KP3, CP4, BLP policies, U1, U2.**

- 4.128 The southern part of the site lies within Flood Zones 2 and 3. Therefore a Flood Risk Assessment was required and was submitted with the application, and the Local Authority is required to carry out a sequential test. A detailed Flood Evacuation Plan has also been submitted with the application.

- 4.129 Initially the Environment Agency raised objections to the development, and considered that further information in relation to flood risk and drainage was required to be submitted. This has now been done. The applicants have updated their FRA and amended the development to address protection against a 1 in 200 year flood level. The drainage strategy has been based on a pre-development runoff rate agreed with Anglian Water. The proposed flood management strategy for the upper and lower car park levels has been amended to protect these areas rather than allow them to flood and all sleeping accommodation is now set above the design flood level. Alterations include, changes to the car park to provide an automatic flood barrier, and revisions to car park layout to ensure continuity to the car park flood defence line. Three attenuation tanks are now provided below Block C, the gardens of Block E and below the ramp to the east of the site. Levels to the western part of the site have been revised to ensure that the habitable rooms to the lower ground units are at acceptable levels; this has been done by raising the lower ground level of Block E.
- 4.130 With reference to Flood risk vulnerability, the proposed uses within the development would be classified as follows:
- 'Buildings used for dwelling houses' would be classified as a 'More Vulnerable' use; and
  - Buildings used for shops; financial, professional and other services; restaurants, cafes and hot food takeaways; offices; general industry, storage and distribution; non-residential institutions not included in the 'More Vulnerable' class; and assembly and leisure would be classified as a 'Less Vulnerable' use.
- 4.131 The Central Seafront Area is at risk of flooding from tidal and surface water flooding according to the Environment Agency maps. The southern part of the site where the lower ground floor commercial units are to be located would lie within Flood Zone 3b. The residential accommodation will be located at a level above the current 0.1% (1 in 1,000) AEP tidal flood level and therefore would lie within Flood Zone 1.

#### *Sequential Test*

- 4.132 To assist in reducing the risk of flooding, a Stage 1 & 2 Strategic Flood Risk Assessment for Southend has been prepared and agreed by the Environment Agency. This reviews the delineation of flood risk and provides detailed flood zone maps for further reference, after initially consulting the EA flood zone maps. It makes recommendations for future development based on the probability and consequence of flooding and promotes future sustainability within areas that are at risk from flooding. It will enable the Council to undertake the Sequential Test in line with the Government's flood risk and development policy document - Planning Policy Statement 25 (PPS25): 'Development and Flood Risk' and the assessment of development proposals in the Central Seafront Area.

- 4.133 Development is only permissible in areas at risk of flooding in exceptional circumstances where it can be demonstrated that there are no reasonably available sites in areas of lower risk, and that the development provides wider sustainability benefits that outweigh the risk of flooding as in the Seafront regeneration area. Nevertheless it is recognised that such development should incorporate mitigation/management measures to minimise risk to life and property should flooding occur.
- 4.134 An agreement was made between the Council, the Government Office and the Environment Agency that the Sequential Test need only be applied within the Area Action Plan (AAP) boundaries specific to the development proposed in the AAP. The SCAAP includes the Seafront area proposed for regeneration. For the purposes of this AAP alone, the Sequential Test for the Central Seafront Area should only be compared to other sites in the wider Seafront regeneration area and not the entire SCAAP boundary.
- 4.135 The proposed development is within the Central Seafront Area that has been identified as a site for regeneration and as location to provide significant amounts of housing for the Borough and development leading to job creation. Given the scale and amount of the development proposed it is considered that there are no other comparable sites within the Central Seafront Area that would be capable of accommodating this development. It is therefore considered that the sequential test has been passed.

#### *Exception Test*

- 4.136 The Exception Test is defined at Paragraph 102 of the NPPF and is in two parts:
- 4.137 *Part one*  
The first part of the Exception Test requires that the development must demonstrate wider sustainability benefits to the community that outweigh flood risk, informed by a SFRA where one has been prepared.
- 4.138 It is considered that the regeneration of the sea front is in accordance with the objectives of Core Strategy Policies KP1 and KP2, saved Policies L1 and L2 and SCAAP Policy CS2 and that this demonstrate the wider sustainability benefits that will be provided to the community and that outweigh flood risk.
- 4.139 It is therefore considered that the first part of the Exception Test is passed.
- 4.140 *Part two*  
Through the preparation of a site-specific flood risk assessment, the second part of the Exception Test must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 4.141 It is considered that the information provided within the applicant's FRA , coupled with the mitigation measures set out at in that report demonstrate that the development is will be safe from flooding throughout its lifetime.

### *Off-site flood risk*

- 4.142 It is also necessary to ensure that the development will not result in increased flooding elsewhere, and it is recognised that the area in which the site is located is particularly vulnerable in this respect and has suffered from severe flooding recently. The revised submissions in respect of flood risk have now incorporated additional elements within the development to prevent surface water runoff from site, including brown and green roofs and the provisions of sub surface water tanks with controlled outlets to limit the total discharge from the site to the limit set by Anglian Water. Officers are now satisfied that, subject to confirmation that the water tanks are adequately size and detailed (which is currently being assessed) the development would not increase off site flood risk.
- 4.143 It should be noted that the Environment Agency has removed their initial objection to the development and that Anglian Water as also satisfied that the development will have no detrimental impact.
- 4.144 The impact of the development is therefore considered to meet the requirements of the NPPF and will not have an adverse impact in relation to increased flood risk.

### **Developer contributions.**

**Planning Policies: NPPF; DPD1 (Core Strategy) policies KP3, BLP policies: U1; SPD2.**

- 4.145 The Core Strategy Police KP3 requires that:

*“In order to help the delivery of the Plan’s provisions the Borough Council will:*

*2. Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed.*

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

- 4.146 *Affordable Housing* - Affordable housing is proposed in the form of 84 units (30% overall provision) comprising 58 units (69%) for affordable rent and 26 units (31%) for intermediate rent. Within this affordable provision, 37% of the units would be one bedroom, 33% would be two bedroom, and 30% would be three bedroom. This provision is considered to meet with the Councils policy requirements and is considered acceptable.

- 4.147 Education - This application falls within the Porters Grange Primary catchment area. All schools in the East and West Central areas of Southend are oversubscribed and a programme of expansions is currently underway. All other schools in the area are full with no space to expand. Any additional accommodation in the area will therefore create a further need over and above that currently being planned. Therefore a contribution of £160,333.82 is sought towards future expansion. The developer has agreed to make this contribution.
- 4.148 Highways improvements – Highways improvements and contributions are required as set out at paragraphs 4.88-4.91 of this report.
- 4.149 Public Art - The applicants have proposed Public Art in the form of canopies which would be dotted throughout the public areas of the development. These would provide shelter and seating for those using the development. The detail of the canopies is currently only developed to basic design stage. The success of the shelters will lay in the refinement of the final details of the design. In principle the public art proposal is welcomed and should be a positive aspect of the scheme. It is considered important that the artist / designer be involved throughout the process to ensure that a high quality product is realised. The opportunity to extend the reach of the public art outside the scheme boundaries into the city beach project should be considered as this would be to the benefit of both the scheme and the wider public realm. The details of the public art and the strategy behind it are detailed in the submitted Design and Access Statement. The final details of the scheme can be controlled as part of the S106 Agreement and should include a maintenance agreement.
- 4.150 The development would result in the loss of several mature trees across the site. Trees of this size and visual impact will not be able to be replaced within the development, therefore it is considered that the contributions should be made to allow tree planting to be carried out off site. A sum of £10k has been requested. Discussions with the applicant in relation to this matter are still on-going.

#### *Monitoring fee*

- 4.151 The applicant has been requested to make a contribution to cover the costs of monitoring the S106 agreement. A monitoring fee will be required to cover the cost of monitoring the S106 Agreement. 4% of the monetary contribution and £750 per non-monetary Head of Term is charged to a maximum of £10,000.
- 4.152 The contributions proposed are considered to meet the tests set out in the CIL Regulations 2010. Without the contributions that are set out above the development could not be considered acceptable. Therefore if the S106 agreement is not completed within the relevant timescale the application should be refused. An option to this effect is included within the recommendation in Section 11.

## **Other Considerations**

### **NPPF, DPD1 (Core Strategy) policies KP1, KP2, KP3, CP4, CP6; BLP policies; C1, C11, H5, H7, U2, SPD1 Design and Townscape Guide**

- 4.153 Airport – because of the height of the development it is essential that the buildings do not adversely affect the airports safeguarding zone. The airport have raised no objections to the development but have noted that further consultation may be required if cranes etc. are to be used during development. An informative to this effect has been added.
- 4.154 Archaeology – There are no known archaeological remains on the site, however it is possible that archaeological remains could survive within undisturbed areas of the site. It therefore is proposed that an archaeological watching brief be undertaken to record any archaeological remains that may be present.
- 4.155 Decontamination- The site is classed as being potentially contaminated land. A Geotechnical report has been provided which was undertaken in 2004/2005. This indicates remedial work is required. It also states that further intrusive investigation is required and that the risk assessment will need to be revisited to allow accurate assessment of risks following further investigation to allow suitable mitigation measures to be selected. Further investigation will be required following the demolition of existing buildings on the site in particular the location of the former factory off Pleasant Road. A suitable updated investigation assessment and report of the findings is required to be submitted following demolition before development can commence. This will be controlled by condition.
- 4.156 Microclimate – The proposed development has been tested for the effects of the tall buildings on the wind around the development. In one of the areas of the podium, the results were found to be unsatisfactory, however this impact can be satisfactorily mitigated by the use of suitable landscaping, tree planting and the location of appropriate street furniture and the details of balustrades adjacent to this area. Therefore no objections are raised.

## **Community Infrastructure Levy Regulations**

- 4.157 The Community Infrastructure Levy Regulations 2010 came into force on 6 April 2010. The planning obligation discussed above and as outlined in the recommendation below has been fully considered in the context of Part 11 Section 122 (2) of the Regulations, namely that planning obligations are:
- a) necessary to make the development acceptable in planning terms; and
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development

The conclusion is that the planning obligation outlined in this report meets all the tests and so constitutes a reason for granting planning permission in respect of application 14/01462/FULM

## **Conclusion**

- 4.158 The scheme is a well-designed, carefully considered proposal which will deliver a sustainable, high density, residential led mixed use scheme. It will provide a high quality commercial offer to the seafront. Well designed, with high quality new homes and a range of new job opportunities adding vitality to the Central Seafront area and with the potential to kick start regeneration in the area.
- 4.159 Being highly visible, it will form a new gateway into the area, whilst respecting and acknowledging the local context, local views and neighbouring listed building and conservation areas and as such will greatly complement and enhance the area providing real regeneration benefits. The development proposals present an opportunity to realise long standing ambitions to regenerate this important site on Southend's seafront. The architectural expression and elevational treatment has been developed in response to the unique quality of this site and will create an identifiable character to the scheme which is distinctive and visually interesting.
- 4.160 Traffic generated by the development can be accommodated within the existing highways network and parking is provided at a level to meet the needs of the development. Highways works will be carried out to mitigate any impacts and improvements to traffic signage will help direct traffic away from the seafront at busy times.
- 4.161 The scheme will not have a materially adverse impact on surrounding occupiers and provides a good living environment for future occupiers of the development.
- 4.162 The scheme will be protected from flooding and will not result in offsite flooding within the wider area.
- 4.163 Officers are therefore of the view that the development complies with the NPPF, Cores Strategy, Borough Local Plan and Design and Townscape Guide. Officers recommend that Planning Permission is granted.

## **5 Planning Policy Summary**

- 5.1 NPPF - National Planning Policy Framework: Achieving sustainable development, Core Planning Principles, Policies: 1. Building a strong, competitive economy; 2. Ensuring the vitality of town centres; 4. Promoting sustainable transport, 6. Delivering a wide choice of high quality homes; 7. Requiring good design; 8. Promoting healthy communities; 10. Meeting the challenge of climate change, flooding and coastal change; 11. Conserving and enhancing the natural environment. 12. Conserving and enhancing the historic environment.
- 5.2 DPD1 (Core Strategy) Policies- Key Policies, KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP1 (Employment Generating Development); CP2 (Town Centre and Retail Development); CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure); CP8 (Dwelling Provision).



- 5.3 BLP Policies; C2 (Historic Buildings), C4 (Conservation Areas) C7 (Shop and Commercial Frontages and Fascias), C8 (Advertisements) C11 (New Buildings, Extensions and Alterations, C13 (Street Furniture), C14 (Trees, Planted Areas and Landscaping), C16 (Foreshore Views), E1(Employment Promotion), E5(Non-Residential Uses Located Close to Housing), H5 (Residential Design and Layout Considerations), H7 (Formation of Self-Contained Flats), L1 (Facilities For Tourism), L2 (Central Seafront Area), L10 (Seafront Visitor Parking), S1 (New Shopping Developments), S5 (Non Retail Uses; T1(Priorities), T7 (Seafront Access), T8 (Traffic Management and Highway Safety), T11 (Parking Standards), T12 (Servicing Facilities); T13 (Cycling and Walking), T14 (Public Transport), U1 (Infrastructure Provision), U2 (Pollution Control), U5 (Access and Safety in the Built Environment).
- 5.4 Supplementary Planning Document 1: Design & Townscape Guide (2009).
- 5.5 Supplementary Planning Document 2: Planning Obligations (2010)
- 5.6 EPOA adopted Vehicle Parking Standards 2001.
- 5.7 Southend Central Area Action Plan (Consultation document)
- 5.8 Development Management DPD (Consultation document)

## 6 Representation Summary

- 6.1 **Anglian Water** – original plans – no objection subject to conditions and informatives relating to: drainage strategy to be agreed, foul water strategy to be agreed, surface water management strategy to be agreed

Revised details and response to EA comments: Connection has been agreed to the existing 300mm surface water sewer within South Church Ave, at a maximum of 22l/s. This is in accordance with our surface water policy. The former roof area of the site is 1789sqm, which for a 1 in 1 year return equates to 22l/s 50mm/hr rainfall.

This is on the proviso that the current site connected previously. They need to present their evidence at connection stage, prior to this rate being confirmed. If they cannot provide the existing onsite info then it would be assessed as greenfield, which would be a maximum of 5l/s.

We would therefore be satisfied, that if it does already connect (and we suspect at a much greater rate) then this discharge rate would not increase flooding.

Connection to both manholes 9151 and 0251 at the maximum overall 22l/s is acceptable as these sewers eventually join together. However this would be at 22l/s overall, not 22l/s per connection point.

- 6.2 **The Curator Central Museum** – no comments

### 6.3 **Natural England** - Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Benfleet and Southend Marshes Special Protection Area (SPA) which is a European site. The site is also listed as Benfleet and Southend Marshes Ramsar site and also notified at a national level as Benfleet and Southend Marshes Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

#### No objection – European site (SPA)

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

the proposal is not necessary for the management of the European site, and

that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment

#### No objection – with conditions (SSSI)

This application is in close proximity to Benfleet and Southend Marshes Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

As stated in the ES at 6.1.54, Natural England recognises that Marine Plaza is located within a large urban setting and the adjacent section of designated foreshore is already subject to considerable disturbance from human activity. In conclusion, our outstanding concerns relate to the potential indirect effects such as construction/demolition noise, surface water drainage and exterior lighting.

Each of these issues can be addressed through appropriate planning conditions relating to; noise disturbance and hydrological impacts.

#### Conditions

##### Noise Disturbance

The ES (6.1.142-144) suggests a number of mitigation measures to avoid

potential impacts on the nearby foreshore (thereby avoiding the trigger of likely significant effect on the SPA). In our view the avoidance of piling works during critical winter months (November to February inclusive, around high tide) is appropriate. Alternatively, an experienced ornithologist can be employed to advise on the presence of key qualifying bird species present within a distance of 240m across the foreshore (the 70dB predicted limit) and to monitor if disturbance responses are elicited by waterfowl within the same distance, at which point the piling works would be temporarily halted. We welcome the use of augured piling to reduce the likelihood of disturbance. Reference is also made to heightened sensitivity during prolonged periods of freezing weather (ES 6.1.139). This is a commonly used planning condition based on the JNCC wildfowling restrictions (web-link).

#### Hydrological Impacts

The ES (6.1.169-172 and Chapter 10) includes a number of safeguards to avoid pollution incidents potentially affecting the foreshore. These mitigation measures should be adopted through suitably worded planning conditions.

For avoidance of doubt Natural England considers that potential adverse effects from visual disturbance, recreational disturbance, air quality and light pollution are of minimal significance and do not need to be considered further through planning conditions. We welcome the proposal that new residents will be made aware of the sensitivities of the foreshore and promotion of alternative open green space through interpretation panels and new owner packs.

The above planning conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which Benfleet and Southend Marshes SSSI/SPA/Ramsar site is notified.

#### Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

#### Biodiversity enhancements

This application acknowledges opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats, the installation of bird nest boxes, a wildlife-friendly planting

scheme and green roofs. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

**[Officer comment: conditions as requested in the above consultation response have been added. Mitigations measures are detailed in the ES submitted by the applicant. ]**

- 6.4 **RSPB** – no comments
- 6.5 **Essex Wildlife Trust** – no comments
- 6.6 **The Southend Society** – no comments
- 6.7 **EDF Energy** – no comments
- 6.8 **Fire Brigade** – Access for Fire Service purposes is considered satisfactory, seek informatives re Building Regulations, Water Supplies and Sprinkler Systems
- 6.9 **Police Architectural Liaison Officer** - no comments
- 6.10 **The Airport Director** – No safeguarding objections. If a crane or piling rig is needed to construct the proposed development, this will need to be safeguarded separately and dependant on location may need to be restricted in height and may require coordination with the Airport Authority
- 6.11 **Environment Agency** - We refer to the email from SLR and additional information received on 2 February 2015.
- Having reviewed the revised Flood Risk Assessment (FRA) and additional information submitted we are satisfied that it provides sufficient detail to fully assess the flood risk arising from the proposed development.
- Please note that is subject to confirmation from Anglian Water that they accept surface water discharge at a rate of 22 l/s to manhole 9151 located to the west of the site on Pleasant Road. This is in addition to manhole 0251 to the north east on Southchurch Avenue. This must be resolved before planning permission is granted, or there will be a risk that scheme is not viable. If Anglian Water are happy with the additional discharge point, we ask that the following conditions be appended to any planning permission granted. We elaborate on our position in the technical appendix. [Officer note – revise comments from Anglian Water are awaited and will be reported]
- Seek Conditions relating to: submission of a surface water drainage scheme, scheme to be implemented in accordance with submitted FRA and mitigation measures; water run off rate; feasibility of SuDs, maintenance, flood response plan.

- 6.12 **Parks** - Of the trees highlighted on the Site Location Plan none would warrant preserving as TPO trees so retention is not recommended. They are all self-sown trees located right on the boundaries of the site. The larger ones have only become mature trees due to neglect at not removing them when they were saplings. The trees are one ash and five sycamores.
- 6.13 **Asset Management** – no comments.
- 6.14 **Building Control** – no comments.
- 6.15 **Design** – [Original Plans] This site is identified in the Southend Central Masterplan (2007) as being suitable for a new landmark building and outline approval was granted in 2007 for a building rising to 16 storeys which formed part of a large mixed use redevelopment scheme. The emerging SCAAP (proposed submission version (2011)) also states that new landmark buildings in the Central Seafront Area would be acceptable in locations where they would ‘create well designed ‘gateways’ to mark, frame and enhance the main approaches of the central seafront area’. The principle of a tall building on this site is therefore established. What is of importance with this current proposal is ensuring that the form of the proposal and the quality of the design is befitting of a new landmark for the seafront.

#### Relationship to context

The proposal site is a large mostly vacant piece of land located on the junction of Marine Parade and Southchurch Avenue within Southend’s central seafront area. It is bounded to the east and west by the commercial frontage of the seafront – the ‘Golden Mile’. Adjacent to the east, across the junction of Southchurch Avenue is the grade II listed Kursaal building and the locally listed former PH (now Bourgee restaurant) which form part of The Kursaal Conservation Area. To the north the site abuts the start of Southend’s general residential area of 2-3 storey mainly traditional terraced housing. This includes Pleasant Road on the west side of the site which is a relatively modest residential street and Southchurch Avenue to the east which is a wider road and a key access route to the seafront and has a more varied mostly residential character.

The commercial seafront frontage itself is typically 3-4 storeys for the most part and it is bounded at each end by much larger buildings. To the east the Premier Inn currently under construction will be 5 storeys with a wide form and similarly the significant mass of the Park Inn to the west sits on an elevated position on Pier Hill and rises a full 9 storeys across site. These buildings are significantly taller than those in the central section but here it also important to note that a large scale development has also been approved at Esplanade House adjacent to the Premier Inn site which includes a 12 storey tower and significant redevelopment proposal is likely to come forward for Seaways Car Park which will be visible above the existing buildings in Marine Parade. This change in skyline over recent and coming years is the start of the regeneration of the central seafront and, whilst a significant increase in scale may not be appropriate on all sites, a few new landmarks should serve to stimulate investment and renewal in this area building on the success of the city beach public realm proposals.

In response to this context the architects have taken great consideration over the form and massing of the development to ensure that the relationship between the new development and the surrounding townscape, including the grade II listed Kursaal and the more domestic scaled residential area to the north are respected. In contrast to the previously approved scheme, which had a greater overall massing and a more singular form, the architects have chosen to break the massing into a series of individual blocks sitting on top of a podium. The podium will enable the commercial street frontage to be continuous at ground floor and should reduce the perceived massing of the proposal for pedestrians.

The heights of the blocks above vary greatly and provide a staggered transition between the existing more domestic townscapes at the northern end of the site and the more substantial frontage along the seafront, culminating in a feature tower in the south east corner. The Design and Access Statement claims that locating the tower at this junction is more legible in townscape terms and would create a synergy between the new building and the Kursaal dome forming a gateway to the seafront and that this is a better approach than locating the tower elsewhere on the site where there would be a greater competition between the two landmarks. It is also claimed that a landmark at this end of the site would draw footfall to the eastern helping to regenerate the business furthest away from the town centre including the Kursaal itself. This argument is considered to be valid provided the tower is well designed has a positive relationship with the Kursaal itself.

To ensure that views of the Kursaal dome are maintained and that the Kursaal remains a prominent landmark in the seafront townscape the feature tower has been set back significantly and a thorough assessment of the views has been undertaken as part of the Environmental Impact Assessment. This has demonstrated that from key viewpoints the Kursaal dome remains visible and offers reassurance that the proposal will work together with the Kursaal in creating a new landmark gateway for the seafront rather than obscuring it in the streetscape.

