

Southend-on-Sea Borough Council

Agenda
Item

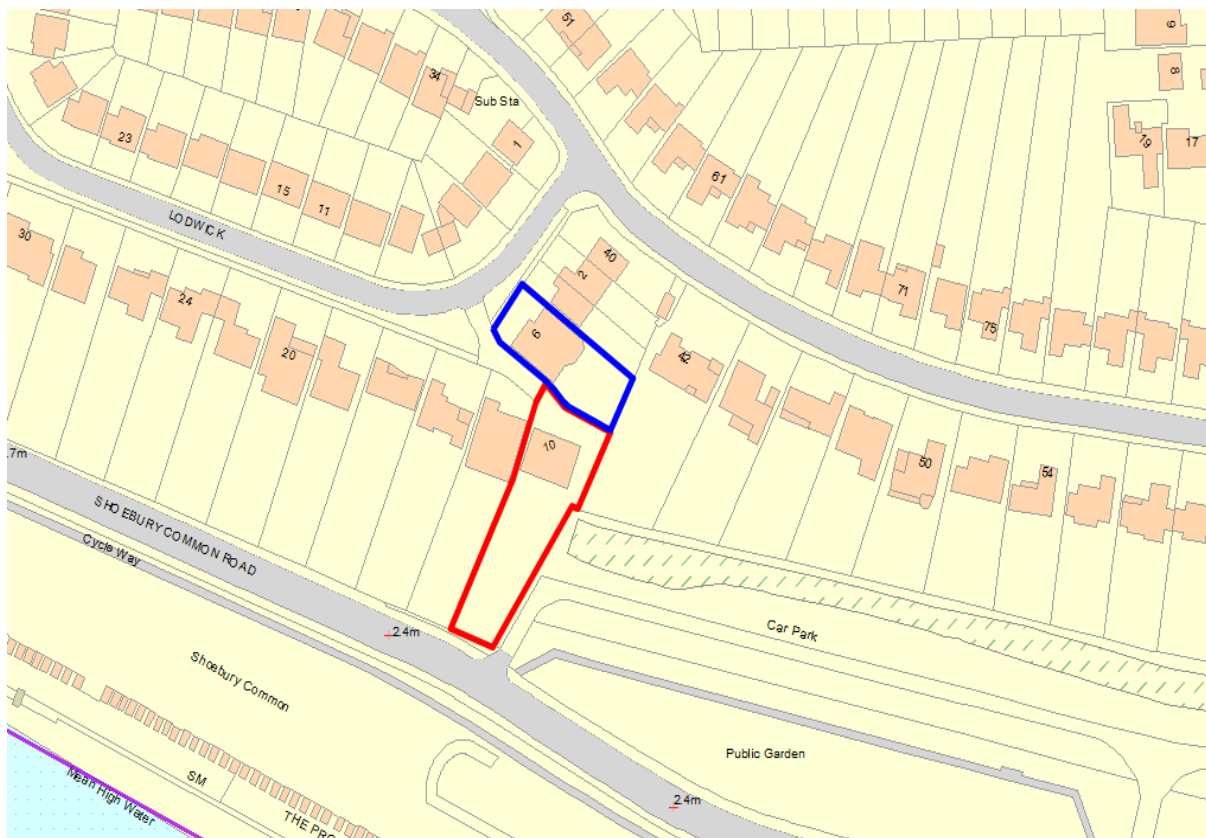
Report of the Corporate Director of Place
To
Development Control Committee
On
04th March 2015

Report(s) on Planning Applications
A Part 1 Agenda Item

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reference:	15/00124/BC4
Ward:	West Shoebury
Proposal:	Form temporary vehicular access onto Shoebury Common Road
Address:	10 Lodwick, Shoeburyness, Southend-On-Sea, Essex, SS3 9HW
Applicant:	Mr & Mrs Gordon
Agent:	Spatial Design Architects
Consultation Expiry:	05.03.2015
Expiry Date:	25.03.2015
Case Officer:	Janine Rowley
Plan No:	S01 Revision B; S02
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought to layout a temporary 3.6m wide vehicle access from Shoebury Common Road for the redevelopment of 10 Lodwick. It should be noted that redevelopment of this site to erect a new three storey dwelling with attached double garage was allowed at appeal (APP/D1590/A/13/2203022).
- 1.2 The applicant has requested a temporary permission for two years be sought to allow for construction vehicles to access the site from Shoebury Common Road rather than Lodwick due to the restrictive access via Lodwick.
- 1.3 The applicant has confirmed that the main contractor will be on site for 84 weeks (approximately 20 months). On top of this an interior fit out and other external works will follow and therefore 24 months has been sought.

2 Site and Surroundings

- 2.1 No. 10 Lodwick is located on the south side of Lodwick with views of the Estuary and has a site area of approximately 1100m². The property is in a corner location set back from the highway. There is currently a two storey dwelling over a basement level on the site. Land slopes down to the south towards Shoebury Common Road thereby facilitating basement levels to most dwellings on the south side of Lodwick.
- 2.2 Shoebury Common North Car Park is located to the east of the site. There are hedgerows on the boundaries of the land. Directly adjacent to no. 10 Lodwick is a gated vehicular entrance/exit to the land.

3 Planning Considerations

- 3.1 The main considerations of this application are the principle of the development, design (visual impact of the access on the streetscape), impact on highways safety, and any impact on residential amenity.

4 Appraisal

Principle of Development

National Planning Policy Framework, Core Strategy DPD Policy CP3, Borough Local Plan Policy T8, T11, C11 and Design and Townscape Guide SPD1

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

Design

National Planning Policy Framework, Core Strategy Policy KP2 and CP4, Borough Local Plan Policy C11, C14, H5 and Design and Townscape Guide (SPD1)

- 4.2 In design terms, the proposed temporary vehicle crossover will be located on Shoebury Common Road for a temporary period of two years. Whilst there are no other examples of vehicle crossover's in this location, taking into account the temporary nature of the permission sought whereby the pavement can be reinstated, it is not considered the proposal will have an adverse impact on the character and appearance of the area subject to a condition to reinstate the pavement after the temporary period in accordance with the NPPF, policies KP2 and CP4 of the Core Strategy, Borough Local Plan policy C11 and the Design and Townscape Guide.

Highway Safety

National Planning Policy Framework, Core Strategy DPD Policy CP3, Borough Local Plan Policy T8, Design and Townscape Guide

- 4.4 Shoebury Common Road is a classified road. The proposed vehicle access is 3.6m wide from Shoebury Common Road and there will be sufficient space for vehicles to turn within the site to exit onto Shoebury Common Road in a forward gear in accordance with Policy T8 of the Borough Local Plan. Given the parking restrictions along Shoebury Common Road, no vehicles will be able to park along the road. Given the temporary nature of the vehicle crossover for a period of two years, it is not considered the proposal will have an adverse impact on the highway network or safety in accordance with policy T8 of the Borough Local Plan, however it is not considered suitable is a permanent private vehicle crossover to serve the dwelling.

Impact on Neighbouring Properties

Core Strategy DPD Policy CP4, Borough Local Plan Policy C11, H5 and SPD1

- 4.5 It is not considered that the proposed development would have an adverse impact on residential amenity given the siting to the vehicle crossover. The temporary vehicle proposed will reduce any potential impact on the adjacent neighbours given the restrictive access via Lodwick during the construction of the dwellinghouse, reducing potential noise and disturbance from the vehicle movements.

6 Planning Policy Summary

6.1 National Planning Policy Framework

6.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (Environment & Urban Renaissance), CP3 (Transport and Accessibility)

6.3 Southend-on-Sea Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), and T8 (Traffic Management and Highway Safety).

6.4 Supplementary Planning Document 1: Design & Townscape Guide, 2009.

7 Representation Summary

Traffic and Highways

7.1 No objections.

Public Consultation

7.2 A site notice displayed on the 10.02.2015 and 3 neighbours notified. 3 letters of representation have been received stating:

- The land in question is subject to a village green application. The main road is not suitable **[Officer Comment: The temporary vehicle crossover is from Shoebury Common Road and does not include Shoebury Common]**.
- A temporary access is totally unacceptable and might give rise to applications for extensions to any such permission from being temporary and permanent.
- The application relates to part of the site of green land used for open space. **[Officer Comment: The temporary vehicle crossover is from Shoebury Common Road and does not include Shoebury Common]**.
- Concerns about the design and flooding issues relating to this dwellinghouse and the whole area would be on a flood plain **[Officer Comment: Planning permission was allowed at appeal to redevelop this site. This permission is only associated with a temporary vehicle crossover from Shoebury Common Road]**.
- If planning permission is approved this will cause similar concerns and legal implications to the sea defence granted permission if the Village Green is recommended for approval. The application should be refused until a legal outcome has been achieved **[Officer Comment: The temporary vehicle crossover is from Shoebury Common Road and does not include Shoebury Common]**.

- Shoebury Common Road is a very busy highway and main route for emergency vehicles. This road is not suitable for heavy goods turning or backing into this site especially as the existing house is being demolished involving tons of debris over a two year period.
- The Common is a flood plain and therefore heavy rain will create very muddy conditions over the whole site, which will be transferred onto the road creating hazards and slippery conditions **[Officer Comment: The temporary vehicle crossover is from Shoebury Common Road and does not include Shoebury Common].**
- A previous application for this house included the purchase of part of the Common to increase the size of the rear garden, although this was refused. If temporary approved was granted for access it would be likely a permanent access would be sought. The Council should oppose any attempt to lose green spaces that benefit all residents **[Officer Comment: The temporary vehicle crossover is from Shoebury Common Road and does not include Shoebury Common].**
- All other major refurbishments and renewals in the Waterford Road, Leitrim Avenue and Lodwick areas have been completed using access from existing roads, which are not only safer, but create good house-keeping, by nature of their adjoining neighbours.

7.3 Councillor Assenheim has requested that permission only be granted for the following:

- Only for one year;
- Photographs taken of the highway prior and after completion of the project.
- Any damage to the highway is to be rectified immediately when the permission ends.
- Any disruption to traffic is kept to a minimum.
- All vehicles exiting the site do so in a forward motion and only construction vehicles use the access.
- Any detritus is cleaned from the road surface at the end of the working day and not swept into the drainage system.
- No construction vehicles are left on Shoebury Common Road at any time.

8 Relevant Planning History

8.1 Application for Approval of Details pursuant to condition 3 (materials), condition 5 (renewable energy) and condition 7 (obscure glazed screening) of Planning Permission 13/00601/FUL dated 26/06/2013 allowed on appeal 27/01/2014- Pending consideration.

8.2 Change of use of section of public open space at Shoebury Common to incorporate within residential curtilage of No. 10 Lodwick- Refused (13/00834/FUL).

8.3 Demolition of existing house and erect new three storey over basement dwelling with attached double garage, and new boundary wall and gate- Allowed at appeal (13/00601/FUL).

8.4 Demolition of existing house and erect new 5 bedroom detached dwelling with attached double garage- Refused (12/01250/FUL).

9 Recommendation

Members are recommended to GRANT PLANNING PERMISSION subject to the following conditions:

1 The temporary vehicle crossover hereby permitted shall be for a limited period of 2 years from the date of this decision. At the end of this period the use hereby permitted shall cease, the pavement shall be reinstated and any damage rectified. Details of the highway prior to commencement of works and upon reinstatement of the highway shall be submitted to the Local Planning Authority in writing upon the end of the 2 year period.

Reason: The application has only been made for permission on a temporary period, and it is considered a permanent permission would comply with policy CP3 of the Core Strategy.

2 The development hereby permitted shall be carried out in accordance with the approved plans S01 Revision B; S02.

Reason: To ensure that the development is carried out in accordance with the policies outlined in the Reason for Approval.

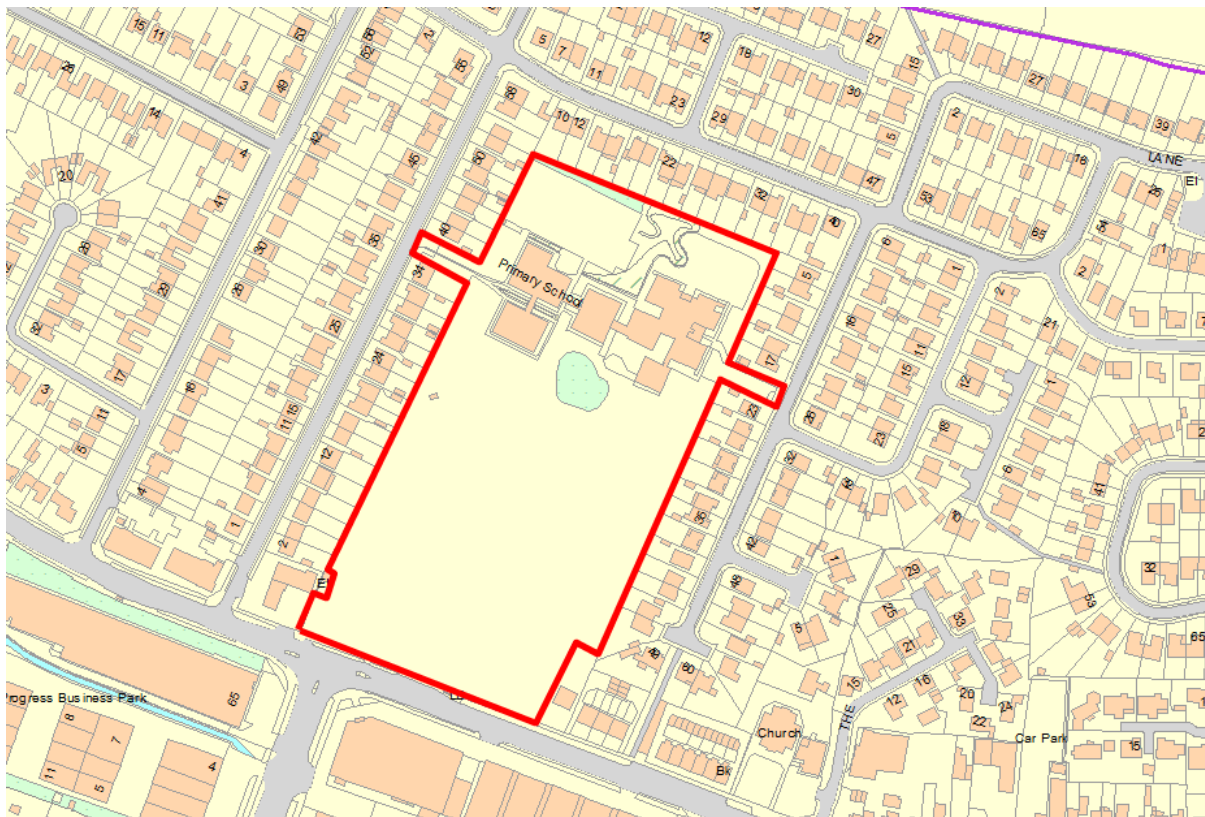
3 The permission hereby approved shall be carried out in accordance with the construction programme submitted to the local planning authority on the 10.02.2015, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid blocking the surrounding streets and to protect the environment of people in neighbours properties in accordance with the NPPF, policy T8 of the Borough Local Plan and DPD1 (Core Strategy) 2007 and SPD1 Design and Townscape Guide.

