

Southend-on-Sea Borough Council

Agenda
Item

Report of the Corporate Director of Place
To
Development Control Committee
On
15th April 2015

Report(s) on Planning Applications

A Part 1 Agenda Item

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Reference:	14/02043/FULM
Ward:	Victoria
Proposal:	Demolish existing buildings, erect part 3/part4 storey block comprising 55 affordable flats, 395sqm retail commercial floorspace at ground floor, communal amenity space, landscaping, parking and associated works.
Address:	411-415 Sutton Road Southend on Sea
Applicant:	Dove Jeffrey Homes and Moat Homes
Agent:	Mr Adam McLatchie Dove Jeffrey Homes
Consultation Expiry:	31st March 2015
Expiry Date:	17th April 2015
Case Officer:	Charlotte Galforg
Plan Nos:	200A, 201A, 202A, 203A, 204A, 205A, 206A, 207A, 208A, 209A, 210.
Recommendation:	Delegate to the Head of Planning and Transport or the Group Manager of Planning and Building Control to GRANT PLANNING PERMISSION subject to completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (As Amended).



1 The Proposal

- 1.1 It is proposed to redevelop the existing site for housing. The existing buildings would be demolished and it is proposed to erect a part 3 part 4 storey block of 55 flats. There would be 13 x 1 bedroom flats and 42 x 2 bedroom flats. It is proposed that all units would be social rented affordable housing.
- 1.2 The ground floor would comprise a retail unit to the southern part with residential flats to the northern part. The parking area to serve both would be laid out to the rear. The upper floors would be solely used for residential purposes. Balconies would be provided for a number of the units and a large communal amenity area would be provided at roof level.
- 1.3 The development would be of a contemporary design, with a flat roof. The third storey of the development would be set well back from the front of the development and also set back to a lesser degree from the rear, therefore significantly reducing its impact within the street scene.
- 1.4 The proposed materials are buff brick and white render, with grey UPVC windows. Fencing, would be erected on boundaries and the hardstanding is proposed to be permeable block paving.
- 1.5 A total of 75 car parking spaces are proposed together with 73 cycle parking spaces. A new layby is proposed to be created within the highway to the front of the development, together with parking bays. 55 spaces would serve the residential development, with 11 on site to serve the commercial and 9 on street car parking spaces created. Two vehicular accesses are proposed to serve the development, one at the southern end of the site to serve the commercial units and parking and one to the northern end, to serve the residential units.
- 1.6 The opening hours of the retail units are proposed to be 0700 – 2300 hours, 7 days a week.
- 1.7 The applicant has undertaken extensive pre-application discussion with officers.
- 1.8 The applicant has also submitted the following supporting documents: Design and Access Statement, Planning Statement, Transport Assessment, Residential Travel Plan, Commercial Market overview, Landscape Strategy, Surface Water Drainage Strategy, Waste Strategy, Ecology Assessment, Energy Statement, Noise Assessment, Contamination Survey, Arboricultural Survey.

2 Site and Surroundings

- 2.1 The application site lies on the western side of Sutton Road, between the junction of Vale Avenue and Kenway. The site covers an area of 0.3 hectares. Buildings currently occupy the majority of the site. The existing buildings on the site are primarily 2-storey, with the main height focused on the street frontage with a parapet roof detail. Some of the buildings are rendered in white, others are brick. Generally they have critall windows. This site and the buildings on it, form part of a significant block with a long, linear street frontage. There is at present a limited area of off street parking to the front of the buildings, although this currently results in vehicles overhanging the footpath, is of a poor quality, and has a negative visual impact. There is a run of mature street trees to the front of the site. There are a number of existing vehicular accesses crossing the pedestrian footpath.
- 2.2 Whilst currently unoccupied, the applicant states that the buildings were last used by Crown College in part for storage purposes and in part for teaching. It should be noted that there is no record or the necessary planning permission having been granted for teaching purposes. The last authorised use of the site therefore was for B8 (warehouse) employment use.
- 2.3 Development around the site is generally two storey, however a small, three storey block of flats has recently been erected opposite the site. Also to the north of the site, at the junction of Sutton Road and East Street lie a number of blocks of 4 storey, flat roof, flats. To the north and south of the application site lie commercial units. Opposite to the east is a mix of two storey houses, flats and shops with flats above. To the rear (west) of the site, lie the two storey residential properties in Glenhurst Road. These have rear gardens which abut the site.
- 2.4 It should be noted that permission has recently been granted at 427 Sutton Road to “Demolish existing building and erect three storey building comprising of six flats with landscaping to rear, cycle storage and refuse storage” (ref 14/00029/FUL). Furthermore, permission was granted in 2011 at 257 - 285 Sutton Road to Demolish existing buildings, erect two four and five storey blocks comprising 97 self-contained flats. (11/00087/FULM).
- 2.5 The site is allocated as an industrial site (Policy E4 applies) within the Borough Local Plan and as proposals site PS10b within the emerging Southend Central Area Action Plan (SCAAP).

3 Planning Considerations

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

4 Appraisal

Principle of development

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

- 4.1 One of the Core Planning Principles of the NPPF is to “encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”
The proposed development meets this requirement.
- 4.2 Borough Local Plan (Policy E4) and Core Strategy (Policies KP2 and CP1) policies generally seek to protect existing retail and employment generating uses. Policy CP1, of the Core Strategy, states that permission will not be granted for proposals involving the loss of business uses unless this would bring clear benefits. These benefits could include the creation of jobs, the extinguishment of a use which is incompatible with the amenity of the area or when the premises are no longer suitable for industrial or warehouse use. It should also be noted that the NPPF outlines the commitment of the Government to the promotion of a strong stable and productive economy.
- 4.3 The proposal would result in the loss of land capable of supporting employment generating uses within the borough. There is a limited amount of employment land, and it is the policy of the Council to protect such uses unless evidence can be provided that the business use has been marketed and found to be no longer viable.
- 4.4 Policy CP1 also states that this will only be allowed when the proposal clearly demonstrates it will contribute to the objectives of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and contribution to the local area.
- 4.5 Crown College have confirmed that building 417-419 has been empty since they purchased the site in 2009, although it has occasionally been used for storage in association with the College. 411 – 415 were used until February 2014 for teaching and training of young people in construction and motor mechanics.

- 4.6 The applicant has submitted evidence in support of the case that the site is no longer viable for employment purposes. The site has been marketed since May 2014 with no suitable tenant found and enquiries relating mainly to temporary letting. The agent believes this was largely due to the location and condition of the buildings. It is suggested that other employment sites nearby are more attractive to potential occupiers.
- 4.7 The site is included within an area allocated as Proposal site PS10b – Sutton Road within the SCAAP. The SCAAP states: “The Council, as part of the preparation for this plan looked at the potential for change across a series of sites within the Sites in the Sutton Neighbourhood Gateway improving the appearance of the area generally, and taking into account the need to improve the way that existing and new residential and commercial development may relate to each other. This Site is currently in employment use fronting Sutton Road and [the buildings are] coming to the end of their natural life. Immediately to the south there have been a number of redevelopments which are transforming the area to a more residential use. It found that in the area within this Proposal Site there was a juxtaposition of residential and older employment sites creating a slightly run down feel and a need for coherence in the street form and character.”

Policy PS10b states (inter alia): The Council will support the redevelopment of this area for high quality housing with supporting uses at ground floor such as café bar/community facilities. Although the SCAAP is an emerging policy and not yet formally adopted it gives an indication of the approach that the council is seeking to take in this location. It also, at paragraph 546, recognises the potential of the area to provide affordable housing.

- 4.8 The SHLAA and ELR both also identify the Sutton Gateway Neighbourhood as offering opportunity for additional housing. They state that this should be complemented by enhancements to Sutton Road to uplift the residential environment – removing redundant street furniture (such as the bollards to the front of the site adjacent to the pedestrian crossing for example), and other enhancements (which could include tree planting, landscaping, cycle parking, quality permeable surface materials). The applicant states that the development provides 395 sqm of retail commercial floorspace, which will generate local employment in excess of that that came from the previous College use. (Although it is noted that no detail of employment numbers have been submitted).
- 4.9 Taking all these factors into account, it is considered that, provided that the submitted scheme would regenerate the area in a suitable manner to uplift it, then no objection is raised in principle to a mixed commercial and residential development on this site.

Housing mix

- 4.10 To create balanced and sustainable communities in the long term, it is important that future housing delivery meets the needs of households that demand private market housing and also those who require access to affordable housing. Providing dwellings of different types (including tenure) and sizes will help to promote social inclusion by meeting the needs of people with a variety of different lifestyles and incomes. A range of dwelling types will provide greater choice for people seeking to live and work in Southend and will therefore also support economic growth. The Council therefore seeks to ensure that all residential development provides a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing, to reflect the borough's housing need and housing demand.
- 4.11 The application proposes a mix of 1 bed and 2 bed dwellings of which 100% would be for affordable rent. The proposals do not therefore appear to comply with the dwelling mix as set out in para 4.10.
- 4.12 The applicants have submitted supporting evidence from Moats Homes Limited (a registered provider). This states that they have been working with the applicants collaboratively and that the mix of dwellings has been discussed with the Councils Housing team. They state that they have considered 3 bed units on this site, however that from a housing management perspective 3 bed [flatted] units are hard to let and are not a popular housing solution. Houses suit this need better. Moat state that they would work with SBC to discuss a local lettings plan (i.e. to promote the development to local people). The applicants state that the development includes 2, 3 and 4 person accommodation, which allows for a variation in end users and creates a more sustainable environment and sense of community with a balance provision across current housing needs.
- 4.13 The Councils Housing team have stated that they welcome the provision of Affordable Housing as proposed. They confirm that MOAT's assessment of the housing need in the borough is in line with the demand for social housing as per our Housing Register. They also note that the nearby Weston Homes site (319-321 Sutton Rd) has had the affordable element removed from its development, and therefore they support the 100% affordable rent on this site in order to help achieve a mixed tenure in the larger area.
- 4.14 Therefore in this instance no objections are raised to the units sizes or the tenure mix.

Retail use

- 4.15 Policy CP2 of the Core Strategy relates to Town Centre and Retail Development. It states that “Southend Town Centre will remain the first preference for all forms of retail development and for other town centre uses attracting large numbers of people”. The policy sets out the hierarchical preference for provision of retail development.
- 4.16 The NPPF also examines the impact of retail development on town centres and states at para 26: “When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sqm m)...”
The Council has an up to date development Plan and the application site is well below the NPPF threshold and therefore no sequential test is considered necessary.
- 4.17 Whilst the application site lies within the Southend Central Area, it lies outside the Town Centre. As noted above it is recognised within the SCAAP that mixed uses would be appropriate in this area. The retail use is relatively low key and it is not considered that it would compete with the existing town centre uses, or those within the local centres as defined within the Core Strategy. The proposed small scale retail use could be considered to provide a local facility to support the housing use and to serve the local community. For these reasons there is no objection in principle to a retail use of the size proposed, as part of the mixed development on this site.
- 4.18 To conclude, the regeneration of this site is anticipated within the SHLAA and ELR and the emerging action plan. The site is brownfield, but currently underused and does not benefit Sutton Road. The proposed development will have the potential to regenerate not only this site and may also spark regeneration of the wider area. The proposed commercial floorspace has the potential to yield operational jobs once completed and occupied. Therefore no objection is raised in principle to the redevelopment of the site as proposed.

Design, regeneration and the impact on the character of the area.

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

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

- 4.20 The NPPF also states at paragraph 56:
“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”
- 4.21 Policy CP4 of the Core Strategy states “Development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend” and “promoting sustainable development of the highest quality and encouraging innovation and excellence in design to create places of distinction and a sense of place”.
The need for good design is reiterated in policies C11 and H5 of the BLP and Policies KP2 and CP4 of the Core Strategy, the Design and Townscape Guide and emerging policy SCAAP policy CS2.
- 4.23 This application site is identified in the emerging SCAAP. Policy PS10b sets out general design/layout criteria for the site and states (inter alia):
“The Council will require the building design, form and massing to:
a. have regard to residential buildings on the opposite side of Sutton Road and contribute positively to repairing the street scene in this area;
b. Provide for a new area of public open space.
- 4.24 Existing buildings on the site are primarily 2-storey, with the main height focused on the street frontage with a parapet roof detail. The buildings on site are nearing the end of their natural life. This site and the buildings on it, forms part of a significant block with a long, linear street frontage which offers regeneration potential, providing an opportunity for a high quality building on the site and to enhance the quality of the local streetscene and public/private realm, with active ground floor uses. There is at present an area of parking the front of the building which is of a poor quality, and has a negative visual impact. There is a run of mature street trees to the front of the site which is a positive feature that should be retained and enhanced by additional tree planting and landscaping, complimenting a quality built form.
- 4.25 From a design perspective there is no objection to demolition of the existing buildings and the comprehensive, residential-led regeneration of this side is welcomed, however the detailed design, scale and massing of the proposals, together with the use of materials, are key to recognising the Council’s aims of regenerating Sutton Road as set out in the emerging SCAAP.

Relationship to Context

- 4.26 Whilst predominantly 2 storey, there is a mix of development within this Sutton Road frontage, varying from single storey commercial units, to 4 storey flatted blocks. Properties are a mix of ages and designs. It is noted that permission has recently been granted for a 4-5 storey block at 275 Sutton Road. It should be noted that an application on the adjacent site 427 (ref 13/00461/FUL) was refused in 2013 on the grounds that a four storey development was out of keeping with the streetscene. However this was an infill site sandwiched between low two storey development and the application site. Permission has since been granted for a three storey development on this site.
- 4.27 It is considered that the development site, given its size, could be argued to have the potential to change the overall character of the street block and as part of the wider regeneration of the area, a degree of four storey development would be considered acceptable, provided the design of the development ensures that the visual impact and the scale of that four storey element is reduced as much as possible and that, in addition, the development enhances the overall area in other ways as set out in the SCAAP (PS10b). Whilst the proposal is for a 4 storey block, the third floor is set back well into the site and the general impact of the development in the streetscene will be that of a three storey development. Therefore no objection is raised to the scale of the development.
- 4.28 *Detailed Design* – The applicants have been through pre application discussion with the Council and this has resulted in refinements to the design of the development, reducing scale and mass and improving detail. There is no objection to the overall scale of the development, and generally the contemporary approach to design is considered to be acceptable, the front elevation is well articulated, with various design details providing relief from the horizontal form of the building, however there are some concerns regarding the detailed design of the whole scheme as follows:
- Ground floor – the bin stores currently project forward of the main pedestrian entranceways. Revised plans have been requested seeking to afford the entrance more prominence.
 - Side elevations – will have some public impact yet are relatively poorly articulated. Revised plans have been sought to address this.
 - Rear elevation – revised plans have been sought to achieve greater articulation and detailing.
 - Front elevation – revised plans sought to add more balconies, vary the position of window openings and provide more focus to the pedestrian entranceways.

The applicants have been requested to address these concerns and revised plans are awaited.

- 4.29 Public realm enhancements – these will be a welcome element of the scheme and in line with the principles set out in the emerging SCAAP (proposal site policy ps10b and policy dp10), and should contribute to the regeneration of this part of Sutton Road. Details have not been provided and as such will need to be agreed by condition relating to the scheme including: hard and soft landscaping, tree planting, street furniture and lighting. It is noted that the description on the plan refers to a seating area and soft landscaping which would be encouraged, however it is considered that there is scope to incorporate some of the visitor cycle parking here also.
- 4.30 Boundary treatment – details of all boundary treatments will be provided and agreed by means of condition. The detailed design of the front boundary to the residential element of the scheme will be particularly critical. The side boundaries also have public impact and should be of an appropriate quality – again brick boundary walls (rather than fencing) with planting would be preferred. It is noted that some of the letters of objection have raised concern regarding the loss of the existing high rear wall, and a replacement wall would have a more positive impact on the occupiers of properties to the rear than the proposed fence.
- 4.31 Parking/Access – positively, block paving is proposed to the commercial parking access way, leading from the street, this is however not replicated to the residential access, which is to be laid to tarmac. It is noted that tarmac is proposed to the parking spaces to reduce costs, and while a better quality surface material would be encouraged it is noted that these spaces are relatively well screened (and softened by landscaping), nonetheless the use of block paving to the entrance/access way into the site should be continued around to the residential element of the scheme to ensure an attractive entrance to the site is created to both sides, enhancing vistas from the street. Revised plans have been sought. Details of the landscaping/tree planting will be subject to condition together with surface materials and details of proposed bollards.
- 4.32 Trees – a number of existing trees are, positively, to be retained and will be conditioned to be protected during the proposed works. It is considered that they are sited far enough from the proposed residential properties not to come under future pressure for undue pruning or removal.