The environmental Impact Assessment also shows that the proposal will appear subservient to the massing of the Park Inn when viewed from the Pier Hill Lift Tower and will relate well to the height of the Park Inn when viewed from the end of the Pier. These views also highlight the slimmer profile of the development in comparison to the Park Inn which is in an elevated position and has a long elevation facing the seafront.

To the north the side adjoins traditional terraced housing on both street frontages (Southchurch Avenue and Pleasant Road). In Pleasant Road the building drops to its lowest point (2 storeys) and references the height of the adjacent terrace which is considered to be a positive reference. In Southchurch Avenue there is a small jump in scale between the development and the adjacent housing but this is a much wider road of mixed character and a key route to the seafront and it is considered that the small change in scale at this point would help to mark the start of the central seafront area and would not be inappropriate in townscape terms.

To the front of the site the other blocks surrounding the main tower are a significant step down so as not to compete with its landmark status and to provide the stepped transition in scale across the site. It is noted that the south west corner of the site is not included within the detailed proposals but that a masterplan has been completed for this area to demonstrate how it can be developed in the future to complement the proposed design.

This includes an indicative design and massing for another lower block on this corner which references the design of blocks A and F on this frontage but provides a transition between the scale of these blocks and the adjacent townscape to the west. The scheme also safeguards the access to a possible car park extension under the building in this area. This masterplan offers reassurance that it will be possible in the future to provide a comprehensive redevelopment of this street block. On balance it is therefore considered that the approach taken by the architects to the scale and massing of the development will provide the seafront with a new gateway landmark whilst also being responsive to the local context and is considered to be a justified approach to the redevelopment of the site.

The footprint of the building varies greatly over the site as it responds to the scheme design but how it interacts with the neighbouring buildings will be a key consideration. The decision to build tight up to the existing building on Marine Parade (third party land) is considered to be the correct approach as it will avoid any negative space being created between the buildings and enable a continuous commercial frontage to be achieved in line with local character. The staggered building line on this frontage adds interest to the streetscene and would not be out of character with the irregular building line at this end of Marine Parade. Along the other frontages in Southchurch Avenue and Pleasant Road the building footprint is simpler. In Southchurch Avenue the building line reflects the consistent frontage of the existing properties adjacent to the site and this works well. In Pleasant Road the proposal is set back to allow space for an access ramp but the street has a staggered building line so this would not be out of character.

The quality of the street frontages at ground and at podium level will be key in determining the successful integration of the building into the townscape and are a key consideration for any tall building. The decision to continue the commercial frontage of the 'golden mile' at ground level and create an additional level of commercial floorspace at first floor is compatible with local character and should work well and should create a lively frontage to Marine Parade. It is pleasing to see that this commercial frontage wraps around the corner into Southchurch Avenue and this should improve the environment at the junction and respond well to the commercial frontage of the Kursaal. The setting back of the taller elements on this side should help to create a comfortable more pedestrian scaled frontage to the development at street level and one which references the form of the surrounding townscape.

#### Relationship to historic context

As mentioned above the grade II listed Kursaal building, which is an existing seafront landmark, is located directly east of the site and the main tower in this location has been positioned to enable key views of this building to be maintained. In addition to these issues of scale and form the proposal has also sought to respect the historic context of the Kursaal in its detailed design of the Southchurch Avenue frontage in particular and in its choice of materials. At ground floor on this frontage the development contains the car park access and the podium exit ramp, which it is noted can only be located on this street, but concerns were raised at pre app regarding the impact that these inactive uses may have on the listed building.

The architect has responded to this concern by carefully detailing this frontage to reference the rhythm of the arcading of the Kursaal in the design of the plinth and providing bespoke designed the car park ventilation screens and access gates of a decorative form picking up on the lattice pattern found on the balconies above. At the upper levels and at either end the proposal has maintained a well articulated and active frontage to the development including a number of residential entrances at the northern end and a continuation of the shopfront at the southern end. It is considered that the attention to detail in this frontage has overcome the initial concerns raised regarding this frontage and that the proposed design should ensure a well detailed pedestrian friendly frontage which responds positively to the character of the Kursaal.

With regard to the choice of materials the Design and Access Statement states that a deliberate decision was made to contrast the materials of the Kursaal in the design of the towers by choosing a simple white palette. This will help to highlight the red brick and decorative stonework of the Kursaal helping to maintain its landmark status in the streetscene and this is considered to be appropriate in this instance.

It is therefore considered that the proposal has taken great care to ensure a positive response to the historic character of the Kursaal and the associated Kursaal Conservation Area.

#### Architectural quality

The architectural quality of the proposal is of paramount importance in ensuring that a development of this scale, which is so prominent and exposed, makes a positive addition to the townscape and to the regeneration of the area. This includes ensuring that the architectural style and detailing of the buildings are well considered, that the scheme is cohesive but has sufficient interest that the materials are high quality and that public frontages are appropriately detailed.

With regard to the architectural language of the blocks the architects have chosen differentiate between those that face directly onto the livelier commercial seafront and those to the rear of the site adjacent to the existing residential areas but to have a family of architectural elements, such as balconies, fenestration, entrance language and materials running through the development to ensure that it appears cohesive. The front blocks are bolder in their detailing and are characterised by a strong horizontal layering of balconies picking up on the seaside vernacular and the horizontal references found in the 'golden mile' and the long balconies of the Park Inn. This is also expressed in the overhanging 'diving board' features of the terraces above the shopfronts which will add drama to the frontage at street level and again references the strong canopies features seen on the arcade buildings to the west of the site. The length of the balconies are broken up by recessed glazed sections with an etched lattice pattern which add a richness and interest to the elevations and enables more extensive views for the occupants. This motif is referenced in other elements of the scheme including the balustrade and shutters and screen to the car park which helps to tie the development together as a complete scheme.

The blocks to the rear are 'quieter' in their architectural language which relates to the more domestic character of the side streets but remain well detailed. Recessed balconies and large windows and a subtle change in materials and texture add articulation to the frontages and help to distinguish them from the more lively blocks at the front of the development.



The central blocks provide the transition between these two styles incorporating elements of both in their design. This approach adds interest and variety to the scheme but enables it to remain cohesive in its design approach. It also helps to distinguish the more public areas and spaces to the front of the site from the more private residential areas to the rear and is considered to work well.

At the lower levels there is also a consistency in the design of the shopfronts and in the entrances to the blocks themselves and this also unites the development with a common language. It is noted that it is intended for the shopfronts, which are shown to be a simple glazed design with recessed columns, are to be fitted by the individual occupiers and it will therefore be necessary to ensure that the consistency in the design detail found across the rest of the scheme is maintained in this area and it is therefore suggested that the applicant be required by condition to produce a design code for the shopfronts and which can be passed to tenants in due course. This should cover shopfront design components (glazing, doors etc.), signage locations and form, shuttering, lighting and materials. It also may be prudent to restrict the use of vinyl in these areas to ensure an active frontage is maintained. It is pleasing to see a consistent approach has also been adopted for the entrances to the blocks which appear to be prominently located and generously scaled and this will also improve the legibility of the scheme and is welcomed.

The design of the public art feature which comprises groupings or 'clouds' of small canopies in the public areas should add colour and drama to the development and should help to link the public spaces at both levels drawing pedestrians into the heart of the scheme. The design of the canopies plays on the seaside parasol theme and should relate well to the wider seaside character. Details of this element including lighting and materials should be conditioned.

Significant information has been provided regarding the proposed materials, which appear to be high quality and complementary but the schedule is not exhaustive so full details of these will need to be conditioned.

Overall the styling and detailing of the proposal including design of features such as balconies, the quality of materials, the entrances and the public art and landscaping are all well considered and will make the difference between a mediocre development and a high quality one. Features such as the etched glass lattice detailing which is picked up in the balconies, the podium balustrades and the car park gates and screens will make the proposal distinctive and enrich the design. The proposed public art canopy features will also contribute to the unique and special character of the development by linking the public areas with a common theme and one which has a fun seaside character. These elements demonstrate the attention to detail in this scheme which raises it to a higher level of quality befitting of a new landmark building.

#### Contribution to public space and facilities

Two significant public spaces will be created as part the development proposal – at ground level a public space is proposed at the front of the site enhancing the setting of the retail units at this level and improving the setting of the junction and the Kursaal and building on the city beach enhancements. A wide feature staircase leading from this area connects it to a new podium public space at first floor level which includes terraces overlooking the estuary and a central area providing street frontages to the residential blocks. The area towards the back of the podium is proposed as a semi private space for the residents.

The podium layout has arisen from the need to protect the residential units from the risk of flooding, for the creation of a workable service route for the rear blocks and to screen the large area of car parking that is required for the development but by making a feature of it these constraints are not apparent in the design and the podium appears as a townscape feature in its own right and will be a destination for visitors as a meeting and viewing area, as a backdrop to the upper commercial units and as a route through the development. The subtle demarcation of the podium's vehicular route ensures that this area appears as a pedestrian space rather than a service road and this will be crucial in ensuring a high quality townscape at this level. The soft planting at the northern end helps to delineate the more public area at the front from the more private forecourt area to the rear blocks whilst still providing an attractive setting for the buildings. It is considered that there would be scope for some soft landscaping to the front of the podium to add softening to this area but the architect has chosen instead to use this area for part of the public art installation and, whilst this will not provide softening, it will add height, drama and intrigue to the area and help to unite the three main public adjacent to the main steps and this should improve the accessibility of the spaces. The decision to make this glazed at the upper level will make it appear as a design feature rather than an 'add on' and better integrate it into the development.

At ground level it is pleasing to see that the design approach adopted at city beach is to be continued onto the forecourt as this should ensure a seamless integration with the wider seafront at this level. The decision to wrap the paving into Southchurch Avenue is also welcomed and will help to improve the visual impact of the junction and the setting of the Kursaal. Small details such as a raised table to the lower vehicular access are also welcomed in ensuring pedestrian priority in this area. It is a shame that there is no space for landscaping on the pavement at the southern end of Southchurch Avenue but the architect has managed to provide some significant tree planting and landscaping on this elevation at podium level so this will provide some greenery in the streetscene and is welcomed. The tree planting at the northern end of this frontage is also welcomed.

On the Pleasant Road frontage it is pleasing to see that there is a significant amount of planting to the street and to the sides of the podium ramp and this will make an important contribution to the attractiveness of this route for pedestrians and in the general streetscene. Landscaping has also been used to good effect to soften the boundaries between the proposal and the 3rd party land in this area and will help the development to appear more complete in the interim. There is some concern that the boundary walls at the northern end of Pleasant Road are a little tall but it is considered that details of this element could be conditioned to ensure that it is appropriate for the streetscene. The indicative landscaping plan for these areas is useful and offers some reassurance that the podium, street frontages and amenity areas will be well designed and softened but a detailed scheme should be conditioned.

The Design and Access Statement goes into some detail regarding the external lighting of the proposal and this is welcomed as it will ensure that the development comes makes a positive contribution to the character of the seafront at night and plays its role in the seafront illuminations. The lighting to the undersides of the main front balconies, the podium overhang, the steps and the public art feature will be particularly important in this respect.

## Relationship to transport infrastructure

This site is within the central area which is well served by public transport but it is not considered that this criteria impacts on the detailed design of this proposal and will therefore be assessed by the Councils Highways Officer.

## Sustainable design and construction

The scheme is to be built to breem very good and code for sustainable homes level 3 and includes various commitments to sustainable design and construction including responsible sourced materials, high levels of insulation, drying space and home office provision, energy monitors for all units, enhanced biodiversity including green and brown roofs and a commitment to meet lifetime homes standards and this is welcomed.

The requirement for 10% renewables will be met by a combination of solar pvs for the residential units and air source heat pumps for the retail units and this is considered to be acceptable in principle although the location of the ASHP also needs to be clarified as it is important to ensure that these are hidden from public view.

Overall it is considered that the applicant has demonstrated a good commitment to sustainable design and construction.

## Effect on the local environment

The form of the development which proposes fairly slender blocks to the south of the site separated by wide spaces should ensure that sunlight penetrates into the heart of the central podium area and to the flats at the rear of the site which face onto this space. The predicted daylight analysis carried out on the proposed units found that even the vast majority of worst affected rooms received good levels of daylight with only a handful achieving moderate daylighting levels and this is considered to be within acceptable levels. A similar analysis was carried out on windows to the neighbouring buildings and here too the affected windows is very minimal.

No information has been provided on the impact on the local microclimate around the blocks especially on the podium which could be subject to down drafts and wind, however, it is considered that the articulation of the taller blocks and the proposed canopies should provide some protection in this respect and the public amenity spaces are orientated where they will achieve high levels on sunlight.

All public areas are well overlooked by the residential units and this should provide high levels of natural surveillance. As mentioned above a comprehensive lighting scheme is proposed which should ensure that the proposal feels safe to walk around at night as well as being a artistic feature of the development.

It is noted that the ground level amenity areas are to the north side of blocks C and E and this will therefore lead to some shadowing particular to those areas closest to the building, however, these areas serve the larger units which also have their own private roof/south facing terraces. It is therefore considered that the units with the most shaded rear garden areas would have an alternative option which would not be overshadowed. An analysis of the impact of the proposal on the overshadowing of neighbouring amenity areas has also been assessed and found to be low.

The specific impact on the neighbours will be looked at in greater detail in another section of the committee report.

### Contribution to the permeability of the site

The podium design concept connects into the surrounding street network in 5 different places and this has dramatically increased the permeability of the site and this, combined with a high quality landscaping scheme, should help to encourage pedestrian activity to and through the site. It is noted that the podium also enables service and emergency access into the centre of the development, but to ensure that this is not generally abused it will be necessary to have some sort of management regime in place to prevent inappropriate vehicular access.

In addition to the physical connections the layout and form of the development also opens up views of the seafront and surrounding streets from the central podium space and this should help to make the scheme legible and assist navigation. It is therefore considered that the proposal has improved the permeability of the site both in the physical and visual sense.

### Provision of a well designed environment for the proposed residents

It is pleasing to see a mix of unit sizes and types and this should create a well balanced community. In the main the units are relatively compact but workable layouts and space provision and the commitment to lifetime homes standards is welcomed and should ensure that the units are flexible enough to respond to the changing needs of the residents. It is noted that the upper levels of the front blocks have more generous floorspace and this will offer some variety within the scheme. The inclusion of some 3 bed units with dedicated private amenity areas will also enable families to be accommodated and this is welcomed.

Generally for a town centre/ seafront development the amenity space provision is good, each property has a useable balcony additional communal space, which will be accessible to all residents, has been provided at ground level behind blocks C and D/E. The amenity provision is also supplemented by a generous communal roof terrace to block B. It is noted that the front blocks are furthest from the proposal communal garden areas but this is offset to some extent by the inclusion of generally larger balconies for these units.

As noted above an indicative landscaping scheme has been provided for the amenity areas which gives an indication of the extent of soft landscaping and the location of the 2 play areas but it is considered that a more detailed scheme should be conditioned to ensure that, as well as providing an attractive outlook for the residents, the amenity areas are well planned to provide the most useable space.

### Credibility of the Design

This proposal has been designed to a high level of detail to ensure that the challenges of the site and the local context have been well considered and addressed. The proposal includes a number of areas of detail, such as the unique lattice design theme and the public art installation which will make the scheme distinctive and create a sense of place befitting of a new landmark building. This reassurance of quality is in the most part due to the appointment of an experienced and well regarded architectural practice who have built many developments of this scale and who provide confidence in the delivery of a high quality landmark building for this site. It is the quality of the detailing which will determine ultimately how successful this proposal will be in the townscape.

(Revised Plans)

1. Inclusion of flood attenuation tanks and flood barriers –

There is no objection to these although it is considered that details of the barriers should be conditioned to ensure that it is well concealed from public views.

2. Alternations to the detailing of blocks A-F including a 200mm increase in balcony depth, the removal of Juliette balconies to enable the glazed waling system to read as a continuous façade and refinement of the balcony profile.

It is considered that these amendments to the detailing of blocks A and F have resulted in a more refined and sculptural form as the balconies now appear to float on the façade. These changes will make the tower more distinctive and are therefore welcomed.

It is noted that the powder coated privacy screens are proposed. Details of these should be conditioned.

3. The detailing of the car park screens has been developed and now has a more organic form. This ensures that it is more robust whilst also having a richer form.

There is no objection to either design of screens as it is considered that they both enrich the development. It is noted that the revised design will be more robust and this may be beneficial in terms of maintenance. It will also better obscure views of the cars and plant from the pedestrians and this is also considered to be a positive. Lighting schemes for this feature should be considered as part of the overall lighting strategy.

4. The external staircase on the junction of Marine Parade and Southchurch Avenue has been stepped and refined in its materials.

It is considered that the amendments to the external staircase have improved this key corner of the development by reducing the bulk of the retaining wall and adding texture and richness to the corner.

5. Balustrade to Southchurch Avenue has been amended from solid to a railing

The proposal to change the balustrade at podium level on Southchurch Road from solid to open has the benefit of reducing the height and scale of the retaining wall for pedestrians and improving the visual connection with activities at the podium level and is welcomed. The rhythm of the Kursaal colonnade is picked up in the column detail and aligned lighting poles and this is considered to be a positive reference to the historic building.

6. Ventilation for Air source heat pumps explained.

These will be located below block A and will vent through screens to Southchurch Avenue and through the planter at podium level. Both these proposals for ventilation seem feasible and should not have a detrimental visual impact on the proposal. This aspect is therefore considered to be acceptable.

7. Car Park Management explained

Details of any barriers to the car park entrances will need to be agreed.

8. Further information regarding retail signage

It is proposed that retail signage be located on a recessed fascia behind fully glazed shopfronts. This is considered to be a good way of ensuring a high quality consistent façade to the retail units and this approach is considered acceptable. There will still need to be controls over how each sign is designed - e.g. individual letters, materials, size of letters etc.. this should be controlled by way of a design code for this aspect which should be conditioned.

9. Further details regarding materials

The additional information specifies the brick colours and locations and this is helpful in understanding how the brick colours work with each other, within the development as a whole and relate to surrounding buildings. As shown on the plans the proposed main façade materials appear well considered and of a high quality. It would be helpful to have samples of the materials submitted either before determination or as a condition.

10. Further details regarding public art

In principle the public art proposal is welcomed and should be a positive aspect of the scheme. It is considered important that the artist / designer be involved throughout the process to ensure that a high quality product is realised. The opportunity to extend the reach of the public art outside the scheme boundaries into the city beach project should be considered as this would be to the benefit of both the scheme and the wider public realm.

8.13 **Economic Regeneration** – no comments

8.14 **Education** - This application falls within the Porters Grange Primary catchment area. All schools in the East and West Central areas of Southend are oversubscribed and a programme of expansions is currently underway at Porters Grange Primary School, The Greenways Federation of Schools, Hamstel Infant & Junior Schools, Bournemouth Park Primary School, Sacred Heart Catholic Primary School, St Helen's Catholic Primary School and St Mary's Prittlewell C of E Primary School. All other schools in the area are full with no space to expand. Any additional accommodation in the area will create a further need over and above that currently being planned. Futures College, the local secondary school, has spaces and there is also Post-16 provision available at this school or the local FE colleges. Total contribution sought £160,333.82

8.15 **Environmental Health** - Additional information relating to the proposed development has been submitted by the applicant, which has now been reviewed

Noise - A further noise assessment has been carried out and submitted addressing a number of issues which were previously raised. I am satisfied that the noise has been addressed in terms of the mitigation likely to be required for typical facades from various noise sources, in terms of glazing and ventilation.

External noise has also been addressed with likely noise levels to balconies and communal areas.

It does appear that the final construction of the development in terms of glazing and ventilation is yet to be determined and so I feel it is important to ensure that once details of these are known, they should be submitted for approval. This has been addressed by condition 1 below.

With regards to delivery noise it appears that any impact from deliveries has been taken into account in the mitigation and internal levels would be met with the suggested glazing closed. With respect to delivery times, this has been addressed by condition 2 below

Construction - During the demolition and construction phase noise and vibration issues may arise which could lead to the hours of work being restricted. It has been detailed that these activities are likely to be regulated by a Section 61 agreement under the Control of Pollution Act 1974. Full details of the works and the method by which they are to be carried out must be detailed including the proposed steps to be taken to minimise noise resulting from the works. The developer should also consider control measures detailed in Best Practice Guidance "The control of dust and emissions from construction and demolition"

Plant - Any mechanical extraction, ventilation or air conditioning plant, particularly that serving the residential and commercial units, would need to be carefully located and designed in order to prevent statutory noise or odour nuisance. I assume that much of this type of plant would be the subject of separate applications, particularly in respect of the commercial units once their end use is known.

External lighting - No details on external lighting for the development have been submitted. External lighting shall be directed, sited and screened so as not to cause detrimental intrusion of light into residential property

Contaminated Land - The site is classed as being potentially contaminated land. A Geotechnical report has been provided which was undertaken in 2004/2005. This indicates remedial work is required. It also states that further intrusive investigation is required and that the risk assessment will need to be revisited to allow accurate assessment of risks following further investigation to allow suitable mitigation measures to be selected.

Further investigation will be required following the demolition of existing buildings on the site in particular the location of the former factory off Pleasant Road. A suitable updated investigation assessment and report of the findings is required to be submitted following demolition before development can commence.

It is recommended that no development shall be commenced until:~

- a. final details of the contamination remediation scheme have been submitted

to, and approved by, the Local Planning Authority.

b. prior to the first occupation of the development hereby permitted (or, should the approved scheme provide for remediation and development to be phased, the occupation of the relevant phase of the development the approved remediation scheme shall be fully implemented.

c. a Certificate shall be provided to the Local Planning Authority by a suitably qualified or otherwise competent person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Air Quality - Demolition and construction activities have the potential to generate fugitive dust emissions. Mitigation measures shall be put in place to control emissions on site and to minimise effects on adjacent residential premises.

The developer should also consider control measures detailed in Best Practice Guidance "The control of dust and emissions from construction and demolition".

The developer should also ensure the enclosed car parking areas are adequately naturally or mechanically ventilated to disperse exhaust fumes.

Other - Potential flood risk to the underground car park to be addressed following recent flooding to the area.

Recommended conditions relating to: Final glazing and ventilation details for the scheme are to be submitted to, and approved; deliveries and collections times, Extraction and ventilation equipment details, plant noise, external lighting, decontamination, construction hours, no burning of waste material on the site.