4 There shall be no access to the site by any vehicles other than construction vehicles and the entrance/exit to the site shall be secured to prevent such an access.

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.

Reference:	14/01964/FULM
Ward:	Eastwood Park
Proposal:	Extend car park at Macmurdo Road entrance
Address:	Edwards Hall Primary School, Macmurdo Road, Eastwood, Essex, SS9 5AQ
Agent	Edwards Hall Primary School,
Applicant:	T C Matthew Chartered Architect
Consultation Expiry:	27.01.2015
Expiry Date:	06.03.2015
Case Officer:	Janine Rowley
Plan Nos:	14130-LOC-010; 14130_P_P_010; 14130_S_010; 14120-STP-010
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought to extend the existing car park at the Macmurdo Road entrance. The extension of the car park will provide an additional 10 parking spaces together with reconfigured fence and gates 1.7m to 2m high. The proposal also The proposed fencing and gates will match existing on site. The parking area will be located on a steep part of the playing fields backing on the boundary with nos. 23, 25 and 27 Macmurdo Road and is 28.6m wide x 11m deep.
- 1.2 A supporting statement accompanies the application which explains that the extended car park will provide additional dedicated staff parking for the school, and suggests that this will reduce demand for on-street parking for members of staff in the surrounding residential neighbourhood.
- 1.3 Additional information has been provided from the application including:
 - There are 50 members of staff.
 - 25 students for teacher training on a daily basis.
 - The school site is used every evening for various activities.
 - School opening hours are 0715 Monday to Friday; 0900 Saturday and 1000 Sundays.

The school offers a community facility for various classes including:

- Monday-8.30pm Karate/dance classes.
- Tuesday-9.45pm Tie Chie/dance classes.
- Wednesday-7.30pm Brownies.
- Thursday-7pm Dance classes.
- Friday-8.30pm Dance classes.

2 Site and Surroundings

- 2.1 The main entrance to the school is via Macmurdo Road to the east of the site. The site is surrounded by residential properties to the north, east and west. To the south of the site is the junction of Rayleigh Road and Progress Road.

3 Planning Considerations

- 3.1 The main considerations in relation to this application are the principle of the development, design and impact on the character of the area, traffic and transportation, impact on residential amenity.

4 Appraisal

Principle of Development

National Planning Policy Framework, DPD1 (Core Strategy) policies KP2, CP4, CP6; BLP policies C11, U7, U8, T11, C15, T8 and the Design and Townscape Guide SPD1 (2009)

- 4.1 Policy CP6 of the Core Strategy advocates the need to improve educational facilities to ensure that the needs of the local community are met. Policy U7 of the Borough Local Plan states that subject to the maintenance of satisfactory environmental conditions and residential amenities, the Borough Council will support the improvement or extension of existing public and private education establishments and will encourage the use of their facilities for community purposes where this would meet identified requirements. The proposal will provide additional parking for members of staff at the school and reduce demand for on street parking.
- 4.2 Policy C15 of the Borough Local Plan states the Council will normally refuse permission for proposals involving the complete or partial loss of school playing fields. Whilst the proposed car park will be sited on existing playing fields. This part of the playing field slopes steeply to the north of where the development would be sited which would restrict the potential for this area to be used for marking out playing pitches. Sport England have raised no objection to the proposal given the steepness of the slopes and the limited space available between the western site boundary and the school building would be considered inadequate for forming a playing pitch. Therefore, no existing playing pitches would appear to be affected.
- 4.3 In light of the above, taking into account the aforementioned policies and no objection being received by Sport England it is not considered that the proposed development will have a detrimental impact on the provision of playing fields on the site and therefore the development is considered acceptable in principle.

Design and Impact on the Character of the Area

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4; Borough Local Plan policies C11, U7 and Design and Townscape Guide SPD1.

- 4.4 The existing entrance to the site is via Macmurdo Road and currently there are 11 parking spaces available for use by members of staff constructed from concrete. The additional parking will be laid to the rear of nos. 23, 25 and 27 Macmurdo Road to the eastern boundary of the site, where there are low boundary treatments and planting. A low masonry retaining wall is to be constructed due to the varying slope levels together with a 1.7m-2m wire mesh fence to match the schools existing fencing. The parking will be laid out with cellular Grasscrete. The proposed Grasscrete will not visually harm the appearance and character of the area and encourage drainage. No objections are raised to the detailed design subject to the conditions detailed below.

Traffic and transportation

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4, CP3; BLP policies T8, T11, T13; EPOA Parking Standards and the Design and Townscape Guide SPD1.

- 4.5 EPOA Vehicle Parking Standards (2001) state that 1 space per 2 daytime teaching staff. Currently there are 11 parking spaces available from Macmurdo Road and 13 spaces accessed via Bosworth Road. The proposal will increase the number of parking spaces on site from 24 to 34. The applicant has confirmed the additional spaces are to accommodate staff members and visitors to the school. On a daily basis between Mondays to Friday there are 50 existing employees on site together with 25 students who also attend daily for (Initial Teacher Training) therefore 75 in total. Whilst the existing numbers would require 37 spaces, there would only be a shortfall of 3 spaces in accordance with the EPOA Vehicle Parking Standards, therefore no objection is raised. Furthermore, the school have confirmed the adoption a travel plan encouraging sustainable transport modes. However, a condition will be imposed to ensure sustainable, safe and healthy travel is promoted within the school for visitors, staff members, pupils and parents. The Councils Highway Officer has raised no objection to the additional car park.

Impact on residential amenity

National Planning Policy Framework; DPD1 (Core Strategy) policies CP4; BLP policies H5 and the Design and Townscape Guide SPD1 (2009).

- 4.6 Policy E5 of the Borough Local Plan states that in order to safeguard the character and amenities of residential streets to establish, continue, intensify or expand a business proposal will only be considered acceptable that would not result in any adverse effect on residential amenity, in terms of appearance, overlooking, noise, smell, parking, traffic or other activity.
- 4.7 The proposed parking area is located to the rear of nos. 23, 25 and 27 Macmurdo Road. To the rear of the elevations of the aforementioned properties is 14m-15m separation distance.
- 4.8 In terms of noise and disturbance, there are no restrictions of the opening hours of the school and the applicant has confirmed the school opens between 0715-2030 most evenings (please refer to paragraph 1.3 above), together with daytime activities over the weekend. It should be noted no conditions were imposed on the school when originally constructed in terms of hours of use. The additional parking is proposed to be accessed by Macmurdo Road entrance, in order to mitigate against any potential harm from the increased noise and disturbance from vehicles entering and exiting the site a condition will be imposed for the installation of an acoustic fence. An acoustic fence of up to two metres would reduce any potential harm to the flank elevations of no. 23 and 17 Macmurdo Road together with the rear of properties 23, 25 and 27 Macmurdo Road. Furthermore, the fence should also provide a barrier to any light omitted from vehicles in this location.

4.9 It is not considered the proposal will exacerbate traffic movement in accordance with policy E5 of the Borough Local Plan and thus no objection raised.

5 Planning Policy Summary

5.1 National Planning Policy Framework

5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure)

5.3 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations, T8 (Traffic Management and Highway Safety), T11 (Parking Standards), T13 (Cycling and Walking), E5 (Non Residential Uses Close to Housing), U8 (Provision of new education facilities), C15 (Retention of open spaces), C14 (Trees, planted areas and landscaping)

5.5 SPD1 Design & Townscape Guide 2009

5.6 EPOA Vehicle Parking Standards (2001)

5.7 Development Management Plan

6 Representation Summary

Design and Regeneration

6.1 No objections.

Children and Learning

6.2 This is a school funded project to enhance their facilities.

Traffic and Transportation

6.3 No objections.

Travel Plan Coordinator

6.4 Justification for level of additional car parking relative to standard is required. The school should also be providing the relevant level of cycle parking. The school should be able to provide evidence of their latest Travel Plan which is required as part of their Healthy School Status. The school should be providing information regarding sustainable, safe and healthy travel to the school for staff and pupils both on its website and as part of the school prospectus for open evenings.

- Ideas in Motion – provides information about travel options that staff, parents and students would find useful.
- Bikeability training – should encourage higher take up for students and staff. There appears to be a large car park in the nearby Edward Hall Park which could be used for a park and stride.

[Officer Comment: A condition will be imposed to ensure an up to date travel plan is submitted to and agreed by the local planning authority to ensure the school is promoting the aforementioned sustainable transport modes].

Environmental Health

6.4 No comments received at the time of writing this report.

Sport England

6.5 It is proposed to site an extension to the school's car park on part of the playing field. Photographs indicate the playing field slopes quite steeply to the north of where the development would be sited which would restrict the potential for this area to be used for marking out playing pitches. Furthermore, the limited space available in this part of the playing field between the western site boundary and the school building is considered inadequate for forming a playing pitch. No existing playing pitches would appear to be affected.

Consequently, the proposals would be consistent with exception E3 of the above policy which relates to areas that are incapable of forming a playing pitch (or part of one). This being the case, Sport England does not wish to raise an objection to this application.

Public Consultation

6.6 Two site notices displayed on the 6th January 2015 and 9 neighbours notified of the proposal. 4 letters of objection have been received stating the following:

- The privacy of gardens backing onto the school will be lost.
- At present the fences are low to enable a view of the green field and do not prevent against the noise, disturbance and drainage issues associated with the school.
- Noise pollution from the vehicles parking in this area.
- The school is open until 10pm which already creates noise and disturbance.
- The proposal could result in flooding.
- Lighting from vehicles would infringe on private gardens.
- An acoustic fence and drainage should be put in if it is deemed acceptable.
- No reference to hours and time restrictions should be imposed [**Officer Comment: It is not considered reasonable or enforceable to impose time restrictions given that the school does not include any time restrictions**].
- No evidence for improving the vehicular gate access on Macmurdo Road.
- The proposal will not ease parents parking in Macmurdo Road.
- If the car park is for staff only it will have no bearing on how busy the road gets.
- No provision for litter has been made in this application, given the litter that occurs along the road.
 - Commercial vehicles access the site and result in blocking in existing properties when deliveries or exiting is taking place.
 - Light pollution.

7 Relevant Planning History

7.1 None.

8 Recommendation

Members are recommended to:

8.1 GRANT PLANNING PERMISSION subject to the following conditions:

1 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.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans 14130-LOC-010; 14130_P_P_010; 14130_S_010; 14120-STP-010.**

Reason: To ensure that the development is carried out in accordance with the policies outlined in the Reason for Approval.

- 3 No development shall commence until details of the materials to be used on the surface of the parking layout and fencing, have been submitted to and agreed in writing by the local planning authority.**

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set in National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy C11 and SPD1 (Design and Townscape Guide).

- 4 No development shall commence until details of landscaping works to the eastern boundary shall be 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. The planting shown on the approved drawings must be carried out within one planting season of completing the development (or within any other time limit agreed in writing with the local planning authority). If any trees are removed or found to be dying, severely damaged or diseased within 5 years of planting them, they must be replaced with trees of a similar size and species.**

Reason: In interests of visual amenity to ensure that the appearance of the building makes a positive contribution to the character and appearance of the existing school building and surrounding area in accordance with the NPPF, policies KP2 and CP4 of the Core Strategy and policy C11 of the Borough Local Plan and the Design and Townscape Guide.

- 5 Prior to use of the car park, details of an acoustic fence to be installed on the side boundary of nos. 23 and 17 Macmurdo Road and to the rear of nos. 23, 25 and 27 Macmurdo Road shall be submitted to and agreed in writing by the local planning authority. The fence shall be installed in accordance with the approved details and be permanently retained thereafter, unless otherwise agreed in writing by the local planning authority.**

Reason: To protect residential amenity and general environment quality in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policies H5, E5 and U2.

- 6** Prior to the use of the car park hereby approved, a Travel Plan including a comprehensive survey of all users, targets to reduce car journeys to school, details of local resident involvement in the adoption and implementation of the travel plan, identifying sustainable transport modes including cycling and modes of public transport shall be submitted to and agreed in writing by the local planning authority, prior to the first use of the approved parking area. The Travel Plan shall be implemented in accordance with the approved details.

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with the NPPF, DPD1 (Core Strategy) 2007 policy KP2, CP3 and CP4, Borough Local Plan 1994 policy T8, and SPD1 (Design and Townscape Guide).

- 7** No development shall commence until details of a sustainable drainage system have been submitted to and agreed by the local planning authority. The sustainable drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

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.