Regeneration and uplift of the area

- 4.33 The development together with the proposed enhancements to the highway and public realm should result in the desired regeneration of the area.
- 4.34 To conclude, the development is considered to meet the current Policy requirements and those of the emerging SCAAP. It is considered that the development represents an exciting opportunity to regenerate this brownfield site, which would uplift the Sutton Gateway neighbourhood.

Traffic and Transport

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

- 4.35 The site is set in a sustainable location. It is located within walking distance of Southend East station which connects with London Liverpool Street and is adjacent to cycle routes and bus routes. The site is within ready walking distance of the town centre and its associated amenities and is also located close to the A13 and A127, Southend to London arterial roads.
- 4.36 The scheme is accompanied by a Traffic Assessment containing access, parking and servicing strategies.
- 4.37 The scheme includes alterations to the highway to create a loading bay and parking spaces to the front of the development.

Traffic Generation

- 4.38 Trip Generation has been assessed using the recognised TRICS database. The modelling assessed the impact of the development. The TA suggests that the retail unit will be used for local and top up shopping and therefore would not have a material impact on the highway network. The TA ascertained that the residential development would result in an additional 29 traffic movements an hour during peak period. This would not result in a material impact on traffic in the area. Highways officers have raised no objection on this basis.

Car Parking

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

- 4.41 Commercial– parking standards for commercial development are maxima standards within the current and emerging policy. The application includes 11 spaces within the site to serve the retail use. It also provides additional on street car parking to the front of the site in Sutton Road (this would be also be used for loading at certain times). It should also be noted that there are time restricted on street car parking spaces opposite the site. Taking all these factors into account The amount of parking proposed to serve the retail use is considered adequate.
- 4.42 A travel plan has been submitted for the residential elements of the development. It is considered that a Travel Plan is also required for the commercial element and this has been sought along with amendments to the residential Travel Plan. These plans will set out a number of initiatives and measures which will be implemented with a view to reducing reliance on the private car and maximising the used of sustainable transport modes. Implementation of these Travel Plans will be a requirement of the S106 Agreement.
- 4.43 The applicants have shown cycle parking spaces to be provided centrally within the site to serve the residential development. However there does not appear to be any shown to serve the commercial development. This is required and some should be provided to the front of the retail development to encourage shoppers to use it. There is room within the site to achieve this so this issue can be addressed by condition.

Access and Servicing

- 4.44 The main pedestrian and vehicular accesses to the development are from Sutton Road. This is acceptable. Residential waste will be collected at the front of the site using a loading bay with associated parking restrictions to allow for delivery vehicles for the commercial unit. Residential bin stores are located to the front of the site. The bins stores as shown are slightly smaller than would normally be sought and the applicants have been requested to address this issue. With regard to refuse collection for the commercial element, this can take place on site or within the highway. There is sufficient space to enable a freighter to enter the site, manoeuvre and leave in a forward gear. These collection points are considered acceptable. A Waste Management Strategy will be required by condition, covering both residential and commercial and refuse management.
- 4.45 A contribution of £4000 is required to fund the traffic regulation order for the development. This will be achieved through the S106 Agreement.
- 4.46 Servicing and waste facilities to serve the development are therefore considered acceptable.
- 4.47 Taking all these factors into account proposed development is considered to meet with policies T8, T11, T12 and T13 of the BLP and CP3 of the Core Strategy with regard to traffic generation, parking, access and servicing.

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

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

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

Outlook, sunlight and daylight and overlooking.

- 4.49 The scheme has been designed taking into account the impact on the living conditions of neighbouring residential occupiers. The block has been brought forward to the site's Sutton Road frontage in order to maximise distance between the block and the residential properties in Glenhurst Road which back onto the site. The Essex Design Guide (which although not adopted by the Council gives guidance on back to back overlooking distances) generally requires 25m between the rear of properties. The application proposal provides approximately 35m between the rear of the new block and the dwellings in Glenhurst Road. The rear of the residential building is set back some 11.5m from the west boundary of the site. There are no balconies on the rear elevation. Thus the development is not considered to result in an unacceptable degree of overlooking of the adjacent occupiers.
- 4.50 The submitted plans include elevations showing the relationship of the proposed development and the properties in Glenhurst Road. This demonstrates that the development will not breached a line of 45 degrees taken from the ground floor windows of the properties in Glenhurst Road. Thus the development will not result in a loss of light to habitable rooms in those properties. The new development lies to the east of Glenhurst Road and there may be some loss of light to the far ends of the amenity space areas in the morning, however it should be noted that currently the rear of the factory units abut the rear boundary and will have a greater impact on light than the proposed buildings which are set some distance (11.5m) from the site boundary. Thus this impact is not considered such that it would warrant refusal of the application.
- 4.51 With regard to dwellings in Sutton Road, there will be overlooking towards properties in Sutton Road but this is a situation that commonly occurs across streets and is not considered to result in material harm, particularly taking into account the width of the street.
- 4.52 It is concluded that the proposed development will therefore not have a significant impact on surrounding buildings and amenity spaces in terms of daylight, sunlight and overshadowing.

Noise and disturbance

- 4.53 The applicant has submitted a noise impact assessment with the application, which examines not only the impact on surrounding development but also future occupiers of the development, as requested by the Councils Environmental Health Office. The applicant has assessed the noise impact on residents from the development, including any ventilation/extraction etc. and considered what mitigation measures are required.
- 4.54 The noise and disturbance emanating from the residential uses of the site will be relatively low and similar to those generally expected within a residential area. The proposed uses would not give rise to disturbance to surrounding occupiers.
- 4.55 Traffic noise from servicing etc. will be restricted as it is intended that this would generally be carried out from the bays to the front of the site. Delivery hours will also be restricted in order to protect residents of the surrounding area and the new flats. Noise from ventilation ducting etc. will be controlled through the use of suitable conditions and is not anticipated to give rise to material harm.
- 4.56 Construction noise will be mitigated by use of hoardings around the development, carrying out construction in accordance with best practice and limiting the permitted hours of construction.
- 4.57 It is also necessary to take into account the fact that the site could be reused for employment purposes and there are no restrictions on hours of operation at present.

Lighting

- 4.58 Any externally lighting can be controlled by the use of suitable conditions to ensure that the light source is directed away from surrounding residential occupiers and is not excessively bright and will not therefore cause detrimental intrusion of light.
- 4.59 Thus it is not considered that the development will result in noise or disturbance to surrounding occupiers.

Impact on future occupiers

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

Size and layout of units

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

Amenity Space

- 4.63 Private outdoor space is an important amenity asset and provides adults and children with external, secure recreational areas. It is considered that this space must be useable and functional to cater for the needs of the intended occupants. All new residential units will be expected to have direct access to an area of private amenity space.
- 4.64 The proposal provides approximately 900m² of amenity space, comprising 796m² of roof terrace and the remainder provided as balconies. This equates to 16.4m² per dwelling. It is noted however, that the rear units don't have direct access to any amenity space, and that the balconies to the front would experience significant levels of noise from traffic which will limit their usefulness. However on balance the amount and quality of amenity space is considered acceptable to meet the needs of occupiers. Notwithstanding this the applicants have been requested to consider enlarging the front balconies in order to increase their usefulness.

Noise

- 4.65 The noise assessment submitted with the application, examines the impact on future occupiers of the development. Traffic noise levels surrounding the development are high. Mitigation measures will be necessary to achieve a suitable noise environment for occupiers, and acoustic glazing will be required to the new flats. The developer has submitted information to demonstrate that with suitable acoustic glazing in place, noise levels for occupiers of the units will be at an acceptable level. Details of the noise mitigation measures will be controlled by the use of suitable conditions

Ventilation and extract ducting

- 4.66 Any mechanical extraction, ventilation or air conditioning plant, would need to be carefully located and designed in order to prevent statutory noise or odour nuisance. A fully detailed specification for the ventilation strategy will need to be developed at construction phase of the development and details for the commercial element will be based to an extent on the future occupiers. Officers are satisfied that the details of the mechanical extraction, ventilation or air conditioning plant can be satisfactorily incorporated into the development and can therefore controlled by the use of a suitable condition.

Sustainable Construction

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

- 4.67 Policy KP2 sets out development principles for the Borough and refers specifically to the need to:
- “include appropriate measures in design, layout, operation and materials to achieve:*
- a reduction in the use of resources, including the use of renewable and recycled resources.*
- All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. At least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in SPD 1 Design and Townscape Guide, wherever feasible. How the development will provide for the collection of re-usable and recyclable waste will also be a consideration.....*
-development proposals should demonstrate how they incorporate ‘sustainable urban drainage systems’ (SUDS) to mitigate the increase in surface water run-off...”*
- 4.68 The applicants have submitted a Sustainability and Energy Statement in support of their application. These set out how the energy needs of the development might be met and looks at all the possible options. The statement provided outlines that 16.55% of the energy needs of the development are to come from on-site photovoltaic panels, which would be sited on the roof of the fourth storey. This meets the requirement of policy KP2
- 4.69 In accordance with policy the proposals will incorporate a Sustainable Drainage system (SuDs) to manage water runoff from buildings and areas of hardstanding if the site allows.

- 4.70 Overall the sustainability credentials of the development are considered to be acceptable. The proposed sustainability measures are generally considered to be acceptable and subject to an appropriate condition, the development is therefore considered to meet the requirements of policy KP2.

Ecology

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

- 4.71 The applicants have carried out an ecological assessment of the site. The site has a low ecological value at present, although the buildings do have the potential to provide a roost for bats. Remarkably a slow worm was found within the existing buildings and this has now been properly relocated. As part of the application, proposals are suggested to enhance the biodiversity of the site. This would be assisted by appropriate planting and the installation of bird boxes etc. which will be controlled by a landscaping condition. Arboricultural protection measures will be put in place for the existing trees to the front of the site.
- 4.72 Thus provided suitable enhancements measures are put in place, the development will enhance biodiversity on the site.

Flood risk and drainage

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

- 4.73 The application site lies within Flood Zone 1 does not lie within a flood zone. Therefore Environment Agency Standing Advice is application will be applicable. This requires refers to the management of surface water run-off and seeks a SuDs approach to drainage. The applicants have stated that SuDs will be implemented if site conditions allow and this can be controlled by the use of suitable condition.
- 4.74 The impact of the development is therefore considered to meet the requirements of the NPPF and will not have an adverse impact in relation to increased flood risk.

Developer contributions.

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

4.75 The Core Strategy Police KP3 requires that:

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

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

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

4.76 Affordable Housing – The development is proposed to be 100% Affordable housing for affordable rent. The Department for People (Housing) welcomes the provision of Affordable Housing as proposed within this application. They consider that MOAT’s assessment of the housing need in the borough is in line with the demand for social housing as per our Housing Register, which shows a need for one and two bedroom affordable housing in the borough. They also give weight to the fact that the nearby Weston Homes site in Sutton Rd) has had the affordable element removed from its development, and therefore support the 100% affordable rent on this site in order to help achieve a mixed tenure in the larger area. Taking all these factors into account, in this instance the provision is considered to meet with the Councils policy requirements and is considered acceptable.

4.77 Education – Given that this development will be 100% Affordable Housing no education contribution will be sought.

4.78 Highways works – Highways works are proposed to the front of the site to create the additional loading and parking bays. These works should be detailed within the S105 Agreement. A contribution of £4000 is also sought to fund the necessary TRO for the development. Furthermore a contribution to providing real time information signage at the bus stop adjacent the site is sought.

- 4.79 Public realm enhancements – These will be a welcome element of the scheme and in line with the principles set out in the emerging SCAAP (proposal site policy ps10b and policy dp10), and should contribute to the regeneration of this part of Sutton Road. These will be integral to the highways works and incorporated into the S106 Agreement with details required by condition relating to the scheme including: hard and soft landscaping, tree planting, street furniture and lighting. It is noted that the description on the plan refers to a seating area and soft landscaping which would be encouraged, however it is considered that there is scope to incorporate some of the visitor cycle parking here also (bringing it into a more visible and accessible location than as currently proposed to the rear) together with cycle parking for the commercial unit (it is not clear from the plan where this is to be located). The public realm improvements will be controlled as part of the S106 Agreement.
- 4.78 Public Art - Consistent with the objectives of the adopted Design and Townscape Guide SPD, the Council seek either a contribution towards public art as part of the development or provision of public art on site to an equivalent value. The starting point for contribution would be a sum equivalent to 1% of development costs. It is not considered that the fact that the applicants are providing 100% AH negates the requirement for Public Art of justifies non provision. Discussions are on-going with the applicants in this respect.

Monitoring fee

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

Other Considerations

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

- 4.81 *Decontamination-* The site is classed as being potentially contaminated land. A desk study report has been provided, which indicates that further intrusive investigation is required to be undertaken. This will be controlled by condition and mitigation measures put in place.

Community Infrastructure Levy Regulations

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

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

The conclusion is that the planning obligation outlined in this report meets all the tests and so constitutes a reason for granting planning permission in respect of application 14/02043/FULM

5.0 Conclusion

5.1 This development represents an opportunity to redevelop and regenerate a redundant employment site in accordance with emerging DM and SCAAP policy and to provide a development of 55 Affordable homes and a small retail unit designed to serve local residents. The scale of the development is acceptable, and subject to minor revisions, the contemporary design is also considered to be appropriate for the area. The proposed alterations to the highway and public realm will also enhance the area and help uplift this part of Sutton Road. Parking is provide to meets the needs of the occupiers and the traffic generation associated with the development will not have a negative impact on surrounding traffic flow, The development is sited sufficiently distant from residential properties in Sutton Road to avoid overlooking and loss of light or other amenity. Subject to completion of a suitable S106 Agreement the development is therefore considered to be in accordance with National and Local Planning Policies and is considered to be acceptable.

6.0 Planning Policy Summary

6.1 NPPF - National Planning Policy Framework: Achieving sustainable development, Core Planning Principles, Policies: 1. Building a strong, competitive economy; 4. Promoting sustainable transport, 6. Delivering a wide choice of high quality homes; 7. Requiring good design; 8. Promoting healthy communities; 10. Meeting the challenge of climate change, flooding and coastal change; 11. Conserving and enhancing the natural environment.

6.2 DPD1 (Core Strategy) Policies- Key Policies, KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP1 (Employment Generating Development); CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure); CP8 (Dwelling Provision).

- 6.3 BLP Policies; C7 (Shop and Commercial Frontages and Fascias), C8 (Advertisements) C11 (New Buildings, Extensions and Alterations, C14 (Trees, Planted Areas and Landscaping), E4 (Employment and Industry), E5(Non-Residential Uses Located Close to Housing), H5 (Residential Design and Layout Considerations), H7 (Formation of Self-Contained Flats), T1(Priorities), T8 (Traffic Management and Highway Safety), T11 (Parking Standards), T12 (Servicing Facilities); T13 (Cycling and Walking), U1 (Infrastructure Provision), U2 (Pollution Control), U5 (Access and Safety in the Built Environment).
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide (2009).
- 6.5 Supplementary Planning Document 2: Planning Obligations (2010)
- 6.6 EPOA adopted Vehicle Parking Standards 2001.
- 6.7 Development Management DPD(DM) (Submission document)
- 6.8 Employment Land Review (ELR) 2010
- 6.9 Strategic Housing Land Availability Assessment 2010
- 6.10 Southend and Central Area Action Plan (SCAAP) (Consultation document)

7.0 Representation Summary

- 7.1 **Anglian Water** –Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

The foul drainage from this development is in the catchment of Southend Water Recycling Centre that will have available capacity for these flows.