Recommended informatives relating to: other regulatory frameworks, demolition and construction activities, dust control, enclosed car parking areas, Food Safety and Hygiene (England) Regulations, control of odour and noise, licensing

8.16 **Pier and Foreshore** - no comments received.

8.17 **Highways** - Transport Modelling

Atkins was commissioned to carry out micro-simulation VISSIM modelling to assess the impact on the transport network of the Marine Plaza development. The traffic model assessed the AM (07:00-10:00) and PM (16:00-19:00) peak periods of a weekday. These times were considered the peak for this type of development as the majority of the parking is for residential use and only 10 commercial parking spaces are provided.

The VISSIM modelling indicates there will be an increase in traffic on the network due to the development, however during the AM peak the network is predicted to operate within capacity. During the PM peak there is predicted to be longer delays on the network due to the development, however the modelling has been based on a worst case scenario and all trips to the development have been included as new trips. The impact would be less if full consideration was given to pass-by trips, which is 20% of all the trips for a development of this size and type.

A busy Saturday/Sunday/bank holiday has not been modelled as the highway network is generally saturated during these periods (i.e. all junctions and links are operating over capacity). It is also likely that during these periods, the residents of



the development will change their transport habits in terms of access and egress. The site is currently being used as a public surface car park which operates on Sundays and bank holidays and attracts a number of trips on the transport network during weekends, which will not be present following development. On balance, the impact at busy times is likely to be minimal in comparison with the traffic already on the network.

In order for the impact of the development traffic to be mitigated a number of changes to the highway are required. The lane flare heading towards the Southchurch Avenue/Marine Parade junction is to be extended upstream. The taxi rank located on the west side of Southchurch Avenue is to be moved onto Eastern Esplanade and the northbound bus stop on Southchurch Avenue is to be relocated south of the development access to prevent blocking of the development access when a bus has stopped.

Contributions Sought:

- Pedestrian signage to and from the development
- Electric vehicle charging post for two parking spaces – the Council can assist in seeking a grant funding contribution for this
- Traffic signal adjustments at the Marine Parade/Southchurch Avenue junction
- Provision of Real Time Passenger Information for bus services adjacent to the development
- Cost of amendments, changes to traffic regulation orders, signal timings etc.

The developer needs to provide a car park management plan to include details of how the residential parking will be monitored for use by residents. The car park management plan will also need to provide details on how service vehicles only will be allowed to enter the site from Pleasant Road, other vehicles should not be able to enter the site from this Road – a barrier control may be required

With the above changes to the highway the CCTV camera located on the west side of Southchurch Avenue will need to be relocated. The pedestrian island will also need to be moved.

Officers would recommend no right turn out of the car park onto Southchurch Avenue to prevent vehicles from exiting the site and waiting in the road to turn right causing congestion for northbound vehicles. A traffic regulation and a sign will need to be installed to prevent this manoeuvre.

The applicant will be required to enter into a Section 278 agreement to carry out all relevant highway works, and will be required to fund at their cost the relocation of the SPECS traffic speed monitoring equipment and all traffic regulation changes or new orders.

The cycle parking needs to be secure. There are only 8 motorcycle spaces proposed, there needs to be more provided.

The Council would require a contribution for the adjustments of the traffic signal timings.

Revised submissions have been made and Officers have no highways objections to the proposals.

8.18 **Coastal Engineer** - (Revised plans and details) The revised details proposed for this development appear, in principle, to satisfy the previous issues of concern namely safety of the underground car park and the sustainable drainage of the entire site. The developer is now indicating:-

- A self-raising floodgate to protect the entrance to the sub-surface car parking areas, and the structures of these areas being constructed to be watertight, up to above the 1 in 100 flood level.
- Brown and green roofs to be provided to the building blocks
- Attenuation by use of sub-surface storage tanks with controlled outlets to limit the total discharge from the site to the limit set by Anglian Water.

Subject to agreement from URS, the Council's surface water flooding management specialist, that the SuDS details are adequately sized and detailed, and agreement on the structural design and method of operation of the car park flood gate, all of which can be conditioned, there are no objections.

8.19 **Housing** - Department for People welcomes the provision of Affordable Housing mentioned within this application. The Department for People would require that affordable housing units meet Homes & Community Agency (HCA) design standards and sustainable home code level 4 for affordable housing, which was adopted by the HCA in 2008, and which all Registered Providers (RP) would require section 106 affordable units to compile to, which is a requirement for RP's under the governments Affordable Homes Programme Framework 2011-2015.

Department for People would require a tenure mix in line with the emerging Development Management DPD guideline of a split of 60/40 (affordable Housing and intermediate housing).

## 9.0 **Public Consultation**

9.1 Site notices posted and 235 neighbours notified. Press notice published.

9.2 15 letters of *objection* received, ( one of those letters is on behalf of 3 residents), raising the following issues:

- Development too tall, out of character of the area.
- Inappropriate design for the area, unimaginative.
- Unacceptable colour.
- Unacceptable density of development.
- Impact on light and space.
- Loss of trees and habitat.
- Overshadowing.
- Overlooking of previously private areas.
- Overbearing.
- Bulk and massing and resultant impact on the Kursaal Listed Building.
- Flooding, development would add to that.
- Further flooding will add to erosion and subsidence of buildings.
- Sewage system cannot handle the development.
- Skyline.
- Traffic congestion.
- Access not safe from Southchurch Avenue.
- Lack of Parking for the development.
- Lack of turning/loading within the development.
- Loss of the main car parking space for the area.
- Do not need any more commercial space on the seafront, many empty buildings already.
- Quality of life - noise, stress and pollution from construction works.
- Impact on the limited local infrastructure, schools, doctors etc.
- Will it become another Kursaal estate with increased levels of crime.
- A move away from the traditional seaside resort character of Southend.
- Jobs created will be low paid.
- There are alternative, better uses for the site.
- No need for more flats.

9.3 16 Letters of *support* in respect of the following issues:

- An amazing project to really put Southend on the map.
- Great opportunity to regenerate/uplift a rundown area, will bring a new lease of life to the seafront.
- The scale of the development shows significant confidence in Southend.
- The plans are crucial to continuing the resurgence of Southend.
- A wonderful opportunity for the seafront and its traders.
- The development will complement the seafront improvements that have already taken place.
- Beneficial to the local economy.
- Will provide local employment.
- At present the site is an eyesore.
- Good for residents and tourists

9.4 **Southend Business Partnership** – support the application as it will bring vibrancy and job opportunities to an area of Southend that has for many years been in need of major regeneration.

## 10.0 Relevant Planning History

10.1 2006 – Outline permission granted to demolish existing buildings, erect 4, 6 and 16 storey buildings comprising 100 bedroom hotel, casino, 126 dwellings, leisure and entertainment facilities, restaurants, bistros and bars with associated basement parking (650 spaces), servicing area, amenity open space and form access off Southchurch Avenue (Outline) 05/01155/OUT. The reserved matters application was never submitted and this permission has therefore expired. The above planning consent related to a somewhat larger site including land at the corner of Marine Parade and Pleasant Road, which is omitted from the current application site.

10.2 2010 - Request for Screening Opinion to Redevelop site to include 4-8 storeys in height and including a 10 - 14 storey building, providing 350 residential units, up to 6,000 square metres of commercial use floorspace comprising shops(A1), financial services(A2), restaurants/cafes(A3), offices(B1) and leisure(D2) and associated car and cycle parking, landscaping and services. Concluded that an Environmental Assessment is required.

10.3 2010 – Request for a Scoping opinion to redevelop site to include 4-8 storeys in height, including a 10 - 14 storey building, providing 350 residential units, up to 6,000 sqm of commercial use floorspace comprising shops(A1), financial services(A2), restaurants/cafes(A3), offices(B1) and leisure(D2) and associated car and cycle parking, landscaping and services. 10/02053/RSO

2014 – Request for a Scoping Opinion to redevelop site comprising of 3-13 storeys in height providing 290 residential units, 3000 sqm of commercial floor space comprising of shops (A1) financial services (A2), restaurants/cafe (A3), drinking establishment (A4), offices (B1), leisure (D2) and amusement arcade (sui-generis), layout cycle and car parking spaces and landscaping 14/00097/RSO

## **11.0 Recommendation**

**Members are recommended to:**

**(a) DELEGATE to the Head of Planning and Transport or Group Manager of Development Control & Building Control to GRANT PLANNING PERMISSION subject to completion of a PLANNING AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) and all appropriate legislation to seek the following:**

- **84 units of affordable housing (30% overall provision) comprising 58 units (69%) for affordable rent and 26 units (31%) for intermediate rent. Within this affordable provision, 37% of the units would be one bedroom, 33% would be two bedroom, and 30% would be three bedroom.**
- **Education contribution - £160,333.82**
- **Public art contribution/provision - as set out in the submitted design and access statement and in addition to include a maintenance agreement or as otherwise agreed to a value of up to 1% of development costs.**
- **A contribution of £10 for off-site tree planting.**
- **Highways works to include but not limited to the following:**
  - **Provision of Travel Packs for residents.**
  - **Residential Travel Plan.**
  - **Commercial Travel Plan.**
  - **a new two way junction on Southchurch Avenue approx. 125m north of the existing signals junction.**
  - **Relocate the existing northbound bus stop to the south and the existing taxi rank relocated to Eastern Esplanade.**
  - **The existing CCTV camera will be relocated.**
  - **Revocation of the existing no entry restriction at the southern end of Pleasant Road together with the short section of one way to allowing all vehicles to turn left or right from Marine Parade into Pleasant Road.**
  - **Contribution for pedestrian signage to and from the development (£40k).**

- Contribution for changes to signal timings at Southchurch Avenue/Eastern Esplanade (£2k).
  - Contribution for 4 x AVL display signs and associated works £36k.
  - Contribution for 2 x raised borders and 2 x bus shelters £16k.
  - Contribution for 1 x new layout for taxi rank £1k.
  - Traffic Regulations Order to cover all advertisement amendments and new orders £10k.
  - Relocation of SPECS traffic speed system £30k.
- **Section 106 Monitoring fee equivalent to 4% of any monetary contribution and £750 per non-monetary Head of Term.**

**(b) The Head of Planning and Transport or the Group Manager (Planning & Building Control) be authorised to determine the application upon completion of the above obligation, so long as planning permission when granted and the obligation when executed, accords with the details set out in the report submitted and the conditions listed below:**

**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 No development shall take place until samples of the materials to be used on all the external elevations, including balconies, fenestration, and on any screen/boundary walls and fences, and on any external access way, driveway, forecourt or parking area, steps and podium have been submitted to and approved by the local planning authority. The development shall only be carried out in accordance with the approved details.**

**Reason: To safeguard character and appearance of surrounding area, the adjacent listed and locally listed buildings and the Kursaal Conservation of the area in accordance with Policies C2, C4 and C11 of the BLP and KP2 and CP4 of the BLP**

**03 The development shall not be occupied until 318 parking spaces have been provided on hardstandings within the curtilage of the site, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently retained thereafter for the parking of occupiers, staff and visitors to the development.**

**Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policies T11 of the BLP and CP3 of the Core Strategy DPD1.**

- 04** Prior to first occupation of the development a waste management plan and service plan for the development shall be submitted to and agreed by the Local Planning Authority, waste management and servicing of the development shall thereafter be carried out in accordance with the approved details.

**Reason:** to ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies T8, T12, and C11 of the BLP and KP2 and CP3 of the Core Strategy DPD1.

- 05** Prior to first occupation of the development a car park management plan for the development shall be submitted to and agreed by the Local Planning Authority, waste management and servicing of the development shall thereafter be carried out in accordance with the approved details.

**Reason:** to ensure that the car parking is satisfactorily managed in the interests of traffic management and highway safety in accordance with Policies T8, T11 and T12 of the BLP and KP2 and CP3 of the Core Strategy DPD1.

- 06** Prior to first occupation of the development 499 cycle parking spaces shall be provided within secure covered parking stores, the details of which shall have previously been submitted to and agreed by the LPA. The agreed cycle parking spaces shall be permanently retained for the cycle parking of occupiers, staff and visitors to the property.

**Reason:** In order to ensure that sufficient and satisfactory cycle parking is available to meet the needs of occupiers and users of the development in accordance with Policy T13 of the BLP and KP2 and CP3 of the Core Strategy DPD1.

- 07** Prior to commencement of development “Construction Traffic Management Plan, including but not limited to: details of routing, signage, scheduling of deliveries, construction hours, on site recycling measures, use of local labour, shall be submitted to and agreed by the Local Planning Authority, construction shall be carried out in accordance with the approved details.

**Reason:** to ensure that the construction is satisfactorily managed in the interests of traffic management and highway safety and to protect the amenities of surrounding occupiers in accordance with Policies H5, T8, T11, T12 and U2 of the BLP and KP2 and CP3 of the Core Strategy DPD1.

- 08** Prior to commencement of development details of acoustic insulation to the residential units against road traffic noise, including both building elements and ventilation arrangements including purge ventilation to comply with the building regulations shall be submitted to and approved by the LPA. The development shall be carried out in accordance with the approved details.

**Reason: In order to protect the amenities of future occupiers from undue noise and disturbance, in accordance with Policies H5 and of the BLP and CP4 of the Core Strategy DPD1.**

- 09 The residential development shall not be occupied until extract ventilation, filtration and deodorising equipment and laundry extract ducts have been installed in accordance with a scheme including details of the predicted acoustic performance of the system, ducting runs and of discharge points, which shall have previously been submitted to and approved by the local planning authority. The equipment as installed shall be retained in good working order at all times thereafter.**

**Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and visual amenities of the area in accordance with policies S5, C2, C4 and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.**

- 10 The commercial development shall not be occupied until extract ventilation, filtration and deodorising equipment and laundry extract ducts have been installed in accordance with a scheme including details of the predicted acoustic performance of the system, ducting runs and of discharge points, which shall have previously been submitted to and approved by the local planning authority. The equipment as installed shall be retained in good working order at all times thereafter.**

**Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and visual amenities of the area in accordance with policies S5, C2, C4 and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.**

- 11 With reference to BS4142, the noise rating level arising from all plant and extraction/ventilation equipment should be at least 5dB(A) below the prevailing background at 3.5 metres from the ground floor façades and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character.**

**Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and visual amenities of the area in accordance with policies S5, C2, C4 and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.**

- 12 All deliveries and collections shall take place between: 07:00-19:00hrs Monday to Friday; and 08:00-13:00hrs Saturday; with no deliveries on Sundays or Bank Holidays.**

**Reason: In order to protect the amenities of occupiers of the development surrounding occupiers in accordance with policies S5, H5of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.**



## **13 Decontamination**

### **1. Site Characterisation**

No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- ground waters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

### **2. Submission of Remediation Scheme**

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

### **3. Implementation of Approved Remediation Scheme**

The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

### **4. Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7; days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.

**An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2.**

**The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3.**

#### **5. Long Term Monitoring and Maintenance**

**No development shall take place until a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must both be submitted to and approved in writing by the Local Planning Authority.**

**Following completion of the measures identified in that scheme and when**

**The remediation scheme is complete, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be submitted to the Local Planning Authority.**

**Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with DPD1 (Core Strategy) 2007 policy KP2.**

**14 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved unless otherwise agreed in writing by the local planning authority. These details shall include, for example:-**

- i. proposed finished levels or contours;**
- ii. means of enclosure;**
- iii. car parking layouts;**
- iv. other vehicle and pedestrian access and circulation areas;**
- v. hard surfacing materials;**
- vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)**

**This shall include details of details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established and details of measures to enhance biodiversity within the site.**

**Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy C14 of the Borough Local Plan and Policy CP4 of the Core Strategy DPD1**

- 15 A Landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the local planning authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.**

**Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy C14 of the Borough Local Plan and Policy CP4 of the Core Strategy DPD1**

- 16 Prior to commencement of development a renewable energy assessment will be submitted to and agreed in writing with the Council to demonstrate how at least 10% of the energy needs of the development will come from on site renewable options (and/or decentralised renewable or low carbon energy sources. The scheme as approved shall be implemented and brought into use on first occupation of the development.**

**Reason: To ensure the development maximises the use of renewable and recycled energy, water and other resources, in accordance with Policy KP2 of the Core Strategy DPD1**

- 17 Prior to commencement of development a design code for the shopfronts of the commercial units shall be submitted to and approved by the LPA, the code shall include details of but shall not be limited to, glazing, doors, signage locations and form, shuttering, lighting and materials. The development shall be carried out in accordance with the approved details.**

**Reason: In order to protect the character and visual amenities of the area in accordance with policies S5, C2, C4 and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.**

- 18 Prior to installation of any shopfront, details of the design and materials, glazing, doors, signage locations and form and lighting, shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

**Reason: In order to protect the character and visual amenities of the area in accordance with policies S5, C2, C4 and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.**

- 19 No obscure glazing installed shall be installed and no graphics or obscured film shall be applied to the A1/A3/A4/D2 units unless otherwise agreed in writing with the Local Planning Authority**

**Reason:** In order to retain the open character of the elevation in the interests of the character and visual amenity of the area in accordance with policies C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.

- 20** Prior to installation details of any shutters to the commercial units shall be submitted to and approved by the Local Planning Authority. The shutters shall be installed and retained in accordance with the approved details.

**Reason:** In order to protect the character and visual amenities of the area in accordance with policies S5, C2, C4 and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.

- 21** Prior to commencement of development details of the balconies to the internal elevations of the development shall be submitted to and approved by the Local Planning Authority, the development shall be carried out in accordance with the approved details.

**Reason:** In order to protect the character and visual amenities of the area in accordance with policies C2, C4, and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.

- 22** Prior to commencement of development details of balcony privacy screens shall be submitted to and approved by the Local Planning Authority, the development shall be carried out in accordance with the approved details.

**Reason:** In order to protect the character and visual amenities of the area in accordance with policies C2, C4, and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.

- 23** Prior to commencement of development details of the balustrade to the podium shall be submitted to and approved by the Local Planning Authority, the development shall be carried out in accordance with the approved details.

**Reason:** In order to protect the character and visual amenities of the area in accordance with policies C2, C4, and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.

- 24** Prior to commencement of development details of the design and materials of the car park gates and screen shall be submitted to and approved by the Local Planning Authority, the development shall be carried out in accordance with the approved details.

**Reason:** In order to protect the character and visual amenities of the area in accordance with policies C2, C4, and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.

- 25** Prior to first occupation of the development details of the control mechanism for the podium vehicular access shall be submitted to and approved by the Local Planning Authority the development shall be carried out in accordance with the approved details.

**Reason:** In order to protect the character and visual amenities of the area in accordance with policies C2, C4, and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.

- 26** Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any order revoking and re-enacting that Order with or without modification, no advertisement shall be displayed on the building without the prior written consents of the Local Planning Authority.

**Reason:** In the interest of the visual amenities of the area in accordance with policies C8 and Policies KP2 and CP4 of the Core Strategy DPD1.

- 27** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that Order with or without modification, no structures such as canopies, fences, loggias, trellises or satellite or radio antennae are allowed to be installed within the development or on the buildings unless otherwise agreed in writing by the local planning authority.

**Reason:** In order to protect the character and visual amenities of the development and the adjacent listed and locally listed buildings and the Kursaal Conservation Area in accordance with policies C2, C4, and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.

- 28** Prior to installation of any external lighting to the building; details of the external lighting of the building, including direction, siting, and hours of illumination and an assessment using the Institution of Lighting Engineers Guidance Note for the Reduction of Obtrusive Light, shall be submitted to and approved by the LPA and the development shall be carried out in strict accordance with the approved lighting scheme. No additional external lighting shall be installed on the building without the prior approval of the LPA.

**Reason:** In the interest of the visual amenities and character of the area, adjacent listed and locally listed buildings and the Kursaal Conservation Area and to protect the amenities of surrounding occupiers and to protect to adjacent SSSI in accordance with policies H5, C2, C4 and C11 and Policies KP2 and CP4 of the Core Strategy DPD1.

- 29** The delivery and refuse collection hours to the premises shall be restricted to between 7am and 7pm and Monday to Friday; 8am – 1pm Saturday and not at all on Sundays or Bank Holidays.