Reference:	14/01708/FULM
Ward:	Blenheim Park
Proposal:	Erect single storey building for use as sports hall and class rooms (Class D1 Non-Residential Institutions)
Address:	Wellstead Gardens Sports And Social Club, Wellstead Gardens, Westcliff-On-Sea, Essex
Applicant:	South Essex College
Agent:	APC Planning Ltd
Consultation Expiry:	12/12/14
Expiry Date:	17/02/15
Case Officer:	Ian Harrison
Plan Nos:	1005737-00, 1005737-00A, 1005737-01, 1005737-02, 1005737-03 (Section), 1005737-03 (Section and Elevation), 1005737-04 and ES101-100
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought to erect a building that would be used to provide a sports hall and class rooms in conjunction with a South Essex College.
- 1.2 The proposed building would be located at the North West of the application site. The main part of the building would measure 36 metres by 30 metres with a maximum height of 9.2 metres and an eaves height of 8.8 metres. To the North of the main building would be a smaller building that would measure 36 metres wide and 6.5 metres deep. The smaller building would have an eaves height of maximum height of 4.9 metres. The two buildings would be connected by a 3 metre by 3.2 metre link. The larger building would be built on lowered ground, being set 1.5 metres below the smaller building. The building would be constructed from steel sheeting with coating and cladding.
- 1.3 The proposed building would be positioned a minimum distance of 13 metres from the North boundary of the application site, which abuts the rear gardens of 106-111 Kenilworth Gardens, and 40 metres from the dwellings on those plots. The building would be set 10 metres from the rear part of the side boundary of 112 Kenilworth Gardens and a minimum of 11.5 metres from the rear boundaries of 36 and 38 St. James Gardens and a minimum of 31.8 metres from the dwellings on those plots.
- 1.4 The site is currently accessed from Wellstead Gardens with a 44 metre long link road that passes between 27 and 29 Wellstead Gardens. This track leads to an area of hardstanding that follows the North East edge of the site, providing parking and a link to existing gym and pavilion buildings that exists at the North of the site. No alterations are shown to this part of the site.

2 Site and Surroundings

- 2.1 The application site is located to the rear of residential properties of Wellstead Gardens, St James Gardens and Kenilworth Gardens. The site measures 0.68 hectares and includes former tennis courts, a pavilion and gym buildings, an area of hardstanding and an access track that connects the site to Wellstead Gardens. The application site does not include the playing pitches at the South of the site or the access track to St James Gardens, but this land is shown to be within the applicant's control.
- 2.2 The site and the land that is within the applicant's control is surrounded by residential properties, most of which are two storey dwellinghouses of similar design and scale, the exceptions being three bungalows in Wellstead Gardens and St James Gardens. The land within the area gradually slopes from the North to the South

3 Planning Considerations

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

4 Appraisal

Principle of the Development

The National Planning Policy Framework, DPD1 (Core Strategy) policies KP2, CP3, CP4 and CP7; BLP policies C11, C15, R1, R2 and U7.

- 4.1 The site is allocated as a Private Open Space/Sports Facility and as such policies C15 and R1 of the Borough Local Plan are considered to be relevant.
- 4.2 Policy CP7 states that “the Borough Council will bring forward proposals that contribute to sports, recreation and green space facilities within the Borough for the benefit of local residents and visitors. This will be achieved by optimising the potential for sports excellence and research and development centred on existing sports and leisure facilities.”
- 4.3 It goes on to state that “all existing and proposed sport, recreation and green space facilities will be safeguarded from loss or displacement to other uses, except where it can clearly be demonstrated that alternative facilities of a higher standard are being provided in at least an equally convenient and accessible location to serve the same local community.” Similarly, policies C15 and R1 of the Borough Local Plan states that the complete or partial loss of the key open spaces will be resisted, although policy R1 allows for the replacement of sports facilities where improved alternative facilities are provided. Policy R2 encourages the provision and retention of indoor sport facilities.
- 4.4 Paragraph 74 of the NPPF states that “Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
1. an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 2. the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 3. the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

- 4.5 In this regard the Local Planning Authority has consulted with Sport England who initially objected to the application on the grounds that additional evidence was required with respect to the layout of the existing sports pitches, the level of community use of the existing and proposed facilities and details of the internal design rationale for the sports hall. On receipt of satisfactory evidence from the applicant, Sport England withdrew its objection deeming that “the proposed development is for an indoor/outdoor sports facility of sufficient benefit to sport to outweigh the detriment caused by the loss of playing field.”
- 4.6 As the proposed building would be used for purposes of sport education in conjunction with the existing use of the site and would not see the loss of publicly available facilities, it is considered that the proposed development would not represent the net loss of sporting or recreational facilities. The provision of a multi-purpose facility that would be able to be used all year round would represent the enhancement of sports facilities at the site in comparison to the existing facilities at the site. The proposal is therefore considered to be in accordance with the abovementioned policies.
- 4.7 The use of the building is proposed to continue to be part of the provision of education at South Essex College. Objectors have identified that the proposed building is at a site that is further from South Essex College’s main Luker Road campus (minimum journey of 2.2 miles) than the facilities that are currently used by the organisation (Southend Leisure and Tennis Centre which is a minimum journey of 2.8 miles). As demonstrated by the above measurements, this is not the case.
- 4.8 It is therefore considered that the proposal represents a sustainable form of development and should therefore be supported subject to the following considerations.
- 4.9 Policy U7 states that “the Borough Council will normally support the improvement or extension of existing public and private education establishments and will encourage the use of their facilities for community purposes where this would meet identified needs.” This statement is considered to be in accordance with the NPPF (particularly paragraph 72) is considered to be applicable to this application given that the proposed development would support South Essex College.

Design and Impact on the Character of the Area:

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11, H5, U7 and U8 and the Design and Townscape Guide.

- 4.10 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF as well as Policies C11 and H5 of the Local Plan and Policies KP2 and CP4 of the Core Strategy. The Design and Townscape Guide (SPD1) also states that the Council is committed to good design and will seek to create attractive, high-quality living environments.

- 4.11 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.
- 4.12 The NPPF states that *“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”*.
- 4.13 The Design and Townscape Guide (SPD1) states that *The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant... the easiest option is to draw reference from the surrounding buildings.”*
- 4.14 The character of the surrounding area is defined by buildings of generally two storey scale, with the exception of a small number of bungalows.
- 4.15 The applicant’s submissions include a cross section of the site and the neighbouring property to the North which demonstrates that the building would not be taller than the properties of Kenilworth Gardens, with the commercial and residential properties both measuring 9.2 metres tall. Moreover, due to the changing ground levels and the proposal to lower the ground level on which the proposed building would be erected, it is noted that the highest point of the proposed building would be at approximately the same height as the centre of the first floor windows of the Kenilworth Garden properties. Plans submitted for previous applications (07/01735/FUL) corroborate the submissions of the applicant which show that the dwelling at 110 Kenilworth Gardens measures approximately 9.8 metres tall. Due to being at a lower height and being masked by trees and dwellings it is considered that the proposed building would have a limited impact on the public domain of Kenilworth Gardens.
- 4.16 The buildings of St James Gardens are generally lower in height than the properties of Kenilworth Gardens. Plans submitted for previous applications show that the buildings measure approximately 7 metres (no. 38, 07/00318/FUL) and 7.5 metres (no.36, 07/01603/FUL) tall and as such the proposed building would be taller than the residential properties and the changing ground levels offer less mitigation than at the Kenilworth Gardens elevation. It is therefore the case that the buildings would measure approximately 1.5 to 2 metres taller than the neighbouring properties. Despite being taller it is considered that the impact of the built form would largely be masked from the public domain by virtue of the presence of trees and the dwellings between the highway and the building and the significant separation distance would also help to reduce the visual impact of the building.

- 4.17 To be functional, the building has to cover a large footprint and be built to the height that is shown. There is little scope to change the proportions of the building and in this regard it is considered that the building has been restricted in size to the smallest bulk possible, particularly through the reduction of the scale of the smaller part of the building.
- 4.18 With respect to the detailing of the proposed building, the applicant proposes the use of louvres on the South and East elevations which would provide some visual interest and break up the otherwise blank elevations of the building. No treatments would be provided to the North and West elevations, although extensive glazing would be provided on the smaller building. Although properties immediately surrounding the site are in residential use, large education buildings are a feature of the wider area and it is considered that the scale of the proposed building is no less compatible with its surroundings than other such buildings. It is also considered that the proposal does not represent the overdevelopment of the plot.
- 4.19 The applicant's written submissions suggest that glazing and imagery has been added to the design of the building to provide visual interest and enliven the elevations of the building. This is not shown on the submitted plans, except in relation to the smaller building and it is considered that the application is determined based on the submitted plans. It is however noted that the applicant wishes to agree the details of the cladding of the building under the terms of a condition. If approved, a condition should be used to clarify the terms of the permission with respect to the elevational treatments and require details of all materials (including colour) to be submitted and approved in writing by the Local Planning Authority.
- 4.20 In this instance it is considered that sufficient visual interest has been provided to the elevations of the building in the form of louvres and subject to the agreement of details of cladding to the building under the terms of a condition, it is considered that the visual impact of the development can be found acceptable.

Traffic and Transport Issues

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4; BLP policies T8, T11 and U8.

- 4.21 Policy T11 requires the provision of adequate parking and servicing facilities. The Essex Planning Officers Association (EPOA) set out the requirements for each use. The Parking Standards are expressed as maximum standards and public transport is available in the locality. Moreover, policy U8 states that with respect to new educational facilities, "permission will only normally be given where the site or property is of a size and nature that can satisfactorily accommodate the use - including playing fields, means of access, off-street parking and other associated facilities - without detrimentally affecting the character of the area."

- 4.22 The application form that has accompanied the planning application states that the site is currently able to provide 25 parking spaces. These provisions are not shown on the submitted plans but it is considered that the capacity is approximately accurate and is not proposed to be changed as part of this application.
- 4.23 The applicant states that attendance at the site will primarily be by people that have been transferred to the site by bus/coach having initially attended the main college campus in Southend Town Centre. It is therefore argued that additional parking is not required and any parking that is unavoidable can be accommodated by the capacity of the existing site.
- 4.24 No facilities are shown for the parking or turning of large vehicles within the site but it was expected that visits by such vehicles would be essential to the operation of the site and form part of a travel plan which the applicant wishes to agree under the terms of a planning condition. Without any on-site turning or parking facilities it is considered that buses will be expected to wait within the public highway, which would not be appropriate in the context of Wellstead Gardens where parking within the highway is common and has the effect of reducing the width of the highway.
- 4.25 In this respect, it is noted that the Highway Authority have determined that “there is a concern regard existing and proposed college vehicles using the bus stops at St. Thomas More and Southend High Schools. The drop-off areas are for school contract buses only and are currently operating at capacity. Bus stops in Kenilworth Gardens should also not be used by college vehicles as this could result in a delay in commercial service.”
- 4.26 The Highway Authority have therefore recommended that the applicant should either provide a bus stand within Kenilworth Gardens solely for use by buses associated with the proposed use or agree to not use coaches or buses and only use mini-buses that are able to enter the site, turn and leave in a forward gear.
- 4.27 The applicant indicates that the use of the site is already dependent on visits by busses and coaches and due to the inefficient existing arrangements it is implied that the more intensive use of the site would not result in additional vehicle movements to and from the site. However, in light of the comments made by the Highway Authority, the applicant is willing to agree to limit the access to the site to vehicles that are no larger than mini-buses. This can be secured through the imposition of conditions which should also be used to agree a Travel Plan.
- 4.28 Subject to these conditions being imposed, no objection has been raised to the proposal by the Highway Authority and it is therefore recommended that the application is not refused on the grounds of parking or highway safety. In reaching this conclusion it is considered relevant to note that the site can already be used by large vehicles without restriction and this proposal will therefore have the potential to secure the overall improvement of the means of access to the site associated with the educational use of the site.

Impact on Residential Amenity:

The National Planning Policy Framework; BLP policies C11, E5, H5 and U8 and the Design and Townscape Guide.

- 4.29 Policy E5 addresses non-residential uses that are located close to housing stating that “in order to safeguard the character and amenities of residential streets and to retain an adequate housing stock, proposals (including proposed changes of use) to establish, continue, intensify or expand a business or other non-residential activity within or adjoining a housing area will normally only be permitted where the proposal respects the character of the locality, satisfactorily meets the adopted design and layout criteria set out in Policies H5 and C11, and would not adversely affect residential amenity in terms of appearance, overlooking, noise, smell, parking, traffic or other activity.”
- 4.30 The application site is surrounded by residential properties on three sides and there are further residential properties to the South of the remainder of the land that is within the applicant’s control.
- 4.31 The height of the building (9 metres) and the separation distance from the neighbouring dwellings (31 metres to the West and 41 metres to the North) means that the proposed building would not cause a material loss of light within the habitable rooms of the neighbouring dwellings. There is more likely to be some impact on the light received at the end of the surrounding gardens, but this loss is only likely to be for parts of the day and would not make the gardens unusable.
- 4.32 Similarly, whilst having an impact on the outlook from within the neighbouring properties, the building would not cause an unreasonable sense of enclosure to be formed and would not be overbearing to an extent that would justify the refusal of the application.
- 4.33 The proposed building would only feature windows at ground floor level in the smaller building and it is therefore considered that the proposal would not cause overlooking of the neighbouring property.
- 4.34 The building would be used by an educational institution and it can therefore be assumed that the use of the building would be managed in a manner that would ensure that the use of the building would not cause disturbance of the neighbouring properties by way of noise, particularly as most use of the building is likely to occur during the day.
- 4.35 In order to protect the amenities of neighbouring residents it is considered that it is appropriate to impose a condition to limit the hours of use of the building. Provided that the hours of use are controlled, it is considered that it is not necessary to prevent the use of the building by groups or people outside of the educational institution.