The sewerage system at present has available capacity for these flows. The connection must be made to the sewer that flows north towards the WRC, a connection to the sewer that flows south is unacceptable. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

The surface water strategy/flood risk assessment submitted with the planning application is not relevant to Anglian Water and therefore this is outside our jurisdiction for comment and the Planning Authority will need to seek the views of the Environment Agency.

We will request that the agreed strategy is conditioned in the planning approval.

- 7.2 **The Curator Central Museum** – No response
- 7.3 **EDF Energy** – No response

- 7.4 **Fire Brigade** – Access for Fire Service Purposes has been considered in accordance with the Essex Act 1987 Section 13. The arrangement should be in accordance with the Approved document to Building Regulation B5. More detailed observations on access and facilities for Fire Service will be considered at Building Regulation consultations stage.
- 7.5 **Police Architectural Liaison Officer** - no response
- 7.6 **Environment Agency** – response awaited.
- 7.7 **British Gas** – no response
- 7.8 **Police Licensing Liaison Officer** – no response
- 7.9 **Parks** – The submitted report and tree related material submitted seems to be appropriate, however the developer should be required to develop in accordance with the Arboriculturist report and its recommendations. The parks department will pursue compensation from the developer based on the full CAVAT value of the street trees potentially affected if they are damaged in any way.
- 7.10 **Traffic and Highways** - Car Parking - A total of 75 car parking spaces have been provided for the proposal. 55 residential spaces, 11 commercial spaces and 9 public parking bays to the front of the site. Secure cycle parking has also been provided for residents along with 18 cycle spaces for visitors. The site does benefit from being in a very sustainable location with regard to public transport, bus stops and rail stations are within close proximity as well as local amenities. The proposed parking for vehicles and cycles meet current parking standards. The applicant has also carried out a parking survey which has indicated that on un restricted on street parking is available within the area. Given the above there are no parking objections raised.

Servicing - Residential waste will be collected at the front of the site using a loading bay with associated parking restrictions to allow for delivery vehicles for the commercial unit. Refuse collection for the commercial element will enable a freighter to enter the site manoeuvre and leave in a forward gear. These collection points are considered acceptable. Required Traffic regulation contribution £4000

Travel Plan - The applicant has provided a residential travel plan with detailed information about promoting sustainable travel options, further information and details are required and a retail Travel Plan should be submitted. The applicant has also agreed to provide travel packs to all future occupants

Trip generation - The previous warehouse use would have generated a negligible number of vehicle movements which would have had little or no impact on the highway network. The applicant has used the TRICS software system and census information to demonstrate that the proposed retail development will serve the local population, creating limited traffic movement and that the residential development has an anticipated am peak traffic movement of 20 vehicles and a pm peak movement of 29 vehicles.

Given the information supplied as part of the application in the design and access statement, travel plan and transport statement it is not considered that the proposal will not have a detrimental impact upon the local highway network. Therefore no highway objections are raised.

7.11 **Design – Use –** Sutton Road is identified within the Core Strategy DPD as one of the Priority Urban Areas as the focus for regeneration and renewal. This site is designated in the Borough Local Plan as being for the protection of employment use (saved policy E4), and justification of the loss of employment use would be needed to satisfy this and the requirements of Core Strategy Policy CP1. Supporting information has been provided in this regard, including a letter from the former college which has now vacated the site and it is important to note that the emerging DM DPD (policy DM11) does not carry forward this designation. Furthermore, the emerging SCAAP (policies PS10b and DP10) seek to support the redevelopment of this area of Sutton Road for high quality housing with supporting uses at ground floor, such as community facilities, bar/café. It also recognises the potential of the area to provide affordable housing (paragraph 546). The SHLAA and ELR both also identify the Sutton Gateway Neighbourhood as offering opportunity for additional housing. This should be complemented by enhancements to Sutton Road to uplift the residential environment – removing redundant street furniture (such as the bollards to the front of the site adjacent to the pedestrian crossing for example), and other enhancements (which could for example include tree planting, landscaping, cycle parking, quality permeable surface materials – to be agreed as part of the public realm improvements forming part of this scheme). This opportunity should not be lost, particularly given the positive impact the redevelopment of this site could have on the regeneration and renewal of the local area.

Ground floor – the bin stores project forward of the main pedestrian entranceways and it would be desirable to see the entrances afforded more focus. As a minimum, could the entranceways be brought forward in line with the bin stores, and a canopy provided over. Unit ENT_05 is a 2 bed (4 person) dwelling, regrettably however the proposed layout sees the 2nd bedroom located to the rear, where it looks directly onto the car parking spaces and there are concerns with this approach given the impact on the living conditions of this unit. There may be scope to reconsider the layout here, so that a one bed unit is located to this side allowing for the corridor (or kitchen) to be situated to the rear for example (as per the layout of ENT_04). As noted below, it would be desirable to see some of the visitor cycle parking located in a more visible position to the front of the site, as proposed it is tucked away behind the building.

Side elevations – will have some public impact yet are relatively poorly articulated. There is potential to incorporate timber panelling, found elsewhere on the development, below the windows to add a little more interest and texture.

Rear elevation – large area of undercroft created here, detailing will be key, including signage, lighting and materials to ensure the pedestrian entrances are well signposted and easy to access. The front elevation is well articulated, with various design details providing relief from the horizontal form of the building, and there may be scope to incorporate this to a greater extent to the rear.

Front elevation – well articulated, frame detail/balconies/projections help to break up the massing and add interest. There may be scope to add more balconies, vary the position of window openings and provide more focus to the pedestrian entranceways for example.

Unit size mix – a supporting statement has been provided to outline the case for providing only 1 and 2 bed units, and 100% affordable, on the site. Previous pre-app comments have noted the lack of family sized accommodation provided on the site, and the emerging standards set out in the DM DPD (Policy DM7) regarding tenure mix – supported by the Council's Combined Policy Viability Study 2013, which assessed the cumulative impact of adopted and emerging policies with cost implications within Southend's local planning framework – and size mix – as informed by the SHMA 2013. http://www.southend.gov.uk/downloads/download/268/combined_viability_study

Communal and private terraces – positively provide useable amenity areas for residents. Details will need to be agreed by condition including: boundary treatments (it is not clear from the plans how private spaces will be made private for example), balustrade detail and fixings, hard and soft landscaping, furniture and lighting.

Balconies – have been successfully incorporated to a number of units, it is noted that none of the rear units benefit from these however (although there is the communal roof terrace). This may be a matter of dealing with overlooking/perceived overlooking, however if there is scope to provide any balconies to the rear this would be welcome. To the front, there may be scope to increase the size of the smaller balconies to make them more useable, e.g. to unit ENT_21, ENT_22, ENT_24, ENT_41, ENT_43, ENT_44, ENT_46, these could for example extend across the lounge/bedroom.

Public realm enhancements – will be a welcome element of the scheme and in line with the principles set out in the emerging SCAAP (proposal site policy ps10b and policy dp10), and should contribute to the regeneration of this part of Sutton Road. Details have not been provided and as such will need to be agreed by condition relating to the scheme including: hard and soft landscaping, tree planting, street furniture and lighting. It is noted that the description on the plan refers to a seating area and soft landscaping which would be encouraged, however it is considered that there is scope to incorporate some of the visitor cycle parking here also (bringing it into a more visible and accessible location than as currently proposed to the rear) together with cycle parking for the commercial unit (it is not clear from the plan where this is to be located).

The planning statement draws reference to a number of the Council's SPDs, but does not refer to SPD3 the Streetscape Manual, which should be referenced in this regard as it includes a palette of materials and street furniture to ensure a coordinated approach across the Borough (the scheme may provide opportunity for bespoke furniture however to contribute to creating a distinctive sense of place).

Boundary treatment – details of all boundary treatments should be provided and agreed by means of condition. The detailed design of the front boundary to the residential element of the scheme will be particularly critical. The side boundaries also have public impact and should be of an appropriate quality – again brick boundary walls with planting would be encouraged. It does not appear that any gates are proposed, however it might be helpful to confirm this and ensure details are agreed if they are.

Parking/Access – positively, block paving is proposed to the commercial parking access way, leading from the street, this is however not replicated to the residential access, which is to be laid to tarmac. It is noted that tarmac is proposed to the parking spaces to reduce costs, and while a better quality surface material would be encouraged it is noted that these spaces are relatively well screened (and softened by landscaping), nonetheless the use of block paving to the entrance/access way into the site should be continued around to the residential element of the scheme to ensure an attractive entrance to the site is created to both sides, enhancing vistas from the street. Details of the landscaping/tree planting will need to be agreed by condition together with surface materials. A bollard system is proposed between the residential and commercial parking area and details should be agreed.

Trees – a number of existing trees are, positively, to be retained and should be appropriately protected during works, this could be dealt with by condition.

Renewable energy – the statement provided outlines that 16.55% of the energy needs of the development are to come from on-site pv panels, which meets the requirement of policy kp2. While it is noted that the pv panels are to be located on the 3rd floor roof, the exact location is not shown on the plans or elevations and this detail should be provided so that any visual impact can be assessed.

Suggested conditions - all hard and soft landscaping, balustrade materials and fixings, all boundary treatments, details of communal and private roof terraces, materials and fenestration, public realm scheme including hard and soft landscaping and street furniture, cycle store/cycle parking, bin store and substation details, tree protection, renewable energy (plans), bollards (parking area), undercroft detail.

7.12 **Education** – no response

7.13 **Environmental Health** - This new development proposal places dwellings fronting directly on to Sutton Road where road traffic noise levels are known to be high. An assessment has been carried out under PPG 24 to determine the noise exposure category of the dwellings affected by existing road traffic noise. The noise assessment submitted indicates that road traffic noise levels in this location place the development in category C of PPG 24, which states for a "C" that "planning permission should not normally be granted".

Therefore if planning permission is granted, the mitigation measures proposed in the noise assessment must be adhered to in order to ensure satisfactory internal noise levels for future residents.

The mitigation measures detail that enhanced glazing and acoustically attenuated ventilators are required. Mechanical ventilation is also mentioned.

It should also be ensured that any mechanical ventilation equipment or plant associated with the new development are assessed and mitigated so as not to be a nuisance to new habitants or existing dwellings. Noise from deliveries/commercial unit has not been assessed as the end use is unknown at this time.

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

The site is classed as being potentially contaminated land. A desk study report has been provided, which indicates that further intrusive investigation is required to be undertaken.

Conditions

1. A scheme for protecting the proposed dwellings from noise from road traffic shall be submitted to and approved in writing by the Council. Any works that form part of the scheme approved by the Council shall be completed before the permitted dwellings are occupied. Full details of the insulation scheme including predicted internal L_{max} and L_{Aeq} levels for the noise sources identified in the noise assessment shall be submitted with the insulation scheme. Glazing and ventilation should be selected with relevant acoustic properties as outlined in the Noise Assessment dated 18th December 2014. The noise prevention measures as installed shall be retained at all times thereafter.

A) Where habitable rooms will be exposed to noise levels that are in excess of Noise Exposure Category A in Planning Policy Guidance Note 24, mitigation should include a scheme of acoustic protection, submitted to and approved by the Council, sufficient to ensure internal noise levels no greater than 30 L_{Aeq}, T dB in bedrooms and living rooms with windows closed at any time. Where the internal noise levels will exceed 35 L_{Aeq}, T dB in bedrooms (night-time) and 45 L_{Aeq} T in living rooms (daytime) with windows open, the scheme of acoustic protection should incorporate acoustically screened mechanical ventilation. In addition in bedrooms the acoustic insulation shall ensure that the L_{max} level does not exceed 45.

B) Within gardens and amenity areas the daytime 07.00 to 23.00 hrs. level of noise should not exceed 55 dB LAeq free field. This excludes front gardens.

2. Extraction and ventilation equipment details relating to the commercial premises are to be provided and approved prior to installation – C11B

3. With reference to BS4142, the noise rating level arising from all plant and extraction/ventilation equipment shall be at least 5dB(A) below the prevailing background at 3.5 metres from the ground floor façades and 1m from all other façades of the nearest noise sensitive property. The plant must not have distinctive tonal or impulsive characteristics.

4. All deliveries and collections to be between: 07:00-19:00hrs Monday to Friday; and 08:00-13:00hrs Saturday; with no deliveries on Sundays or Bank Holidays.

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

6. Decontamination – C15A

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

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

Informatives

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

2. The developer should also consider control measures detailed in Best Practice Guidance "The control of dust and emissions from construction and demolition". http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp

3. A scheme of noise insulation required to be submitted to comply with a planning condition should be prepared by a suitably qualified and experienced noise consultant who would normally be member of the Institute of Acoustics and/or Association of Noise Consultants experienced in the preparation of noise insulation schemes.

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

- 7.14 **Housing** - Department for People welcomes the provision of Affordable Housing mentioned within this application. The Department for People would require that affordable housing units meet the latest Homes & Community Agency (HCA) Level 1 design standards set out in the Housing Standards Review and sustainable home code level 3/4 for affordable housing, which was adopted by the HCA, and which all Registered Providers (RP) would require section 106 affordable units to compile to, which is a requirement under the governments Affordable Homes Programme Framework 2011-2015 and 2015-2018.

MOAT's assessment of the housing need in the borough is in line with the demand for social housing as per our Housing Register. Please see below the current stats for households on the Housing Register, which demonstrates the need for one and two bedroom affordable housing in the borough.

It is also worth noting that the nearby Weston Homes site (319-321 Sutton Rd) has had the affordable element removed from its development, and therefore we are inclined to support the 100% affordable rent on this site in order to help achieve a mixed tenure in the larger area.

8.0 Public Consultation

- 8.1 Site notices posted and 65 neighbours notified. Press notice published.
- 8.2 13 letters of objection received from 12 addresses in Glenhurst Road and one petition with 54 signatures, raising the following issues:
- Overlooking and loss of privacy to dwellings and gardens
 - Overshadowing and loss of light
 - Four storeys too high will dominate skyline
 - Four storeys intrusive
 - Noise and disturbance
 - Impact of lighting from development
 - Protection from traffic noise by existing industrial buildings
 - Loss of existing boundary wall which gives privacy and protection.
 - Hedging is a greater risk could lead to intruders entering property
 - Insufficient parking for residents
 - Will lead to parking in Glenhurst Road where it is already difficult to park
 - Congested area
 - Site too large next to residential street
 - Too many flats in this neighbourhood
 - Impact on local amenities, schools etc.
 - Devalue property

- Disruption during construction works
- Precedent for redevelopment of other commercial buildings

New shops will impact on existing businesses.

9.0 Relevant Planning History

9.1 None relevant to this application

Recommendation

10.0 Members are recommended to:

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

- **55 units of affordable housing (100% overall provision) comprising 55 units affordable rent.**
- **Public art contribution/provision - to a value of up to 1% of development costs.**
- **Highways/public realm works to include but not limited to the following:**
 - **Provision of Travel Packs for residents.**
 - **Residential Travel Plan.**
 - **Retail Travel Plan.**
 - **Creation of a loading bay/parking spaces within the existing Sutton Road highway, removal of existing redundant crossovers, removal of existing redundant street furniture, installation of new street furniture and paving.**
- **Section 106 Monitoring fee equivalent to 4% of any monetary contribution and £750 per non-monetary Head of Term.**

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

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

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

02 The development shall be carried out in accordance with the approved plans: 200A, 201A, 202A, 203A, 204A, 205A, 206A, 207A, 208A, 209A, 210.

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

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

Reason: To safeguard character and appearance of surrounding area in accordance with Policies H5 and C11 of the BLP and KP2 and CP4 of the BLP

04 The development shall not be occupied until 55 car parking spaces to serve the residential units and 11 car parking spaces to serve the retail units have been provided on hardstandings within the curtilage of the site, together with properly constructed vehicular accesses to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently retained thereafter for the parking of occupiers, staff and visitors to the development.