**Reason: In order to the protect the amenities of surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy DPD1**

- 30 The permitted hours for noise beyond the site boundary due to construction and demolition site works including loading and unloading are Monday to Friday 7.30 a.m. to 6.00 p.m. and Saturday 8.00 a.m. to 1.00 p.m. and not at all on Sundays or Bank Holidays. Noise from construction site activity shall not occur beyond the site boundary at any other time.**

**Reason: In order to the protect the amenities of surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy DPD1**

- 31 During any Construction and Demolition there shall be no burning of waste material on the site.**

**Reason: In order to the protect the amenities of surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy DPD1**

- 32 The mitigation measures with regard demolition, earthworks, construction and trackout of the Construction phase of the development, set out at section 8.6 of the Environmental Statement dated submitted September 2014 shall be implemented during development.**

**Reason: To minimise the environmental impact of the development and that demolition, construction, earthworks and trackout is satisfactorily managed in the interests of traffic management and highway safety and to protect the amenities of surrounding occupiers in accordance with Policies H5, T8, T11, T12 and U2 of the BLP and KP2 and CP3 of the Core Strategy DPD1**

- 33 The mitigation measures with regard to piling, lighting, storage and movement of materials, drainage, and tree and scrub clearance set out at section 6.1142 to 6.1220 of the Environmental Statement dated submitted September 2014 shall be implemented during development.**

**Reason: To minimise the environmental impact of the development and to minimise the risk of harm to a protected species in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy U2**

- 34 The mitigation measures in relation to Construction Noise and Construction Vibration set out at section 9.5 of the Environmental Statement dated submitted September 2014 shall be implemented during development.**

**Reason: To minimise the environmental impact of the development and that Construction is satisfactorily managed to protect the amenities of surrounding occupiers in accordance with Policies H5, and U2 of the BLP and KP2 and CP3 of the Core Strategy DPD1**

- 35 The Commercial floorspace hereby approved can only be used as A1 shops A3 Restaurants and cafes, A4 drinking establishments or D2 Assembly and Leisure and for no other purpose including any within Classes A, B1, C3 or D1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force).**

**Reason: Planning permission for unrestricted use within Classes A, B1, C3 or D1 cannot be granted in this case because the development it would fail to comply with DPD1 (Core Strategy) 2007 policy KP1, CP1 and CP2, Borough Local Plan 1994 policies L1, L2, S1 and S5.**

- 36 A maximum of 687sqm of commercial floorspace hereby approved shall be used for A1 retail use unless otherwise agreed in writing with the Local Planning Authority.**

**Reason: Planning permission for unrestricted retail cannot be granted in this case because the development it would fail to comply with DPD1 (Core Strategy) 2007 policy KP1, CP1 and CP2, Borough Local Plan 1994 policies L1, L2, S1 and S5.**

- 37 No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.**

**Reason: To prevent environmental and amenity problems arising from flooding in accordance with Policy KP2 and CP4 of the Core Strategy 2007**

**38** Development shall not commence until a surface water drainage scheme in line with that detailed in the revised Flood Risk Assessment undertaken by SLR Consulting Limited, referenced 407.04361.00002 and dated January 2015, and Indicative Drainage Layout drawing no 003, dated January 2013, is submitted to and approved in writing by the local planning authority. The scheme shall be implemented before the development is completed in accordance with the approved details. The scheme shall:

**Fully investigate the feasibility of infiltration SuDS as a preference and provide evidence to establish if the principles of any infiltration based surface water drainage strategy are achievable across the site, based on the ground conditions. Infiltration or soakaway tests should be provided which fully adhere to BRE365 guidance to demonstrate this. Infiltration features should be included where infiltration rates allow.**

**Provide drainage plans and drawings showing the proposed locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate that the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features. In addition, full design details, including cross sections of any proposed infiltration or attenuation features will be required.**

**Provide attenuation storage to cater for the 1 in 100 year critical duration rainfall event including allowance for climate change over the lifetime of the development without causing nuisance or damage. Calculations should be provided to demonstrate the functionality of each drainage feature.**

**Provide calculations of the piped network performance in the 1 in 30 year rainfall event to show no above ground flooding, and in the 1 in 100 year rainfall event including climate change to provide details of the volumes of flooding from each pipe, if any.**

**Provide sufficient information to demonstrate that people and property will be kept safe from flooding, with consideration given to exceedance flows and overland flow routing from on and off site sources, in accordance with CIRIA C635.**

**Provide details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the proposed development. Detail who will maintain each element of the surface water system for the lifetime of the development by submission of a maintenance schedule.**

**Fully investigate the impacts of tide locking on the site and model a surcharge outfall scenario if required.**

**Discharge to Anglian Water sewer shall be at the maximum agreed rate of 22l/s.**

**Provide confirmation that Anglian Water accepts the surface water discharge proposed to both manhole 0251 and 9151 detailed in the Indicative Drainage Layout Drawing referenced 003, dated January 2015.**

**The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.**



**Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with Policy KP2 and CP4 of the Core Strategy 2007.**

- 39 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by SLR Consulting Limited referenced 407.04361.00002, dated January 2015 and the following mitigation measures detailed within the FRA:**

**Finished ground floor levels of the residential development are set no lower than 6.05 meters above Ordnance Datum (AOD).**

**Finished first floor levels of the residential unit/Podium level are set no lower than 8.4 meters above Ordnance Datum (AOD).**

**The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.**

**Reason: To prevent environmental and amenity problems arising from flooding in accordance with Policy KP2 and CP4 of the Core Strategy 2007**

- 40 Prior to commencement of development details of the structural design, appearance and method of operation to the car park flood gate shall be submitted to and approved by the Local Planning Authority, the development shall be implemented in accordance with the approved details and permanently maintained thereafter.**

**Reason: In the interests of visual amenity and to prevent environmental and amenity problems arising from flooding in accordance with Policy KP2 and CP4 of the Core Strategy 2007.**

- 41 Prior to commencement of development a Flood Response Plan should be submitted and approved by the Local Planning Authority. The approved plan shall be implemented in the event of flooding.**

**Reason: To protect the amenities and safety of future occupiers in accordance with Policy KP2 and CP4 of the Core Strategy 2007.**

42 a) No development shall take place until a written scheme of investigation for a programme of archaeological work has been submitted to and approved in writing by the local planning authority. This must include details of the suitably qualified person or organisation that will carry out the archaeological work.

(b) The archaeological work and development must then be carried out in accordance with the approved scheme. A written report of the investigation and findings must be produced, showing that the archaeological work and development has been carried out in accordance with the approved scheme. Copies of the written report

of the investigation and findings must be sent to Southend Borough Council, Essex County Council and English Heritage.

(c) No part of the new building can be used until the local planning authority has provided written confirmation that the archaeological fieldwork and development has been carried out in accordance with the approved scheme.

**Reason:** To avoid damage to archaeological remains on site as set out in

DPD1 (Core Strategy) policy KP2 and CP4, Borough Local Plan 1994 policy C1, and SPD1 (Design and Townscape Guide).

#### **Informatives**

1 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.

2 The developer should also consider control measures detailed in Best Practice Guidance “The control of dust and emissions from construction and demolition”.  
[http://www.london.gov.uk/thelondonplan/guides/bpg/bpg\\_04.jsp](http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp)

3 The developer should ensure the enclosed car parking areas are adequately naturally or mechanically ventilated to disperse exhaust fumes.

4 The applicant is reminded that this permission does not bestow compliance with the Food Safety and Hygiene (England) Regulations 2013 or any other provision so enacted, such as those located within the Food Safety Act 1990. Applicants should contact the Council’s Environmental Health Officer for more advice on 01702 215005.

- 5 For further guidance on the control of odour and noise from ventilation systems you are advised to have regard to – Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by DEFRA. This can be downloaded free from [www.DEFRA.Gov.UK](http://www.DEFRA.Gov.UK)**
- 6 Please note that if you require a crane or piling rig to construct the proposed development, this will need to be safeguarded separately and dependent on the location may be reinstatement in height and may also require full co coordination with the Airport Authority**
- 7 The applicant is reminded that this permission does not bestow compliance with the Licensing Act 2003. Applicants should contact the Council’s Licensing Team for more advice on 01702 215005.**
- 8 Water Supplies – the applicant or architect is reminded that additional water supplies for fire fighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service Headquarters tel 01376 576342.**
- 9 There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire and Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk of life, business continuity and limit the impact of fire on the environment and local economy. Even where not required under Building Regulation’s guidance, ECFRS would strongly recommend a risk base approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We would also encourage developers to use them to allow design freedom, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the regulations are met.**
- 10 If a crane or piling rig is needed to construct the proposed development, this will need to be safeguarded separately and dependant on location may need to be restricted in height and may require coordination with the Airport Authority. Any crane applications should be directed to [sam.petrie@stobartair.com](mailto:sam.petrie@stobartair.com)**
- 11 Details of the shopfronts and advertisements to the commercial buildings should follow the approved Design Code for these elements.**
- 12 Hard landscaping materials to the Marine Parade, Southchurch Avenue and Pleasant road frontages of the development shall match those of the existing City Beach scheme.**

- 13 **An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.**
- 14 **Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.**
- 15 **Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.**
- 16 **The Flood Response Plan (FRP) shall include details of what should be done in the event of surface water flooding.**

**c) In the event that the planning obligation referred to in part (a) above has not been completed by 31st March 2015 the Head of planning and Transport or Group Manager (Planning & Building Control) be authorised to refuse planning permission for the application on the grounds that the development will not :- i) provide for improvements to the public highway and the public realm within the vicinity of the site; ii) provide an effective means of enforcing/delivering a Travel Plan; iii) provide for a satisfactory provision of public art and iv) provide for a satisfactory method of servicing the development vi) provide for affordable housing or education accommodation to serve the needs of local residents. As such, the proposal would not make a satisfactory contribution towards the quality of the built environment within the vicinity of the site, would traffic congestion and be to the detriment of highway safety and is likely to place increased pressure on public services and infrastructure to the detriment of the general amenities of the area, contrary to Policies KP2, KP3, CP3, CP4 and CP6 of the Core Strategy, Policies C2, C4, C11, C14, H5, U1, T8 and T13 of the Borough Local Plan, 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.**

<b>Reference:</b>	<b>14/01672/BC4M</b>
<b>Ward:</b>	<b>Shoeburyness</b>
<b>Proposal:</b>	<b>Demolish outbuilding and associated extensions to Hinguar School, convert building in to 13 self-contained flats, erect 18 dwellinghouses, layout parking, bin store, form hard and soft landscaping.</b>
<b>Address:</b>	<b>Hinguar Primary School, Hinguar Street, Shoeburyness</b>
<b>Applicant:</b>	<b>Mr Karl Pickering, Tern Developments</b>
<b>Agent:</b>	<b>Robert Hutson Architects</b>
<b>Consultation Expiry:</b>	<b>30<sup>th</sup> December 2014</b>
<b>Expiry Date:</b>	<b>31<sup>st</sup> March 2015</b>
<b>Case Officer:</b>	<b>Charlotte Galforg</b>
<b>Plan Nos:</b>	<b>80-PL- 001C, 80-PL- 002, 80-PL- 003A, 80-PL- 004A, 80-PL- 005, 80-PL- 006, 80-PL- 007B, 80-PL- 008B, 80-PL- 009A, 80-PL- 0010A, 80-PL- 011B, 80-PL- 012B, 80-PL- 013B, 80-PL- 014B, 80-PL- 019, 80-PL- 020A, 80-PL- 021B, 80-PL- 022, 80-PL- 023, 80-PL- 024A</b>
<b>Recommendation:</b>	<b>DELEGATE to the Head of Planning and Transport or Group Manager of Planning and Building Control to GRANT PLANNING PERMISSION subject to completion of a subject to completion of a S.106 Agreement.</b>



*This application should be considered in conjunction with that for 14/01744/BC4, Saxon Lodge, Smith Street, Shoeburyness.*

## **1.0 The Proposal**

- 1.1 The application site was previously used as a school and has been vacant since 2012 when the school was decanted into the replacement Hinguar School in New Garrison Road Shoeburyness.
- 1.2 The application seeks to demolish several outbuildings and existing extensions to the school building, to convert the building into 13 self-contained apartments (a mix of single level and duplex units) and to erect 18 houses within the curtilage of the site as follows:  
Former School Building:
  - 3 x 1 bed flats
  - 5 x 2 bed flats
  - 5 x 3 bed flatsSite Curtilage
  - 12 x 3 bed houses
  - 5 x 2 bed houses
  - 1 x 1 bed house
- 1.3 52 car parking spaces are proposed to serve the development, the majority of which would be within a shared parking area, together with 18 cycle parking spaces to serve the flats within covered storage. Refuse stores are also proposed for the flats. Vehicular access to the site would remain in the same location as existing, with new pedestrian accesses created within the front elevation.
- 1.4 The majority of units would have private, allocated amenity space. A large tree which is located within the site would be retained, but several smaller trees of much lesser quality would be removed. A detailed landscaping scheme has been submitted with the application.
- 1.5 The redevelopment proposals comprise the retention of the locally listed school building. The conversion of the building would be done with minimal external intervention and would use existing external features. Front doors and entrances would be added to the front elevations, but the majority of other existing openings would remain intact.
- 1.6 The new houses would be two storey and would have red tiled pitched roofs. The development would create a new "courtyard" to the rear of the building. The proposed materials would echo those of the existing school buildings, and the design seeks to replicate large windows and use of stone. Timber cladding is also proposed which the applicants states would reference a twist on the traditional beach hut. All houses are accessed directly from the courtyard.
- 1.7 Inside the houses the entrance level contains the living room and a potential bed-space for those who become unable to use the stairs and each house is capable of being retrofitted with a stair lift. 10% of the development will meet lifetime homes standards. The houses will meet Code level 3 for sustainable Homes. SuDS will be incorporated into the development.

- 1.8 The application does not include any affordable housing on site, but seeks to provide the affordable housing requirement for the development within the linked application on the Saxon Lodge site in Smith Street (14/01744/BC4M).
- 1.9 The applicants have submitted a Planning Statement, Design and Access Statement, Transport statement, Arboricultural Statement, Trees reports, Ecology Statement, Heritage Assessment, Contamination Assessment, Sustainability and Energy Statement, and an Affordable Housing Statement in support of the application. A number of the documents are written to cover applications at both the application site and the concurrent scheme at Saxon Lodge.

## **2 Site and Surroundings**

- 2.1 The site was previously used as a school. The existing building is Victorian, having been constructed in 1886. The frontage of the building is locally listed. The building survives in a good condition with its original layout and fabric maintained due to the continuity of function over time. The school is considered to be a local landmark, making an important contribution to the character of the local streetscene. Design characteristics of the building include, multiple gables, tall windows positioned high off the floor, a crowning cupola and the use of red brick. The side and rear of the site is mainly laid to hardsurface and was used as playground space. The site contains several small outbuildings. Vehicular accesses to the site are currently located at the eastern and western ends of the site, with pedestrian accesses located along the frontage.
- 2.2 The immediate area is characterised by small scale, two storey residential development, mainly in the form of terraces of pitched roof houses. There are also some low rise flats (Sycamore Court) along the northern part of the western site boundary. Immediately to the north of the site lies the London to Fenchurch Street Railway line, including railway sidings and Shoeburyness station. The rear gardens of properties in High Street abut the site boundary to the east. The Shoebury Garrison development and associated Conservation Area lies to the south of the site.
- 2.3 Hinguar Street a relatively narrow one way street connecting Smith Street to the South to High Street to the east. It is subject to a 30mph speed limit.
- 2.4 The site has no specific allocation within the Borough Local Plan.

## **3 Planning Considerations**

- 3.1 The main planning considerations are the principle of conversion of the school building and development of the remainder of the site for housing, impact on the character of the area and the locally listed building, detailed design, traffic generation, parking and highways issues, impact on surrounding occupiers, living conditions for future occupiers, trees, ecology, archaeology, flood risk and drainage, contamination, sustainability and developer contributions.

## 4 Appraisal

### Principle of development

**NPPF, DPD1 (Core Strategy) Policies, KP1; KP2; CP6, CP8; BLP Policies; H5, H7, U10.**

- 4.1 Policy CP6 of the Core Strategy states that “New development should demonstrate that it will not jeopardise the....Borough’s ability to improve the education attainment, health and wellbeing of local residents and visitors to Southend. This will be achieved by;.... safeguarding existing and providing for new leisure, cultural, recreation and community facilities..... and ensuring the needs of all residents and visitors, including the disabled and other vulnerable groups, are met.
- 4.2 The development would result in the conversion of a building formerly in use as a school. However it is noted that the accommodation has been replaced with a new school in New Garrison Road and therefore in this instance no objections are raised to the loss of the facility.
- 4.3 One of the Core Planning Principles of the NPPF is to “*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value*” and this requirement is repeated in CS Policy CP8. The proposed development meets this requirement. The site is located within a generally residential area and is surrounded by residential properties. The proposed residential use is therefore considered to be appropriate in this location.
- 4.4 There is therefore no objection in principle to the conversion of the existing school building and the redevelopment of this site for residential purposes.
- 4.5 In terms of dwelling mix, a range of unit sizes have been provided and no objection is raised to the housing mix.

### Design and impact on the character of the area.

**Planning Policies: NPPF, DPD1 (Core Strategy) policies KP1, KP2, KP3, CP4, BLP policies; C2, C3, C11, C14, H5, H7, SPD1 Design and Townscape Guide.**

- 4.6 A core planning principle set out in Paragraph 17 of the NPPF is to seek to secure high quality design and good standards of amenity for existing and future occupants.



4.7 The NPPF also states at paragraph 56:

*“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*

The NPPF refers specifically to consideration of applications which impact upon “non designated heritage assets” (which includes Locally Listed buildings) at para 135 and states:

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

4.8 The school building is Locally Listed (it should be noted that the Victorian elements of the Hinguar Street frontage only are covered by the Local Listing). Policy CP4 of the Core Strategy requires that development proposals should safeguard the character of Locally Listed Buildings. Policy C2 and C3 of the BLP require that:

*C2 “Listed Buildings and buildings on the Local List will be protected from demolition and unsympathetic development. Development proposals will be required to pay special regard to the preservation and restoration of internal and external features which contribute to their character, to the maintenance of their scale and proportions, to the preservation of their setting and to the use of appropriate materials.”*

*C3 “Permission may be given in exceptional circumstances for the conversion of Listed Buildings and buildings on the Local List to sympathetic alternative uses only where:*

*(i) this is necessary to ensure the building's preservation or restoration;*

*(ii) it has clearly been demonstrated that the original or existing use of the building cannot be retained; and*

*(iii) the proposed use and any associated building alterations are sympathetic to its historic or architectural character.”*

4.9 The need for good design is reiterated in policies, C11 and H5 of the BLP and Policies KP2 and CP4 of the Core Strategy and the Design and Townscape Guide

4.10 Positively, the plans for the site see the retention of the former Hinguar School buildings including the attractive front façade, which is locally listed. Minor modifications are proposed to the building whereby front doorways will be formed to each unit. There are no objections to this in principle, and the detailed design of these replacement doorways will be controlled by condition. Materials will be conditioned to match the existing building. Details of new/replacement windows to the school will also need to be agreed and should be timber on the school building. Again details can be controlled by condition. Conservation style rooflights will also be required. Subject to these details there are no objections to the design of the proposed school conversion.

- 4.11 The dwellings proposed to the rear of the existing school building are two storey houses. They would have pitched tiled roofs and be mostly brick with some render details. Fenestration within the buildings would have a vertical emphasis and their central windows are set above usual sill height. Several of the units would have a two storey projecting element to the front. Plots 27 and 28 include white plank cladding. As a result of the need to design out pressure for works to/felling of the existing mature tree on the site, the fenestration to their main habitable rooms faces to the rear, leaving the front elevation lacking the usual levels of fenestration.
- 4.12 There is no objection in principle to the scale of the proposed new units or the design approach taken by the applicant and this would provide a contemporary take on surrounding terraced dwellings. The dwellings are generally screened from the street by the existing school and create their own separate but related character which it is considered results in a cohesive scheme overall. No objections are raised to the scale or design of the proposed new dwellings.
- 4.13 A schedule has been provided indicating the level of amenity space provided to each dwelling. In the case of the units within the former Hinguar School building, some of these will be provided to the front. Details of how these spaces will be separated and made private will need to be provided. It would be desirable to see landscaped boundaries rather than fencing between gardens for example. To the rear, the gardens are small and situated adjacent to the car park, the treatment of these spaces, including boundary treatment, will need to be carefully detailed to ensure they are useable for future residents. It would not be desirable to see tall, close boarded fencing here for example and all boundary treatments with a public impact should be sensitively designed (e.g. brick walls, landscaping). Further landscaping is encouraged. Details of all these issues will be need to be agreed by condition although it would be helpful to see any further information at this stage.
- 4.14 There are no objections to the proposed bin/cycle stores although materials will need to be agreed by condition to ensure an appropriate match to the existing brickwork of the former school building.
- 4.15 The design of the development is therefore considered to be acceptable and in accordance with policies C2, C3, H5, C11 and CP4 and the Design and Townscape Guide.

#### *Landscaping/loss of trees*

- 4.16 The site contains a number of trees including a large Ash tree within the existing school playground site at the rear, a Crab Apple, Mountain Ash and Sycamore. It is proposed to fell the Crab Apple and Sycamore as a tree survey has shown that they are both in poor condition and not worthy of retention, and to carry out maintenance works to the remaining trees. There is also a mature tree in the grounds of Sycamore Court to the west of the site, the crown of which extends over into the application site.

- 4.17 Initially concerns were raised by officers about the siting of the proposed new buildings and their relationship with the large trees in and around the site, which it was considered may result in future pressure to carry out extensive works to the trees or even to fell them. Revised plans have since been submitted, altering the siting and design of the dwellings and relocating the dwelling at plot 16, shifting it southwards and away from the affected tree, outside the crown spread. It is considered that the relationship of the tree and unit 16 is now acceptable. (it should be noted that these changes resulted in the removal of one dwelling from the development, and revised plans have the units numbered differently.)
- 4.18 With regard to the Sycamore within the school site, it is located close to dwelling N<sup>os</sup> 26, 27 and 28. N<sup>os</sup> 26, 27 and 28 have now been orientated so that their main windows face away from the tree, thus reducing pressure for later works.
- 4.19 The submitted landscaping scheme includes a number of replacement trees, and on balance, given the reduced impact of the development on the retained trees and the limited value of the trees to be lost, no objections are raised to the loss of the remaining trees. The landscaping scheme as submitted includes measures to enhance biodiversity and this is welcomed, however further enhancements to the scheme are necessary to make it acceptable and these can be controlled by a suitable condition.

### **Traffic and Transport**

**Planning Policies: NPPF; DPD1 (Core Strategy) policies: KP1, KP2, KP3, CP3; BLP Policies; T1, T8, T10, T11, T12, T13, T14.**

- 4.20 The site is considered to be relatively accessible. It is located within walking distance of Shoeburyness station and close to bus and cycle routes. It is close to local amenities. Vehicles from the site would access and egress the site from/to Hinguar Street, which is a one way street, exiting out onto High Street. The site was previously used as a school which generated a significant amount of traffic. A school use could be reinstated without the need for planning permission.
- 4.21 The applicants have submitted a Transport Assessment with the application. This compares the trip rates associated with the previous school use and those of the proposed development, using the TRICS database. It is concluded that the proposed development together with that at Saxon Lodge, would generate approximately 75% fewer trips during peak hours than those generated by the former school use. Therefore the proposed development would result in a significant improvement over former conditions on the highways adjacent to the site.

## *Parking*

- 4.22 The application includes parking to serve the development, mainly located to the rear of the main school building in a “parking court”. Parking is provided at a ratio of 100% for one bed flats, between 100% and 200% for 2 bed dwellings and at 200% for 3 bed properties. EPOA parking standards 2001 state that:

*“for main urban areas and locations where access to public transport is good, a maximum of 1 space per dwelling is appropriate. Where an urban location has poor off-peak public transport services, a maximum of 2 spaces per dwelling is appropriate.”*

The proposals meet these standards and the level of parking provision for the site is considered reasonable to meet the needs of future occupiers and is acceptable. The above standard allows for visitor parking within the site.

- 4.23 Cycle Parking for the flats is proposed in line with EPOA requirements, within secure covered cycle storage.
- 4.24 Travel packs should be provided as part of the development to provide future residents information about the surrounding area and the local services available. This will be a requirement of the S106 for the development.
- 4.25 It is noted that the issue of increased on street car parking has been raised by objectors, however given the level of proposed car parking provision as outlined above it is not considered that the development will result in increased on street car parking. It should also be noted that yellow zigzag lines which were previously located outside the school have been removed since it was vacated, and therefore the amount of on street car parking within the area has increased since the school closure.