Other Matters:

- 4.36 The proposed development would result in the removal of a line of conifer trees that currently separate the existing tennis courts at the North of the site from the playing fields to the South. These trees are not considered to be of significant visual amenity value and therefore their removal should not be objected to in principle. However, it is considered appropriate to impose a condition to require a scheme of replacement landscaping to be agreed and implemented. This would ensure that there is not an overall reduction of ecological value at the site and also provide screening of the proposed building which would obscure views of the proposed building from within neighbouring properties.
- 4.37 In the interest of energy efficiency and sustainability, in accordance with policies KP2 and CP4, it is considered appropriate to require a scheme of sustainable construction and energy efficiency to be submitted, agreed and subsequently implemented.

5 Conclusion

- 5.1 The proposed development would represent the expansion of an existing educational establishment and see the replacement of existing dis-used sporting facilities with a facility that would aid educational delivery. The large building would have a significant impact on the character of the site and the surrounding area, but it is considered that the building would be largely masked from the public domain and there would be adequate scope to mitigate the visual impact of the built form through replacement landscaping. The scale of the building has been kept to an appropriate level and the changing ground levels have been utilised to reduce the bulk of the building as far as possible. It is considered that the impact on residential amenity would not be unduly overbearing or have an impact on light or privacy to an extent that would justify the refusal of the application on the grounds of residential amenity. Moreover, it is considered that the means of accessing the site can be controlled to ensure that the intensified use of the site would not cause a reduction of highway safety within the vicinity of the site. Therefore, subject to the imposition of appropriate conditions and noting that no statutory consultees have objected to the proposal, it is considered that the proposal constitutes a sustainable form of development that should be supported by the Local Planning Authority.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework.
- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), and CP7 (Sport, Recreation and Green Space).

- 6.3 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 6.4 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), C15 (Retention of Open Spaces), E5 (Non-residential Uses Located Close to Housing) H5 (Residential Design and Layout Considerations), R1 (Outdoor Sports Facilities), R2 (Indoor Sports Facilities), T8 (Traffic Management and Highway Safety), T11 (Parking Standards), T13 (Cycling and Walking), U7 (Existing Education Facilities) and U8 (Provision of New Education Facilities)
- 6.5 EPOA adopted Vehicle Parking Standards.
- 6.6 Emerging Policy: Development Management DPD policy DM8.

Representation Summary

Highway Authority

- 7.1 The Highway Authority has stated that there is a concern with regard to existing and proposed college vehicles using the bus stops at St. Thomas More and Southend High Schools. The drop-off areas are for school contract buses only and are currently operating at capacity. Bus stops in Kenilworth Gardens should also not be used by college vehicles as this could result in a delay in commercial service.

It is considered that it would not be possible for coaches or busses to enter, turn and leave the application site and it would be undesirable for those vehicles to attempt to navigate Wellstead Gardens or other surrounding highways. It is therefore expected that the proposal would be dependent on the use of the bus stop space within Kenilworth Gardens. A bus stand could be operated within Kenilworth gardens using a traffic regulation order, but this would be subject to consultation with local residents and members and a review of on street parking within the local area to see if a bus stand could be accommodated. The cost of providing such a facility would have to be borne by the developer. An approximate cost for this would be £7000 but can only be implemented after the above consultation process.

College mini buses currently access from Wellstead Gardens and therefore no objection is raised to the continuation of this use.

The 20 car parking spaces provided are considered acceptable and consideration should also be given to providing cycle storage.

A travel plan should be sought through the imposition of a condition.

The site is already used as a sport facility for the college and it is considered that the proposal will not have a detrimental impact upon the highway network therefore no highway objections are raised.

Design and Regeneration

- 7.2 The Design and Regeneration Team have advised that there is no objection in principle to a new sports facility in this location and, although the site is not visible from the street, this is still a public building and as such should be well designed. Ways to enhance the basic modular design were discussed at the pre app meeting including creating a combined entrance lobby with the adjacent changing facility, additional glazing and the use of colour, texture and art.

It is noted that the building remains as separate facility rather than be linked with the changing block and this is rather a lost opportunity to create a defined entrance for the complex nevertheless this could be offset with high quality treatment of the key south and east elevations and a clear entrance. Unfortunately the entrances themselves appear rather weak and should be enhanced e.g. with a canopy or lobby and signage.

The elevations themselves seem rather plain but the Design and Access Statement comments on the addition of glazing and the use of coloured panels and imagery but it is unclear from the drawings where these would be placed although the locations of louvers but not the glazing is clear. It is considered that the SE corner of the building is the most prominent and this is where these panel features should be concentrated. Further information on this aspect should therefore be requested so that a fully informed judgement can be made. A full list of materials and colours is also requested including for the louvers, straps, colour of coated steel for all sides, windows and doors etc.

In principle, subject to the enhancement of the entrance and the introduction of some interest to the public elevations as shown in the DAS this proposal would be acceptable.

With regard to the rear classroom block it is noted that the greater set back will improve the outlook of this element and this is welcomed subject to appropriate landscaping. The concerns remain regarding the narrow areas between the two blocks and it would be helpful to know the intention for these areas. It may be that they can be put to a good use such as bike storage rather than just becoming dead space.

It is noted that renewables have not been proposed for this building. This is contrary to policy KP2. If it is the intention not to heat the sports hall and it does not include showers etc. and is well insulated then it can be argued that the energy usage will just be low energy lighting then a case could be made for an exception to this requirement however further details on the energy needs for the classroom however should be requested.

Sport England

- 7.3 Upon initial consultation with Sport England, a holding objection was submitted with it being requested that additional information is provided with respect to the layout of the existing sports pitches, the level of community use of the existing and proposed facilities and details of the internal design rationale for the sports hall.

Upon the receipt of the requested information Sport England have revoked their objection and stated that “the potential sports development benefits that the proposed sports hall would offer would clearly outweigh the detriment caused by the impact on the playing field. I therefore consider that the proposal would meet exception E5 of our playing fields policy.”

Environmental Health

- 7.4 The Environmental Health Officer has noted the justifiable concerns of residents regarding potential noise and light pollution and, in respect of the former, they are aware of the potential that sports halls present for entertainment and reception events. Indeed, the large atrium at the College’s main building in Luker Road was hired out for such events soon after opening, giving rise to statutory noise nuisance. It is also noted that there is a potential for noise complaints to arise from the ‘swimming pool effect’ during normal sports hall use, although that is almost impossible to predict at the design stage.

To address this it has been suggested that a condition be attached to restrict the hours and types of use of the development and ensure that the other issues set out above are drawn to the attention of the applicant through the inclusion of informatives.

Public Consultation

- 7.5 27 neighbouring properties were notified of the application and three site notices were posted within highways surrounding the application site. 37 responses and a petition have been received which raise the following grounds of objection:

- The building’s height and scale is incompatible with the surrounding residential area.
- The building is not of appropriate appearance in the context of the residential area.
- The visual impact of the development would not be adequately screened, particularly during winter.
- The proposal will exaggerate existing parking problems within surrounding highways.
- The proposal will cause additional traffic.
- The proposal will cause noise pollution.
- The proposal will cause light pollution. (See Condition 12)
- The proposal will cause a loss of light within neighbouring dwellings and their gardens and be too close.

- The use of the building and the site combines with other educational and childcare establishments to cause significant traffic and disturbance at peak times.
- It is expected that the access to the applicant's land that is outside the application site will be put into use in the future.
- Elderly local residents will be intimidated by the proposed use and will cause additional anti-social behaviour.
- Approving the proposed development would encourage further developments in the future.
- The use of the building by other groups would cause disturbance at unreasonable times. (See Condition 09)
- A proposed landscaping scheme would not be able to mitigate the size of the development.
- Pre-application consultation has been inadequate.
- The development will not be accessible by emergency services and prevent access to other properties. (Officer Note - The means of access to the site for emergency services will be a matter for consideration as part of an application for Building Regulations Approval).
- The application site is further from the main campus of South Essex College than existing facilities at Garons Park and the proposal is not therefore sustainable.
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7.5 In addition a planning consultant has submitted an objection on behalf of 111 residents from the surrounding area. This objects on grounds that are included in the above summary. The Member of Parliament for Southend West and other residents have also provided copies of the petition.

8 Relevant Planning History

8.1 Applications 04/00848/FUL and 04/01492/FUL approved the erection of a single storey building comprising of changing facilities, a fitness room and toilets adjacent to the existing pavilion and the erection of a groundsmans store.

9 Recommendation

9.1 **Members are recommended to:**

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

- 02** The development hereby permitted shall be carried out in accordance with the following approved plans: 1005737-00, 1005737-00A, 1005737-01, 1005737-02, 1005737-03 (Section), 1005737-03 (Section and Elevation), 1005737-04 and ES101-100

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

- 03** No development shall commence until samples of materials for the external elevations have been submitted to and agreed by the local planning authority. The development shall then only be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy C11, and SPD1 (Design and Townscape Guide).

- 04** Prior to the commencement of the development hereby approved, a Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Travel Plan shall provide full details of how the following restrictions will be implemented:

- 1.** All students shall enter and exit the application site and the land that is within the applicant control (edged blue on the approved location plan) as pedestrians, cyclists or passengers of mini-busses that shall not exceed a capacity of 25 people.
- 2.** No buses, coaches or other such vehicles with a capacity of more than 25 people shall collect or deliver students to/from the application site from the highways of Kenilworth Gardens, St James Gardens, Wellstead Gardens or Clatterfield Gardens.

The Travel Plan shall include full details for periodic monitoring of the means of access to the site and compliance with the Travel Plan and the facilitation of any alterations to the Travel Plan that are deemed to be necessary as a result of monitoring and agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is accessed in a sustainable and safe manner and in the interests highways efficiency and safety, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2, Borough Local Plan 1994 policy T8 and T11, and SPD1 (Design and Townscape Guide).

05 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. details of all planting within the application site, including the replacement of all trees that are to be removed at a ratio of two planted trees for each tree that is removed.**
- ii. means of enclosure;**
- iii. hard surfacing materials.**

Reason: To ensure that the development is satisfactory in terms of its appearance and that it makes a positive contribution to the local environment and biodiversity in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) policy KP2 and CP4, Borough Local Plan 1994 policy C11 and C14, and SPD1 (Design and Townscape Guide).

06 All planting in the approved landscaping scheme shall be carried out within the first planting season following the completion of the development. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the local planning authority.

Reason: To ensure a satisfactory standard of landscaping, pursuant to Policy C14 of the Southend on Sea Borough Local Plan.

07 Prior to the commencement of the development hereby approved, full details of bin and cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the capacity of the storage facilities and their scale and appearance. All of the approved bin and cycle storage facilities shall be installed prior to the occupation of any of the flats hereby approved, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that satisfactory secure refuse storage and off-street bicycle parking is provided in the interests of sustainability, amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2, Borough Local Plan 1994 policy T8 and T11, and SPD1 (Design and Townscape Guide).

- 08** Prior to the commencement of the development hereby approved full details shall be provided to and approved in writing by the Local Planning Authority of the equipment that shall be installed at the site to achieve the on-site generation of 10% of the energy needs of the building hereby approved. The approved equipment shall be installed prior to the occupation of any of the flats hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the NPPF DPD1 (Core Strategy) policy KP2 and CP4, and SPD1 (Design and Townscape Guide).

- 09** The use of the building hereby approved for sporting activities shall be restricted to the following times:

8:00 - 22:00 Mondays to Fridays
9:00 -18:00 Saturdays and Sundays

Reason: To protect the amenities 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).

- 10** The facility shall not be used for any musical entertainment or reception purposes.

Reason: To protect the amenities 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).

- 11** Demolition or construction works shall not take place outside 0730 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To protect the amenities 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).

- 12 No external lighting shall be installed at the site unless a scheme of proposed lighting has first been submitted to and approved in writing by the Local Planning Authority. No lights shall be installed other than those that are shown on the approved lighting scheme. The scheme of lighting shall include details of the luminance of the lights and their direction**

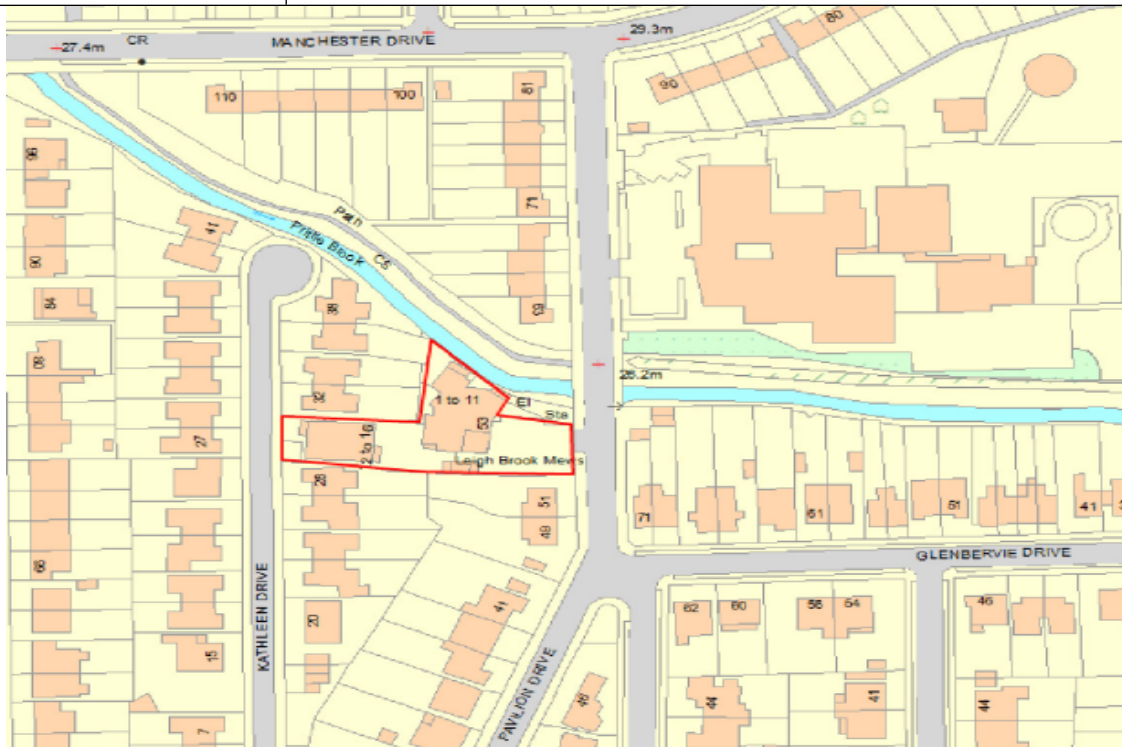
Reason: To clarify the terms of the permission, to address the lack of detail with respect to those works that has accompanied the application and to protect the amenities of neighbouring residential properties in accordance with the NPPF, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policies E5 and H5.