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

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

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

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

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

- 07 Prior to first occupation of the development 55 cycle parking spaces to serve the residential development shall be provided within secure covered parking stores and cycle parking spaces (number to be agreed) to serve the retail unit shall be provided in accordance with detail which shall have previously been submitted to and agreed by the LPA. The agreed cycle parking spaces shall be permanently retained for the cycle parking of occupiers, staff and visitors to the property.**

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

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

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

- 09 Prior to commencement of development a scheme for protecting the proposed dwellings from noise from road traffic shall be submitted to and approved in writing by the Council. Any works that form part of the scheme approved by the Council shall be completed before the permitted dwellings are occupied. Full details of the insulation scheme including predicted internal Lmax and LAeq levels for the noise sources identified in the noise assessment shall be submitted with the insulation scheme. Glazing and ventilation should be selected with relevant acoustic properties as outlined in the Noise Assessment dated 18th December 2014. The noise prevention measures as installed shall be retained at all times thereafter.**

A) Where habitable rooms will be exposed to noise levels that are in excess of Noise Exposure Category A in Planning Policy Guidance Note 24, mitigation should include a scheme of acoustic protection, submitted to and approved by the Council, sufficient to ensure internal noise levels no greater than 30 LAeq, T dB in bedrooms and living rooms with windows closed at any time.

Where the internal noise levels will exceed 35 LAeq, T dB in bedrooms (night-time) and 45 LAeq T in living rooms (daytime) with windows open, the scheme of acoustic protection should incorporate acoustically screened mechanical ventilation. In addition in bedrooms the acoustic insulation shall ensure that the L max level does not exceed 45.

B) Within gardens and amenity areas the daytime 07.00 to 23.00 hrs. level of noise should not exceed 55 dB LAeq free field. This excludes front gardens.

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

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

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and visual amenities of the area in accordance with policies H5 and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.

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

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and visual amenities of the area in accordance with policies H5 and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.

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

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers in accordance with policies H5 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.

13. Decontamination

1. Site Characterisation

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

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

(ii) an assessment of the potential risks to:

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

4. Reporting of Unexpected Contamination

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

the site.

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

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

5. Long Term Monitoring and Maintenance

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

Following completion of the measures identified in that scheme and when

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

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

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

Reason: In the interest of the visual amenities and character of the area, and to protect the amenities of surrounding occupiers in accordance with policies H5, C4 and C11 of the Borough Local Plan and Policies KP2 and CP4 of the Core Strategy DPD1.

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

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

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

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

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

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

18 No development shall take place until full details of both hard and soft landscape works, including those of all roof terraces and the public realm proposals, have been submitted to and approved in writing by the local planning authority and the approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the local planning authority. These details shall include, for example:-

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

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

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

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

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

- 20** Prior to commencement of development details of the proposed Photovoltaics cells set out in the submitted Energy and Sustainability Statement by Fusion 13 shall be submitted to and approved by the Local Planning Authority. The scheme as approved shall be implemented and brought into use on first occupation of the development.

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

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

Reason: In order to protect the character and visual amenities of the area in accordance with policies C7 and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.

- 22** No obscure glazing installed shall be installed and no graphics or obscured film shall be applied to the A1 unit unless otherwise agreed in writing with the Local Planning Authority

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

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

Reason: In order to protect the character and visual amenities of the area in accordance with policies C7 and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.

- 24** Prior to commencement of development details of the balconies and balustrades, including fixings, at a scale of 1:20 shall be submitted to and approved by the Local Planning Authority, the development shall be carried out in accordance with the approved details.

Reason: In order to protect the character and visual amenities of the area in accordance with policies H5 and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.

- 25** Prior to commencement of development details of the treatment of the undercroft area, including internal elevations, materials/finishes and lighting shall be submitted to and approved by the Local Planning Authority, the development shall be carried out in accordance with the approved details.

Reason: In order to protect the character and visual amenities of the area and the environment for residents in accordance with policies H5, H7 and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.

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

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

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

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

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

Reason: In order to protect the character and visual amenities of the development and surrounding area in accordance with policies H5 and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.

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

Reason: To protect the amenities of future residential occupiers existing occupiers and would fail to comply with Borough Local Plan 1994 policies S5 and H5.

30 Development shall not commence until a surface water drainage scheme in line with that detailed in the submitted drainage strategy or as otherwise agreed with the Local Planning Authority has been submitted and approved by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development.

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

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

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

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

31 The development shall be carried out in accordance with The Methods of Demolition, Construction, Tree Protection and “agreed Tree Works” set out within The Method Statement within the Arboricultural Implications Assessment and Preliminary Method Statement submitted by Oakfield Arboricultural Service and dated 11.12.2014, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of amenity, to protect existing trees and to ensure a satisfactory standard of landscaping pursuant to Policy C14 of the Borough Local Plan and Policy CP4 of the Core Strategy DPD1

Informatives

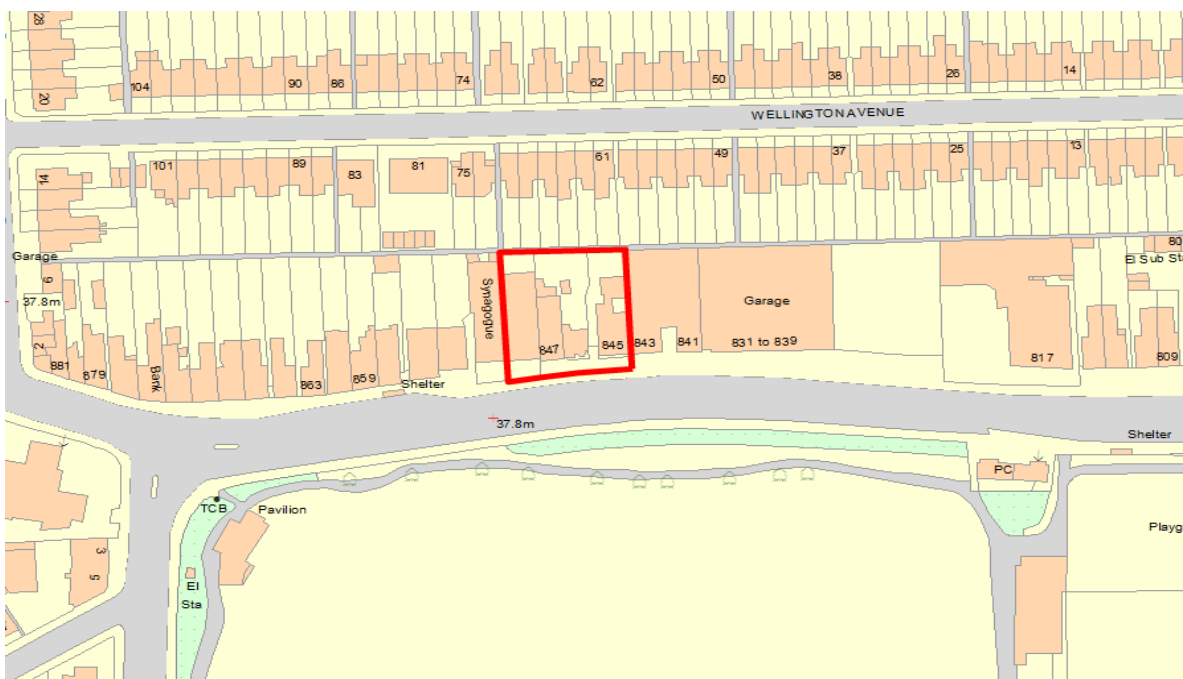
1 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution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

- 2 For further guidance on the control of odour and noise from ventilation systems you are advised to have regard to – Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by DEFRA. This can be downloaded free from www.DEFRA.Gov.UK
- 3 The applicant is reminded that this permission does not bestow compliance with the Licensing Act 2003. Applicants should contact the Council's Licensing Team for more advice on 01702 215005.
- 4 There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire and Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk of life, business continuity and limit the impact of fire on the environment and local economy. Even where not required under Building Regulation's guidance, ECFRS would strongly recommend a risk base approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We would also encourage developers to use them to allow design freedom, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the regulations are met.

c) In the event that the planning obligation referred to in part (a) above has not been completed by 17th April 2015 the Head of planning and Transport or Group Manager (Planning & Building Control) be authorised to refuse planning permission for the application on the grounds that the development will not :- i) provide for improvements to the public highway and the public realm within the vicinity of the site; ii) provide an effective means of enforcing/delivering a Travel Plan; iii) provide for a satisfactory provision of public art and iv) provide for a satisfactory method of servicing the development vi) provide for affordable housing or education accommodation to serve the needs of local residents. As such, the proposal would not make a satisfactory contribution towards the quality of the built environment within the vicinity of the site, would traffic congestion and be to the detriment of highway safety and is likely to place increased pressure on public services and infrastructure to the detriment of the general amenities of the area, contrary to Policies KP2, KP3, CP3, CP4 and CP6 of the Core Strategy, Policies C2, C4, C11, C14, H5, U1, T8 and T13 of the Borough Local Plan, and the Design and Townscape Guide (2009).

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

Reference:	15/00305/RESM
Ward:	Blenheim Park
Proposal:	Demolish existing building and erect 4 storey block comprising of 22 flats, 2 commercial units, lay out parking, refuse and cycle stores (Approval of reserved matters following outline application 10/00129/OUTM which was granted extension of time under 13/00061/EXTM dated 19.03.2013)(Amended Proposal)
Address:	845 - 849 London Road, Westcliff-On-Sea, Essex
Applicant:	Venture Capital Associates Ltd
Agent:	David Plant Architecture Ltd
Consultation Expiry:	01.04.2015
Expiry Date:	28.05.2015
Case Officer:	Janine Rowley
Plan Nos:	356.202.04; 356.203.03; 356.200.02; 356.201.02; PR024-01B; 356.205.00
Recommendation:	APPROVE RESERVED MATTERS



1 The Proposal

1.1 The application seeks approval of reserved matters including layout, appearance, scale, access and landscaping, following outline planning permission granted under application 13/00061/EXTM on the 19th March 2013. The application proposed to demolish of the existing building and to redevelop the site with a four storey block of No. 22 flats, with 27 car parking spaces.

1.2 The indicative details provided with the outline application showed the development parameters on which the application was determined (i.e. maximum building height, likely unit sizes, level of car parking etc.). This reserved matters application falls within the realms of the parameters set at outline.

1.3 The details are as follows:

Site Area	0.11ha
Height	4 storeys (Maximum height 11.4m)
No. of units	22 Flats (3x 3 bed, 19x 2 bed)
Parking	27 spaces
Cycle parking	17 Spaces. Storage building in car park
Refuse storage	5 x 1100L residential and 3 x 1100L commercial. Storage building in car park
Amenity space	None at ground floor level, some flats have balconies or terraces and shared amenity space at roof level.

1.4 The development includes two commercial units to the ground floor with their own refuse store. No off street parking is allocated to the commercial units.

1.5 At first, second and third floor a mix of 22 units with 2 bedrooms are proposed with average floorspace of 55sqm-85sqm ask agent, plus private balconies and communal roof terrace is proposed.

1.6 Parking is at ground floor with 3 spaces to the front and 24 spaces to the rear of the building with the access undercroft from London Road. Refuse and cycle storage is also located to the rear of the site.

1.7 It should be noted this application has been submitted following the refusal of application 14/01458/RESM to demolish existing building and erect 4 storey block comprising of 22 flats, 2 commercial units, lay out parking, refuse and cycle stores. The application was refused for the following reason:

“The proposed development by reason of unsatisfactory provision of parking will cause additional on street parking in an area of parking stress to the detriment of highway safety and the local highway network contrary to the NPPF, Policy CP3 of DPD1 (Core Strategy) and Policies T8 and T11 of the Borough Local Plan and the Design and Townscape Guide (SPD1)”.

- 1.8 The main difference between this proposal and the previously refused scheme (14/01458/RESM) is four additional parking spaces are now proposed therefore increasing the total from 23 to 27 spaces.

2 Site and Surroundings

- 2.1 The site is located on the northern side of London Road, 175m west of its junction with Southbourne Grove. It is a regular shaped site with a frontage of 30m and a maximum depth of 74m.
- 2.2 The site currently contains four buildings of various styles and designs, with hardstanding for informal parking to the rear of the site. The streetscene on this side of London consists of a mix of properties with a variety of uses at ground floor and predominately ancillary offices and residential accommodation at first floor. The southern side of this part of London Road is bounded by Chalkwell Park.
- 2.3 The front of the units provide a forecourt area which is used for a mix of uses including the display of goods and informal car parking.

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, highway implications, sustainable construction.

4 Appraisal

Principle of the Development

The National Planning Policy Framework, Development Management DPD2 emerging policies DM3, DM7, DPD1 (Core Strategy) policies KP2, CP1, CP4 and CP8; BLP policies E1, C11, H5 and H7.

- 4.1 The proposed development involves the demolition of the existing buildings and the comprehensive redevelopment of the site, through the construction of a four storey building comprising of commercial units at ground floor and residential accommodation at first, second and third floors. The principle of redeveloping this site has been previously considered acceptable under application 10/00129/OUTM and 13/00061/EXTM, thus no objection raised subject to the detailed design considerations set out below.

Design and Impact on the Character of the Area:

The National Planning Policy Framework; Development Management DPD2 emerging policy DM1, DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11, H5 and H7 and the Design and Townscape Guide.

4.2 It should be noted that good design is fundamentally important to new development and this is reflected in the NPPF as well as Policies C11 and H5 of the Local Plan, policies KP2 and CP4 of the Core Strategy and the Design and Townscape Guide and policy DM1 of the emerging Development Management Plan.

4.3 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”.

4.4 The Design and Townscape Guide (SPD1) states that:

“The character of all immediate neighbours and the wider townscape should inform they layout, scale and design of any new development”

“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.”

Scale

4.5 In terms of scale, the building would be up to 4 storeys in height (11.4m) previously accepted under application 14/01458/RESM, 13/00061/EXTM and 10/00129/OUTM. It is noted that this scale was indicated at outline stage and no concerns were raised.

4.6 The height of the building would reflect the importance of London Road as a main road, and is considered appropriate. The overall scale of the building at this location is considered acceptable.

Appearance

- 4.7 In terms of design and appearance, the building would be a simple contemporary design. The design uses stepping of the building and balconies to break up its massing and repetitive mono-pitched roof/framing feature to add interest to the streetscene. This approach breaks up the mass of the development and provides an attractive elevation. Subject to it being well detailed and having good quality materials this proposal should make a positive contribution to the streetscene. This design approach is considered acceptable on this main artery into the town, where buildings of various designs and ages exist. The immediate area does not have a strong character and the proposed scheme has the potential to improve and create local character in accordance with NPPF advice. The materials proposed as part of this development have been detailed within the Design and Access Statement suggesting rendering of polar white colour, Himley Ash Grey brickwork, Marley Eternit natural colour for cladding; single ply roofing membrane; powder coated aluminium windows, Pennant Grey paving. However, whilst no objection is raised to the materials, which appear to be in keeping with the surrounding area it is considered that samples are required and this will be dealt with by condition.

Layout

- 4.8 The 22 proposed flats can be satisfactorily accommodated within the envelope of the building, along with the ground floor commercial space for two units proposed. The floor plans submitted indicate all units would be of a reasonable size, and with sufficient circulation space, outlook and balconies. This is considered to comply with policy H7 and CP4 above and the emerging Development Management Plan document.
- 4.9 The proposed layout was provided indicatively at outline stage and has not altered significantly. The proposal is set on the same building line as the adjacent buildings to the east and west, although the first floor and second door would include an overhang it is not considered to have a harmful impact on the character and appearance of the streetscene in this location. The general layout of the site would respond well to its context and largely conceal the proposed parking area to the rear of the site.
- 4.10 The layout shows a rooftop terrace totalling 150sqm of amenity space can be provided as per the previous applications most notably the outline planning permission 13/00061/EXTM, which was indicated at the outline stage of this planning process being acceptable together with the provisions of private balcony. The location of the flats, on the edge of the town centres, and unit size would tend to lend itself towards one and two person units rather than families. Large gardens are not characteristic of the area and are not commonly found in central or town centre locations generally. Taking into account all of the above points, the level of amenity space proposed is considered acceptable.