## *Access and Servicing*

- 4.26 The development will make use of the existing access to the site. Increased site lines will be required in order to provide for access for service vehicles etc. These have been shown on the revised plans and can be safely provided. They will be required by condition or S106 Agreement. The final detail of the site lines will be finalised following a safety audit of the site which will be undertaken before any highways works are carried out.
- 4.27 It should be noted that, at present, as with many other streets, refuse collection for existing housing within Hinguar Street takes place from the highway and does cause limited obstruction of the highway on collection day. Refuse collection for the new development is intended to take place from within the site. Refuse storage to serve the converted school building is provided in two locations, to the east and west of the school building. The amount and location of the storage is considered to be acceptable. The site is large enough to accommodate waste and other service vehicles and to allow access for fire engines. However should vehicles park on the service road outside the allocated parking area, this may give rise to obstruction. It is therefore considered that the highway inside the site should be adopted and yellow lined as required to prevent any obstruction. The required TRO would cost £4500 to implement. This will be required as part of the S106 Agreement.

- 4.28 Taking these factors into account proposed development is considered to meet policies T8, T11 and T12 of the BLP and CP3 of the Core Strategy with regard to traffic generation, parking and servicing.

**Impact on amenity of adjacent occupiers and future occupiers of the development.**

**Planning Policies: NPPF, BLP policies H5, H7, U2. Design and Townscape Guide SPD1**

- 4.29 Policies H5 and H7 of the BLP and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers.

*Outlook, sunlight and daylight and overlooking.*

- 4.30 The site is bounded on 3 sides by residential development. The conversion of the school building will take place within the existing building envelope and hence the built form of the building will have no greater impact on neighbouring occupiers than the existing building.

- 4.31 The development is closest to existing dwellings where it bounds Sycamore Court and 4 and 2 Hinguar Street. With regards to Sycamore Court, this is most affected by Unit 16. The original siting of unit 16 was considered unacceptable, however revised plans have been submitted, deleting a unit and shifting Unit 16 away from the boundary. The flank of unit 16 will now lie 3.2m from the site boundary and will be located some 12.5m from the rear elevation of the existing flats which is most affected. This relationship is now considered to be acceptable.

- 4.32 The units also abut residential development along High Street and Hinguar Street. The properties in High Street have relatively long gardens and the development is sited distant enough from those properties so as not to appear overbearing or result in loss of sunlight/daylight.

- 4.33 However, there was concern regarding the proximity of unit 31 and No 4 Hinguar Street. Unit 31 as originally submitted, lay close to the boundary with No 4 and would have been overbearing and caused overlooking. Revised plans have now been received to address this issue. The first floor of No 31 has been reduced in depth to align with the rear of unit 30 and now lies some 5.8m away from the boundary and some 9.3m from the closest part of No 4. This relationship is now considered to be acceptable and the dwelling would not appear unduly prominent or overbearing in relation to No 4 Hinguar Street.

*Overlooking*

- 4.34 Where the development is close to the boundaries with neighbouring dwellings, the development has been designed to either obscure glaze windows or to ensure that there are no windows in the elevations closest to the affected sites. The revised plans in relation to unit 31 now prevent any overlooking of No 4 Hinguar Street.

### *Impact on future occupiers*

- 4.35 The units vary in size from approx. 47 sqm for two of the one bed flats to 144 sqm for the largest 3 bed house. This is in line with the emerging DM standards and is considered to be acceptable.

### *Amenity space*

- 4.36 Amenity space for the development is provided in garden areas only (no balconies). The gardens to the houses are set to the rear of each unit and vary in size from 41 sqm to 131 Sqm, Those to the converted school building are located on all sides of that building, including to the front of the units facing onto Hinguar Street. Gardens sizes for the flats are limited and are constrained by the retention of the existing building and its' position on site. The proposed amenity areas for the flats vary from 28 sqm for unit 7 and 63 sqm for unit 6.
- 4.37 Whilst the garden areas are limited, in particular to some of the larger flats, it is recognised that the site is constrained by the conversion of the existing school, which it is desirable to retain. On balance, for this reason the layout and size of amenity space is, in this instance, considered to be acceptable. Members should be aware that the parking provision for the site as proposed is in excess of the EPOA standards, and should Members consider that a reduction in car parking numbers would be acceptable, then it would be possible to reorganise the existing parking layouts to allow for an improved amenity space provision.

## **Sustainable Construction**

### **Planning Policy Statements: NPPF DPD1 (Core Strategy) policies: Key Policies: KP2, CP4, SPD 1 Design and Townscape Guide**

- 4.38 Policy KP2 sets out development principles for the Borough and refers specifically to the need to:

*“include appropriate measures in design, layout, operation and materials to achieve: a reduction in the use of resources, including the use of renewable and recycled resources.*

*All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. At least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in SPD 1 Design and Townscape Guide, wherever feasible. How the development will provide for the collection of re-usable and recyclable waste will also be a consideration.....*

*.....development proposals should demonstrate how they incorporate ‘sustainable urban drainage systems’ (SUDS) to mitigate the increase in surface water run-off...”*

The applicants have submitted Sustainability and Energy Statements in support of their application, this shows that photovoltaics will be installed on the roofs of the new dwellings (not the school building) development, and is therefore considered to be acceptable in principle. Full details will be required by condition.

- 4.39 The applicants have stated that the development will achieved Code for Sustainable Homes level 3.
- 4.40 In accordance with policy the proposals should incorporate a Sustainable Drainage system (SuDs) to manage water runoff from buildings and areas of hardstanding. The applicants have confirmed that this will be incorporated into the development, and this can be ensured by use of conditions.

#### **Developer contributions.**

#### **Planning Policies: NPPF; DPD1 (Core Strategy) policies KP3, BLP policies: U1.**

- 4.41 The Core Strategy Police KP3 requires that:

*“In order to help the delivery of the Plan’s provisions the Borough Council will:*

*2. Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed”.*

- 4.42 *Affordable Housing* – The applicants have stated that it is intended to provide the affordable housing for this development on the Saxon Lodge site (please see the concurrent application (14/01744/FULM). 9 affordable units are proposed which are intended to be shared ownership. The 9 units equate to the required 20% AH provision for both sites in line with Policy CP8.

However, normally Affordable Housing is expected to be provided on the application site unless there are good reasons not to do so. In addition the Affordable Housing tenure is expected to be a mix between rented and intermediate housing.

- 4.43 Given that the scheme as submitted does not comply with these requirements the applicant has been asked to demonstrate why the proposed affordable housing provision should be accepted as submitted. In summary, they have stated that the development is as proposed due to the following:

*“Although only the school facade is locally listed, we appreciate the historic and local interest associated with the former school, and have chosen to retain the entire Victorian element of the school which includes the original classrooms at the rear of the building. Our intention is to fully restore the former school building to its former glory, including the following:*

- *retaining the entire Victorian element of the school building, removing only later extensions*
- *retaining the Ornamental Spire which will be fully refurbished back to its original condition.*
- *re-introducing the school railings and gates around all of the retained school building not just along the Hinguar street frontage, which is very expensive compared to normal fencing or hedging.*

- *sourcing reclaimed materials and working with stone-smiths and other skilled craftsmen to sensitively restore and replace damaged or worn elements to match the existing*
- *replacing the windows and doors to the school with purpose made timber windows rather than upvc*

*Full restoration is essential to properly preserve the quality of the building and maintain the existing features, but this comes at great expense and will have a huge impact on the build costs. The alternative and much cheaper option would have been to demolish far more of the building, keeping just that part required by the local listing, allowing us to provide more new build beyond the retained frontage.*

*Another implication of keeping the original building is that the layout of the classrooms and hall, produces "oversized" units which will not achieve the same pro-rata values compared to new build. This means that the build costs for these units is greater whilst their sales values are lower.*

*We are sure you will agree, that the loss of the former school would be detrimental to the area, local residents, and ward councillors. We have therefore chosen to make it a feature of the development and this will ensure that the building is preserved long into the future.*

*With regards the affordable housing, we have met the percentage requirement on this development, providing 9 units being 8 x 2 bedroom and 1 x 1 bedroom apartments.*

*We have consulted with a number of RSL's who have advised that Southend has a shortage of shared ownership properties but an abundance of rental properties.*

*This means that rental values do not produce sufficient funds to cover the cost to build a block of apartments which coupled with the above costs makes an alternative tenure unviable.*

*In order to reduce management and maintenance costs, the RSL's advice is that they prefer the Affordable units to be contained within in one location and where the affordable units are apartments/flats, then the preference is for a "stand alone" block which allows them to manage the units more efficiently, in terms of service charges, repairs/maintenance and tenant relations etc.*

*We have therefore chosen to site all of the affordable units on the Smith Street site and this enables us to create two distinct developments, which will appeal to completely different buyers. Smith Street is the smaller of the two sites, and housing on this site would be limited, with access problems from the road frontage. Therefore we have proposed two matching apartment blocks, one for private sale and the other affordable, both will share a car park and have a single access point off Hinguar Street. The Hinguar site, being larger and with no affordable allocation, allows retention of the entire former school building with a sympathetic mixed housing development beyond. We have also allowed a greater provision of car parking on the Hinguar site to ensure that residents' parking is contained within the site. All of the properties on Hinguar will be for private sale ensuring values in this location are maximised to make the restoration viable."*

- 4.44 Taking all these factors into account, no objection is raised to the location of the Affordable Housing provision for this development is site on the Saxon Lodge, Smith Street site. The two developments will be linked by virtue of an appropriate S106 Agreement.



- 4.45 *Education* - This application falls within the Hinguar Primary School and Shoeburyness High School Catchment areas. There are currently very limited primary places in the Shoeburyness area and the local secondary school is oversubscribed in all year groups including Post-16. Additional accommodation within the area will require further places being added to the local schools. A contribution has been requested which this applicant has agreed to in principle, however this is currently being adjusted to reflect the reduction in the number of units on site. This detail will be updated in the Supplementary Agenda.
- 4.46 *Highways works* – The works that are required and should form part of the S106 Agreement are set out at paras 4.20 onwards above.
- 4.47 *Public Art* - The applicants have been requested to make a contribution for or to provide public art within the site. Such a contribution is considered justified given the scale, location and details of the scheme. The applicant has suggested that the cost of development of the school site (and particularly the cost of converting the existing buildings) is such that provision to a value of 1% of development costs is not viable. However they are willing to make a contribution equivalent to one third of this amount. This is considered to be reasonable in light of the above. A public art contribution of £12823.02 is therefore agreed.
- 4.48 *Monitoring fee* - The applicant has agreed to make a contribution to cover the costs of monitoring the S106 agreement. A monitoring fee will be required to cover the cost of monitoring the S106 Agreement. 4% of the monetary contribution and £750 per non-monetary Head of Term is charged

#### *Other matters*

- 4.49 The S106 Agreement in relation to this application will need to be linked to that for application 14/01672/BC4M, in order to link the affordable housing provision.
- 4.51 The contributions proposed are considered to meet the tests set out in the CIL Regulations 2010. Without the contributions that are set out above the development could not be considered acceptable. Therefore if the S106 agreement is not completed within the relevant timescale the application should be refused. An option to this effect is included within the recommendation in section 11.

#### **Other Considerations**

##### **NPPF, DPD1 (Core Strategy) policies KP1, KP2, KP3, CP4, CP6; BLP policies; C1, C11, H5, H7, U2, SPD1 Design and Townscape Guide**

- 4.52 *Flood risk* - The site is not within an area prone to flood risk
- 4.53 *Decontamination* – A desktop screening report has been submitted with the application. This identifies that there is a risk of contamination within the site because of the presence of an existing tank and because of industrial and similar activities which have taken place in close proximity to the site. It is therefore recommended that further screening is undertaken and any necessary mitigation measures undertaken. Such works can be required and controlled by the use of an appropriate condition.

- 4.54 *Ecology* – An ecological assessment has been submitted with the application. This concludes that if roof works are proposed to the existing building (which they are) further bat surveys are recommended. This will be required by condition. The reports also identifies potential for harm to nesting birds and suggests mitigation measures be put in place. Again this will be controlled by condition. The report goes on to suggest enhancements to the site by the addition of bird nesting boxes. These have been included within the submitted landscaping plan.

### **Community Infrastructure Levy Regulations**

- 4.55 The Community Infrastructure Levy Regulations 2010 came into force on 6 April 2010. The planning obligation discussed above and as outlined in the recommendation below has been fully considered in the context of Part 11 Section 122 (2) of the Regulations, namely that planning obligations are:
- a) necessary to make the development acceptable in planning terms; and
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development

The conclusion is that the planning obligation outlined in this report meets all the tests and so constitutes a reason for granting planning permission in respect of application 14/01672/BC4M

## **5.0 Conclusion**

- 5.1 There is no objection in principle to reuse of the existing school building for residential purposes. The detail of the works as proposed would protect the character of the Locally Listed building. There is no objection in principle to the erection of housing within the remainder of the school site. The scale, massing and design of the development is considered appropriate and will be subject to various conditions. The development as revised will not cause harm to the amenities of surrounding occupiers and the size and layout of the accommodation proposed will meet the needs of future occupiers. Traffic generated by the development will be less than that of the previous school use and adequate parking is proposed to serve the development. The site can be serviced adequately.
- 5.2 The development (via the Saxon Lodge site) will contribute to affordable housing to meet the needs of the borough and the applicant has agreed to make suitable contributions to address the impact on highways and education facilities within the area and to provide public art.
- 5.3 The proposed development is therefore considered to meet the relevant policies of the NPPF, the Core Strategy and Borough Local Plan as well as the emerging DM DPD.

## **6.0 Planning Policy Summary**

- 6.1 NPPF - National Planning Policy Framework: Achieving sustainable development, Core Planning Principles, Policies: 1. Building a strong, competitive economy; 2. Ensuring the vitality of town centres; 4. Promoting sustainable transport, 6. Delivering a wide choice of high quality homes; 7. Requiring good design; 8. Promoting healthy communities; 10. Meeting the challenge of climate change, flooding and coastal change; 12. Conserving and enhancing the historic environment.
- 6.2 DPD1 (Core Strategy) Policies- Key Policies, KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure); CP8 (Dwelling Provision).
- 6.3 BLP Policies; C2 (Historic Buildings), C3 (Conversion of Historic Buildings) C11 (New Buildings, Extensions and Alterations), C14 (Trees, Planted Areas and Landscaping), H5 (Residential Design and Layout Considerations), H7 (Formation of Self-Contained Flats), T1 (Priorities), T8 (Traffic Management and Highway Safety), T11 (Parking Standards), T12 (Servicing Facilities); T13 (Cycling and Walking), U1 (Infrastructure Provision), U2 (Pollution Control), U5 (Access and Safety in the Built Environment), U7 (Existing Education facilities).

## **7.0 Supplementary Planning Document 1: Design & Townscape Guide (2009).**

### **7.1 Supplementary Planning Document 2: Planning Obligations (2010)**

### **7.2 EPOA adopted Vehicle Parking Standards 2001.**

### **7.3 Development Management DPD (Draft)**

## **7.4 Representation Summary**

- 7.5 Anglian Water – Wastewater Treatment – The foul drainage from this development is in the catchment of Southend Water Recycling Centre, which currently does not have capacity to treat the flows from your development site. Anglian Water are obligated to accept the foul flows from development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant planning permission.

Foul Sewerage - The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Surface Water Disposal – The preferred method of surface water disposal would be to a sustainable drainage system (SUDS) with connection to sewer seen as the last option.

Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency. We request a condition requiring a drainage strategy covering the issue(s) to be agreed as follows:

#### CONDITION

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

#### REASON

To prevent environmental and amenity problems arising from flooding.

7.6 **British Gas** – no comments received

7.7 **Essex and Suffolk Water** – no comments received

8.0 **Essex Police** - no comments received

8.1 **C2C rail** - no comments received

8.2 **Fire Brigade** – It is noted that although the access roads within the development appear to meet the minimum required standard, concern is expressed that a single vehicle parked on the access roadway, may prevent entry by the emergency services.

You are strongly advised to include parking restrictions in the following vulnerable areas: The entrance to the site at Hinguar Street and outside Nos 29, 30, 1, 14, 15, 20, 21 and 22 in the said complex. **[Officer comment – the applicant has agreed that the site will be adopted and the requested yellow lines laid out]**

8.3 **Parks** – no comments received.

8.4 **Asset Management** – no comments received.

8.5 **Structural Engineer** – no comments received.

8.6 **Design comments** – (original and revised plans – note plot numbers have altered during the course of the application) Positively, the plans see the retention of the former Hinguar School buildings including the attractive front façade, which is locally listed. Minor modifications are proposed to the building whereby front doorways will be formed to each unit. While there are no objections to this in principle, the detailed design of these replacement doorways will need to be provided and agreed (this could be dealt with by condition – plans should include detail of existing and proposed profile). Materials should match existing. It is noted from the application form that some of the windows to the Hinguar School building are to be upvc. There are some concerns with this – it is not clear which windows are proposed as upvc and this needs to be clarified. Certainly to the locally listed frontage windows/doors should be timber, and it would be desirable to see this replicated across the building. Where rooflights are proposed these should be of the conservation style and details agreed.

**[Officer comment – materials and rooflight details will be controlled by condition]**

There are no objections to the proposed bin/cycle stores although materials will need to be agreed by condition to ensure an appropriate match to the existing brickwork of the former school building.

A schedule has been provided indicating the level of amenity space provided to each dwelling. In the case of the units within the former Hinguar School building, some of these will be provided to the front. Details of how these spaces will be separated and made private will need to be provided. It would be desirable to see landscaped boundaries rather than fencing between gardens for example. To the rear, the gardens are small and situated adjacent to the car park, the treatment of these spaces, including boundary treatment, will need to be carefully detailed to ensure they are useable for future residents. **[Officer comment – Although landscaping details have been submitted with the application, as they are not yet acceptable, final landscaping details can be controlled by a condition]**

In regard to the car park and courtyard, landscaping and the quality of the surface materials are considered to be key to the success of this element of the design. The application form indicates that both tarmac and block paving are proposed yet it is not clear where these different surface materials would be applied. Certainly the use of high quality, permeable surface materials across the site would be welcomed –. The landscaping plan shows a very limited level of planting, or green buffer, between the parking spaces to units 7/8/9 and the boundary with the neighbouring dwelling. A denser level of planting in this location could provide a more effective buffer if feasible. **[Officer comment – Although hard landscaping details have been submitted with the application, as they are not yet acceptable, final hard landscaping details can be controlled by a condition]**

Comments have previously been provided in regard to the proposed design of various units on the rear of the site at pre-application stage, although full plans were not provided. A number of the plans have subsequently been amended. Positively, it is noted that dwellings are designed to be wheelchair adaptable and meet lifetime homes standards, which is welcomed and in line with the approach established in the emerging Development Management DPD. The following comments are made on the revised plans:

- Plots 16 – 20: positively there has been a reduction in the number of units by one, and the terrace has been broken up into two separate blocks, which is welcomed. The central projection does work more effectively with the semi-detached pair, than the short terrace of three, but overall the reduction of units is a positive step.
- Plots 21-26: this terrace has also been divided up into two parts, which should provide a greater sense of space on the site.
- Plots 26-27: no further objections, the fenestration and cladding help to articulate.

- Plots 28-31: amendments have been made to address the issue of overlooking and the removal of the two storey blinkered window is welcomed. This has resulted in the balance of the terrace being lost in part, with the removal of the gable from the main frontage to the side, and the Hinguar Street elevation losing a degree of articulation with the entrance being moved, but nonetheless the matter of overlooking and proximity to existing neighbours is noted, and the tall window within the gable provides some interest.

Further comments:

A minimum of 10% of the energy needs for the development should come from on-site renewable sources in line with policy kp2 of the core strategy, and further detail is required in this regard as the energy statement provided is not conclusive.

There is a TPO tree on the site and care should be taken to ensure this is appropriately protected during all stages of development, this could be dealt with by condition.

- 8.7 **Education** - This application falls within the Hinguar Primary School and Shoeburyness High School Catchment areas. There are currently very limited primary places in the Shoeburyness area and the local secondary school is oversubscribed in all year groups including Post-16. Additional accommodation within the area will require further places being added to the local schools.  
(contribution to be adjusted following receipt of revised plans)

- 8.8 **Highways** - The application provides 100% parking for each residential unit along with associated cycle parking. The site does benefit from being in a sustainable location with regard to public transport with good links in close proximity and also has public car parks within the area. The application provides vehicle tracking to demonstrate refuse and emergency vehicles can manoeuvre within the site effectively. Junction protection would be required at both proposed exits this would need to be at the developers expense using a traffic regulation order and would be subject to Traffic and parking review should objections be received in the advertisement period. Consideration should also be given to visibility splays when vehicles using the site entrance/exit to ensure that the junction is safe this should conform to the Design Manual for Roads and Bridges. A stage 1&2 safety audit is also required. It is not considered that the proposal will have a detrimental impact upon the local highway network

Refuse provision has been provided; both locations are located outside of current collection guidance therefore alternative arrangements will have to be made on the day of collection. There is also a concern relating to collection of refuse and emergency access, adhoc parking within the development could prevent a refuse freighter and emergency vehicles from accessing the site effectively. This should be controlled using traffic regulation within the site and would require the road constructed to an adoptable standard. There should also be a waste management strategy.

The required TRO would cost £4500 to implement.

Travel packs should be provided as part of the development to provide future residents information about the surrounding area and the local services available.

Given the above information there are no highway objections to this proposal

8.9 **Waste Management** – no comments received

8.10 **Housing** – The Department for People would require the provision of Affordable Housing to be included within this application. Department for People would require the affordable housing units to meet Homes & Community Agency (HCA) design standards and sustainable home code level 3 or 4 for affordable housing, which was adopted by the HCA in 2008, and which all Registered Providers (RP) would require section 106 affordable units to comply to, which is a requirement under the governments Affordable Homes Programme Framework.

The percentage of affordable housing element required within the borough: -

1 bed	2 bed	3 bed	4+ bed
16%	43%	37%	4%

\* The SHMA review 2013 undertook an assessment of affordable dwelling needs and consequently set out a recommended affordable dwelling mix for Southend on Sea, the percentages indicated above are the affordable housing provision by bedroom size for the borough.

We would request a split to rent of: - 60/40 (60% rented, 40% intermediate housing) as indicated in the Development Management DPD 2014.

NB: We would advise that affordable housing units must meet the latest HCA minimum standard, for more information regarding Design & Standards for Affordable Housing, contact:- Homes and Communities Agency (HCA), Cambridge.

Proposed number of units:            Total            32  
 Core Strategy DPD AH requirement:-            (20%) i.e.