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) or the provisions regarding construction sites contained within Pt. III of the Control of Pollution Act 1974. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215810 or at Regulatory Services, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6ER'.**
- 2. The applicant's attention is drawn to the potential for the generation and breakout of reverberant noise arising from the sporting activities taking place within the sports hall which may lead to the need for the retrospective provision of acoustic absorbance measures'.**

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.

Reference:	15/00090/DOV
Ward:	Blenheim Park
Proposal:	Modification of planning obligation (Section 106 agreement) dated 30/06/2008 pursuant to application 07/01870/OUT to remove the requirement to provide affordable housing.
Address:	Leigh Brook Mews, 53 Pavilion Drive, Leigh-On-Sea, Essex SS9 3JS
Applicant:	Sandhurst Newhomes Limited
Agent:	(Michael Calder) Phase 2 Planning and Development Ltd
Consultation Expiry:	26 February 2015
Expiry Date:	17 March 2015
Case Officer:	Amanda Rogers
Recommendation:	Members are recommended to Delegate to Corporate Director for Place, Head of Planning & Transportation or Group Manager for Planning & Building Control to GRANT MODIFICATION OF THE SECTION 106 AGREEMENT dated 30 June 2008 pursuant to application 07/01870/OUTM



1 Background

- 1.1 Section 106A of the Town and Country Planning Act 1990 allows for an application to be made to a local authority to consider a proposed modification or discharge of a planning obligation, and the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 set out the procedure for dealing with any such applications.
- 1.2 There is a clear distinction between an application made under S106A and S106BA of the Town and Country Planning Act 1990. The applicant previously made an application under S106BA of the Town and Country Planning Act 1990 seeking to remove the obligation to provide affordable housing on this site. This part of the Act enables developers to seek removal of affordable housing obligations on grounds of viability. This application was refused last year and subsequently dismissed at appeal (Appeal Ref: APP/D1590/Q/14/2228061; decision date 7 January 2015). The Inspector concluded that the affordable housing requirement in respect of this site should still be provided and should not be removed on viability grounds, even though the scheme has failed to achieve a 20-25% profit. A key factor taken into consideration was the fact that the scheme has been completed and is fully occupied; and therefore the level of profit one should expect at the completion of a development should reflect the risk, which is substantially reduced once occupied.
- 1.3 Following the appeal the applicant has now made an application under S106A of the Town and Country Planning Act 1990. Under this section of the Act, by negotiation between the applicant and the local authority it may be considered that a planning obligation no longer serves a useful planning purpose or if it continues to serve a useful purpose that that purpose may be equally well served if it were to be modified. Alternatively, a local authority may determine that the planning obligation should continue to have effect without modification. If it is more than 5 years since the planning obligation was entered into then section 106B allows for a right of appeal to the Secretary of State should the local authority fail to determine any such application within 8 weeks or refuse an application. In this case more than 5 years has elapsed.
- 1.4 A planning obligation is enforceable as a contract and whether it is varied or not is at the local authority's discretion. On this basis it is considered that a planning obligation should only be discharged or modified under S106A if it can be demonstrated that it no longer serves a useful planning purpose

2 The Proposal

- 2.1 This application initially sought to remove the requirement to provide affordable housing in connection with the development to “*Demolish building, erect one 3 storey block of 11 flats and one 3 storey block of 5 flats, lay out parking, amenity area, refuse stores and landscaping, enlarge existing vehicular access onto Pavilion Drive and form new vehicular access onto Kathleen Drive*”, which was granted planning permission on 17 July 2008 under reference 07/01870/OUTM. This permission has been implemented.
- 2.2 This permission was subject to a planning obligation (S106 agreement) dated 30 June 2008 requiring 2 x two bedroom flats to be affordable housing units consisting of either rental or shared ownership dwellings.
- 2.3 The applicant was advised by officers that the application was likely to be refused. This was based on the fact that the planning obligation clearly still serves a useful purpose in delivering affordable housing in the borough as required by Core Strategy Policy CP8 and evidenced, in terms of need, in the Thames Gateway South Essex (TGSE) Strategic Housing Market Assessment (SHMA) 2013. Hence, the applicant was invited to amend the application and details of this are outlined below.
- 2.4 The only evidence submitted in support of this application is a covering letter seeking to demonstrate that the planning obligation no longer serves a useful planning purpose on grounds that neither the applicant nor the Council have been successful in securing a Registered Provider to purchase the two affordable housing units.
- 2.5 The application has subsequently been revised and it is now proposed to provide a financial contribution in lieu of on-site provision of affordable housing, as opposed to seeking removal of the affordable housing planning obligation.

3 Planning Considerations

- 3.1 The legal test and material planning consideration in respect of this application is whether or not the planning obligation still serves a useful purpose.

4 Appraisal

The National Planning Policy Framework, April 2013 DCLG guidance, DPD 1 (Core Strategy) strategic objective SO7, policies KP3, CP6 and CP8; and SPD2

4.1 Core Strategy policy CP8 states the following:

For sites providing less than 10 dwellings (or below 0.3 ha) or larger sites where, exceptionally, the Borough Council is satisfied that on-site provision is not practical, they will negotiate with developers to obtain a financial contribution to fund off-site provision. The Council will ensure that any such sums are used to help address any shortfall which in affordable housing.

4.2 Paragraph 2.7 of “Supplementary Planning Document: Planning Obligations” (SPD2) reiterates the fact that *“The policy [CP8] generally requires 20-30% of the proposed units to be affordable depending on the scale of the development, or a financial contribution to be made where on-site provision is either not feasible or not practicable.”* Hence, the preference in terms of affordable housing provision is on-site. Alternatively, the Council may seek to secure the affordable housing provision on another site owned by the applicant or in exceptional circumstances accept a financial contribution in lieu of on-site provision.

4.3 Since the recent appeal hearing Officers have actively been trying to secure interest from a Registered Provider (RP) for the two affordable units at this property. Unfortunately, as the applicant has allowed the units to be occupied with private tenants in breach of the terms of the agreement, the fact that they are no longer ‘new build’ means that RPs are no longer interested in purchasing the units where previously they had expressed interest. RPs have also advised even if the units were not occupied they would not seek to pursue a scheme of only 2 affordable units, and generally seek schemes with a greater number of units.

4.4 The applicant owns two other sites within the Borough at 845-849 London Road and 175 London Road, which could potentially be considered as suitable for off-site provision of the affordable housing required from 53 Pavilion Drive. These sites also formed part of the recent appeal hearing whereby the applicant was seeking to entirely remove their affordable housing requirements on viability grounds. However, whilst tangible provision of affordable housing by developers is preferable there are risks in the Council pursuing this as an option in this case:

- Difficulties in securing a Registered Provider for the reason outlined in paragraph 4.3.
- The two London Road schemes are also facing financial viability issues and there are no guarantees that the development will come forward in the near future. Provision of two affordable housing units on either of these sites in place if market units would further reduce the viability of these developments, which could again be challenged by the developer under a S106BA application.
- In January 2015 an appeal decision allowed a modification to the planning obligations relating to these other sites reducing affordable housing requirements. The RPs stance on smaller sites would remain.
- The Council is investigating the establishment of a Local Housing Company, which in future may be able to use financial contributions for affordable housing.
- It remains that the applicant is currently in breach of the existing S106 agreement and a remedy is required in the immediate term.

4.5 Taking the above factors into consideration, securing a financial contribution in lieu of on-site or off-site affordable housing provision is deemed to be the most appropriate means of securing compliance with the S106 agreement in this case.

4.6 Prior to the recent appeal hearing, there was a key point of contention in respect of the methodology used in appraising the scheme's viability between the Council and the applicant in that the applicant has based the Site Value on the historic purchase price whereas the Council is basing the Site Value on current values. However, this latter approach has now been supported by the Secretary of State and Planning Inspectorate in a number of key appeal decisions, and most recently at the appeal hearing in relation to this site.

- 4.7 The proposed financial contribution has been negotiated (and accepted by the applicant) as follows, based on the open market value of the residential units agreed at the recent appeal hearing:

Formula:

Plot sizes of two AH units at Pavilion Drive: 60sqm and 58.8sqm
Agreed OMV at recent appeal: £190K

Open Market Value (OMV) x Residual Land Value(RLV), div by Plot Size (m²) x AH Min Guideline Size(m²) + 10% On- costs

RLV Approx 32%

Open Market Value £190,000 two bedroom (3 Persons) 60m² Plot Size
£190,000 [OMV] x 0.32 [RLV] = £60,800
(60,800 / 60 [Plot Size]) x 57 [AH Guideline Plot Size] = £57,760
£57,760 x 1.10 [10% On- costs] = £63,536
Commuted Sum = £63,536

Open Market Value £190,000 two bedroom (3 Persons) 58.8m² Plot Size
£190,000 [OMV] x 0.32 [RLV] = £60,800
(60,800 / 58.8 [Plot Size]) x 57 [AH Guideline Plot Size] = £58,939
£58,939 x 1.10 [10% On- costs] = £64,833
Commuted Sum = £64,833

TOTAL CONTRIBUTION REQUESTED: £128,369

- 4.8 The Council's Strategic Housing team are satisfied with the proposed resolution and the applicant has agreed to the commuted sum.
- 4.9 Whilst the negotiated financial contribution is significantly lower than the open market value (OMV) of the flats within this property it is a reasonable figure to be secured when considered in context of the values involved in on-site provision. When affordable housing units are secured under a planning obligation for transfer to a Registered Provider (RP) after construction within a development, typically the RP will purchase the units from a developer at a price equivalent to their OMV less 32% to reflect the land value. Therefore, on the basis that the OMV of the flats has been agreed by independent valuers at £190,000 each, a reasonable offer from a RP would be £133,000 each. This would result in the developer making a contribution of £57,000 per unit (£114,000 for the two units in this instance).

Hence, whether the Council receives a financial contribution in lieu of on-site provision or units are provided on-site, the financial contribution towards affordable housing secured from the developer is comparable. The figure stated in paragraph 4.7 adds 10% to reflect the on-costs associated with the local authority delivering the affordable housing instead of the developer.

- 4.10 If agreed by Members, a modification of the Section 106 agreement would be drafted and it is proposed that completion of a Deed of Variation be required within 90 days of the DC Committee resolution and that payment be required on completion of the legal agreement.

5 Conclusion

- 5.1 Having given consideration to the evidence discussed at the recent appeal and the fact that subsequently both the applicant and the Council have failed to secure a Registered Provider for the affordable housing units, it is considered that in this instance there is sufficient justification to allow a modification of the Section 106 agreement to secure a financial contribution (£128,369) in lieu of on-site or off-site affordable housing provision.

6 Planning Policy Summary

- 6.1 The Town and Country Planning Act 1990 as amended by The Growth and Infrastructure Act 2013.
- 6.2 National Planning Policy Framework (NPPF) 2012.
- 6.3 National Planning Practice Guidance (NPPG)
- 6.4 Development Plan Document 1 (2007): Core Strategy strategic objective SO7, Policies KP3 (Implementation and Resources), CP6 (Community Infrastructure) and CP8 (Dwelling Provision).
- 6.5 Supplementary Planning Document 2: A Guide to Section 106 & Developer Contributions (2010).

7 Representation Summary

Strategic Housing

- 7.1 Confirmed that no Registered Providers can be secured for the property and that the proposed financial contribution is a satisfactory means of resolving the matter.

Public Consultation

- 7.2 A site notice has been posted (expiry 26 February 2015) and all owner/occupiers of the application property have been notified of the proposal – any representations to be reported in the Supplementary Report.

Councillor

7.3 Cllr Walker – objection

8 Relevant Planning History

8.1 6 August 2007 (06/00787/FUL): Conditional planning permission allowed at appeal to “Demolish building, erect one 3 storey block of 5 flats and one 3 storey block of 8 flats, lay out parking, amenity areas, refuse stores and landscaping, enlarge existing vehicular access onto Pavilion Drive and form new vehicular access onto Kathleen Drive.”

8.2 17 July 2008 (07/01870/OUTM): Conditional outline planning permission granted to “Demolish building, erect one 3 storey block of 11 flats and one 3 storey block of 5 flats, lay out parking, amenity area, refuse stores and landscaping, enlarge existing vehicular access onto Pavilion Drive and form new vehicular access onto Kathleen Drive (Amended Proposal)”.

[Reserved matter: Landscaping]

8.3 5 November 2008 (08/01013/RESM): Reserved matter – landscaping – approved.

8.4 11 July 2011 (11/00746/AD): Application for approval of details pursuant to Condition 08 (Contamination Site Investigation) of planning permission 07/01870/OUTM dated 17/07/08 – approved.

8.5 11 July 2011 (11/00747/AD): Application for approval of details pursuant to Condition 06 (Landscaping scheme) of planning permission 07/01870/OUTM dated 17/07/08 – approved.

8.6 11 July 2011 (11/00748/AD): Application for approval of details pursuant to Condition 10 (Flood Risk Assessment) of planning permission 07/01870/OUTM dated 17/07/08 – approved.

8.7 11 July 2011 (11/00749/AD): Application for approval of details pursuant to Condition 02 (Material Samples) of planning permission 07/01870/OUTM dated 17/07/08 – approved.