- 4.11 The position and size of refuse stores and cycle stores are shown on the plans. A residential bin store, commercial bin store and cycle store can be adequately accommodated to the rear of the building, and accessed from the rear parking area. Whilst the refuse, cycle stores are shown on the drawings further details are required on how the cycles will be stored and a waste management plan to ensure the proposal does not result in harm to the highway network.
- 4.12 The residential entrance is shown to the rear of the site given separation from the commercial areas fronting London Road, which is welcomed.

Landscaping

- 4.13 In terms of landscaping, a landscaping and management plan accompanies this application providing a fully detailed planting schedule with a range of species including various shrubs, climbers, herbaceous species and bulbs which are considered to enhance the overall character and appearance of this development and provide a positive contribution to this part of London Road. The soft landscaping will complement the area and provide an attractive amenity area for the future occupiers of the flatted development. The planting scheme proposed is integral to the overall design and will enhance the townscape of the area.

Soft landscaping is to be provided to the front of the site on London Road where there is an existing paved area, the applicant has confirmed existing trees within the boundary will be retained together with additional trees to be planted including soft planting and to the roof terrace. There is a large sycamore tree outside the site, which is not proposed to be affected by the development. Policy C14 of the Borough Local Plan advocates the need for any landscaping proposals to be integral to any new development and provide a positive impact the character and appearance of the surrounding townscape which this development will.

Traffic and Transport Issues

The National Planning Policy Framework; Development Management DPD2 emerging policy DM15, DPD1 (Core Strategy) policies KP2, CP4; BLP policies T8 and T11 and Design and Townscape Guide.

- 4.14 Policy T11 requires the provision of adequate parking and servicing facilities. The Essex Planning Officer Association Standards (EPOA) set out the requirements for each use. Access would remain through an undercroft access way.

- 4.15 The emerging policy DM15 of the Development Management Plan requires each dwellinghouse with 2 bedrooms to have 2 parking spaces, but more flexibility will be given dependant on how sustainable the site is location with access to public transport although this is yet to be adopted The Development Management DPD2 has been found sound by the Planning Inspectorate. It is therefore, considered these policies although not yet adopted, should carry significant weight in the determination of planning applications. This is supported by paragraph 216 of the NPPF which states that; “*the more advance the preparation of the emerging plan the greater the weight that may be given.*” 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 requires a maximum of 1.5 spaces per residential dwelling. Taking into account the location of the site along London Road with a number of bus services the site is considered a sustainable location. Government guidance encourages the reduction in the reliance on the car and promoted methods of sustainable transport. The EPOA standards state where a site has good access to public transport a max requirement of 1 space per dwelling can be applied.
- 4.16 The proposed development would provide 22 flats, which would require the provision of 22 car parking spaces based on the above standards. The proposed development provides twenty-four car parking spaces to the rear of the site to serve the residential element.
- 4.17 Three parking spaces have now been provided for the commercial element of this development located to the forecourt fronting London Road. Time limited on street car parking is available in this part of London Road.
- 4.18 A parking justification statement has been submitted whereby census information has been assessed in relation existing car ownership trends within the Blenheim Park Ward. Based on the information submitted the proportion of the dwellings with either none, one, two or three or more cars per habitable room have been applied to the dwellings as per the specification for this development whereby based on the findings in conjunction with the census information only a total of 16 cars would be required for the proposed development based on existing car ownership levels for the local ward. The development proposed provides 27 car parking spaces on site, which is a ratio of more than 1:1 cars per household with surplus of 3 spaces for the commercial element, as such in light of the above the development will provide sufficient car parking on site and has overcome the previous reason for refusal of application 14/01458/RESM. Furthermore, the accompanying statement details that there are a number of cycle paths within vicinity of the site including Prittle Brook Greenway, which runs from Belfairs Golf Club in the west to Priory Park in the east and the second route is from Priory Park via Southend train station and links into the National Cycle Route Network 16, which connects Stansted and Braintree. In addition there are bus stops along London Road approximately 50m and 150m from the site frontage including nos. 1, 3, 5, 26, 27, 28, 815, 816, which go between Southend, Chelmsford, Hadleigh, Rochford, Eastwood, Hullbridge. Also Chalkwell railway station is 1.2km away from the site, which runs between Shoeburyness and London Fenchurch Street.

- 4.19 In light of the above, it has been demonstrated the access and parking provision is therefore considered acceptable.

Impact on Residential Amenity:

The National Planning Policy Framework; Development Management DPD2 emerging policy DM1; BLP policies C11, H5 and H7 and the Design and Townscape Guide.

- 4.20 The development is four storeys with a maximum height of 11.4m and will include a roof terrace fronting Chalkwell Park. The overall height of the development at 11.4m is 3.4m and a storey less than the scheme dismissed at appeal. The development would be located in excess of 11m from the rear boundary of the adjoining dwellings and 21m from the dwellings to the rear. The development is stepped in 3m at the third and fourth storey, which mitigates against any harm to the adjacent residential occupiers surrounding this site.
- 4.21 The windows at first and second floor area are 11m from the rear boundary of the residential properties to the north. This separation distance is considered sufficient to mitigate against overlooking. The proposed third floor is approximately 14m from the rear boundary of the site. It should also be noted that the third floor windows would have restricted views down to the adjoining properties due to the set back. It is considered reasonable to impose a condition to prevent the use of the space in front of these windows as any type of amenity space.
- 4.22 The development would accommodate car parking to the rear of the site. Whilst it is noted that this is in relatively close proximity to the rear boundary of the adjoining residents, the sites are separated by an alley way and the site currently provides informal parking to the rear. The details of the acoustic fence to the northern boundary submitted with this application clearly demonstrate that there will be limited transmission of noise into the rear gardens of the adjoining residents.
- 4.23 The development is not considered to have an undue impact on the adjoining residents in relation to loss of light due to the extent of the separation between the development and the residential dwellings.
- 4.24 The proposed development would provide commercial units at ground floor. The applicant has indicated on the application forms that the units are to be used for Class B1. This is considered acceptable as it would have a limited impact upon the suitable amenity of the adjoining residents. The hours of opening can be controlled through condition.
- 4.25 The proposed development would provide balconies and private terraces for 21 of the flats. It should be noted that the indicative plans show that several balconies are of a small size. The proposed development has also proposed the provision of a shared roof garden. It is considered that a combination of the balconies and roof terrace will be sufficient to meet the amenity needs of the future occupiers. A condition will be added requiring the completion of the roof terrace prior to occupation of the flats.

Sustainable Construction:

The National Planning Policy Framework; Development Management DPD2 emerging policy DM2; DPD1 (Core Strategy) Policy KP2 and the Design and Townscape Guide.

4.26 Policy KP2 of the Core Strategy states:

“All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. At least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in SPD 1 Design and Townscape Guide”.

4.27 The provision of renewable energy resources should be considered at the earliest opportunity to ensure an intrinsic design in this instance, details of photovoltaics have been provided together with a Sustainability and Energy Report. The report discusses the number of renewable energy technologies to be used and demonstrates that the proposal will comply with Policy KP2 of the Core Strategy providing at least 10% of renewable energy on site.

Other Matters:

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11, H5 and H7, and Waste Management Guide.

4.28 The indicative plan has indicated that refuse and cycle provision can be provided to the rear of the building. Whilst no details have been submitted in relation to design it is considered in principle that the site can accommodate the required level of refuse and cycle storage and therefore no objection is raised.

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), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure) and CP8 (Dwelling Provision).

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

6.4 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), H7 (Formation of Self-contained Flats), T8 (Highway Safety) and T11 (Parking Standards).

6.5 EPOA adopted Vehicle Parking Standards (2001.)

- 6.6 Emerging Development Management Plan policies DM1 (Design Quality), DM3 (Efficient and Effective use of land), DM7 (Dwelling Mix, size and type), DM8 (Residential Standards), DM15 (Sustainable Transport Management)

7 Representation Summary

Design and Regeneration

- 7.1 The previous application was refused because it was considered that there was unsatisfactory provision of parking on the site which could result in additional on street parking in an area of parking stress. No objections were raised to the scale or design of the proposal. The scheme is for a mixed use development of retail units to the ground floor and 22 flats above.

The site is very constrained with no spare space to the ground floor to the rear of the building so in order to provide additional parking spaces the applicants are now proposing a reduction in the size of the retail units and 3 parking spaces on the forecourt facing London Road. Whilst this will give the development an additional 4 spaces, making a total of 27, the additional provision has had an impact on the design of the proposal. The extra disabled parking space to the rear has resulted in the relocation of the cycle store to the street frontage reducing the size of the eastern retail unit and creating an area of blank frontage to the street. This not ideal and will need to be carefully detailed to ensure that it uses high quality materials and does not become a space for advertising although public art or high quality signage for the flats, which are lacking the focus of a visible entrance, may be an option.

There is also a concern regarding the impact on the streetscene generally of 3 parking spaces on the forecourt which will be very prominent and may set a precedent for other properties to also include parking on their frontages which could have a significant impact on the character of London Road. However, given the constraints of the site, unless the number of units is reduced there is no other viable option for additional parking. Therefore, if this is accepted in principle, the forecourt will need to be detailed to a high quality to mitigate the impact of these cars. It is suggested that it be surfaced as a pedestrian surface with high quality materials and little, if any, delineation of spaces so that when the cars are not there it does not look out of place. A raised (pavement level) vehicular access would also assist pedestrian movement past the site and enhance the forecourt and is also recommended in this case. It is also considered that the proposed trees shown on the site plan in the area will be even more crucial in providing some softening and screening for the vehicles as well as the building itself. These details should therefore be conditioned to be agreed so that they can be considered in more detail.

It is unclear from the information submitted whether the parking to the front is for the flats or the retail units. It is considered that it would be more suitable for retail parking and that this may help to justify it on design grounds.

Therefore, notwithstanding the usual planning conditions for the building itself (materials, sustainability etc.), it is recommended that there be conditions to cover the landscaping of the forecourt area and possible inclusion of public art or high quality signage for the wall of the cycle store. The applicant should be made aware that a high quality attractive scheme will be expected for this area.

Highway Authority

- 7.2 The proposal has 27 car parking spaces which include 23 residential spaces and 4 commercial parking spaces this is considered acceptable given the availability of on street parking opposite the site and the sustainable location of the site with has good public transport links in close proximity. Cycle parking for the residents has also been provided. The applicant will be required to reinstate any redundant vehicle crossovers back to footway.

Refuse storage for both commercial and residential is considered acceptable the applicant will need to arrange alternative collection arrangements on the day of collection as the site is accessed via private gates.

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

Environmental Health

- 7.3 No comments received.

Parks And Open Spaces

- 7.4 No comments received.

Housing

- 7.5 One x 1 bed flats; two x 2 bedroom flats and one x 3 bedroom flat for affordable housing provision. **[Officer Comment: The affordable housing has been agreed under the S106 of 13/00061/EXTM].**

Education

- 7.5 The site falls within the catchment area of Darlinghurst Primary School. It is considered that a contribution in relation to Primary and Secondary would be required. **[Officer Comment: £38,777.48 has been agreed under the S106 of 13/00061/EXTM].**

DIAL

- 7.6 No comments received.

Southend Airport

7.7 No objection.

Environment Agency

7.8 No objection.

Public Consultation

7.9 A site notice displayed on the 11.03.2015 and 94 neighbours notified of the proposal. Four letter of representation have been received stating:

- The extra four parking spaces will make very little difference to the overall car parking congestion, with three of the four new parking places in front of the building there will be even less room for trade or commercial vehicles to park in front of the building, Wellington Avenue which is one of the nearest roads for all day free parking, it is nearly always full of parked vehicles and used for the Chalkwell Schools. It is hard for residents to park.
- A three storey development would be more appropriate resulting in less parking and ease parking in Wellington Avenue.
- The height of the development is taller and will shade neighbours.
- Reduction in light due to the height and bulk of the development and new trees planted next to the back alley.
- The four storey block has a community terrace roof top garden which has a 1.8m high fence facing Wellington Avenue which will make it look more like a 5 storey building rather than 4.
- If trees are evergreen they will shade winter and summer to properties to the rear of the site.
- Overlooking and loss of privacy.
- Noise factor from balconies, cars and additional people.
- Height of the building is unacceptable. The building is quoted at being 11.4m but if the lift shaft is included the height is 14 and a 1.8m fence on the roof is not acceptable in this location **[Officer Comment: The height of the building is 11.4m. The lift shaft has been omitted from the drawings. No objections have been raised to the roof terrace previously under application 14/01458/RESM].**

8 Relevant Planning History

8.1 2009 - A outline application to demolish existing building and erect part 4 and part 5 storey block comprising of 25 flats, 2 commercial units, lay out parking and refuse store (Outline) (SOS/ 08/01662/OUTM) was refused permission.

8.2 2010 - An outline application (10/00129/OUTM) to demolish the existing building and erect four storey block comprising of 22 flats, 2 commercial units, lay out parking, refuse and cycle stores was approved.

- 8.3 2011 - A planning application (11/00975/OUTM) to demolish the existing building and erect a five storey block comprising of 24 flats and two commercial units was refused planning permission.
- 8.4 A subsequent appeal against the Council decision to refuse application 11/00975/OUTM was dismissed.
- 8.5 Demolish existing building and erect 4 storey block comprising of 22 flats, 2 commercial units, lay out parking, refuse and cycle stores (outline application) (application to extend the time limit for implementation following planning permission 10/00129/OUTM dated 29 April 2010)- Granted (13/00061/EXTM)
- 8.6 Modification of planning obligation pursuant to planning permission 13/00061/EXTM to vary requirement to provide affordable housing- Pending consideration (14/01180/S106B).
- 8.7 Demolish existing building and erect 4 storey block comprising of 22 flats, 2 commercial units, lay out parking, refuse and cycle stores (Approval of reserved matters flowing outline application 10/00129/OUTM which was granted extension of time under 13/00061/EXTM dated 19.03.2013)- Refused (14/01458/RESM).

Appeal pending consideration.

9 Recommendation

9.1 Members are recommended to APPROVE RESERVED MATTERS subject to the following conditions:

- 01 The development hereby permitted shall be carried out in accordance with plans 356.202.04; 356.203.03; 356.200.02; 356.201.02; PR024-01B; 356.205.00.**

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

- 02 No development shall take place until samples of the facing material to be used, including elevations, undercroft gate for parking, glazing, doors, shopfront, window, balustrades, boundary treatments and paving have been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved materials unless otherwise 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 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).

- 03 No development shall be occupied until 27 car parking spaces have been provided, together with a properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans, unless otherwise agreed in writing by the Local Planning Authority. The car parking hereby approved shall be retained for the use of occupiers or visitors to the residential units in perpetuity unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential 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).

- 04 All planting in the approved landscaping as shown on drawing PR024-01B landscape plan, as part of the Reserved Matters, scheme shall be carried out within 12 calendar months of 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.

- 05 The details of renewable energy shall be carried out in accordance with the Sustainability and Energy Report by David Plant Architecture as part of this application and drawing 356.201.02, shall be implemented prior to occupation of the flats to provide at least 10% onsite renewable energy, 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 National Planning Policy Framework, DPD1 (Core Strategy) policy KP2 and CP4, and SPD1 (Design and Townscape Guide).

- 06 Prior to the occupation of the development the acoustic fence details shall be installed in accordance with drawing 356.205.00 and details of acoustic fencing from David Plant Architecture submitted on the 26.03.2015 along the northern boundary of the site and remain in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To safeguard the visual amenities of the area, in accordance with Policy H5 of the Southend on Sea Borough Local Plan.

- 07 No flats hereby approved shall be occupied until cycle parking spaces have been provided in accordance with the approved plans, unless otherwise and cycle parking shall be retained in perpetuity unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To safeguard the visual amenities of the area, and to provide satisfactory cycle store provision on site, in accordance with Policy H5, H7, T8, T13 of the Southend on Sea Borough Local Plan.