1 bed	2 bed	3 bed	4 bed
1	3	2	

**Guide to Unit Sizes**

<b>Type</b>	<b>1 bed</b>	<b>2 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>3-4 bed</b>	<b>4 bed</b>
<b>No: of persons</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>Unit Sizes in M<sup>2</sup></b>	<b>45 to 50</b>	<b>57to 67</b>	<b>67 to 75</b>	<b>75 to 85</b>	<b>85 to 105</b>	<b>108 +115</b>

8.11 **Environmental Health** - To protect residential amenity from transport noise the following criteria shall be achieved.

Criteria:

A) Where habitable rooms will be exposed to noise levels that are in excess of NEC A of the adopted Noise Exposure Categories', mitigation should include a scheme of acoustic protection, submitted to and approved by the Council, sufficient to ensure internal noise levels no greater than 30LAeq,T dB in bedrooms and living rooms with windows closed at any time. Where the internal noise levels will exceed 35LAeq,T dB in bedrooms (night-time) and 45LAeq,T in living rooms (daytime) with windows open, the scheme of acoustic protection should incorporate appropriate acoustically screened mechanical ventilation.

B) Within gardens and amenity areas the daytime 07:00 – 23:00 hours level of noise should not exceed 55 dB LAeq,T free field. This excludes front gardens;

It should also be ensured that any mechanical ventilation or plant associated with the new residential development are assessed and mitigated so as not to be a nuisance to new habitants or existing dwellings. The following criteria would need to be achieved:

With reference to BS4142, the noise rating level arising from the proposed plant should be at least 5dB(A) below the prevailing background at 3.5 metres from the ground floor façades and 1m from all other facades of the nearest property. There shall be no tonal or impulsive characteristics.

No external lighting detail has been provided - Prior to installation of external lighting an assessment using the Institution of Lighting Engineers Guidance Note for the Reduction of Obtrusive Light shall be submitted to and approved in writing by the LPA. External lighting shall be directed, sited and screened so as not to cause detrimental intrusion of light into residential property.

Also although the proposed site is not classed as being potentially contaminated, there are a number of potentially contaminated sites in close proximity including one which borders the main development area. The developer should be made aware of this as investigation of the site may be required.

To protect residential amenity from transport noise the following criteria shall be achieved.

A) Where habitable rooms will be exposed to noise levels that are in excess of NEC A of the adopted Noise Exposure Categories', mitigation should include a scheme of acoustic protection, submitted to and approved by the Council, sufficient to ensure internal noise levels no greater than 30LAeq,T dB in bedrooms and living rooms with windows closed at any time. Where the internal noise levels will exceed 35LAeq,T dB in bedrooms (night-time) and 45LAeq,T in living rooms (daytime) with windows open, the scheme of acoustic protection should incorporate appropriate acoustically screened mechanical ventilation.

B) Within gardens and amenity areas the daytime 07:00 – 23:00 hours level of noise should not exceed 55 dB LAeq,T free field. This excludes front gardens;

2. With reference to BS4142, the noise rating level arising from the proposed plant should be at least 5dB(A) below the prevailing background at 3.5 metres from the ground floor façades and 1m from all other facades of the nearest property. There shall be no tonal or impulsive characteristics.

3. Prior to installation of external lighting an assessment using the Institution of Lighting Engineers Guidance Note for the Reduction of Obtrusive Light shall be submitted to and approved in writing by the LPA. External lighting shall be directed, sited and screened so as not to cause detrimental intrusion of light into residential property.

4. Decontamination – C15B

5. Construction hours restricted to 7.30am – 6pm Monday to Friday, 8am – 1pm Saturday and not at all on Sundays or Bank Holidays.

6. During any Construction and Demolition. Given the site's location to other properties no burning of waste material on the site.



Informatives: Compliance with this decision notice does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended). Contact 01702 215005 for more information.

## 9.0 Public Consultation

9.1 Site notices have been posted, press notices published and 71 Neighbours have been consulted. 5 letters of objection have been received raising the following issues:

- The introduction of two storey dwellings close to the boundary would lead to a sense of enclosure. **[Officer comment: revised plans have been submitted, to address this issue]**
- Plots 31 and 32 would overlook No 4 and 6 Hinguar Street. **[Officer comment – revised plans have been submitted to address this issue]**
- The parking layout would lead to unacceptable noise and disturbance to the occupier of No 4 Hinguar Street. **[Officer comment: see para 4.25 of the report]**
- Parking occurs along Hinguar Street, unless measures are put in place access and egress will be from behind parked cars. **[Officer comment: visibility splays will be incorporated into the vehicular access points which will address this concern.]**
- The disbursement from residents parking from the current roadside position will lead to pressures elsewhere exacerbating parking pressure in the surrounding streets. Parking on Hinguar Street is at saturation point. The street accommodates those who use the station and High Street.
- Conflict between vehicles accessing/egressing the site and those parking on street, Access for emergency vehicles and refuse collection vehicle would be restricted adding to conflict. **[The layout of the site allows for adequate access for emergency and refuse vehicles].**
- Hazards for pedestrian walking across the access and accessing the site. **[Officers are satisfied that adequate pedestrian visibility splays have been incorporated. The limited level of vehicular activity associated with the development and the layout of the site mean that vehicular/pedestrian conflict is unlikely].**
- There is insufficient parking on site. No visitor parking spaces have been provided.
- The parking layout on the site is impractical and inconvenient. Resulting in poor design and poor quality of life for the occupiers.
- Parking predominates within the development. Tandem spaces are poor design and may lead to vehicle conflict.
- There is a lack of soft landscaping.
- There are discrepancies/inaccuracies within the application forms and submissions. **[Officer comment – these have been pointed out to the applicant and revised information and application forms have been submitted.]**

- The scheme amounts to overdevelopment of the site.

## **10.0 Relevant Planning History**

10.1 None on the application site which is relevant to this application.

10.2 Current application: 14/01744/BC4M - Saxon Lodge, 20 Smith Street, Shoeburyness Demolish buildings at Saxon Lodge and erect three storey building and two storey building comprising 15 self-contained flats, layout parking, bin store and soft and hard landscaping.

## **11.0 Recommendation**

**Members are recommended to:**

**a) DELEGATE to the Head of Planning and Transport or Group Manager of Planning and Building Control to GRANT PLANNING PERMISSION subject to completion of a PLANNING AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) and all appropriate legislation to seek the following:**

- 9 units of affordable housing (shared ownership)
- Education contribution (amount to be agreed)
- Public art contribution/provision equivalent of £12823.02.
- Highways works – including funding a TRO (£4,500) to facilitate adoption and yellow lining of the site.
- Provision of Travel Packs for residents.
- Section 106 Monitoring fee equivalent to 4% of any monetary contribution and £750 per non-monetary Head of Term.

**b) The Head of Planning and Transport or the Group Manager (Development Control & Building Control) be authorised to determine the application upon completion of the above obligation, so long as planning permission when granted and the obligation when executed, accords with the details set out in the report submitted and the conditions listed below:**

**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 Unless otherwise agreed in writing with the local planning authority, the development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan numbers 80-PL-001C, 80-PL-002, 80-PL-003A, 80-PL-004A, 80-PL-005, 80-PL-006, 80-PL-007B, 80-PL-008B, 80-PL-009A, 80-PL-0010A, 80-PL-011B, 80-PL-012B, 80-PL-013B, 80-PL-014B, 80-PL-020B, 80-PL-024A.**

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

**03 No development shall take place until samples of the materials to be used on all the external elevations, window and doors (including those of the school building), on any screen/boundary walls and fences, refuse and cycle and on any driveway, forecourt, path or parking area have been submitted to and approved by the local planning authority. The development shall only be carried out in accordance with the approved details.**

**Reason: To safeguard character and appearance of surrounding area and the locally listed building in accordance with H5, C2 and C11 of the BLP and KP2 and CP4 of the BLP**

**04. No development shall commence until details of new and replacement windows, doors, new doorways and rooflights, to the school, at a scale of at least 1:20 and including profile details, have been submitted to and approved by the Local Plan Authority The development shall only be carried out in accordance with the approved details.**

**Reason: To safeguard character and appearance of surrounding area and the locally listed building in accordance with H5, C2 and C11 of the BLP and KP2 and CP4 of the BLP**

**05. Notwithstanding the submitted landscaping plan, no development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping. This shall include details of all the existing trees and hedgerows on the land and within the rear of Sycamore Court and details of any to be retained, together with measures for their protection in the course of development; details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established; details of measures to enhance biodiversity within the site and details of the treatment of all hard and soft surfaces (including any earthworks to be carried out) and boundary treatment. The approved details shall be implemented within the first planting season following first occupation of the development.**

**Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy C14 of the Borough Local Plan and Policy CP4 of the Core Strategy DPD1**

**06. A Landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the local planning authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.**

**Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy C14 of the Borough Local Plan and Policy CP4 of the Core Strategy DPD1**

**07. The measures to ensure at least 10% of the energy needs of the development will come from on site renewable options (and/or decentralised renewable or low carbon energy sources) for each stage of the development shall be implemented as detailed in the submitted Energy and Sustainability Statement by AES Southern dated February 2015 and brought into use on first occupation of each phase of the development.**

**Reason: To ensure the development maximises the use of renewable and recycled energy, water and other resources, in accordance with Policy KP2 of the Core Strategy DPD1**

**08. Prior to the commencement of development two dusk emergence and/or dawn re-entry surveys shall be undertaken to determine the presence or absence of roosting bats in the roof, together with mitigation measures as necessary. The bat surveys should follow Natural England and Bat conservation Trust Guidelines and be conducted between May and September during suitable weather conditions by experienced bat surveyors. Any necessary mitigation measures shall be carried out in accordance with the approved details unless otherwise agreed in writing with the local planning authority.**

**Reason: To make sure the conservation status of a protected species is maintained, and so protect the biodiversity of the environment, in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4.**

**09 The development shall not be occupied until 52 parking spaces have been provided on hardstandings within the curtilage of the site, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently retained thereafter for the parking of occupiers and visitors to the development.**

**Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policies T11 of the BLP and CP3 of the Core Strategy DPD1.**

**10 Prior to first occupation of the development visibility splays to the site entrances shall be implemented in accordance with plans 801 – PL – 001 – C and shall be permanently retained thereafter.**

**To ensure safe and efficient vehicular access to the development in the interests of accessibility, highways efficiency and safety in accordance with , DPD1 (Core Strategy) 2007 policy KP2, Borough Local Plan 1994 policy T8, and SPD1 (Design and Townscape Guide).**

**11 Prior to first occupation of the proposed refuse and cycle stores shown on plan 801 – PL – 001 – C shall be provided. These stores must be clearly marked and made available at all times to everyone using the school development. Waste and cycles must be stored inside the appropriate stores and waste only put outside just before it is to be collected. The stores must not be used for any other purpose.**

**Reason: To protect the environment and provide suitable storage for cycles and waste and materials for recycling in accordance with DPD1 (Core Strategy) 2007 policy KP2, CP3 and CP4 and Borough Local Plan Policies T13.**

**12. Prior to first occupation of the development a Waste Management Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail how the development will provide for the collection of general refuse and re-usable and recyclable waste and what strategies will be in place to reduce the amount of general refuse over time. Waste management at the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: to ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies T8, T12, and C11 of the BLP and KP2 and CP3 of the Core Strategy DPD1.**

**13. The permitted hours for construction and demolition site works including loading and unloading are Monday to Friday 7.30 a.m. to 6.00 p.m. and Saturday 8.00 a.m. to 1.00 p.m. and not at all on Sundays or Bank Holidays.**

**Reason: In order to protect the amenities of surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy DPD1**

**14. During demolition and construction there shall be no burning of waste on site.**

**Reason: In order to protect the amenities of surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy DPD1**

**15. Prior to commencement of the development details of SUDs and a surface water management strategy to serve the development shall be submitted to and approved by the Local Planning Authority and thereafter implemented unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In order to ensure a satisfactory standard of sustainable drainage and to prevent environmental and amenity problems arising from flooding in accordance with Policies KP2 and CP4 of the Core Strategy DPD1**

**16. To protect residential amenity from transport noise the following criteria shall be achieved.**

**Criteria:**

**A) Where habitable rooms will be exposed to noise levels that are in excess of NEC A of the adopted Noise Exposure Categories', mitigation should include a scheme of acoustic protection, submitted to and approved by the Council, sufficient to ensure internal noise levels no greater than 30LAeq,T dB in bedrooms and living rooms with windows closed at any time. Where the internal noise levels will exceed 35LAeq,T dB in bedrooms (night-time) and 45LAeq,T in living rooms (daytime) with windows open, the scheme of acoustic protection should incorporate appropriate acoustically screened mechanical ventilation.**

**B) Within gardens and amenity areas the daytime 07:00 – 23:00 hours level of noise should not exceed 55 dB LAeq,T free field. This excludes front gardens**

**To protect the environment of future occupiers in accordance DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policies E5, H5 and U2**

**17. Any mechanical ventilation or plant associated with the new residential development are assessed and mitigated so as not to be a nuisance to new habitants or existing dwellings. The following criteria would need to be achieved:**

**With reference to BS4142, the noise rating level arising from the proposed plant should be at least 5dB(A) below the prevailing background at 3.5 metres from the ground floor façades and 1m from all other facades of the nearest property. There shall be no tonal or impulsive characteristics.**

**To protect the environment of future occupiers in accordance DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policies E5, H5 and U2**

**18. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.**

**Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with DPD1 (Core Strategy) 2007policy KP2.**

**19. Prior to installation of any external lighting an assessment using the Institution of Lighting Engineers Guidance Note for the Reduction of Obtrusive Light shall be submitted to and approved in writing by the LPA. External lighting shall be directed, sited and screened so as not to cause detrimental intrusion of light into residential properties.**

**Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy U2**

**20. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To prevent environmental and amenity problems arising from flooding in accordance with Policy KP2 and CP4 of the Core Strategy 2007**

**21. All windows shown as being obscure glazed on the approved plans shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4**

**Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with DPD1 (Core Strategy) 2007 policy CP4, Borough Local Plan 1994 policy H5, and SPD1 (Design and Townscape Guide).**

**22. Notwithstanding the provisions of Classes A, B, C, and D of Part 1 and Classes A and C of Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no extension or alterations to the new houses shall be undertaken unless otherwise agreed in writing by the local planning authority.**

**Reason: In the interests of residential amenity and general environmental quality and in accordance with DPD1 (Core Strategy) 2007 policy CP4, Borough Local Plan 1994 policy H5, and SPD1 (Design and Townscape Guide).**

**23. Notwithstanding the provisions of Class A of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 1995 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no windows or other openings (other than those shown on the plans) shall be formed in the outside walls of the buildings unless otherwise agreed in writing by the local planning authority.**

**Reason: In the interests of residential amenity and general environmental quality in accordance DPD1 (Core Strategy) 2007 policy CP4, Borough Local Plan 1994 policy H5, and SPD1 (Design and Townscape Guide).**

**Informatives:**

**01. Compliance with this decision notice does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended). Contact 01702 215005 for more information.**

**02. The developer should also consider control measures detailed in Best Practice Guidance “The control of dust and emissions from construction and demolition”. [http://www.london.gov.uk/thelondonplan/guides/bpg/bpg\\_04.jsp](http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp)**

**c) In the event that the planning obligation referred to in part (a) above has not been completed by 31<sup>st</sup> March 2015 the Head of planning and Transport or Group Manager (Development Control & Building Control) be authorised to refuse planning permission for the application on the grounds that the development fails to:- i) provide adoption of highway within the site to provide for a satisfactory method of servicing the development. ii) provide an effective means of delivering Travel packs iii) provide for a satisfactory provision of public art and iv) provide for education facilities to serve the development, v) provide affordable housing to meet the needs of the Borough. As such would result in service vehicles blocking the highway within the site to the detriment of highway and other safety and is likely to place increased pressure on public services and infrastructure to the detriment of the general amenities of the area, contrary to Policies KP2, KP3, CP3, CP4, CP6 and CP8 of the Core Strategy, Policies H5,C11, C14, U1, T8, T12 and T13 of the Borough Local Plan, and the Design and Townscape Guide (2009).**



<b>Reference:</b>	<b>14/01744/BC4M</b>
<b>Ward:</b>	<b>Shoeburyness</b>
<b>Proposal:</b>	<b>Demolish buildings at Saxon Lodge and erect three storey building and two storey building comprising 15 self-contained flats, layout parking, bin store and soft and hard landscaping</b>
<b>Address:</b>	<b>Saxon Lodge, 20 Smith Street, Shoeburyness</b>
<b>Applicant:</b>	<b>Mr Karl Pickering, Tern Developments</b>
<b>Agent:</b>	<b>Robert Hutson Architects</b>
<b>Consultation Expiry:</b>	<b>30<sup>th</sup> December 2014</b>
<b>Expiry Date:</b>	<b>24<sup>th</sup> February 2015</b>
<b>Case Officer:</b>	<b>Charlotte Galforg</b>
<b>Plan Nos:</b>	<b>801 PL 015C, 801 PL 016-C, 801 PL 017D, 801 PL 018C, 801 PL 026, 801 PL 027B.</b>
<b>Recommendation:</b>	<b>DELEGATE to the Head of Planning and Transport or Group Manager of Planning and Building Control to GRANT PLANNING PERMISSION subject to completion of a subject to completion of a S.106 Agreement.</b>



*This application should be considered in conjunction with that for 14/01672/BC4M Hinguar Primary School Hinguar Street Shoeburyness*

## **1 The Proposal**

- 1.1 Saxon Lodge was formerly used as a 12 bed residential accommodation for people with a learning disability and included 2 respite beds. The building needs to be updated in order to comply with DDA requirements. However following an option appraisal the Council agreed that the existing building could not be refurbished to meet DDA and that it should be sold and the proceeds used to provide alternative accommodation. It is understood that the building is now empty, except for a caretaker.
- 1.2 The application seeks to demolish the Saxon Care Residential Home and erect 15 flats. The scheme includes 6 units of market housing: 2 x 1 bed and 4 x 2 bed; together with 9 units of affordable housing (shared ownership) 2 x 1 bed and 7 x 2 bed. The development would comprise two blocks; each containing a mix of 2 and 3 storeys, each block would have a flat roof. Car parking is set between the two blocks. The proposed buildings are set forward of the neighbouring Ford House and substantially forward of the existing Saxon Lodge. A landscaped area is shown to the front of the blocks and small amenity areas to the rear of the flatted blocks. It is proposed that the development be constructed from buff brick at ground floor and white render above, with UPVC windows and doors. Balconies would be provided to some of the units.
- 1.3 15 car parking spaces are proposed to serve the development and 27 cycle parking spaces.
- 1.4 The applicants have submitted a Planning Statement, Design and Access Statement and Transport Statement in support of the application. A number of the documents are written to cover applications at both the Saxon Lodge site and the concurrent scheme at Hinguar School (14/01672/BC4M), which are linked. This proposal incorporates the Affordable Housing requirement for application 14/01672/BC3M.

## **2 Site and Surroundings**

- 2.1 Saxon Lodge was previously a residential care home, with external garden area and parking. It is two storeys in height and brick built with dark timber cladding and a tiled roof. It has been extended to the side and rear. The site is enclosed by a hedge to the front and side with a row of high Leylandii trees to the rear. A hardsurfaced parking area is located to the rear of the main building and vehicular access is taken from Hinguar Street. The site contains a number of mature trees of limited quality.
- 2.2 The immediate area is characterised by small scale two storey development, mainly in the form of terraces of pitched roof houses. Immediately adjacent to the site lies Ford House, a more modern two storey building which is divided into self-contained flats and is in residential use for people with learning disabilities. Smith Street links Campfield Road with the High Street and lies to the north of the Shoebury Garrison development and associated Conservation Area.

2.3 The site has no specific allocation within the Borough Local Plan.

### **3 Planning Considerations**

3.1 The main planning considerations are the principle of redevelopment of the site for housing, impact on the character of the area, detailed design, traffic generation, parking and highways issues, impact on surrounding occupiers, living conditions for future occupiers, trees, archaeology, flood risk and drainage, contamination, sustainability and developer contributions.

### **4 Appraisal**

#### **Principle of development**

**NPPF, DPD1 (Core Strategy) Policies, KP1; KP2; CP6, CP8; BLP Policies; H5, H7, U10.**

4.1 Policy CP6 of the Core Strategy states that “New development should demonstrate that it will not jeopardise the....Borough’s ability to improve the education attainment, health and wellbeing of local residents and visitors to Southend. This will be achieved by;.... safeguarding existing and providing for new leisure, cultural, recreation and community facilities..... and ensuring the needs of all residents and visitors, including the disabled and other vulnerable groups, are met.

4.2 The development would result in the loss of accommodation that was previously used for people with learning difficulties. However it noted that the accommodation has been deemed unfit for purpose and cannot be adapted to meet DDA requirements. This accommodation has been reprovided elsewhere and therefore in this instance no objections are raised to the loss of the facility.

4.3 One of the Core Planning Principles of the NPPF is to “*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value*” and this requirement is repeated in CS Policy CP8. The proposed development meets this requirement.

4.4 There is therefore no objection in principle to the redevelopment of this site for residential use.

4.5 In terms of dwelling mix, it would have been desirable to have seen a range of unit sizes rather than 1 and 2 bed flats, e.g. 3+ bed flats to provide family sized accommodation on site. However it is noted that the linked Hinguar School scheme provides a range of 1, 2 and 3 bed accommodation and so in this instance no objection is raised to the limited housing mix.

#### **Design and impact on the character of the area.**

**Planning Policies: NPPF, DPD1 (Core Strategy) policies KP1, KP2, KP3, CP4, BLP policies; C4, C11, C14, H5, H7, SPD1 Design and Townscape Guide.**

- 4.6 A core planning principle set out in Paragraph 17 of the NPPF is to seek to secure high quality design and good standards of amenity for existing and future occupants. It is noted that the application site lies adjacent to the Garrison Conservation Area however it is not considered that the development would be read in conjunction with it.
- 4.7 The NPPF also states at paragraph 56:  
“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”
- 4.8 The site is adjacent to a Conservation Area, Policy CP4 of the Core Strategy requires that development proposals should safeguard or enhance character of Conservation Areas
- 4.9 The need for good design is reiterated in policies C4, C11 and H5 of the BLP and Policies KP2 and CP4 of the Core Strategy and the Design and Townscape Guide
- 4.10 There are two separate blocks proposed, one for units 33-38 and the other for units 39 – 47. Overall, the design takes a simple, contemporary form with materials (buff brick and white render) seeking to pick up on local character. Most upper floor units have either a balcony or Juliet. The height of the building has been focussed to the corner, with the building stepping down to two storeys at the boundary with neighbouring development at Ford House. The brick walls and railings, together with landscaping to the front of the site, would provide a strong and permeable boundary that allows views into the site from the street, retaining the green character of the existing development.
- 4.11 With regard to block 33-38, in keeping with the approach to the wider site, the building has a simple and contemporary form and at 2 storeys provides a step down to ensure the development does not overly dominate existing buildings on the adjacent site. The main entrance to the building is located to the rear, away from the street. There is a defined footpath giving access to the entrance from the street and revised plans have been received which afford greater definition to the entrance by adding side glazing panels and a canopy to the entrance and on balance, whilst it would be preferable for it to be located to the front of the developments, no objections are now raised to its' location. The revised plans have also resulted in other alterations to the rear elevation and this elevation is now considered acceptable.
- 4.12 With regard to block 39-47, positively, the height of the building has been focused to the corner where Smith Street joins Hinguar Street, the simple contemporary form providing some definition to the corner. As with the other block, the main entrance to the building is located away from the street frontage within the site. While this will provide more ease of access from the car park it is regrettable not to have an entrance with street presence, or more direct access from the street. As with revised plans have now been received which afford the entrance more definition and there are clearly defined pedestrian routes through the site from the street and from the car park. The amended plans also add interest to the rear elevations, by amending the location/detailing of windows.