8.8 11/01504/DOV – application **finally disposed of** – “Modification of planning obligation dated 30 June 2008 pursuant to application 07/01870/OUTM to remove the requirement to provide affordable housing.”

8.9 3 September 2013 (13/00909/AD): Application for approval of details pursuant to Condition 05 (Cycle Store), Condition 11 (pedestrian access restrictions) and Condition 12 (waste storage) of planning permission 07/01870/OUTM dated 17/07/08 – approved.

8.10 22 August 2014 (14/01178/S106BA): Application to modify the planning obligation (Section 106 agreement) dated 30/06/2008 pursuant to application 07/01870/OUT to remove the requirement to provide affordable housing **refused** for the following reason:

“Taking into consideration the evidence provided in support of this application and the fact that the development is complete (except for the provision of affordable housing), there is insufficient justification for modifying the Section 106 agreement to allow removal of the affordable housing requirement.”

7 January 2015: Appeal Dismissed

9 Recommendation

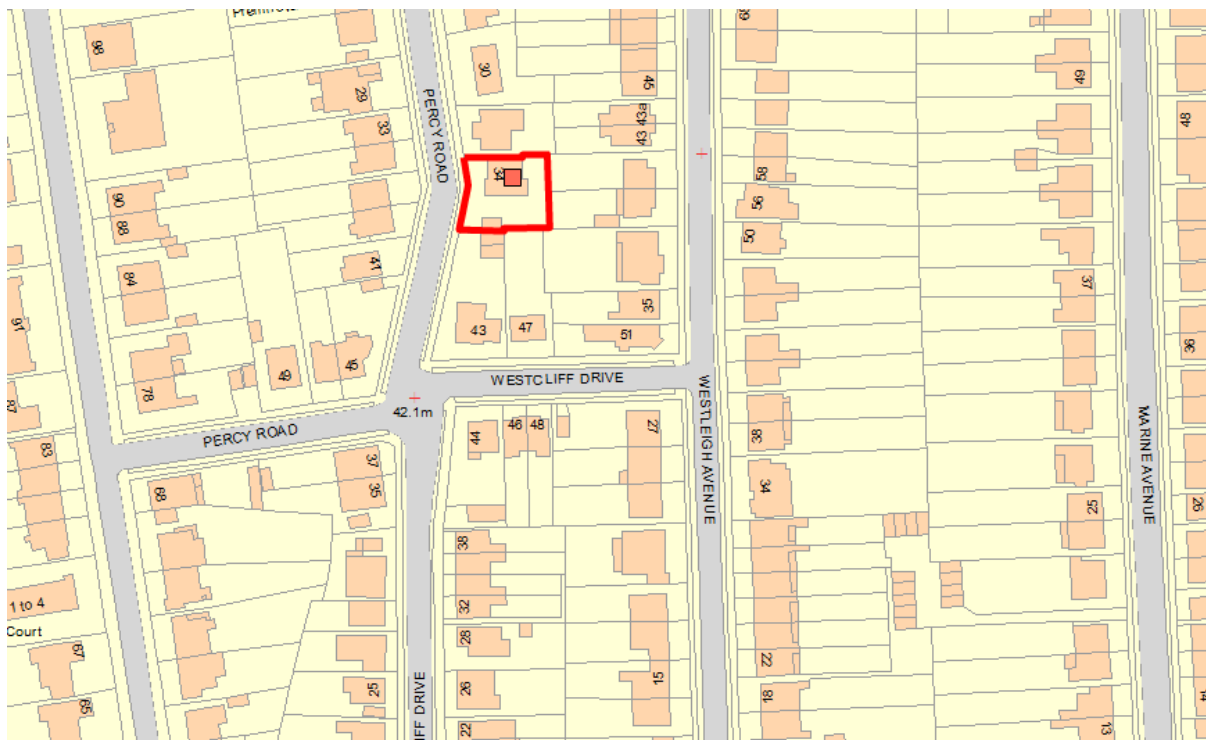
9.1 (a) Members are recommended to:

DELEGATE to Corporate Director for Place, Head of Planning & Transportation or Group Manager for Planning & Building Control to GRANT THE MODIFICATION TO THE SECTION 106 AGREEMENT dated 30 June 2008 pursuant to application 07/01870/OUTM to allow the following:

- **Contribution of £128,369 towards affordable housing provision within the Borough required as a consequence of this development in lieu of provision of affordable housing at 53 Pavilion Drive;**
- **Contribution payable on completion of the Deed of Variation.**

(b) In the event that the modification referred to in part (a) is not secured by means of a completed Deed of Variation within 90 days of the resolution to grant the modification to the Section 106 agreement, then the Corporate Director for Place, Head of Planning & Transportation or Group Manager for Planning & Building Control be authorised to refuse the application to modify the S106 agreement on the basis of the on-going breach of planning control.

Reference:	15/00086/FUL
Ward:	West Leigh
Proposal:	Demolish existing dwelling and erect two semidetached dwellings, layout parking to front and amenity space to the rear.
Address:	34 Percy Road, Leigh-On-Sea, Essex, SS9 2LA
Applicant:	Mrs H Collins
Agent:	Knight Gratrix Architects
Consultation Expiry:	19.02.2015
Expiry Date:	17.03.2015
Case Officer:	Janine Rowley
Plan Nos:	010; 011; 012; 013
Recommendation:	REFUSE PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought to demolish the existing single storey bungalow and erect 2 semi-detached 4 bed dwellings, with parking to the front and amenity space to the rear.
- 1.2 The dwellings proposed would be set over three floors and each dwelling is 7.5m wide x 7.9m-8.7m high x 11.1m deep. Each house would include 176sqm of habitable floorspace:
 - Ground floor entrance hall: living room, kitchen/diner-65sqm
 - First floor: two bedrooms, bathroom, ensuite bathroom-65sqm
 - Second floor: two bedrooms, storage and bathroom-46sqm
- 1.3 The existing bungalow is of a traditional design and the proposal is for a three storey contemporary design with gable projections.
- 1.4 One parking space per dwelling is proposed accessed from Percy Road. A small planting area is proposed to the front. To the rear an amenity area of approximately 55sqm-57sqm per dwelling is proposed.

2 Site and Surroundings

- 2.1 The existing property is a single storey bungalow located on the eastern side of Percy Road. The streetscene is mixed, consisting of bungalows, chalets and two storey semi-detached houses of various designs. To the north of the site is a chalet type dwellinghouse. To the south of the site adjoins the rear garden of properties in Westcliff Drive. Opposite the site are a number of larger semi-detached houses. It is noted that there are a few other single bungalows in the street interspersed in between the two storey properties.

3 Planning Considerations

- 3.1 The main considerations in relation to this application are the principle of the development, design and impact on character of the area, traffic and transportation issues and impact on residential amenity and sustainable construction.

4 Appraisal

Principle of Development

National Planning Policy Framework, DPD1 (Core Strategy) policies KP2, CP4, CP8; BLP policies C11, H3, H5 and the Design and Townscape Guide SPD1 (2009)

- 4.1 Policy H3 of the BLP states that in order to retain an adequate stock of small single family dwellinghouses, the borough council will normally refuse permission for the redevelopment or conversion of such properties which have a gross floor area, as originally constructed of 125sqm or less. The existing property has a floorspace of approximately 71sqm and is thus considered a small family house under policy H3. The aim of the policy is to retain an adequate stock of small family housing and maintain the residential appeal of streets. In this instance, the proposed demolition of the existing dwellinghouse would result in the loss of a small family dwellinghouse, for which there is a need in the borough, and be contrary to Policy H3 of the Southend on Sea Borough Local Plan and CP8 of the Core Strategy.
- 4.2 The supporting information accompanying this application states that the bungalow is in a reasonable state of repair, albeit that it requires significant modernisation were it to be maintained as a single family dwelling. However, the proposal would result in a gain of two large family houses, for which there is also a need in the borough.
- 4.3 On balance, there is no objection to the loss of the existing property.

Design and impact on the character of the area

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4; Borough Local Plan policies C11, H5 and Design and Townscape Guide SPD1.

- 4.4 The National Planning Policy Framework requires new development to reinforce local distinctiveness. Policy KP2 and CP4 of the Core Strategy, Policies H5, C11 of the Southend on Sea Borough Local Plan and the Design and Townscape Guide advocate the need for any new development to respect the character of the area and complement the local character.
- 4.5 The existing property is a single storey bungalow 9.2m wide x 7.9m-10.4m deep x 6.4m high, with a pitched roof. A single storey garage is located to the southern boundary of the site and the existing property has an amenity area of 161sqm for a two bedroom property.

- 4.6 The proposed development has been laid out in line with the building line to the north. However, it is sited on the forward most part of number 32 Percy Road to the north. The overall scale of the development is exacerbated given the location of the site on the bend of the road. Other properties within the streetscene are set much further back. The Design and Access Statement accompanying this application states that the overall scale, massing and size has been derived from the existing streetscene. However, the proposed height of the dwellinghouses ranges from 7.9m-8.7m, therefore 2.3m higher than the existing property on site. The proposal would also be set higher than the adjacent property no. 32 Percy Road to the north and given the development would be set over three storeys and forward siting would appear at odds with the streetscene, which is two storeys maximum. The proposed dwellings would not only be higher than the property to the north but also properties to the south resulting in an over-dominant form of development. The proposal, by reason of its height, scale and massing would appear out of keeping and result in a over-dominant form of development within the streetscene and unacceptable in this location, which is characterised by two storey dwellinghouses. This impact is exacerbated by its design which is discussed below. The proposal is therefore contrary to the National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy, Policy C11 and H5 of the Southend on Sea Borough Local Plan and the Design and Townscape Guide.
- 4.7 With respect to appearance, the applicant contends that the proposed design will dramatically improve an existing site, which is of poor architectural quality. The Design and Access Statement notes that the overall form has been designed to reference no. 32 to the north, which includes a projecting gable and it appears as a two storey dwellinghouse. Whilst the design in terms of its roof form has attempted to reference the chalet to the north, the overall roof form fails to integrate successfully with the streetscene. The varying roof forms of the proposed development including part hipped, part flat roof and 3 storey gable fail to integrate successfully and would be detrimental to the character and appearance of the streetscene. Furthermore, whilst it is acknowledged the gables have attempted to reference the bay windows and other gables within the streetscene, the design appears somewhat unresolved. The window detailing proposed also fails to complement the existing streetscene.
- 4.8 In terms of materials, the plans proposed to have new walls in face brickwork with smooth render finish. Timber cladding is proposed to the window surrounds and slate/shingle cladding to the front. The roof will be a new pitched roof tile and fibreglass flat roof to the projecting bay window. A timber/aluminium front door and double glazed windows and bi-folding doors to the rear. With regard to the materials, as noted above, the use of red brick and red/brown tile is a cohesive characteristic of the street and it is therefore considered that the proposed slate and what appears to be grey brick would appear incongruous in the streetscene in this location contrary to Policy C11 of the Borough Local Plan.

- 4.9 Landscaping will include a soft planting area to the front and lawned area to the rear together with a non-permeable surface to the front. Further details would be required on the hardstanding to ensure it complies with Policy KP2 of the Core Strategy. Policy C14 of the Borough Local Plan requires the need for new development to include landscaping as an integral part of any new schemes and this can be dealt with by condition.
- 4.10 In light of the above, the proposed development by reason of its design, materials, scale, appearance, massing and bulk fails to provide a positive addition to the streetscene resulting in a form of development out of keeping with the character and appearance of the surrounding area contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy and policies C11 and H5 of the Borough Local Plan and the Design and Townscape Guide.

Living Conditions for Future Occupiers

National Planning Policy Framework 2012, Borough Local Plan Policies H5 and H7 and SPD1, Development Management

- 4.11 The emerging Development Management Plan Document policy DM8 states that for three storey houses a minimum floor area of at least 100sqm is required. The floorspace proposed for the 4 bed (8 bed spaces) equates to 176sqm. Thus, no objection is raised to the room standards. Furthermore, all rooms would benefit from good outlook and daylight.
- 4.12 One of the core planning principles of the NPPF is that the planning system should *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*.
- 4.13 Whilst the Council’s Design and Townscape Guide states:
- “Outdoor space significantly enhances the quality of life for residents and an attractive useable garden area is an essential element of any new residential development”*.
- 4.14 The existing 2 bedroom bungalow has an amenity area to the east and south equating to 161sqm. The proposed 4 bedroom dwellings will have between 55sqm-57sqm of useable amenity space, which is not considered sufficient given the scale of accommodation proposed. The properties in this location include reasonably sized gardens. The lack of amenity space will be detrimental to the amenities of future occupiers and is indicative of overdevelopment of the site. This is contrary to Policy CP8 of the Core Strategy, emerging Development Management DPD and Policy H5 of the Borough Local Plan and the Design and Townscape Guide, which requires proposal to provide adequate areas of amenity space.

Traffic and Transportation

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4, CP3; BLP policies T8, T11; EPOA Parking Standards and the Design and Townscape Guide SPD1.

- 4.15 EPOA Vehicle Parking Standards (2001) state that an average 1.5 parking spaces should be provided per dwelling. The existing road is narrow and existing parking provision serving the property is 1 off street parking space and a garage. The proposed development provides one parking space per unit at each side of the property. The site is located within close proximity to West Leigh Infant School. The development does not provide satisfactory off-street car parking space for the occupants of the new dwellings and would lead to an increase in demand for on-street parking to the detriment of highway efficiency and safety, contrary to Policies CP3 of the Core Strategy; policies T8 and T11 of the Borough Local Plan; EPOA Parking Standards and advice contained within the Design and Townscape Guide SPD1 and the National Planning Policy Framework (NPPF). The proposal also fails to comply with the emerging policy DM15 of the Development Management Plan whereby 2 spaces per dwelling are required for dwellings such as those proposed.

Impact on residential amenity

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11, H5 and the Design and Townscape Guide SPD1.