- 08 No flat roofed areas of the proposed development, with the exception of the roof terrace specified on plan 356.201.02, are to be used for sitting out or any type of amenity space unless otherwise agreed in writing by the Local Planning Authority.**

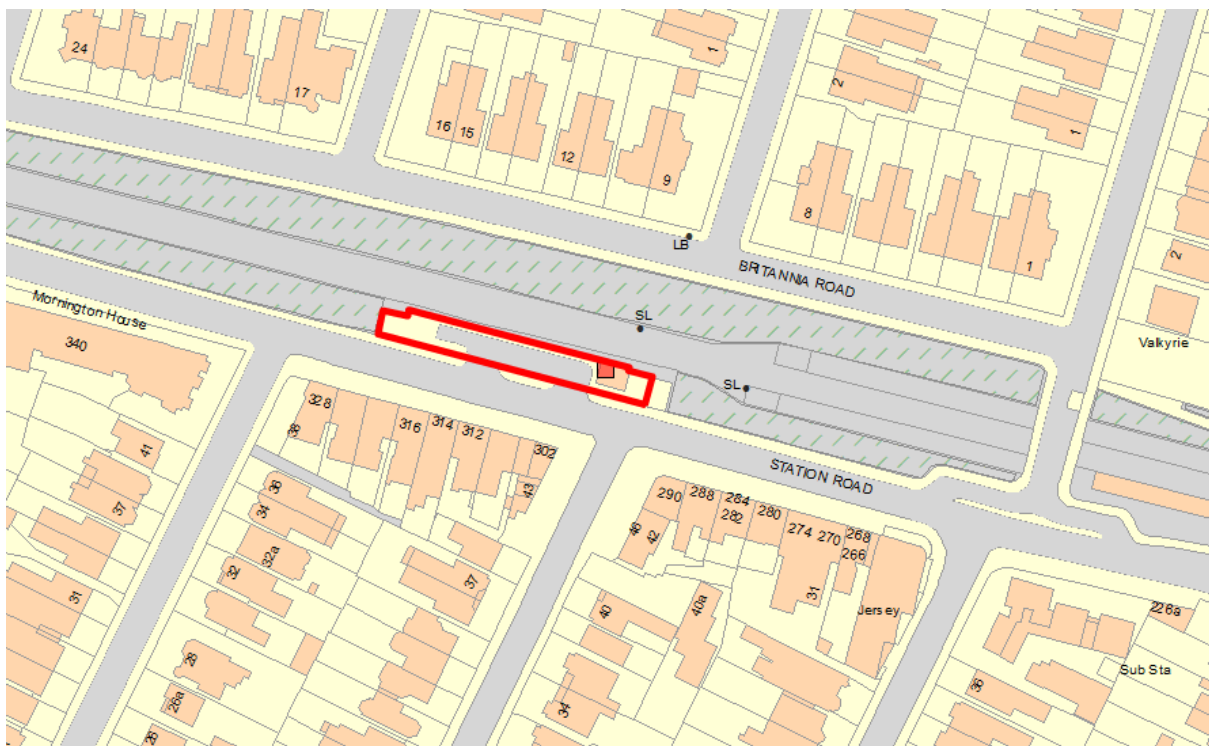
Reason: To prevent overlooking in the interest of the amenity of the adjoining residents in accordance with Policy H5, H7 and C11 of the Southend on Sea Borough Local Plan.

- 09 A 1.8m high obscure glazed screen shall be erected to the north, east and west elevations of communal roof terrace as detailed on drawing 356.201.02 (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) shall be erected concurrently with the carrying out of the development hereby permitted and shall be thereafter permanently retained, in accordance with details which shall have first been submitted to and approved by the Local Planning Authority.**

Reason: To prevent overlooking in the interest of the amenity of the adjoining residents in accordance with Policy H5, H7 and C11 of the Southend on Sea Borough Local Plan.

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:	15/00219/OUT
Ward:	Chalkwell
Proposal:	Demolish existing single storey office building, erect six three storey dwelling houses, associated landscaping and form vehicular accesses on to Station Road (Outline - Amended Proposal)
Address:	315 Station Road, Westcliff-on-Sea, Essex, SS0 8DZ
Applicant:	Belgy Property Services Ltd
Agent:	SKA Architects Ltd
Consultation Expiry:	25.03.2015
Expiry Date:	12.05.2015
Case Officer:	Janine Rowley
Plan Nos:	P01B; P02B; P03B; P04B
Recommendation:	REFUSE OUTLINE PLANNING PERMISSION



1 The Proposal

- 1.1 Outline planning permission is sought to demolish an existing single storey office building, erect six three storey dwelling houses with roof terraces front, associated landscaping and form vehicular accesses on to Station Road.
- 1.2 The application seeks outline permission and the reserved matters to be agreed at this stage include appearance, access, layout and scale. Landscaping is reserved for future consideration. A separate reserved matters application would be required for the landscaping to carry out any works should outline permission be granted.
- 1.3 The proposed dwellinghouses are split into three pairs of semi-detached dwellinghouses. Each dwelling would measure 6m wide x 6m deep x 10.9m high. The proposed amenity space per dwellinghouse is a roof terrace to the second floor of the south elevation equating to an area 3.4sqm per dwelling and ground floor amenity space ranging from 39sqm to 49sqm (including amenity to the north and the space to the sides of the dwellings as dual usage including amenity and a parking area). All dwellings will have one off street parking space. The overall design of the dwellinghouses is of a contemporary style as per a previous application at this site.
- 1.4 The previously refused application 14/01211/OUT to erect eight three storey dwellinghouses with roof terraces to front associated landscaping and form vehicular access onto Station Road. The application was refused for the following reason:

“The proposed development by virtue of layout, number of units, relationship to the railway and coverage of the site would result in poor living standards and lack of amenity space for future occupants and a cramped appearance. This is indicative of overdevelopment of the site and contrary to the provisions of the National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy, policies C11, E5 of the Southend on Sea Borough Local Plan and advice contained within the adopted Design and Townscape Guide (SPD1)”.

1.5 The main amendments following the previous refusal include the following:

- Number of units reduced from 8 (2 sets of 3 terrace properties) to 6 units (3 pairs of semi-detached properties);
- Dwellings set 1m-1.5m away from the rear boundary. Previously under application 14/01211/OUT the development was set on the boundary;
- The amount of amenity space has increased and is available to every unit including 3.4sqm terraces to the second floor at the front and ground floor area amenity space ranging between 25sqm to 36sqm;
- Depth of the dwellings reduced from 7m to 6m;
- Height of the dwellings increased from 10.1m to 10.9m;
- Omission of garages but one parking space per unit;
- Acoustic report submitted given the proximity of the development to the railway to the north.

2 Site and Surroundings

2.1 The site is currently used as a car wash facility and is located on the northern side of Station Road.

2.2 The Shoeburyness to Fenchurch Street Railway Line is located immediately to the north of the site. The site is located opposite residential properties, some of which have a retail frontage at ground floor.

2.3 Station Road has double yellow lines on both sides of the road and is a classified road.

3 Planning Considerations

3.1 The main considerations in relation to this application are the principle of development, design and impact on the streetscene, standard of accommodation for future occupiers, impact on the amenities of neighbouring residential occupiers, highway issues and sustainable development and whether the proposal has overcome the previous reason for refusal under application 14/01211/OUT.

4 Appraisal

Principle of Development

National Planning Policy Framework; Development Management DPD2 emerging policies DM3, DM7, DPD1 (Core Strategy) Policies KP1, KP2 and CP4; Borough Local Plan Policies C11, C14, H5 and the Design and Townscape Guide SPD1 (2009).

- 4.1 Government policy seeks to maximise the use of urban land. The site is currently used for a car wash and car sales and so is considered to be previously developed land. The proposal is considered to make efficient and effective use of the land in accordance with the emerging Development Management Plan policy DM7. Therefore, no objection is raised to the principle of residential development on site per se.
- 4.2 To deliver sustainable communities, the Council seeks to ensure that new housing reflects the needs and demand of Southend-on-Sea's existing and future communities and improves the quality and mix of housing within the Borough. In order to develop sustainable communities it is considered that a mix of housing (tenure, size, etc.) is required within each development and the mix should reflect the demand for housing within the Borough. The proposed scheme proposes 6 no. 2 bedroom houses and therefore no objection is raised to the principle of development.

Design and Impact on the Streetscene

National Planning Policy Framework; Development Management Plan DPD2 emerging policy DM1, DPD1 (Core Strategy) Policies KP2 and CP4; Borough Local Plan Policies C11, H5; and the Design and Townscape Guide SPD1 (2009).

- 4.3 The proposal is to build 6 three storey houses (three pairs of semi-detached houses) set between 1m-1.5m away from the railway in the. The applicant states that this will create a subdivision of this space and give a more domestic feel to Station Road at this point. There is no precedent for development on the northern side of the street however, the scale and massing of the development responds to the existing streetscene on the southern side of the road. It is also considered that houses would be more compatible with local character in this location than the existing commercial use. Whilst the height of the dwellings has increased by 0.8m taking into account the three/four storey buildings to the immediate south of the site no objection is raised to the overall scale of the development per se.
- 4.4 With respect to the layout of the site, concern has been previously raised in relation to the number of properties proposed under application 14/01211/OUT. The reduction in units from 8 to 6 has reduced the overall coverage of the site as a whole and created an open streetscape. The development will still provide enclosure to the streetscene and is more compatible with the sites narrow form addressing the overall cramped appearance of the previous application therefore overcoming this element of the reason for previous refusal under application

14/01211/OUT.

- 4.5 In relation to the appearance of the dwellinghouses, the simple gabled form works well in the streetscene to create the right balance between a modern scheme and a respectful response to the adjacent conservation area. The front elevation appears well detailed particularly at the upper levels where the fenestration proportions respond well to the vertical proportions and scale of the fenestration in the mansions block opposite. The detailed design includes better rhythm and proportion to the elevations and relates well to the townscape. The fenestration has been rationalised providing structured elevations identifying local characteristics. The glazing to the side and rear elevations are also welcomed adding interests. The roof terraces behind the gables on this side are a subtle but interesting feature which would help to animate the frontage. At ground level the proposal consists of the front entrances and windows to habitable accommodation with the new dwellings together with high boundary walls and entrance gates for the off street parking adding activity to the street. Red brick is proposed to the upper floors and render to ground and this would seem appropriate in this location.
- 4.6 In light of the above, the overall detailed design with exception of the height increase is not dissimilar to the previously refused application 14/01211/OUT which was not objected to previously. In light of this, the scale and appearance is considered in accordance with the NPPF, Development Management Plan emerging policy DM1, policies KP2 and CP4 of the Core Strategy and policy C11 and H5 and the Design and Townscape Guide.
- 4.7 Landscaping has been reserved for a future consideration, indicative information has been submitted with details in relation to the boundary treatments and some trees appear on the existing site. There is concern that the garden wall will appear rather over scaled in the streetscene and a lower decorative brick wall similar to the previously refused scheme would be preferred. This can be dealt with at reserved matters stage to ensure the landscaping and boundary treatments do not affect the overall integrity of the scheme. Full details of soft and hard landscaping will be required to be submitted are reserved matters stage.

Standard of Accommodation for Future Occupiers

National Planning Policy Framework, Development Management DPD2 emerging policy DM1 and DM8, DPD1 (Core Strategy), Policies KP2, CP4; Borough Local Plan Policies C11, H5; and the Design and Townscape Guide SPD1 (2009)

- 4.8 The internal floorspace has been amended from the previously refused application and achieves a more useable space for potential future occupiers. Previously under application 14/01211/OUT garages had reduced the floorspace available to future occupiers. The emerging Development Management Plan policy DM8 requires at least 85sqm for 3 bedroom (5 bed spaces) for dwellings over three floors. The proposed dwellings will have an internal floorspace of 85sqm with 4 bed spaces, which is considered acceptable.

4.9 Furthermore, the proposal meets the emerging standards for double bedroom sizes and whilst the layout is compact there is sufficient space for internal storage areas, refuse facilities and space to work from home in accordance with the emerging Policy DM8 of the Development Management Plan. Overall the internal arrangement whilst compact is useable and will create an acceptable living arrangement for potential future occupiers in accordance with Policy DM8 of the Development Management Plan.

4.10 The 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”.

4.11 The proposed terraces are small to the second floor equating to 3.3sqm which is not considered useable amenity space. To the ground floor private amenity spaces are proposed ranging between 39sqm to 49sqm (including amenity to the north and the space to the sides of the dwellings as dual usage including amenity and a parking area), which is an increase compared to the previously refused application 14/01211/OUT. However, the area between the north elevation of the dwelling and the railway is shallow and is shown to contain the bin/bike store; it is not useful amenity space. The space to the side of dwellings is shown as being dual usage for amenity space and car parking. The applicant contends that the amenity area can be a shared surface incorporating the amenity space and parking area as one, when vehicles are not on site. However, given the nature of the family accommodation proposed i.e. 2 bedrooms with 4 bed spaces and the overall usability of the amenity space if vehicles park on site this would result in a limited area of 20sqm-27sqm (excluding area to the north and car parking space) available for proposed family dwellings. This is not considered an acceptable standard for potential future occupiers. It is therefore, considered that the unacceptable amount and nature of amenity space proposed would be to the detriment of the living conditions of the future occupiers.

4.12 Paragraph 119 of the NPPF states:

“The planning system should contribute to and enhance the natural and local environment by: “preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability”

4.13 Paragraph 123 goes on to state:

“Planning policies and decisions should aim to: “avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development”

- 4.14 Network Rail had previously acknowledged that there is potential for noise/vibration impacts caused by the proximity between the proposed development and the existing railway, particularly given that the current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains. However, following a review of the amended proposal no objections have been raised by Network Rail to the development subject to appropriate conditions relating to future maintenance, drainage, plant and materials, scaffolding, piling, fencing, lighting, noise and vibration, landscaping and vehicle incursion. This is discussed in detail below under the representation summary below 6.4.
- 4.15 An acoustic report has been submitted as part of this application. The applicants report identifies that the site is affected by moderately high noises levels due to the trains and traffic. The outcome of the report is that noise ingress can be controlled to the desired levels requiring the use of higher standard of glazing to protect amenities of potential future occupiers, close boarded fence to the northern boundary to protect the living rooms to the ground floors and alternative means of ventilation. No comments have been received at the time of writing this report from Environmental Health however this will be reported within the supplementary report.
- 4.16 Whilst concern could be raised in relation to the proximity to Station Road and vehicle movements along this classified road, taking into account the existing residential properties along Station Road no objection could be substantiated in this instance.

Impact on Neighbouring Occupiers

National Planning Policy Framework; Development Management DPD2 emerging policy DM2, DPD1 (Core Strategy) Policies KP2 and CP4; Borough Local Plan Policies C11, H5 and the Design and Townscape Guide SPD1 (2009).

- 4.17 In terms of impact on residential properties, the proposed development is not considered to result in an undue impact on the amenity of any residential dwellings in relation to either overlooking, overshadowing or being overbearing.

Highway Implications

National Planning Policy Framework; Development Management Plan emerging policy DM15, DPD1 (Core Strategy) Policies KP2 and CP4; Borough Local Plan Policies H10, T8 and T11; and the Design and Townscape Guide SPD1 (2009).

- 4.18 In terms of access, vehicles will access garages from Station Road, while the proposed will result in a number of vehicle crossovers no objection is raised on highway grounds to the number of crossovers proposed.