- 4.13 Parking is located to the rear of the development and footpaths link the parking areas with the blocks and access to Hinguar and Smith Street. Good quality, permeable surface materials complemented by landscaping should be incorporated into the parking courts. A landscaping plan has been submitted with the application. This shows the provision of grassed amenity areas to the front and rear of the blocks, together with planting to the Smith Street frontage. A 1.8m boundary wall would be erected along Smith Street, existing close boarded fences would be retained to the side and rear of the site. Other tree and shrub planting is proposed throughout the site. Parking bays would use pre cast concreted block paving with turning areas in tarmacadam. The landscaping scheme is generally considered to be acceptable.
- 4.14 The design of the development is therefore considered to be acceptable and in accordance with policies C4, H5, C11 and CP4.

#### *Landscaping/loss of trees*

- 4.15 The site contains a number of mature trees and the majority of this would be lost as a result of the development. However it is noted that the majority of trees are overgrown *Leylandii* which have limited amenity value. The applicants have submitted a tree report with the application which confirms that the trees are not worthy of retention. The submitted landscaping scheme includes a number of replacement trees, and on balance, given the limited value of the existing trees, no objections are raised on this basis. The landscaping scheme as submitted includes measures to enhance biodiversity and this is welcomed, however further enhancements to the scheme are required and therefore a further revised scheme will be required, this can be controlled by condition.

#### **Traffic and Transport**

**Planning Policies: NPPF; DPD1 (Core Strategy) policies: KP1, KP2, KP3, CP3; BLP Policies; T1, T8, T10, T11, T12, T13, T14.**

- 4.16 The site is considered to be relatively accessible. It is located within walking distance of Shoeburyness station and on a bus route. Vehicles from the site would access and egress from/to Hinguar Street, which is a one way street, exiting out onto High Street. It is considered that the traffic generated by the development, whilst greater than that associated with the previous use, would not have an adverse impact on free flow of the surrounding highway.
- 4.17 15 car parking spaces are proposed to serve the development. In accordance with EPOA standards. Given the limited size of the units and site's accessibility this is considered to be acceptable. The car parking will be complimented by cycle parking. Details of the cycle storage will be agreed by condition.
- 4.18 Travel packs should be provided as part of the development to provide future residents information about the surrounding area and the local services available. This will be a requirement of the S106 for the development.

### *Servicing*

- 4.19 Refuse storage is shown to be located in two different locations, one to be collected from Hinguar Street and the other collection point is from Smith Street. Highways Officers raise no objection to this arrangement which is similar to that which exists for other residential properties in the vicinity, but require that arrangements will need to be made on the day of collection. A waste management plan will be required by condition.
- 4.20 Access for Fire Service purposes can be achieved in line with the parameters set out in their consultation response.
- 4.21 Taking these factors into account proposed development is considered to meet with policies T8, T11 and T12 of the BLP and CP3 of the Core Strategy with regard to traffic generation, parking and servicing.

### **Impact on amenity of adjacent occupiers and future occupiers of the development.**

#### **Planning Policies: NPPF, BLP policies H5, H7, and U2. Design and Townscape Guide SPD1**

- 4.22 Policies H5 of the BLP and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers.

#### *Outlook, sunlight and daylight and overlooking.*

- 4.23 The limited height of the buildings, the location on the site and the distance from boundaries means that they will not appear overbearing or result in loss of light to properties in Hinguar Street or Smith Street.
- 4.24 The buildings adjacent to Ford House are two storey. Whilst the development projects to the north of Ford House, given the limited height of the development at this point and the distance between the two properties, it is not considered that the new building will appear overbearing or result in a loss of light to the occupiers if Ford House. Whilst there are windows and doors on the side of Ford House building, these are either secondary or obscure glazed.
- 4.25 With regard to overlooking, there are habitable room windows proposed along the eastern side of the development facing Ford House. Where the windows at first floor would look directly in to rear amenity space of Ford House they would be conditioned to be obscure glazed and would not therefore result in overlooking. A main bedroom window at first floor has been design so that it would be set at an angle to avoid overlooking. An existing close 1.8m close boarded fence along the boundary with Ford House is to be maintained and this would prevent any overlooking at ground floor.

- 4.26 With regard to the impact on other properties on Smith Street and 12 and 14 Hinguar Street, there will be an element of increased overlooking of the front elevations of these properties, as the proposed development projects closer to them than the existing Saxon Lodge building, however this is a common situation on street frontages. The scheme also includes balconies. These have been revised to Juliet balconies where the development fronts Hinguar street, to reduce potential overlooking from those using the balconies.
- 4.27 The development is at its nearest point, (in block 33-35) set over 19m from the rear of properties in Hinguar Street to the north. There would be no windows at first floor in this closest rear elevation. Units 45-47 are set 22.62m from the rear of the properties to the north in Hinguar Street. There are windows in this north elevation but this distance is considered sufficient to mitigate against undue levels of overlooking.

*Impact on future occupiers*

- 4.28 The units vary in size from approx. 49 sqm for the one bed flats to 86 sqm for the 2 bed flats. This is in line with the emerging DM standards.

*Amenity space*

- 4.29 Amenity space for the development is provided both in the form of balconies and at ground floor in communal open space. Excluding balconies, ground floor private amenity space equates to approximately 237sqm, with additional useable space being provided to the front of the site equating to approximately a further 250sqm. This is considered sufficient to meet to the needs of occupiers of the development.

**Sustainable Construction**

**Planning Policy Statements: NPPF DPD1 (Core Strategy) policies: Key Policies: KP2, CP4, SPD 1 Design and Townscape Guide**

- 4.30 Policy KP2 sets out development principles for the Borough and refers specifically to the need to:
- “include appropriate measures in design, layout, operation and materials to achieve:*
- a reduction in the use of resources, including the use of renewable and recycled resources.*

*All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. At least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in SPD 1 Design and Townscape Guide, wherever feasible. How the development will provide for the collection of re-usable and recyclable waste will also be a consideration.....*

*.....development proposals should demonstrate how they incorporate 'sustainable urban drainage systems' (SUDS) to mitigate the increase in surface water run-off..."*

- 4.31 The applicants have submitted Sustainability and Energy Statements in support of their application, this shows that photovoltaics will be installed on the roofs of the development, and is therefore considered to be acceptable in principle. Full details will be required by condition.
- 4.32 The applicants have stated that the development will achieve Code for Sustainable Homes level 3.
- 4.33 In accordance with policy the proposals should incorporate a Sustainable Drainage system (SuDs) to manage water runoff from buildings and areas of hardstanding. The applicants have confirmed that this will be incorporated into the development, and this can be ensured by use of conditions.

#### **Developer contributions.**

#### **Planning Policies: NPPF; DPD1 (Core Strategy) policies KP3, BLP policies: U1.**

- 4.34 The Core Strategy Policy KP3 requires that:
- "In order to help the delivery of the Plan's provisions the Borough Council will:*
- 2. Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed"*
- 4.35 *Affordable Housing* – This site is intended to provide the affordable housing for this development and for that of the old Hinguar school site. 9 affordable units are proposed which are intended to be shared ownership. The 9 units equate to the required 20% provision in line with Policy CP8.
- 4.36 In addition the Affordable Housing tenure is expected to be a mix between rented and intermediate housing.
- 4.37 Should the application 14/01672/BC3M be considered acceptable with its Affordable Housing provision on this site, the two developments will be linked by virtue of an appropriate S106 Agreement securing the Affordable Housing.



4.38 *Education* - This application falls within the Hinguar Primary School and Shoeburyness High School Catchment areas. There are currently very limited primary places in the Shoeburyness area and the local secondary school is oversubscribed in all year groups including Post-16. Additional accommodation within the area will require further places being added to the local schools. Contribution requested £15,625.06. The applicant has agreed to make this contribution.

4.39 *Highways improvements* – Travel Packs are required.

4.40 *Public Art* - The applicants have been requested to make a contribution for public art within the site. The applicant has suggested that the cost of development of the school site (and particularly the cost of converting the existing buildings) is such that provision to a value of 1% of development costs is not viable. However they are willing to make a contribution equivalent to one third of this amount. This is considered to be reasonable in light of the above. A public art contribution of £4570.45 is therefore agreed.

#### *Monitoring fee*

4.41 The applicant has been requested to make a contribution to cover the costs of monitoring the S106 agreement. A monitoring fee will be required to cover the cost of monitoring the S106 Agreement. 4% of the monetary contribution and £750 per non-monetary Head of Term is charged.

4.42 The S106 Agreement in relation to this application will need to be linked to that for application 14/01672/BC4M, in order to link the affordable housing provision.

4.43 The contributions proposed are considered to meet the tests set out in the CIL Regulations 2010. Without the contributions that are set out above the development could not be considered acceptable. Therefore if the S106 agreement is not completed within the relevant timescale the application should be refused. An option to this effect is included within the recommendation in section 11.

#### **Other Considerations**

**NPPF, DPD1 (Core Strategy) policies KP1, KP2, KP3, CP4, CP6; BLP policies; C1, C11, H5, H7, U2, SPD1 Design and Townscape Guide**

4.44 *Flood risk* - The site is not within an area prone to flood risk.

4.45 *Decontamination* – Given the previous use of the site it is unlikely to be contaminated.

## **5.0 Community Infrastructure Levy Regulations**

5.1 The Community Infrastructure Levy Regulations 2010 came into force on 6 April 2010. The planning obligation discussed above and as outlined in the recommendation below has been fully considered in the context of Part 11 Section 122 (2) of the Regulations, namely that planning obligations are:

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

The conclusion is that the planning obligation outlined in this report meets all the tests and so constitutes a reason for granting planning permission in respect of application 14/01744/BC4M

## **6.0 Conclusion**

6.1 There is no objection in principle to redevelopment of this site for housing. The scale and massing of the development is considered appropriate and subject to conditions the design is considered to be acceptable and to preserve the character of the nearby conservation area. The development will not cause harm to the amenities of surrounding occupiers and the size and the accommodation proposed will meet the needs of future occupiers. The development will contribute to affordable housing to meet the needs of the borough and the applicant has agreed to make suitable contributions to address the impact on education facilities within the area and to provide public art. The proposed development is therefore considered to meet the relevant policies of the NPPF, the Core Strategy and Borough Local Plan as well as the emerging DM DPD.

## **7.0 Planning Policy Summary**

7.1 NPPF - National Planning Policy Framework: Achieving sustainable development, Core Planning Principles, Policies: 1. Building a strong, competitive economy; 2. Ensuring the vitality of town centres; 4. Promoting sustainable transport, 6. Delivering a wide choice of high quality homes; 7. Requiring good design; 8. Promoting healthy communities; 10. Meeting the challenge of climate change, flooding and coastal change; 12. Conserving and enhancing the historic environment.

7.2 DPD1 (Core Strategy) Policies- Key Policies, KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure); CP8 (Dwelling Provision).

7.3 BLP Policies; C4 (Conservation Areas) C11 (New Buildings, Extensions and Alterations, C14 (Trees, Planted Areas and Landscaping), H5 (Residential Design and Layout Considerations), H7 (Formation of Self-Contained Flats), T8 (Traffic Management and Highway Safety), T11 (Parking Standards), T12 (Servicing Facilities); T13 (Cycling and Walking), U1 (Infrastructure Provision), U2 (Pollution Control), U5 (Access and Safety in the Built Environment).

- 7.4 Supplementary Planning Document 1: Design & Townscape Guide (2009).
- 7.5 Supplementary Planning Document 2: Planning Obligations (2010)
- 7.6 EPOA adopted Vehicle Parking Standards 2001.
- 7.7 Development Management DPD

## **8.0 Representation Summary**

- 8.1 **Anglian Water** – Wastewater Treatment - The foul drainage from the development is in the catchment of Southend Water Recycling Centre that will have available capacity for these flows.

Foul Sewerage - The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Surface Water Disposal – The preferred method of surface water disposal would be to a sustainable drainage system (SUDS) with connection to sewer seen as the last option.

Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency. We request a condition requiring a drainage strategy covering the issue(s) to be agreed as follows:

### CONDITION

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

### REASON

To prevent environmental and amenity problems arising from flooding.

- 8.2 **British Gas** – no comments received
- 8.3 **Essex and Suffolk Water** – no comments received
- 8.4 **Essex Police** - no comments received
- 8.5 **C2C rail** - no comments received

8.6 **Fire Brigade** - There should be vehicle access for a pump appliance to either 15% of the perimeter or the building or to within 45m of every point on the projected plan area, whichever is the less onerous. **[Officer comment: this is achieved]**

- The overall width of the access fire path should not be less than 3.7m. Openings or gateways should not be less than 3.1m. **[Officer comment: this is achieved]**
- The surfaces should be capable of sustaining a load of 12.5 tonnes **[Officer comment: this will be dealt with as part of the Building Regulations application.**

8.7 **Parks** – no comments received.

8.8 **Asset Management** – no comments received.

8.9 **Structural Engineer** – no comments received.

8.10 **Design** – (Original Plans) Two sets of plans have been provided, one set for units 33-38 and another set for units 39-47. Comments are provided on each in turn.

Overall, the design takes a simple, contemporary form with materials seeking to pick up on local character. In terms of materials, details on the windows frames have not been provide but grey framed windows and doors could provide an appropriate response to the design. The height of the building has been focussed to the corner, with the building stepping down to the boundary with neighbouring development. The brick walls and railings, together with landscaping to the front of the site, should provide a strong and permeable boundary that allows views into the site from the street, retaining the green character of the existing development.

Unit 33-38 (Note: floor plans do not appear to include reference to individual unit numbers)

In keeping with the approach to the wider site, the building has a simple and contemporary form and at 2 storeys provides a step down to ensure the development does not overly dominate existing buildings on the adjacent site. A streetscene plan should be provided however, as noted above, that shows the entire scheme in context with this development.

To the Smith Street elevation at ground floor, only one set of windows are shown to the bedroom of the left hand unit, yet a window is shown on the floor plans. This window should be included on the elevational plan. To the right hand side at ground floor, the elevation shows a small, single window, yet at first floor a set of double windows is shown. The ground and first floor plans show the same layout, and it is considered that the first floor window should be replicated at ground floor to ensure consistency and improve articulation.

The main entrance to the building is located to the rear, away from the street. Unfortunately it is not afforded any definition here (it would have been desirable to have seen an entrance from the street), being a single doorway located adjacent to the bin and cycle store entrances. The rear elevation in general lack focus which could be enhanced .It is not clear why the first floor is stepped back from ground floor and a consistent building line should be achieved. This would have the added benefit of allowing a little more living accommodation to the first floor unit.

Having considered the site layout plan, it is not clear how these units will be accessed by pedestrians as there is no clear dedicated pedestrian pathway from the car park, and the car parking spaces dominate.

In terms of amenity space, each first floor unit is provided with a balcony, which seems to be of a reasonable size. It is not clear how to ground floor units will be treated but it would be desirable to see each provided with an area of private amenity space. Further details will be required, e.g. boundary treatment. The building would be complemented by a strong landscaping scheme, including tree planting.

Units 39-47 (Note: floor plans do not appear to include reference to individual unit numbers)

Positively, the height of the building has been focused to the corner where Smith Street joins Hinguar Street, the simple contemporary form providing some definition to the corner. As with the other units, the main entrance to the building is regrettably located away from the street frontage within the site. While this will provide more ease of access from the car park it is regrettable not to have an entrance with street presence, or more direct access from the street. As with the other units, as noted in the comments made above which indicates how this could be achieved, the entranceway should be afforded more definition and should be easily accessible for pedestrians, with clearly defined pedestrian routes through the site from the street and from the car park.

This 'entrance elevation' as it is described on the plans, is in the main blank and inactive and, in addition to the points raised above about the entranceway, should be afforded a stronger level of articulation through the provision of fenestration to the ground, first and second floor living/dining/kitchens to the 3 units here. Given the spacing of the buildings, there will be public views of this elevation, it also faces the adjacent block, and a 3 storey blank façade should be avoided. This is also the case to the ground floor side elevation, which bounds the main access route into the site. This is blank and inactive, and would be enhanced by the provision of tall windows (or patio doors, allowing access onto the amenity area) (double pane width, in keeping and aligned with the first and second floors) to the kitchen/living room at ground floor.

As with the adjacent block, it is noted that there is a step in at first/second floor. Again, it is not clear why the first floor is stepped back from ground floor and a consistent building line should be achieved. This would have the added benefit of allowing a little more living accommodation to the first and second floor units.

The parking spaces for units 45, 46 and 47 have been located to the Hinguar Street frontage. In line with guidance contained within SPD1, parking on the frontage will normally be discouraged. See SPD1 para 166-167. If there is no viable alternative, the principles set out in SPD1 para 168 should be applied to ensure that there is clear access to the main residential entrance, good quality surfacing is used and there is provision for soft landscaping.

It is considered that the points raised above could be overcome with some relatively minor amendments to the design.

A minimum of 10% of the energy needs of the development should come from on-site renewable sources in line with policy KP2 of the Core Strategy and further details should be provided in this regard.

It is not clear from the information provided whether any of the areas surrounding the buildings are to be used as shared amenity space. Further details on how these areas are to be treated, including landscaping, should be provided.

In terms of dwelling mix, it would have been desirable to have seen a range of unit sizes rather than 1 and 2 bed flats, e.g. 3+ bed flats to provide family sized accommodation on site. It is noted that the Hinguar Street scheme provides a range of 1, 2 and 3 bed accommodation.

*Additional design comments based on Streetscene Plan and other amended plans (including landscape)*

A streetscene plan has now been provided showing the Smith Street elevation in context with surrounding development. It would have been beneficial to have seen this plan (and the landscaping plan) at an earlier stage as the relationship between the proposed development and existing buildings is an important aspect of the scheme and how it integrates with the wider streetscene, which includes the Shoebury Garrison Conservation Area (although it is not immediately adjacent to the conservation area it is in close proximity).

The proposed development is well separated from neighbouring dwellings on Hinguar Street, which are set well back from Smith Street with a walled garden dominating, although there will need to be close attention to detail and use of good quality materials appropriate to the local area, to ensure that the building successfully picks up on local character and presents a good quality, well detailed form here. In order to achieve this it will be important to agree details of all materials (including hard and soft landscaping and boundary treatments, which will play an important part in defining the quality of the development) by condition.

Hard & Soft Landscaping / Boundary Treatments - As previously noted, good quality, permeable surface materials should be used across the site. The landscaping plan (which has now been provided) indicates that part of the communal parking area will be laid to tarmac. There are concerns with this and the negative visual impact this could have from the street. The parking spaces are, more positively, to be block paving (although full details of the product spec and colour have not yet been provided and will need to be agreed) and it would be preferable to see block paving used across the site to the access way, parking and pedestrian areas for example. In regard to the planting, it is pleasing to see a number of trees proposed around the site, together with hedges, although there are a number of large trees to the side and rear boundaries which currently provide a screen and would regrettably be lost. The soft, 'green' character of the front/side gardens (and the tree planting to the side/rear boundaries) that surround the existing building on the site are a positive aspect and the landscaping/tree planting should continue to play an important role for the site, and helping to soften the impact of development and complement local character. A number of the planting beds appear narrow however, and the view of the Council's parks department in regard to the species proposed and the viability of planting these in the locations shown would be beneficial to ensure it is achievable.

Following pre-application discussion the proposed front boundary wall, with railings, is considered to represent a more suitable approach that should help to ensure the development integrates with the streetscene, allowing visibility into the site. There are however concerns with the proposed approach to the side boundary (where the site adjoins Ford House).

While it is noted that the existing boundary treatment in this location consists of fencing with concrete posts, the large trees provide some screening and it is considered that there is scope to enhance the quality of the boundary here (particularly if these trees are to be lost). To the front corner of the site (of which there are public views) therefore, it is considered that a continuation of the brick boundary wall with railings, and hedging planted behind if necessary, for example, would be more appropriate. This would also be the case for the rear boundary, of which there are public views (as existing there are a number of trees here which provide a green screen, together with a low rise brick wall, and more planting to the boundary, such as a hedge, would be welcomed given the loss of a number of trees). All boundaries with a public impact should be good quality, e.g. brick / hedging for example.

Design Detail and Materials – Buildings: Coupled with this will be the agreement by condition of a number of other detailed elements of the design. Importantly, the details of the windows will need to be agreed (including profile). As shown, the plans provide limited detail regarding the design of the fenestration (particularly to the three storey block which will likely have the most significant impact visually). It is not clear for example whether the frames will be set back into the reveals at all – neighbouring properties such as the dwellings on Hinguar Street and on the opposite side of Smith Street, benefit from this, which provides some relief and articulation. It also appears that the windows to the wc's of the three storey block are to have sills and further details would be required in this regard – particularly given that the other window types do not benefit from a sill.

For those units that benefit from balconies, balustrade details and fixings should be agreed by condition.

Positively, following earlier comments, a side light and canopy has been added to the main entranceways (although regrettably both entrances are still located away from the street frontage) which affords a little more focus. The plans have also sought to address the step in the building line, and generally provide a more consistent approach although it is noted that there remains a step out at ground floor within the three storey block (unit 39), and it would be desirable to have seen more consistency here as has been achieved elsewhere.

The flat roof to each block has a very slim profile, which is not objected to, but it is important to ensure that this detail can be achieved at this profile. It will also be important to agree the details of the roofing materials (which should be of an appropriate quality) by condition.