- 4.16 The pair of semi-detached dwellinghouses will be set approximately 1.2m from the boundary to the north and south. The proposed dwelling nearest to no. 32 Percy Road to the north will project beyond the rear wall of that property by approximately 2.2m. Whilst the proposal complies with the notional 45 degree rule, there is concern the development will result in loss of light given the orientation of the development and rearward projection and result in an overbearing form of development to the detriment of amenities of existing occupiers at no. 32 particularly given the orientation of the building proposed to the south, which is exacerbated in relation to the overall height of the development 8m. Overlooking from flank windows can be dealt with by condition with obscure glazing to mitigate against any overlooking or loss of privacy.
- 4.17 The overall height of the development is 8.7m, set 5.7m-6m from the rear boundary and a further 15m-17m to the rear of nos. 39 and 41 Westleigh Avenue respectively. The proposed development due to its height and position in relation to 39 and 41 Westleigh Avenue would result in loss of privacy through unmitigated overlooking of the private amenity space and dwelling. Furthermore, the proposal would be overbearing on the amenities of nos. 39 and 41 Westleigh Avenue given the overall scale of the development proposed is three storeys. The proposal is therefore contrary to the provisions of Policy CP4 of the Core Strategy, Policies C11, and H5 of the Southend on Sea Borough Local Plan and the Design and Townscape Guide.

- 4.18 In terms of impact on the amenities of existing occupiers at nos. 43 and 47 Westcliff Drive, the nearest dwellinghouse proposed is set 1m of the boundary to the south and a separation distance of between 18m-21m to the rear elevations, which is considered sufficient to mitigate against any material harm in terms of overlooking, loss of privacy whereby windows to the flank elevation can be dealt with by condition to obscure glazed.
- 4.19 In relation to the dwellings to the west of the site directly opposite the proposals site, there is a 21m separation distance between the development and nos. 35, 37 and 39 Percy Road. However, whilst there is a separation distance taking into account the three storey dwellinghouses proposed the development would still result in a perceived overlooking to the detriment of existing occupiers adjacent to the site contrary to Policy CP4 of the Core Strategy and Policy H5 of the Borough Local Plan.

Sustainable Construction

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and the Design and Townscape Guide SPD1.

- 4.20 National guidance and relevant planning policy statements together with Policy KP2 of the Core advocate the need to ensure design maximises the use of sustainable and renewable resources in the construction of development. It also states that all development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources and at least 10% of the energy needs of new development should come from on-site renewable options and sustainable urban drainage systems shall be successfully integrated.
- 4.21 A sustainability statement accompanies this application detailing various technologies that will be employed including whole house vent system, low energy lighting, reduction in energy consumption, heating, drainage. Whilst the applicant details commitment to CO² emission no details have been submitted in relation to 10% renewable energy as required by Policy KP2 of the Core Strategy. Given the type of the development proposed a condition can be imposed to ensure full details are submitted to the Council and details of sustainable urban drainage systems are imposed.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework
- 5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance)
- 5.3 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations, T8 (Traffic Management and Highway Safety), T11 (Parking Standards), C14 (Trees, Planted Areas and Landscaping), H5 (Residential Design and Layout Considerations), H3 (Retention of Small Dwellinghouses)

- 5.4 SPD1 Design & Townscape Guide 2009
- 5.5 EPOA Vehicle Parking Standards (2001)
- 5.6 Waste Management Guide
- 5.7 Development Management Plan

6 Representation Summary

Design and Regeneration

- 6.1 Percy Road is a mixed street of bungalows, chalets and two storey semi-detached and detached houses of various designs and ages. There is no consistent style or form of property although the buildings generally on a consistent building line with generous frontages. The most cohesive characteristic of the street is the materials which include red brick, white render and red/brown tile.

The proposal site contains a small bungalow which is set on a relatively wide but narrow plot. To the north is a recently constructed chalet, to the south the site adjoins the rear garden of properties in Westcliff Drive. Opposite the site there are a number of larger semi-detached houses. It is noted that there are a few other single bungalows in the street that are interspersed in between the taller houses.

The proposal seeks to demolish the existing bungalow and erect a pair of 3 storey semi-detached houses. Given the mixed character of the street and the width of the plot it would be difficult to argue that the redevelopment of the site for two properties of a larger scale would be out of character in the streetscene, however, the proposal for 3 storeys would appear at odds with the streetscene which is characterised by two storeys or less (although it is noted that one or two properties have rear dormers which cannot be seen from the street). Therefore whilst there may be an argument for two storeys, it is considered that the proposed fully visible 3 storeys to the front would be out of character and unacceptable in this location.

Notwithstanding the in principle objection to 3 storeys there is also a concern with the roof design and form of the proposal. The Design and Access Statement notes that the proposal has been designed to take direct reference from number 32 (which is a more conventional chalet) but the resultant form is not a chalet but a vertically slate clad box bolted onto a 3 storey gable with a part hipped and part flat roof. This element appears more as a poorly designed side extension than an integrated design. There is also a concern regarding the roof form at the rear where the flat roofed element will be fully visible. It is considered that this form is unresolved and would be detrimental to the character of the street. It is not necessary in this location, which has such a mixed character and juxtaposition of property scales, for the proposal to provide a 'transitional' scale or design to the adjacent chalet, however, it should be a maximum of two storeys.

In respect of the other features there is no objection to the principle of a gable feature to the front which references other bays and gables in the street, to the canopy feature providing it is slender in depth and well detailed or to a modern design generally in this location but the overall proposal needs to be better resolved.

In terms of building footprint there is no objection to the building line or width. The proposed depth does not impact on the design, however, in this case, where the site is so narrow so there will be a trade-off between amenity space and accommodation and this needs to be carefully balanced as well as any potential overlooking concerns for the properties to the rear.

With regard to the frontage there seems to be scope for 1 parking space and a reasonable area of landscaping but for a 4 bed house this may not be considered enough parking. If the number of bedrooms were reduced this may be more acceptable. It is important that a significant amount of soft landscaping and some form of boundary wall is incorporated into the frontage. In any case the telegraph pole and street tree may prevent further hardstanding.

In terms of accommodation the rooms seem to be of a reasonable size and layout, but as mentioned above the depth of the site has impacted on the amount of amenity space which is only about 52m² for the northern unit. This is rather small for a large 4 bed family house.

With regard to the materials, as noted above, the use of red brick and red/brown tile is a cohesive characteristic of the street and it is therefore considered that the proposed slate and what appears to be grey brick would appear incongruous in the streetscene in this location. It would be possible to achieve a modern design which incorporates materials which are more characteristic of the street.

Sustainability

The commitment to CSH level 3 is welcomed. It is noted that MVHR is proposed as the renewables however it has not been demonstrated that 10% renewables can be met so further details will be required.

Traffic and Transportation

- 6.2 Percy Road and the surrounding area suffer from considerable parking stress therefore it is not considered that providing 1 car parking is sufficient for 2, 4 bedroom houses. Therefore a highway objection as the proposed could have a detrimental impact on the availability of on street parking in Percy Road and the surrounding area and does not meet the requirements of EPOA parking standards.

Leigh Town Council

6.3 Objection

The proposal would be a serious overdevelopment of the site, trying to squeeze in 2 houses, each with 4 large double bedrooms, 3 large bathrooms and a cloakroom. The overdevelopment is also indicated by the fact that 3 storeys are needed to contain all the accommodation; all other houses in the area are 2 storey.

Not only would this be considerably higher than the house to the north, but there are only gardens to the south so it would look be over-dominant and incongruous in the street scene. It would be out of character with, and detrimental to, the street scene in terms of height, mass, design and materials.

The private gardens are very small for large 4 bed houses, which is out of character with the other gardens in the area.

Only one parking space is provided per house and it is highly unlikely that such houses would have only one car each. Therefore this would not comply with BLP policy T11 which states that permission will not normally be granted for any development which would give rise to additional demand for on-street parking. This is already limited because of the narrowness of the road and all the vehicle crossovers.

Because of the projections at the side of the front doors and the angle of the front boundary, the car parking space provided for the north house barely complies with minimum requirements for practical parking, if it does.

Being so close to Westleigh Schools, the road is congested with cars, parents and children morning and afternoon and the site is on a dangerous bend and near the dangerous junction with Westcliff Drive so any extra cars would be a liability.

The rear windows, particularly the large 2nd floor ones, would overlook the houses and private gardens in Westleigh Avenue from too close, resulting in loss of privacy, contrary to SPD1 paragraph 213.

The side windows would overlook the houses and gardens in Westcliff Drive, which is lower than Percy Road.

The new higher building would cut sun and light from the rear, and particularly the private patio, of No.32 directly to the north of the proposal.

There are far too many different materials, textures and colours used on the building, which make it look like a collection of material samples.

The proposal also means the regrettable loss of an attractive well-maintained bungalow

Public Consultation

6.4 A site notice displayed on the 29th January 2015 and 12 neighbours notified and 19 letters of representation received:

- Loss of privacy;
- Loss of light;
- Overlooking;
- Out of keeping with the surrounding area;
- Overdevelopment of the site;
- Dominates the street;
- Too high;
- Too close to surrounding boundaries;
- Loss of a bungalow;
- Inadequate parking/access;
- Design and Access Statement incorrect;
- Over bearing;
- Design out of keeping;
- Two semi-detached houses for this small plot is overdevelopment;
- A single family home would be much more appropriate;
- One parking space for the size of the houses is not acceptable as cars will result in parking on the street, which is already narrow;
- No. 34 is not particularly deep and the proposed two houses given their overall size would be unreasonable.
- The current garden is very small and the bulk of the garden to the side of the property, the garden space proposed seems very small for the size of the dwellings;
- Current housing is varied in Percy Road but the maximum height is 2 storeys, 3 storeys is completely unacceptable;
- Design and materials of the proposed houses very imposing and dominating;
- Windows will result in overlooking;
- Current bungalow provides a light and airy aspect, which will be diminished;
- Plot two small.

6.5 Councillor Evans has requested this application be dealt with by Development Control Committee.

7 Relevant Planning History

7.1 None.

8 Recommendation

8.1 Members are recommended to:

REFUSE PLANNING PERMISSION for the following reasons:

- 1 The proposed development by reason of its excessive scale, height, bulk, mass, detailed design and materials and limited outdoor space would appear incongruous and out of keeping within the streetscene to the detriment of the appearance and character and appearance of the area and represent overdevelopment of the site contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Core Strategy; Policies C11 and H5 the Borough Local Plan and advice contained within the adopted Design and Townscape Guide (SPD1).**
- 2 The proposed development due to its height, bulk and position in relation to neighbouring properties would result in an overbearing dominant form and result loss of privacy through unmitigated overlooking contrary to the National Planning Policy Framework, Policy CP4 of the Core Strategy, Policies C11, H5 of the Southend on Sea Borough Local Plan and the Design and Townscape Guide.**
- 3 The development does not provide sufficient off-street car parking space for the occupants of the new dwelling(s) and would lead to an increase in demand for on-street parking to the detriment of highway efficiency and safety, contrary to Policies CP3 of the Core Strategy; policies T8 and T11 of the Borough Local Plan; EPOA Parking Standards and advice contained within the Design and Townscape Guide SPD1 and the National Planning Policy Framework (NPPF).**

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

Reference:	15/00066/FULH
Ward:	Milton
Proposal:	Erect single storey building opposite 5 Park Terrace (Amended Proposal)
Address:	5 Park Terrace, Westcliff-On-Sea, Essex, SS0 7PH
Applicant:	Mr Jim Lawrence
Agent:	New World Designers
Consultation Expiry:	17 th February 2015
Expiry Date:	13 th March 2015
Case Officer:	Anna Tastsoglou
Plan Nos:	2461/10/34A
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought to erect a pitched roof single storey building opposite 5 Park Terrace (amended proposal). The proposed finishing materials would include slate tiles to the roof, timber sash windows, timber painted doors and Stock bricks to the external walls.
- 1.2 The development would measure 3.8m wide x 8.3m deep x 2.5m high to the eaves, with a maximum height of 4 metres and it would accommodate a storage unit.
- 1.3 A Heritage Statement accompanies the application, where it is stated that the land belongs to No.5 Park Terrace, it is currently used for parking. The reason for the proposal is to store maintenance equipment for the dwelling (lawn mower, hedge cutters, etc.) and also machinery from the householders' personal business carried out ancillary to the main dwelling.
- 1.4 It appears from the photos taken during the site visit and the Council's maps that the existing/proposed site plan and location plan are not consistent, having not incorporated the two existing garages attached to the first horizontal row of garages to the south of the residential unit. However, this is not considered to have an impact on decision making regarding the proposed development and therefore, the application can be progressed using the submitted plans.
- 1.5 An application for the erection of a single storey building has been previously submitted and refused for the two following reasons:
 - 1) *The proposed building by reason of its size, scale and unresolved design would be overly dominant, out of keeping with and to the detriment of the character and appearance of the Milton Conservation Area contrary to the National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Borough Local Plan Policies C4, C11 and H5 and the Design and Townscape Guide, 2009 (SPD1).*
 - 2) *The proposed building by reason of its height, siting in close proximity to the northern boundary, would be dominant and result in loss of light to the adjoining neighbours (No's 9 to 15 Park Terrace), to the detriment of residential amenity contrary to Policies KP2 and CP4 of the Core Strategy; Policies C11 and H5 the Borough Local Plan and advice contained within the adopted Design and Townscape Guide (SPD1).*

Moreover, two applications for the erection of a two storey building comprising garage to ground floor and 1 studio flat to first floor have been previously submitted and refused for size and design reasons.

1.6 Incorporated amendments from the previously refused application include the following:

- The width of the building has been reduced by 1.7 metres, the depth by 0.4 metres and the maximum height by 0.8 metres.
- The building would have a rectangular shape, unlike the previously proposed irregular shape.
- Soft and hard landscaping north and east of the dwelling is also proposed.