- 4.19 The emerging policy DM15 of the Development Management Plan requires each dwellinghouse with 2 bedrooms to have 2 parking spaces, but the policy further goes on to suggest that more flexibility will be given dependant on how sustainable the site is location with access to public transport although this is yet to be adopted the Development Management DPD2 has been found sound by the Planning Inspectorate. It is therefore, considered these policies although not yet adopted, should carry significant weight in the determination of planning applications. This is supported by paragraph 216 of the NPPF which states that; “ *the more advance the preparation of the emerging plan the greater the weight that may be given.*” 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 requires a maximum of 1.5 spaces per residential dwelling. Taking into account the location of the Westcliff Station within walking distance to the east of the site and with access to a number of bus services along Hamlet Court Road to the north, on balance one parking space per residential unit is acceptable in this location. No objections have been raised by the Councils Highway Officer subject to appropriate conditions relating the gates and an audio tone to be installed when the gates are in operation to notify relevant pedestrian of a vehicle exiting.
- 4.20 A Stage 1 Safety Audit and Speed Assessment Survey has been submitted for consideration, which has identified the need for traffic calming to reduce vehicle speed and signage. The applicant would be required to enter into a legal agreement to carry out all aspects of highway works associated with the development via a Section 278 or a Grampian condition if the Council is minded to approve this application.
- 4.21 The site is located on a classified road and the Council would normally seek for vehicles to enter and leave the site in forward gear. However, the Councils Highway Officer has confirmed that currently a review of classified roads is taking place in Borough whereby Station Road is proposed no longer be ‘classified road’ and therefore on balance Highway officers have raised no objection to the proposal and following the safety audit carried out no concerns have been raised in relation to the cars entering and exiting the site In reverse gear. Furthermore, no objections on highway grounds were raised under application 14/01211/OUT and this proposal is no worse i.e. one off street parking space was proposed previously and deemed acceptable.
- 4.22 In terms of waste and cycle storage, it appears the waste and cycle storage can accommodated to the rear of each dwellinghouse and both can be dealt with by condition if this application is deemed acceptable.

Sustainable Development

National Planning Policy Framework; Development Management DPD2 emerging policy DM2, DPD1 (Core Strategy) Policies KP2 and CP4; the Design and Townscape Guide SPD1 (2009).

- 4.23 Policy KP2 of the Core Strategy and the Borough Local Plan advocates 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.
- 4.24 The Design and Access Statement accompanying this application states that Combined Heat and Power Units (CHP) and photo voltaic to the roof, whilst no technical report confirmation has been provided from the applicant that they can be successfully accommodated on site.

Conclusion

- 4.25 Whilst no objections are raised to the principle of the development of redeveloping this site for residential use. The reduction in units, less coverage of the site and acoustic report submitted are considered an improvement. However, the proposed development by reason lack of poor quality amenity space for potential future occupiers would be contrary to the provisions of the National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy, policies C11, H5 of the Southend on Sea Borough Local Plan and advice contained within the adopted Design and Townscape Guide (SPD1).

5 Planning Policy Summary

- 5.1 National Planning Policy Framework, 2012.
- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).
- 5.3 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), C14 (Trees, Planted Areas and Landscaping), H5 (Residential Design and Layout Considerations), T8 (Traffic Management and Highway Safety), T11 (Parking Standards).
- 5.4 Design & Townscape Guide, 2009 (SPD1).
- 5.5 Waste Management Plan
- 5.6 Emerging Development Management Plan policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), (DM3 (Efficient and Effective use of land), DM7 (Dwelling Mix, size and type), DM8 (Residential Standards), DM15 (Sustainable Transport Management)

6 Representation Summary

Design and Regeneration

- 6.1 The proposal is an amended design following the refusal of an earlier scheme for two short terraces of 4 houses each. This application was refused because it was considered to be an overdevelopment of the site particularly with regard to the layout, number of units, relationship with railway, site coverage, lack of amenity space and cramped appearance. There was no objection raised to the principle of houses on this site.

In response to this the applicant has reduced the number of units from 8 to 6, has amended the form and detailed design and provided amenity space and a single car parking space to the side of each property. The application is still outline but with only landscaping reserved.

The reduction from two terraces of 4 houses to 3 pairs of semis has reduced the coverage of the site as a whole and created a much more open streetscape. Whilst this is not necessarily a feature of local character generally, it will still provide good enclosure to the streetscene and is more compatible with the sites narrow form as it has allowed parking and amenity space to be accommodated at ground level adjacent to the building. This has improved the site coverage and reduced the cramped appearance and is welcomed in principle.

It is pleasing to see that the original double gabled design submitted as part of this application has been amended in response to concerns raised with the applicant regarding the bulky form to the development which was inappropriate in this setting. The amended design for the current application has reverted back to a single gabled approach which has provided a more vertical division of the building, a better rhythm and proportion to the elevations and which relates much better to the surrounding townscape. It is also noted that the fenestration shapes and placements have been rationalised to the front giving a more structured elevation which picks up on the order of the surrounding properties. Also the materials have also been amended back to brick and some additional detailing has been provided to the gable window surround. As a result the amended proposal is much more complementary to local character whilst still maintaining a modern design.

Improvements have also been made to the side and rear elevations, introducing much more glazing in an interesting way which will bring relief to the blank elevations which were originally submitted as part of this application. The design of the amended proposal is therefore considered to be much improved and is therefore acceptable in this location which is on a busy thoroughfare and provides part of the setting of The Leas Conservation Area. The success of this proposal will of course depend on the quality of the detailing and materials but these can be dealt with by condition.

The previously refused scheme proposed only a small individual roof terrace and narrow balcony for all units apart from the end terraces and, following the change to semi-detached houses, it is pleasing to see that all the properties now have a garden/courtyard area at ground level in addition to the narrow balcony. This area also provides one off street parking space for each house. Whilst this has its benefits in allowing the houses to maintain an active frontage to the street, the presence of the car will impact on the outlook and size of the usable amenity area and therefore the quality of landscaping for this area will be crucial. The plans show a small planted area close to the boundary with a small tree. This is welcomed in principle and should provide some softening to the streetscene but it is considered that there would be scope for further soft planting without compromising the usability of the space. A bed to the northern end of the parking space is suggested. High quality paving will also be key. It is noted that landscaping is a reserved matter and this aspect will be dealt with in detail at a later date.

With regard to the boundary it is noted that this is proposal as the same height as the ground floor which is over the usual height of garden walls. There is a concern that this will appear rather over scaled in the streetscene. The lower decorative brick wall of the previously refused scheme would be preferred in this location where it is important to achieve an attractive frontage to the street as well as a private amenity space. The detailing of this should therefore be conditioned along with the details of the gate.

Internally the layout is compact and the living and kitchen areas in particular are not generous but given the constraints of the site a balance must be struck between the provision of amenity and parking and the scale of accommodation. It will, however, be important to ensure that the proposal meets the emerging DM Policy space standards in this respect.

Overall it is considered that the amended scheme is a better quality in terms of scale, site coverage and amenity provision than the previously refused scheme and that the overall design has been improved during negotiations with the applicant and is now considered to be acceptable.

Sustainability

Micro CHP and PVs are proposed to meet the requirement for 10% renewables. There is a concern that the proposed roof form will not present much option for pvs and that these may detract from the design of the main elevation. It would be helpful to have further details on how this aspect of the proposal will be successfully integrated into the design.

Highways

- 6.2 The proposal has provided 100% car parking for the development and has also provided cycle parking hangers within the garage space. Refuse collection has been provided and is considered acceptable. The applicant has agreed to fund traffic calming within the area of the development which will help reduce speed of vehicles on station road. The applicant has also been requested to carry out a safety audit in relation to the scheme and is considered acceptable with the addition of the traffic calming with reduces vehicle speed, signage should also be used to inform vehicles of the new development.

It is not considered that the development would have a detrimental impact upon highway safety therefore no objections are raised to the proposal.

The applicant will be required to enter into a legal agreement to carry out all aspects of highway works associated with the development via a Section 278.

Environmental Health

- 6.3 No comments received at the time of writing this report but will be reported in the supplementary report.

Network Rail

- 6.4 The developer/applicant must ensure the proposal, both during construction and after completion of works on site does not:
- Encroach onto network rail land;
 - Affect safety, operation or integrity of the company's railway and its infrastructure;
 - Undermine its support zone;
 - Damage the company's infrastructure;
 - Place additional load on cuttings;
 - Adversely affect any railway land or structure;
 - Over-sail or encroach upon the air-space of any network rail land;
 - Cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future;

Future maintenance

The development must ensure that any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary.

The reason for the 2m (3m for overhead lines and third rail) stand-off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from the Network Rail Asset Protection Engineer, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.

Drainage

No Storm/surface water or effluent should be discharged from the site or operations on the site into Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 – 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Fencing

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

Noise and Vibration

The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which holds relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway.

Vehicle Incursion

Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

As the site is adjacent to Network Rail's operational railway infrastructure, Network Rail strongly recommends the developer contacts AssetProtectionAnglia@networkrail.co.uk prior to any works commencing on site. Network Rail strongly recommends the developer agrees an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website at www.networkrail.co.uk/asp/1538.aspx.

Environment Agency

6.5 This application is outside our remit and therefore no comment.

Public Consultation

6.6 Two site notices displayed on the 27.02.2015 and 151 neighbours notified of the proposal and 18 letters of objection have been received stating:

- Area not suitable for housing close to the railway;
- No parking [**Officer Comment: One off street parking is proposed per unit**];
- The development is too ambitious for the site;
- Dangerous being located next to the railway station;
- It will be an eyesore;
- This development will make the existing area worse;
- Houses would still back directly onto the railway without even the buffer of a garden and would be squeezed between a railway and a busy principal road;
- Not only would the integral garages look incongruous but residents will exit onto a main road jeopardising road safety [**Officer Comment: integral garages do not form part of this application, however there is provision for off street parking**].
- Many households have more than one car. There are already too many parked along Station Road creating unwanted stress for residents.
- Destruction of yet another business in Station Road would be detrimental to the sense of community. Pembury Road opposite has already lost a hotel and conference and wedding reception [**Officer Comment: The existing use is not safeguarded by planning policies in employment terms**].
- The development should complement the Leas Conservation Area.
- It will block light to residents in Britannia Road.
- Number of houses proposed is not acceptable;
- 2 parking spaces per unit should be provided;
- Overlooking and loss of privacy;

- Westcliff is already overcrowded and this development would be inappropriate given its location;
- Drainage would struggle with this additional development;
- Living next to railways increases risk to cancer;
- Junction box for the telephones and internet is overcrowded;
- The appearance of the dwellings does not match the existing character or charm of the existing Edwardian terraces.
- Properties on the opposite side of the train line would also stand to lose a view **[Officer Comment: The right to a view is not a material planning consideration]**.
- The ownership of part of the site needs to be investigated. The east end of the site was cordoned off with a metal bar and the land has not been bought from the railway.
- Poorly designed dominant modern buildings do not compliment the road of the Leas Conservation Area.
- Even if Station Road is not part of the conservation area they are purpose built older properties from 1910 and these new buildings do not blend in with older style buildings and give a very odd streetscene.
- Development faces straight onto a very busy road locally known as the rat run. Cars will be reversing into/out onto this road, which is also a bus route **[Officer Comment: Please refer to 4.17-4.21]**.
- The properties are situated where there is very little pavement on the north side of this part of Station Road. Cars driving in and out of these garages will not work well fronting onto such a fast moving main road that has no traffic calming which has been requested for many years.
- The properties would back onto the train lines and is hardly conducive for the wellbeing of people living in a close proximity to regular noise of trains. There would be an obvious stress of no garden coupled with regular train noise. From a health and wellbeing point of view this development seems unrealistic.

6.9 Conservation Association Westcliff Seaboard, objection to this proposal subject to the following:

- Overall modern design impacting and facing onto a conservation area;
- The strip of development is not a suitable place to build homes for families.
- Although two houses removed it still impacts on The Leas Conservation area.
- Poorly designed.
- Dominant buildings and does not compliment the streetscene.
- Development faces a busy road and cars reversing out onto a main fast moving road creating a dangerous situation.
- Properties will have limited pavement on the north side of this part of Station Road. Cars driving in and out will not work well fronting onto such a fast moving main road that has no traffic calming.
- Properties will back immediately onto the train lines resulting in harm to potential future occupiers from the noise and vibrations from the trains.

- An area under much stress from lack of parking and one space per unit would not cover the additional impact on parking as families often have with two cars.
- Integral garages are not part of the streetscene [**Officer Comment: Integral garages do not form part of this application and parking would be sited behind a gate**].

6.10 Councillor Folkard has requested this application be dealt with by Development Control Committee.

7 Relevant Planning History

- 7.1 Demolish existing single storey office building, erect eight three storey dwelling houses with roof terraces to front, associated landscaping and form vehicular accesses on to Station Road- Refused (14/01211/OUT).
- 7.2 Vary Condition 02 (plans numbers), Condition 05 (operating times 0730 - 1800 Monday -Saturday only, closed Sundays and bank holidays) to allow Sunday and bank holiday trading between the hours of 10:00 and 16:00 and amend Monday to Saturday operating hours to 08:00 -18:30, Condition 09 (mains powered machinery only) to allow portable pressure washers and Condition 10 (No more than 4 vehicles displayed for sale at any one time) to allow up to six vehicles for sale at any one time- Granted (13/01071/FUL)
- 7.3 Erect canopy (Retrospective)- Refused (13/01070/FUL)
- 7.4 Erect single storey side extension to office, change of use vehicle sales (sui generis) to include hand car wash (sui generis)- Refused (09/00463/FUL). Allowed on appeal.
- 7.5 Change of use from vehicle sales (Sui generis) to hand car wash (Sui generis) (Amended Proposal)- Refused (08/01414/FUL)
- 7.6 Change of use from vehicle sales (sui generis) to hand car wash (sui generis) and form new vehicular crossover onto Station Road- Refused (08/01106/FUL)
- 7.7 Form additional vehicular access to Station Road, alter configuration of open car sales site, incorporate railway land into curtilage and use for vehicle preparation, retain wooden workshop/storage building on incorporated land, allow vehicle preparation (relax condition 02 on permission SOS/95/1000 granted on appeal 06/05/97 which states that no vehicle repairs or painting shall be carried out on site), increase the no. of vehicles for sale to 13 (relax condition 06 on permission SOS/95/1000 which states that there shall be no more than 9 vehicles displayed for sale at any one time (part retrospective-amended)- Refused (06/01540/FUL).

- 7.8 Form additional vehicular access to Station Rd, alter configuration of open car sales site, incorporate railway land into curtilage and use for vehicle preparation, retain wooden workshop/storage building on incorporated land, allow vehicle preparation (Relax condition 02 on permission SOS/95/1000 granted on appeal 6.5.97 which states that no vehicle repairs or painting shall be carried out on site),increase the no. of vehicles for sale to 14 (Relax condition 6 on permission SOS/95/1000 which states that there shall be no more than 9 vehicles displayed for sale at any one time (part retrospective-amended proposal)- Refused (06/00065/FUL).
- 7.9 Form additional vehicular access to Station Road, alter configuration of open car sales site, incorporate railway land into curtilage of site and use for vehicle preparation, retain wooden workshop/storage building on incorporated land, allow vehicle preparation (Relax condition 02 on permission SOS/95/1000 granted on appeal 6.5.97 which states that no repairs or painting shall be carried out to any vehicle on the site),increase the number of vehicles for sale on the premises to 14 (Relax condition 6 on permission SOS/95/1000 which states that there shall be no more than 9 vehicles displayed for sale at any one time (part retrospective) (amended proposal)- Refused (05/00711/FUL)
- 7.10 Form 2 additional vehicular accesses onto Station Road, alter configuration of open car sales site, incorporate railway land into curtilage of site and use for vehicle preparation, retain wooden workshop/storage building sited on incorporated land, allow vehicle preparation(Relax Condition 2 on permission SOS/95/1000 granted on appeal 6/5/97,which stated that no repairs or painting shall be carried out to any vehicle on the site) increase the number of vehicles allowed for sale on the premises to 16 (Relax Condition 6 on permission SOS/95/1000, which stated that there shall be no more than 9 vehicles displayed for sale at any one time)(Part-Retrospective)- Refused (04/00715/FUL) Dismissed at appeal.