In regard to materials, limited detail is provided within the application regarding the product types. It will be important to ensure the texture and finish of the buff bricks is of a suitable quality and consistent with local materials. A significant proportion of the building will be rendered. The application form indicates that this will be white, which is consistent with the local area, although it will be important to see further detail of the product particularly given the potential impact weathering could have on the finish. Monocouche, or a similar product, could be considered for example.

8.11 **Education** - This application falls within the Hinguar Primary School and Shoeburyness High School Catchment areas. There are currently very limited primary places in the Shoeburyness area and the local secondary school is oversubscribed in all year groups including Post-16. Additional accommodation within the area will require further places being added to the local schools. Contribution requested £15,625.06

8.12 **Highways** - The application provides 100% parking for each residential flat along with associated cycle parking. The site benefits from being in a sustainable location with regard to public transport with good links in close proximity and also has public car parks within the area. It is not considered that the proposal will have a detrimental impact upon the local highway network. Refuse provision has been provided; both locations are located outside of current collection guidance therefore alternative arrangements will have to be made on the day of collection. Travel packs should be provided as part of the development to provide future residents information about the surrounding area and the local services available.

Given the above information there are no highway objections to this proposal.

8.13 **Waste Management** – no comments received

8.14 **Housing** - Comment: The Department for People would require the provision of Affordable Housing to be included within this application. Department for People would require the affordable housing units to meet Homes & Community Agency (HCA) design standards and sustainable home code level 3 or 4 for affordable housing, which was adopted by the HCA in 2008, and which all Registered Providers (RP) would require section 106 affordable units to compile to, which is a requirement under the governments Affordable Homes Programme Framework

Core Strategy DPD affordable housing threshold for residence developments:

10 to 49units = 20%, 50+ units = 30%

The percentage of affordable housing element required within the borough: -

1 bed	2 bed	3 bed	4+ bed
16%	43%	37%	4%

\* The SHMA review 2013 undertook an assessment of affordable dwelling needs and consequently set out a recommended affordable dwelling mix for Southend on Sea, the percentages indicated above are the affordable housing provision by bedroom size for the borough.



We would request a split to rent of: - 60/40 (60% rented, 40% intermediate housing) as indicated in the Development Management DPD 2014.

NB: We would advise that affordable housing units must meet the latest HCA minimum standard, for more information regarding Design & Standards for Affordable Housing, contact:- Homes and Communities Agency (HCA), Cambridge.

Proposed number of units: Total 15

Core Strategy DPD AH requirement:- (20%) i.e.

1 bed	2 bed	3 bed	4 bed
1	2		

**Guide to Unit Sizes**

Type	1 bed	2 bed	2 bed	3 bed	3-4 bed	4 bed
No: of persons	2	3	4	5	6	7
Unit Sizes in M <sup>2</sup>	45 to 50	57to 67	67 to 75	75 to 85	85 to 105	108 +115

8.13 **Environmental Health** - The Environmental Protection team does not wish to raise any adverse comments in respect of this application, however during the construction phase noise issues may arise which could lead to the hours of work being restricted. Seeking conditions re restriction of Construction hours and no burning of waste materials.

**9.0 Public Consultation**

9.1 Site notices posted and 42 Neighbours have been consulted. 3 letters of objection have been received (2 from the same address), raising the following issues:

- Loss of light
- Loss of privacy
- Impact on local amenities
- Road safety
- Noise and dust during construction
- Lack of detail in the application
- The building is of mediocre quality
- Design and Access statement is not clear
- Less attention has been given to the Smith Street scheme than to the Hinguar School scheme, the scheme will be of a cheaper quality of construction than the main development.
- Insufficient detail to ensure the quality of the development, the design is simple and without attention to detail of copings, sills **[officer comment: details will be controlled by the use of appropriate conditions as necessary]**
- Specifications should be comparable to that of the Garrison Development.

## **10.0 Relevant Planning History**

10.1 None on the application site which is relevant to this application.

10.2 Current application: 14/01672/BC4M - Demolish outbuilding and associated extensions to Hinguar School, covert building in to 13 self-contained flats, erect 19 dwellinghouses, layout parking, bin store, form hard and soft landscaping. Hinguar Primary School, Hinguar Street, Shoeburyness.

## **11.0 Recommendation**

**Members are recommended to:**

**c) DELEGATE to the Head of Planning and Transport or Group Manager of Planning to GRANT PLANNING PERMISSION subject to completion of a PLANNING AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) and all appropriate legislation to seek the following:**

- 9 units of affordable housing (shared ownership)**
- Education contribution of £15,625.06**
- Public art contribution/provision of £4570.45. Highways – Travel Packs to be provided.**
- Section 106 Monitoring fee equivalent to 4% of any monetary contribution and £750 per non-monetary Head of Term**

**b) The Head of Planning and Transport or the Group Manager (Development Control & Building Control) be authorised to determine the application upon completion of the above obligation, so long as planning permission when granted and the obligation when executed, accords with the details set out in the report submitted and the conditions listed below:**

**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. Unless otherwise agreed in writing with the local planning authority, the development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan number(s) 801 PL 015C, 801 PL 016-C, 801 PL 017D, 801 PL 018C, 801 PL 026, 801 PL 027B.**

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

**03. No development shall take place until samples of the materials to be used on all the external elevations, on any screen/boundary walls and fences, and on any driveway, forecourt or parking area materials (including product type and colour) have been submitted to and approved by the local planning authority. The development shall only be carried out in accordance with the approved details.**

**Reason: To safeguard character and appearance of surrounding area and the adjacent Garrison Conservation Area in accordance with Policies C4 and C11 of the BLP and KP2 and CP4 of the BLP**

**04. No development shall commence until details of (including profile and sill detail), entranceways (including canopy and fixings), design and finish of all boundary treatments (including materials, gates and railing detail), bin and cycle store doors, and balustrade detail (including fixings), at a scale of at least 1:20 and including profile details, have been submitted to and approved by the Local Plan Authority. The development shall only be carried out in accordance with the approved details.**

**Reason: To safeguard character and appearance of surrounding area and the adjacent Garrison Conservation Area in accordance with Policies C4 and C11 of the BLP and KP2 and CP4 of the BLP**

**05. The development shall not be occupied until 15 parking spaces have been provided on hardstandings within the curtilage of the site, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently retained thereafter for the parking of occupiers and visitors to the development.**

**Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policies T11 of the BLP and CP3 of the Core Strategy DPD1.**

**06. Prior to first occupation of the development separate stores for waste and materials for recycling must be provided as shown on drawing 801-PL-01-C. These stores must be clearly marked and made available at all times to everyone using the development. Waste must be stored inside the property and only put outside just before it is to be collected. The stores must not be used for any other purpose.**

**Reason: to ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies T8, T12, and C11 of the BLP and KP2 and CP3 of the Core Strategy DPD1.**

**07. Prior to first occupation of the development 15 cycle parking spaces shall be provided within secure covered parking stores as shown on drawing 801-PL-01-C. These cycle stores must be clearly marked and made available at all times to everyone using the development. The cycle stores must not be used for any other purpose.**

**Reason: In order to ensure that sufficient and satisfactory cycle parking is available to meet the needs of occupiers and users of the development in accordance with Policy T13 of the BLP and KP2 and CP3 of the Core Strategy DPD1.**

**08. Notwithstanding the submitted landscaping plan, no development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping. This shall include details of all the existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development; details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established; details of measures to enhance biodiversity within the site and details of the treatment of all hard and soft surfaces (including any earthworks to be carried out) and boundary treatment. The approved details shall be implemented within the first planting season following first occupation of the development.**

**Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy C14 of the Borough Local Plan and Policy CP4 of the Core Strategy DPD1**

**09. A Landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the local planning authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.**

**Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy C14 of the Borough Local Plan and Policy CP4 of the Core Strategy DPD1**

**10. The measures to ensure at least 10% of the energy needs of the development will come from on site renewable options (and/or decentralised renewable or low carbon energy sources) for each stage of the development shall be implemented as detailed in the submitted Energy and Sustainability Statement by AES Southern dated February 2015 and brought into use on first occupation of each phase of the development.**

**Reason: To ensure the development maximises the use of renewable and recycled energy, water and other resources, in accordance with Policy KP2 of the Core Strategy DPD1**

**11. Prior to first occupation of the development a Waste Management Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail how the development will provide for the collection of general refuse and re-usable and recyclable waste and what strategies will be in place to reduce the amount of general refuse over time. Waste management at the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: to ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies T8, T12, and C11 of the BLP and KP2 and CP3 of the Core Strategy DPD1.**

**12. The permitted hours for construction and demolition site works including loading and unloading are Monday to Friday 7.30 a.m. to 6.00 p.m. and Saturday 8.00 a.m. to 1.00 p.m. and not at all on Sundays or Bank Holidays.**

**Reason: In order to the protect the amenities of surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy DPD1**

**13. During demolition and construction there shall be no burning of waste on site.**

**Reason: In order to the protect the amenities of surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy DPD1**

**14. Prior to commencement of the development details of SUDs and a surface waste management strategy to serve the development shall be submitted to and approved by the Local Planning Authority and thereafter implemented unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In order to ensure a satisfactory standard of sustainable drainage and to prevent environmental and amenity problems arising from flooding in accordance with Policies KP2 and CP4 of the Core Strategy DPD1**

**15. All windows shown as being obscure glazed on the approved plans shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4**

**Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with DPD1 (Core Strategy) 2007 policy CP4, Borough Local Plan 1994 policy H5, and SPD1 (Design and Townscape Guide).**

## **Informatives**

- 01** The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.
- 02** The developer should also consider control measures detailed in Best Practice Guidance “The control of dust and emissions from construction and demolition”. [http://www.london.gov.uk/thelondonplan/guides/bpg/bpg\\_04.jsp](http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp)
- c) In the event that the planning obligation referred to in part (a) above has not been completed by 31<sup>st</sup> March 2015 the Head of planning and Transport or Group Manager (Development Control & Building Control) be authorised to refuse planning permission for the application on the grounds that the development fails to:- i) provide an effective means of delivering Travel packs iii) provide for a satisfactory provision of public art and iv) provide for education facilities to serve the development, v) provide affordable housing to meet the needs of the Borough. As such it is likely to place increased pressure on public services and infrastructure to the detriment of the general amenities of the area, contrary to Policies KP2, KP3, CP3, CP4, CP6 and CP8 of the Core Strategy, Policies H5, C11, C14, U1, T8, T12 and T13 of the Borough Local Plan, and the Design and Townscape Guide (2009).

<b>Reference:</b>	15/00101/FULH
<b>Ward:</b>	West Leigh
<b>Proposal:</b>	Erect single storey rear extension with raised patio and screening to side elevations, hipped to gable roof and dormer to rear (Retrospective).
<b>Address:</b>	54 Braemar Crescent, Leigh-on-Sea, Essex, SS9 3RJ
<b>Applicant:</b>	Mr & Mrs Ranson
<b>Agent:</b>	Knight Gratrix Architects
<b>Consultation Expiry:</b>	18/02/15
<b>Expiry Date:</b>	19/03/15
<b>Case Officer:</b>	Ian Harrison
<b>Plan Nos:</b>	409 031 A and 409 032 A
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## **1 The Proposal**

- 1.1 The application retrospectively seeks planning permission for the erection of a single storey rear extension to the existing dwelling, the provision of a raised patio area and alteration of the roof to replace the hipped gable with a full gable end and the insertion of a dormer window in the rear elevation. The application also seeks permission for the erection of screens/wall at the side boundary of the patio which are yet to be installed.
- 1.2 The raised patio that has been created projects from the rear elevation of the dwelling by a maximum of 7 metres (9 metres including the depth of the steps) and covers the width of the site. The patio has been installed to be 0.6 metres above ground level at a point adjacent to the original dwelling and a maximum of 0.92 metres above ground level at the South East edge of the patio. A hot tub has been installed at the East corner of the patio.
- 1.3 The single storey rear extension measures 5.9 metres wide and a maximum of 4 metres deep (4.7 metres including the roof overhang). The extension features an elaborate flat roof formed of various parts, with a maximum height of 4.6 metres above natural ground level. The deepest part of the extension features an overhanging projection on the rear elevation and Brise Soleil has been installed to project from the shallowest part of the extension.
- 1.4 The alteration to the roof has seen the 3 metre long original ridge extended to a length of 6.8 metres, thereby replacing the hipped gable with a full gable end. At the rear a 5.5 metre wide dormer has been installed which measures 2.2 metres tall.
- 1.5 The submission of this planning application follows an enforcement investigation in relation to the implementation of planning permission 13/01647/FULH. Planning permission was previously granted for a single storey rear extension and loft conversion. Without planning permission, the applicant has raised the ground levels through the provision of a raised patio around the approved extension and built the extension at an increased elevated position, to reflect the existing finished floor levels of the dwelling. The patio has also been increased in depth.

## **2 Site and Surroundings**

- 2.1 The site is located on the eastern side of Braemar Crescent opposite its junction with St. Davids Drive. The site is occupied by a semi-detached house.
- 2.2 The character of Braemar Crescent is residential in nature. Whilst the design of the properties is not uniform in nature the properties contain a number of similar design features.

## **3 Planning Considerations**

- 3.1 The key considerations of this application are the principle of the development, the design and impact on the character of the area and the impact on residential amenity.



## 4 Appraisal

### Principle of Development

#### **National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Borough Local Plan Policies C11 and H5, and SPD1**

- 4.1 This proposal is considered in the context of the National Planning Policy Framework 2012 and Core Strategy Policies KP2 and CP4. Also of relevance are Borough Local Plan Policies relating to design. These policies and guidance support extensions to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building. Subject to detailed considerations, the proposed extension to the dwelling is considered to be acceptable in principle.

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

#### **National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Borough Local Plan Policies C11 and H5, and SPD1**

- 4.2 Policy C11 of the Borough Local Plan (BLP) states that new buildings and extensions or alterations to existing buildings should be designed to create a satisfactory relationship with their surroundings in respect of form, scale, massing, height, elevational design and materials. This is supported by Section 10 of SPD1 which states that extensions should be integrated with the character of the parent building.
- 4.3 Paragraph 370 of SPD1 states that *"In some cases it may be possible to increase the roofspace and remove the need for a side dormer by changing a hipped roof to a gable end. This type of development can be more acceptable than a side dormer provided it is not out of character with the streetscene or leads to an unbalanced street block or pair of semis i.e. It is more appropriate for a detached or end of terrace property than only one of a matching pair of semi's which would be considered unacceptable."* The application relates to the replacement of a hipped gable with a gable end. However, rather than unbalancing the appearance of a pair of semi-detached dwellings, this development has had the effect of returning the roofs of the dwellings to a state of symmetry as the neighbouring dwelling of 52 Braemar Crescent has previously been extended. The Local Planning Authority has previously accepted this aspect of the proposal and as the development, policies and site circumstances have not changed it is considered that there is no reason to reach a different conclusion with respect to this part of the proposal.
- 4.4 Paragraph 366 of SPD1 states that *"Dormer windows, where appropriate, should appear incidental in the roof slope (i.e. set in from both side walls, set well below the ridgeline and well above the eaves). The position of the new opening should correspond with the rhythm and align with existing fenestration on lower floors. It goes on to state that "the materials should be sympathetic to the existing property. The space around the window must be kept to a minimum. Large box style dormers should be avoided, especially where they have public impact, as they appear bulky and unsightly. Smaller individual dormers are preferred."*

- 4.5 The rear dormer is a large box style dormer that would have a significant impact on the rear elevation of the building. However, the dormer is at the rear of the dwelling and therefore has no impact on the streetscene. Therefore, as the dormer has previously been found acceptable, it is considered that it would be unreasonable to object to the dormer.
- 4.6 The single storey rear extension is of the same depth however, the appearance has been altered slightly although is still a contemporary design. No objection is therefore, raised to the development on these grounds. The main difference is the increase of the height of the structure. The tallest part of the extension now measures 4.6m above the natural ground level whereas the extension was approved to measure 3.7m metres above natural ground level, an increase of 0.9m. The depth of the raised patio has also increased by 2m from the approved depth (3.8m including the depth of the steps) and its height has increased by 0.5m.
- 4.7 It remains the case that the extension is not visible from the frontage of the site and as such the visual impact of the extension is largely masked and causes no harm to the street-scene. Similarly, whilst making more of the extension visible from within neighbouring properties, it is considered that this does not make the design unacceptable.
- 4.8 The creation of a raised patio area and the proposed installation of privacy screens does not cause harm to the character of the surrounding area and it is considered that the visual impact of these alterations would not cause harm to the appearance of the site.

#### **Impact on Residential Amenity:**

#### **NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Southend-on-Sea Borough Local Plan Policy C1; SPD 1 (Design & Townscape Guide (2009))**

- 4.9 Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties. Policy H5 of the Borough Local Plan requires that development respect existing residential amenities, and Policy C11 requires that new extensions create a satisfactory relationship with surroundings.
- 4.10 As set out above, the erection and alteration of the dwelling was approved under the terms of application 13/01647/FULH but the single storey rear developments were not implemented in accordance with the approved plans. The impact of this different development requires fresh consideration, but as the alterations to the roof of the dwelling were implemented in accordance with the approved plans, it is considered that fresh consideration of that aspect of the application is not justified or necessary.
- 4.11 The rear extension is built at a raised floor level that is a maximum of 0.92 metres above the original ground level. It is therefore, the case that the extension is visible above the boundary fences that are shared with 52 and 56 Braemar Crescent.

- 4.12 The extension abuts the boundary that is shared with the dwelling to the South West (52 Braemar Crescent) and as such the increased height of the extension has a materially different impact on the neighbouring property. It is considered that the orientation of the properties ensures that the increased height of the extension would not result in a significantly worse impact on the daylight that is received within that property and the impact on sunlight would be limited to a short early morning period only. It is noted that the neighbouring property has been the subject of a 2 metre deep lean-to extension and it is considered that this reduces the impact of the extension that has been built at the application site. The depth of the extension and the small separation from the flank boundary was previously considered acceptable in terms of its relationship with this property and this remains unaltered. The increase in height of 0.9m does have the potential to be more overbearing. However, taking into account the depth of the projection beyond the neighbour (2m) and the width and depth of the garden, on balance, it is not considered that the increase in height of the extension is overbearing. With regard to overlooking from the raised patio, it is considered reasonable to require a privacy screen to mitigate any undue overlooking. The provision of such a screen is not considered to be overbearing and that details of a privacy screen can be secured by condition. Subject to such a condition, it is not considered the extension is materially harmful to the amenities of residents within this property.
- 4.13 The dwelling to the North East (56 Braemar Crescent) is served by a single storey outbuilding that is sited on the flank boundary and directly adjacent to the raised patio. The side wall of the extension is set back from the flank boundary by 3m at its closest point. The presence of this structure means that the impact on light received within the neighbouring property is not harmfully affected by the increased height of the extension. Similarly, it is considered that the presence of the outbuilding and the setback of the extension means that the development as constructed does not cause an overbearing relationship with this property. The presence of the outbuilding limits the degree of overlooking from the raised terrace. However, where overlooking is possible, the applicant has indicated that they are willing to erect a raised boundary wall and install privacy screens which have the effect of ensuring that an acceptable level of privacy is maintained. Details of the screens can be secured by condition. It is not considered the provision of such screens, positioned to the front and rear of the existing outbuilding would be overbearing or cause a harmful loss of light within the neighbouring property. It is therefore considered that subject to condition, the extension is not materially harmful to the amenities of residents within this property and concerns regarding overlooking can be mitigated by condition.

## **5 Conclusion**

- 5.1 The proposed development would not cause harm to the amenities of neighbouring residents and would not be of unacceptable design. The proposal is therefore considered to be in accordance with the development plan.

## **6 Planning Policy Summary**

### **6.1 BLP Policies: C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations)**

Core Strategy DPD (adopted December 2007) Policies KP2 (Spatial Strategy) and CP4 (Development Principles)

Design and Townscape Guide SPD (adopted December 2009)

## **7 Representation Summary**

### **Public Consultation**

#### **7.1 Five neighbouring properties were notified of the application. One objection to the proposal have been received as is summarised as follows;**

- Height of extension is intrusive, overbearing and has a significant visual impact
- Loss of privacy through overlooking from raised patio
- Concern regard water run-off from the patio affecting the adjacent garage
- Wall which bounds the raised patio is of poor construction and potentially dangerous
- Raising height of boundary wall will reduce light to kitchen and driveway and unreasonably enclose the neighbouring property
- Raising the wall will also interfere with guttering
- Object to glazed screen adjacent to the hot tub as it is out of character with the garden setting and will not serve a useful purpose to obscure views from the patio
- Siting of the screen may also encroach onto neighbours property
- Siting of the hot tub may cause noise nuisance from the pump or integral sound system. May also cause damage to the fence due to warm/damp environment and by users.

#### **7.2 The application has been called-in for determination by the Development Control Committee at the request of Cllr F. Evans.**

## **8 Relevant Planning History**

### **8.1 Jan 2014 – Planning permission granted to erect a single storey rear extension, the installation of a dormer to the rear and the modification of a hipped roof to form a gable end (13/01647/FULH).**

### **8.2 Jan 2008 – Planning permission refused for the alteration of a hipped roof to form a gable end, the erection of a dormer window to the rear elevation and the erection of single storey side extension (07/01676/FUL).**

## **9 Recommendation**

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

- 01 Condition:** The roof of the extension hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless otherwise agreed in writing by the local planning authority. The roof can however be used for the purposes of maintenance or to escape in an emergency.

**Reason:** To protect the privacy and environment of people in neighbouring residential properties, in accordance with the NPPF, DPD1 (Core Strategy) 2007 policy CP4, Borough Local Plan 1994 policy H5, and SPD1 (Design and Townscape Guide).

- 02 Condition:** The second floor windows in the eastern elevation shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

**Reason:** To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, Borough Local Plan 1994 policy H5, and SPD1 (Design and Townscape Guide).

- 03 Condition:** The boundary wall shown on plan 032 A shall be installed/erected within 2 months of the date of this permission unless otherwise agreed in writing by the Local Planning Authority. The boundary wall shall feature bricks that match the existing wall.

**Reason:** To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, Borough Local Plan 1994 policy H5, and SPD1 (Design and Townscape Guide).

- 04** Within 1 month of the date of this permission, details of privacy screens including their appearance and positioning along the south west and north east boundaries of the site, shall be submitted to and agreed in writing by the local planning authority. Within 2 months of the details being agreed, the privacy screens shall be installed in accordance with the approved details and retained at all times thereafter.

**Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, Borough Local Plan 1994 policy H5, and SPD1 (Design and Townscape Guide).**

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