2 Site and Surroundings

2.1 The application site includes a two storey detached chalet bungalow with roof accommodation located at the end of the rear gardens of Park Terrace, Park Road and Avenue Road. The property has more than an average sized rear garden, relative to the properties in Park Terrace and an existing garage to the south side of the dwelling. The application itself relates to a small plot opposite the No. 5 Park Terrace, not within the curtilage of the residential unit. When the site visit was carried out the plot was used a parking space.

2.2 The surrounding area is residential in character. This part of Park Terrace to the south consists of two storey dwellings, of similar style and design, characterised by front and rear gable projections with bay windows to ground and first floor and render finishing with timber detailing. However, the style and design of the application dwelling is completely different to the dwellings in Park Terrace, being a chalet bungalow with a high steep gabled roof with a pitched roof dormer window to side.

2.3 The application site is located within Milton Conservation Area.

3 Planning Considerations

3.1 The key considerations in relation to this application are the principle of the development, design and impact on the character of the area, any traffic and transport issues and impact on residential amenity.

4 Appraisal

Principle of Development

NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Southend-on-Sea Borough Local Plan Policy C11 and H5 and SPD 1 (Design & Townscape Guide (2009))

4.1 The site is occupied by a residential dwelling. It is stated that the proposed storage unit would be used to store maintenance equipment for the dwelling and also machinery from the householders' personal business, which would remain ancillary. An ancillary building to the main residential use of the site is considered acceptable in principle. Other material planning considerations are discussed below.

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

NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Southend-on-Sea Borough Local Plan Policies C4, C11 and H5; SPD 1 (Design & Townscape Guide (2009))

- 4.2 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies C11 and H5 of the Borough Local Plan and in the Policies KP2 and CP4 of the Core Strategy. The Design and Townscape Guide (SPD1) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 4.3 In the NPPF it is stated that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* (Paragraph)
- 4.4 Policy C11 of the Borough Local Plan 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”*. Policy H5 also requires *“all development within residential streets to be appropriate in its setting by respecting neighbouring development, existing residential amenities, and the overall character of the locality.”*
- 4.5 According to Policy KP2 of the Core Strategy states that new development should *“respect the character and scale of the existing neighbourhood where appropriate”*. Policy CP4 of the Core Strategy requires that development proposals should *“maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”*.
- 4.6 The site lies within Milton Conservation Area. Policy C4 of the Borough Local Plan states that:
- “(i) the position and design of the new buildings should respect the general pattern of the development of the area, and should preserve or enhance as appropriate its townscape;*
(ii) the mass of extensions and new buildings should be in scale and harmony with the existing and neighbouring buildings and with the area as a whole;
(iii) the proportions, detailing and materials of extensions, alterations and new buildings should be appropriate to the area and sympathetic to the existing and neighbouring buildings”.

- 4.7 Paragraph 358 of The Design and Townscape Guide (SPD1) states detached buildings “*should be designed to complement the character of the associated building.*”
- 4.8 The proposed development involves the erection of a pitched roof single storey detached building, which is not located within the curtilage of the dwelling, but instead opposite the residential unit to the rear of the Park Terrace properties No’s 9 to 15. The shape of the outbuilding has been amended to rectangular, so that it would not follow the boundary lines of the irregular shaped plot. Its scale and size has been reduced and also its maximum height (4 metres) is considered that it would be associated with residential single storey outbuildings. It should be noted that whilst the development would not be visible from the wider public realm, it is easily visible from the surrounding development. It would lie within the Conservation Area and as such, it should be in harmony with the existing buildings. In the heritage statement submitted is stated that the proposed materials would be in keeping with the materials of the Conservation Area and also it is considered that the mass, scale and design of the amended proposal would preserve and enhance the character of Milton Conservation Area. Therefore, the first reason of refusal has been overcome. However, in the submitted plans the proposed windows are not sash windows, which are characteristic of the area. Furthermore, the store door should be split vertically into two open outwards timber doors and not be an up and over shutter style door as shown in the plans. A condition for the materials of both the windows and door to be submitted and agreed should be imposed to preserve the appearance of the Conservation Area.
- 4.9 With regard to the history related to the plot, as noted above a single storey outbuilding has been previously refused by reason of its scale and design and also dominance and loss of light to the neighbouring properties to the north. It has been also twice refused permission for the erection of a two storey building comprising garage to the ground floor and one studio flat to the first floor. For both applications scale and design were reasons for refusal. In comparison to the last submitted application the ground floor footprint of the building has been reduced from 43.5m² to 24.2 m² and also its maximum height. Its proximity to the northern boundary has been increased and therefore, no further objection is raised to the amended proposal in terms of size and design.

Traffic and Transport Issues

NPPF; DPD 1 (Core Strategy) Policies CP3; Southend-on-Sea Borough Local Plan Policies T8 and T11; EPOA adopted Vehicle Parking Standards 2001

- 4.10 According to the Borough Local Plan – Policy T11 the provision of off-street car parking spaces is required where appropriate. In the Essex Planning Officers Association (EPOA) Parking Standards it is set out that the maximum off-street parking provision is 1.5 spaces per dwelling. However, this provision can be reduced to the maximum of 1 space per dwelling for the main urban areas, which have good access to public transport. Moreover, with respect to the NPPF the use of public transport is encouraged instead of the car use.

- 4.11 The site is currently used for parking. However, the application site already has an existing garage. According to the guidance, one parking space in an urban area such as this, which is located in very close proximity to the town centre and also close to public transportation, is considered acceptable. Concerns have been raised from the local residents with regard to the local parking pressure that the vehicles that currently parked on site would cause. However, the provision of one parking space is sufficient to serve the development in policy terms and the proposed development would not increase the demand for parking spaces. Therefore, there is no requirement for more parking spaces provision in relation to the site or the proposed development.
- 4.12 With regard to the highway safety, the proposed development would not block the existing shared drive to the garages and as such, it is not considered that it would cause obstruction and be detrimental to the highway safety.

Impact on Residential Amenity

NPPF; Southend-on-Sea Borough Local Plan Policies C11 and H5; SPD 1 (Design & Townscape Guide (2009))

- 4.14 The Design and Townscape Guide (SPD1) states that “*extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.*” (Paragraph 343 - Alterations and Additions to Existing Residential Buildings).
- 4.15 Unlike the last refused proposal, a separation distance would be maintained to the southern (rear) boundary of the neighbouring properties to the north (No’s 15, 11 and 9 Park Terrace). The development would be located approximately 6m, 7.5m and 9m from the south (rear) walls of properties 15, 11 and 9 Park Terrace respectively. The height of the proposed building has been reduced by 0.8 metres (4m maximum height) and furthermore, its size has been reduced significantly. Therefore, it is not considered that the development would have a detrimental impact on the amenity of adjacent neighbours to the north, in terms of sense of enclosure or loss of light.
- 4.16 With regard to the property to the west, the building would be sited 300mm from the western boundary. The neighbouring property is sited up to the western boundary of the site and it is a two storey building, however its use is unknown. The proposed development would be lower than the existing building to the west and it would not extend further either to the north or south from the neighbouring building’s north and south building line. Therefore, it is not considered that it would have any harmful impact on the amenities of the occupier of the adjoining property to the west.
- 4.17 No windows are proposed to the north and west side elevations and as such the neighbours’ privacy would not be adversely affected.

4.18 As noted above the development would be located opposite (approximately 5.6 metres) the residential unit to which it relates. To the south are located the neighbouring garages. Therefore, it is not considered that the proposed windows to the east elevation would give rise to a material increase in overlooking.

5 Conclusion

5.1 The proposed development, subject to appropriate conditions, is considered to be in accordance with the Development Plan.

6 Planning Policy Summary

6.1 The National Planning Policy Framework (2012) : Section 7 (Requiring Good design) and Section 4 (Promoting sustainable transport)

6.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles), CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance)

6.3 Southend-on-Sea Borough Local Plan Policies C4 (Conservation Areas), C11 (New Buildings, Extensions and Alterations), C14 (Trees, Planted Areas and landscaping), H5 (Residential Design and Layout Considerations), T8 (Traffic Management and Highway Safety), and T11 (Parking Standards).

6.4 Supplementary Planning Document 1: Design & Townscape Guide (2009)

6.5 Essex Planning Officers Association (EPOA) adopted Vehicle Parking Standards (2001).

7 Representation Summary

Milton Conservation Society

7.1 No comments have been received with regard to the amended proposal.

Design and Regeneration

- 7.2
- The heritage statement comments that the window is timber sash and the door timber but the plans do not seem to show this. The store door should be split vertically into two and open outwards not up as shown.
 - The scale of the amended proposal is much more appropriate for this location and the form of the proposal is much better resolved. There is no longer an objection to this subject to the following conditions:
 - Landscaping (hard and soft) to be agreed
 - The building should be yellow London stock brick and slate roof as number 9 Park Terrace. A red decorative ridge tile would be welcomed.
 - The doors shall be painted timber with a vertical split into two and opening outwards not upwards
 - The window shall be timber sliding sash
 - The fascia boards and soffits shall be painted timber

Public Consultation

- 7.3 Eight neighbours were consulted and a site notice posted on site and two letters have been received objecting for the following reasons:
- The shadow cast/loss of light over the neighbouring gardens.
 - The domination of the neighbouring gardens by the high pitched roof.
 - Safety concerns for vehicle users using the garages.
 - Limited access to the site for emergency and delivery vehicles via a right of way.
 - Increased parking in the surrounding area.
 - Excessive storage space when there is already a brick building in the garden of 5 Park Terrace which should provide sufficient storage for lawn mower, hedge cutters ect.
 - Doubts about the proposed use of the building.
 - The development would restrict the views of the neighbouring properties.
 - The proposed building is not suitable for the site.
 - The proposed pitched roof of the building would not blend with the existing dwelling.
 - There is a tree in the site which needs to be removed in order to carry out the development. This has not been noted in the application form.

[Officer comment: It should be noted that restriction of views is not a planning consideration. Regarding the existing tree that should be removed is not preserved by 'Tree Preservation Order' and therefore consent is not required for its removal. All other planning considerations are assessed above.]

7.4 Councillor Ware-Lane has requested that this planning application go before the Development Control Committee for consideration.

8 Relevant Planning History

8.1 04/01764/FUL - Retain detached building to rear garden (Retrospective). Planning permission refused.

8.2 08/00386/FUL - Erect two storey building comprising garage to ground floor and 1 studio flat to first floor on land adjacent to 5 Park Terrace. Planning permission refused.

8.3 09/00191/FUL - Erect two storey building comprising garage to ground floor and 1 studio flat to first floor on land adjacent to 5 Park Terrace. Planning permission refused for the following reasons:

- 1) *The proposed dwelling as a result of its limited size and lack of direct light and limited size and quality of amenity space, would result in a poor standard of living accommodation detrimental to the amenities of future occupiers, contrary to National Policies PPS1 and PPS3, Policies KP2 and CP4 of DPD One Southend on Sea Core Strategy, SPD One Southend on Sea Design and Townscape Guide and Policy H5 of the Borough Local Plan.*
- 2) *The proposed development by reason of its size, scale and unresolved design would be out of keeping with existing development and detrimental to the character and appearance Milton Conservation Area and thereby contrary to PPS1 and PPS3, DPD One Southend on Sea Core Strategy Policies KP2 and CP4, SPD One Southend on Sea Design and Townscape Guide and Borough Local Plan Policies C11 and H5 and Policy ENV7 of the East of England Plan.*
- 3) *The proposed dwelling by reason of its height and proximity to the neighbouring properties 9 to 13 Park Terrace would appear an obtrusive and overpowering feature when viewed from the neighbouring properties detrimental to residential amenities and contrary to Policies C11 and H5 of the Borough Local Plan.*
- 4) *The entrance to the proposed dwelling and pedestrian access to the site of the proposed development would result in a conflict between pedestrian and vehicle users would and thereby be detrimental to pedestrian and highway safety, contrary to Policy T8 of the Borough Local Plan.*
- 5) *The applicant has failed to demonstrate that the proposed development incorporates sustainable construction and design issues and the use of renewable energy resources, contrary to Policy KP2 of DPD One Southend on Sea Core Strategy.*

8.4 14/01431/FULH - Erect single storey building opposite 5 Park Terrace. Planning permission refused for the following reasons:

- 1) *The proposed building by reason of its size, scale and unresolved design would be overly dominant, out of keeping with and to the detriment of the character and appearance of the Milton Conservation Area contrary to the National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Borough Local Plan Policies C4, C11 and H5 and the Design and Townscape Guide, 2009 (SPD1).*
- 2) *The proposed building by reason of its height, siting in close proximity to the northern boundary, would be dominant and result in loss of light to the adjoining neighbours (No's 9 to 15 Park Terrace), to the detriment of residential amenity contrary to Policies KP2 and CP4 of the Core Strategy; Policies C11 and H5 the Borough Local Plan and advice contained within the adopted Design and Townscape Guide (SPD1).*

9 Recommendation

Members are recommended to:

GRANT PLANNING PERMISSION subject to the following conditions;

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 2461/10/34A

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

03 No development shall take place until details/samples of materials to be used on the external elevations including windows and doors 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: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy C11, and SPD1 (Design and Townscape Guide).

- 04 No development shall take place until details of soft and hard landscape works have been submitted to and approved by the local planning authority.**

Reason: To ensure that the development is satisfactory in terms of its appearance and that it makes a positive contribution to the amenity of future occupants in accordance with DPD1 (Core Strategy) policy KP2 and CP4, Borough Local Plan 1994 policy C11, H5 and SPD1 (Design and Townscape Guide.

- 05 The outbuilding hereby permitted shall only be used for purposes ancillary to the residential use of the dwelling known as No. 5 Park Terrace.**

Reason: To safeguard the character and amenities of the area and to safeguard the amenities of adjoining residential properties, in accordance with Policies C11 and H5 of the Southend on Sea Borough Local Plan.

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.