8 Recommendation

8.1 Members are recommended to REFUSE OUTLINE PLANNING PERMISSION subject to the following reason:

- 1 The proposed development by reason of lack of good quality useable amenity space for potential future occupiers would result in a poor living environment for future occupiers and be contrary to the provisions of the National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy, policy H5 of the Southend on Sea Borough Local Plan and advice contained within the adopted Design and Townscape Guide (SPD1).**

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:	15/00223/FUL
Ward:	Shoeburyness
Proposal:	Demolish existing garages and erect two semi-detached dwellinghouses, layout hardstanding and form vehicular access onto Ashanti Close.
Address:	Garages rear of 49 and 51 and adjacent 57, 69 and 71 Ashanti Close, Shoeburyness, Southend-On-Sea, Essex.
Applicant:	Mr. T. Holland (Southend-on-Sea Borough Council)
Agent:	Mr. S. Lewis (AK Design Partnership LLP)
Consultation Expiry:	30/03/15
Expiry Date:	24/04/15
Case Officer:	Ian Harrison
Plan Nos:	3679-3.100 PL1 and 3679-3.101 PL3
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought to demolish the existing single storey garage blocks at the application site and redevelop the land to enable the erection of a pair of semi-detached two storey dwellinghouses.
- 1.2 The site currently contains two single storey buildings that are positioned at the North and South boundaries of the site and contain a total of 14 garages. Each building measures 18 metres by 5.3 metres, with mono-pitch roofs built to a maximum height of 2.6 metres. The majority of the remainder of the site is laid to hardstanding, with small grassed areas at the highway frontage of the site.
- 1.3 The proposed development would see the site cleared and the erection of a building that would measure 8.2 metres deep and 13.6 metres wide, comprising of two dwellinghouses. The building would be positioned 5 metres from the highway frontage and 7 metres from the North (rear) boundary of the site. The two storey building would have a ridge height of 7.6 metres and an eaves height of 5 metres.
- 1.4 The building would be constructed with buff brickwork and panels of off-white render on the front elevation. Grey interlocking tiles would be used on the roof of the property and the fascias and windows would be UPVC. The submitted plans indicatively show the use of Solar panels on the South facing roofslope.
- 1.5 The proposed houses would each contain three bedrooms and would comply with Lifetime Home standards.
- 1.6 Two pairs of car parking spaces are proposed at the frontage of the application site, with each pair being served by a dropped kerb to provide access onto Ashanti Close. The submitted plans show the retention of the existing tree at the frontage of the site. The existing parking area at the East of the application site would be retained and enlarged through the removal of a part of a kerb.

2 Site and Surroundings

- 2.1 The application site is located to the North of Ashanti Close, measuring a maximum of 20 metres deep and 32 metres wide. The site is not the subject of any site specific policies within the adopted development plan.
- 2.2 The site contains two single storey buildings that are described above and the surrounding buildings are used for residential purposes in the form of two storey dwellings and a block of flats to the South East.
- 2.3 The adjacent block to the North is a two storey pair of semi-detached dwellings that measures a maximum of 5.5 metres deep with a maximum height of 6.7 metres and an eaves height of 10 metres. Dwellings of identical design exist to the West of the application site, 14 metres from the dwellings proposed by this application.

- 2.4 Similar dwellings exist to the South and East of the application site. A three storey block of flats exists to the South East.

3 Planning Considerations

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

4 Appraisal

Principle of the Development

The National Planning Policy Framework, DPD1 (Core Strategy) policies KP2, CP4 and CP8; Development Management DPD emerging policy DM3.

- 4.1 Development Management DPD2 has been found sound by the Planning Inspectorate. It is therefore considered that these policies, although not adopted by the Council, carry significant weight in the determination of planning applications. This is support by paragraph 216 of the NPPF which states that; *“the more advance the preparation of the emerging plan the greater the weight that may be given.”*
- 4.2 Policy CP8 of the Core Strategy identifies that the intensification of the use of land should play a significant role in meeting the housing needs of the Southend Borough, providing approximately 40% of the additional housing that is required to meet the needs of the Borough. Policy CP8 also expects 80% of residential development to be provided on previously developed land and 1,400 homes to be provided within Shoeburyness during the plan period.
- 4.3 Policy DM3 of the emerging Development Management DPD promotes the efficient and effective use of land in a sustainable manner which does not lead to over intensification or undue stress on supporting infrastructure. Infill development will be supported where in respects the character of the area and amenity of existing residential properties.
- 4.4 From this basis, it is considered that the principle of undertaking residential development at this site should be supported, subject to the following detailed considerations. This is especially the case given that two of the 12 core principles of sustainable development that are identified within the NPPF are to *“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”* and to *“proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.”*

Design and Impact on the Character of the Area:

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4; Development Management DPD emerging policy DM1, BLP policies C11, H5, and H7 and the Design and Townscape Guide.

- 4.5 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, emerging policy DM1 of the Development Management DPD 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.
- 4.3 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.
- 4.4 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”*.
- 4.5 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*
- 4.6 The surrounding area features buildings of generally consistent heights, although it is noted that there are taller developments to the East. The proposed dwellings would be approximately 0.9 metres taller than the surrounding dwellings, although the eaves height would be similar. In this instance it is considered that the increased height is a result of the increased depth of the dwellings in comparison to their neighbours. This is a consequence of the proposed dwelling having to be larger to comply with current standards in terms of internal floorspace and lifetime homes. It is considered that the increased height of the dwellings can be accommodated at this site without material harm to the character or appearance of the surrounding area. Although the majority of dwellings are built to the same height, due to being built at the same time and of identical design, which cannot now be replicated, it is considered that the buildings of the wider area are not of uniform height and therefore the height variation can be accommodated without material harm to the character of the area. The height of existing buildings could have been replicated with a lower pitch of roof, but it is considered that this would have had resulted in the dwellings appearing squat and poorly proportioned, thereby causing more harm than the increased height of the proposed buildings.

- 4.7 The proposed building has been positioned to be recessed from the side elevation of the properties to the West that front Ashanti Close. In this instance it is considered that this has the effect of providing a strong frontage to Ashanti Close without restricting views along the existing street-scene. It is therefore considered that the position of the dwellings at the site is appropriate in the context of the surrounding area.
- 4.8 The surrounding area is characterised by featuring buildings of a uniform design that is reflective of the age of the properties. Given the advances that have occurred in building design since the surrounding properties were built it is considered that it would be undesirable to require the applicant to entirely replicate the design of the existing dwellings within the surrounding area. Instead of this, the applicant is proposing the use of a similar buff brick and has included the use of rendered panels around the proposed windows, which can be viewed as a modern interpretation of the cladding panels that exist between the windows of the existing properties. In this respect it is considered that the proposed development is taking a design approach that is modern, but also partly reflective of the architecture of the surrounding area.
- 4.9 As a new development, it is considered that the proposed dwellings would be viewed as departure from the established character of the surrounding area and therefore it is considered that the height of the dwellings can be varied, along with the architectural detailing of the dwellings, without causing material harm to the character or appearance of Ashanti Close. In this respect it is also noted that the existing garage court is of poor appearance that detracts from the character of the surrounding area and as such its redevelopment would represent a visual enhancement. Therefore, in the context of the surrounding area and on balance, it is considered that no objection should be raised to the layout, scale or appearance of the proposed development

Traffic and Transport Issues

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4; BLP policies T8 and T11 and Development Management DPD emerging policy DM15.

- 4.10 Policy T11 requires the provision of adequate parking and servicing facilities. The Essex Planning Officers Association (EPOA) set out the requirements for each use of land with the adopted parking standards indicating that a maximum of 1.5 spaces should be provided per residential unit, with it being expected that less parking would be provided within the most sustainable locations.
- 4.11 The provision of 4 parking spaces to serve the proposed dwellings would exceed the requirements of the Council's Adopted Parking Standards and also comply with the Council's parking standards within the Council's emerging Development Management DPD. It is therefore considered that ample parking is proposed for the occupants of the proposed development.

- 4.12 The site currently contains 14 garages and scope for additional parking within the site that is a facility that is used by residents of the surrounding area. However, it is noted that 9 of the garage spaces have been lost through the vacant garages being 'boarded up' and it is presumed that other garages are also of limited use. Open parking spaces would be retained at the site for use by the surrounding community. It is also considered relevant to note that the applicant has arranged for alternative garage accommodation to be provided within the surrounding area for those tenants that were still using garages at the site.
- 4.13 Cycle parking could occur within the plots of the properties which would be adequate in terms of the complying with the content of the Council's Adopted Parking Standards.

Impact on Residential Amenity:

The National Planning Policy Framework; Development Management DPD emerging policy DM1, BLP policies C11, H5, and H7 the Design and Townscape Guide.

- 4.14 Policy DM1 of the emerging Development Management DPD and policy H5 of the BLP requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight."
- 4.15 The proposed development would have a 'back-to-side' relationship with the properties to the North, East and West. The respective separation distances of 8.7, 18.5 and 14 metres ensures that the proposed dwelling would not have an overbearing impact on the light or outlook that is enjoyed by the neighbouring residents, although it is inevitable that the proposed dwellings would be visible from those properties and their gardens. Whilst there would be some overshadowing of the gardens to the North and West, this would be limited and is not considered to be detrimental to the amenity of the occupiers of those properties.
- 4.16 The windows in the rear elevation of the proposed dwellings would face the side elevation of 57 Ashanti Close and as such would not cause a loss of privacy within that dwelling. The separation distance and the orientation of the properties means that any overlooking of the private amenity space would not prevent the reasonable enjoyment of the amenity space and the overlooking would be no worse than is currently possible within other properties.
- 4.17 No other properties would be harmfully affected to an extent that would justify the refusal of the application on those grounds.

Living Conditions for Future Occupiers

National Planning Policy Framework 2012, Development Management DPD emerging policy DM8, Borough Local Plan Policies H5 and H7 and SPD1

4.18 Paragraph 17 of the NPPF states that “*planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*”. The Council’s Development Management Development Plan Document has been through examination and it is therefore considered to have significant weight in policy terms. In this document (Policy DM8) minimum dwelling and room sizes are set out as per the below table:

Policy Table 4: Indicative Residential Space Standards for dwellings:

- (a) 2 bedroom (3 bed spaces) 66
- (b) 2 bedroom (4 bed spaces) 77
- (c) 3 bedroom (5 bed spaces) 82
- (d) 3 bedroom (6 bed spaces) 95

The following is also prescribed:

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bed space.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Bedroom Sizes : The minimum floor area for bedrooms to be no less than 7m² for a single bedroom with a minimum width of 2.15m² ; and 12m² for a double/twin bedroom with a minimum width of 2.55m²
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

- 4.19 With respect to amenity space, the proposed dwellings would be served by gardens that would measure 63 and 65 square metres which is considered to be an appropriate amount of amenity space in this instance.
- 4.20 The proposed units would measure 96 square metres in area and the bedrooms are shown to measure 11.8 and 14 square metres in the case of the double and twin bedrooms and 6.5 square metres in the case of the single bedrooms.
- 4.21 Therefore, on balance and despite a minor deficiency in terms of the size of the single bedrooms, it is considered that the standard of amenity for future occupants of the building would be acceptable.
- 4.22 As the homes are affordable units they will also meet lifetime homes standards which meets with the requirements of emerging policy DM8.

Sustainable construction

National Planning Policy Framework (NPPF). Core Strategy Policy KP2. Development Management DPD emerging policy DM2

- 4.23 Policy KP2 of the Core Strategy states that at least 10% of the total energy needs of a new development should be provided through on-site renewable sources of energy provision (and/or decentralised renewable or low carbon energy sources). Emerging policy DM2 requires new development to achieve Code Level 3 under the Code for Sustainable Homes. It is proposed to install solar (pv) panels on the east facing elevation and although the predicted energy performance has not been provided, this can be secured by condition. As the homes are all affordable housing units they have been designed to meet Code Level 4 under the Code for Sustainable Homes which exceeds the emerging policy requirements. Therefore, subject to conditions, it is considered this satisfies existing and emerging policy.

Other Matters

- 4.24 Although it is noted that the developments are proposed as affordable housing units, it is considered appropriate to note that policy CP8 does not require affordable housing to be provided at the site as the site does not exceed either of the thresholds that are set out within the policy. Therefore, as the affordable housing units are not required to be provided to make the development acceptable in planning terms, it is considered that the Local Planning Authority cannot require the affordable housing units to be secured under the terms of a legal agreement pursuant to Section 106 of the Town and Country Planning Act.

5 Conclusion

- 5.1 The proposed development would enable the creation of three additional affordable housing residential units which is considered to be in accordance with the development plan. The impact on neighbouring properties would not be unacceptable, the living conditions for future occupants is acceptable and it is considered that ample parking would be provided to serve the proposed development.
- 5.2 On balance, it is considered that the design and scale of the proposed development would not be materially harmful to the character and appearance of the surrounding area and represent an improvement in comparison to the existing garage court. It is therefore recommended that planning permission is approved.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework and National Planning Policy Guidance.
- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure) and CP8 (Dwelling Provision).
- 6.3 Emerging Development Management (DPD2): DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (The Efficient and Effective Use of Land), DM8 (Residential Standards), DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 6.5 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), H7 (Formation of Self-contained Flats), T8 (Traffic Management and Highway Safety) and T11 (Parking Standards).
- 6.6 EPOA adopted Vehicle Parking Standards.

Representation Summary

Design and Regeneration

- 7.1 No objection has been raised to the proposal, but the following detailed design comments have been made:

- 7.2 There are no objections to the principle of residential development here. Materials should be agreed by condition to ensure the successful integration of the properties with the wider streetscene. It is noted that alignment has not been achieved with neighbouring development, although these units are well separated from adjacent dwellings, which do not front onto this part of Ashanti Close. The proposed siting also allows for off-street parking to be provided to the front of the dwellings and is therefore not objected to in this instance. Surface materials should be of a good quality and permeable to improve the visual impact and reduce surface water run-off, and complemented by landscaping. Details of which can be agreed by condition.
- 7.3 Each dwelling benefits from a reasonable sized private rear garden. Detail of boundary treatments should be agreed.
- 7.4 Development Management Policy DM8, within Policy Table 5, sets out the standards expected to be achieved for residential bedrooms and amenity. The twin and single bedrooms fall slightly below these standards. These units also seem to be lacking internal storage space, although benefit from a cupboard at first floor, this space seems limited given the number of bedrooms.
- 7.5 It is noted that there is a tree to the front of the site which is to be retained – this is welcomed however it is noted that the tree appears to be in close proximity to the proposed cross-over and this may require further consideration.

Highway Authority

- 7.7 There are no highway objections to this proposal 100% parking has been provided which meets current EPOA car parking standards.

Public Consultation

- 7.8 14 neighbouring properties were notified of the application and a notice was posted at the site. No letters of representation have been received.

8 Relevant Planning History

- 8.1 There is no planning history of relevance to this application at this site.

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. (C01A)**

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990. (R01A)

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 3679-3.100 PL1 and 3679-3.101 PL3

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan. (R01D)

03 Unless otherwise agreed in writing with the local planning authority, the development hereby permitted shall be constructed entirely of the materials details of which are shown on the plans hereby approved.

Reason: In the interest of visual amenity in accordance with the NPPF, DPD1 (Core Strategy) 2007 policies KP2 and CP4, Borough Local Plan 1994 policies C11 and H5 and SPD1 (Design and Townscape Guide).

04 4 car parking spaces shall be provided to serve the proposed dwellings in accordance with the approved plans prior to the occupation of any of the flats hereby approved.

Reason: To ensure that satisfactory off-street car parking is provided 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. proposed finished levels or contours;**
- ii. means of enclosure;**
- iii. hard surfacing materials;**

Soft landscape works shall include trees (number/species/size on planting), shrubs, lower level planting and grassed areas

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** Before the development hereby permitted is begun a scheme for generating 10% of the predicted energy requirement of the development from decentralised renewable and/or low carbon sources shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the development is first occupied and shall remain operational for the lifetime of the development 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).

- 08** Notwithstanding the provisions of Classes A, B and E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no outbuildings shall be erected and none of the dwellings hereby approved shall be enlarged or altered unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of visual amenity in accordance with DPD1 (Core Strategy) 2007 policies KP2 and CP4, Borough Local Plan 1994 policies C11 and H5 and SPD1 (Design and Townscape Guide).

- 09** 1) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - Trees in Relation to Construction - Recommendations has been agreed in writing by the local planning authority. These measures shall be carried out as described and approved.

2) All tree work shall be carried out in accordance with British Standard BS3998 - Recommendations for Tree Work.

3) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 2 years from the first use of the building hereby approved other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

4) If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and planted at such time as may be specified in writing by the local planning authority.

5) No fires shall be lit within 2 metres of the nearest point of the canopy of any retained tree.

6) No equipment, machinery or structure shall be attached to or supported by a retained tree.

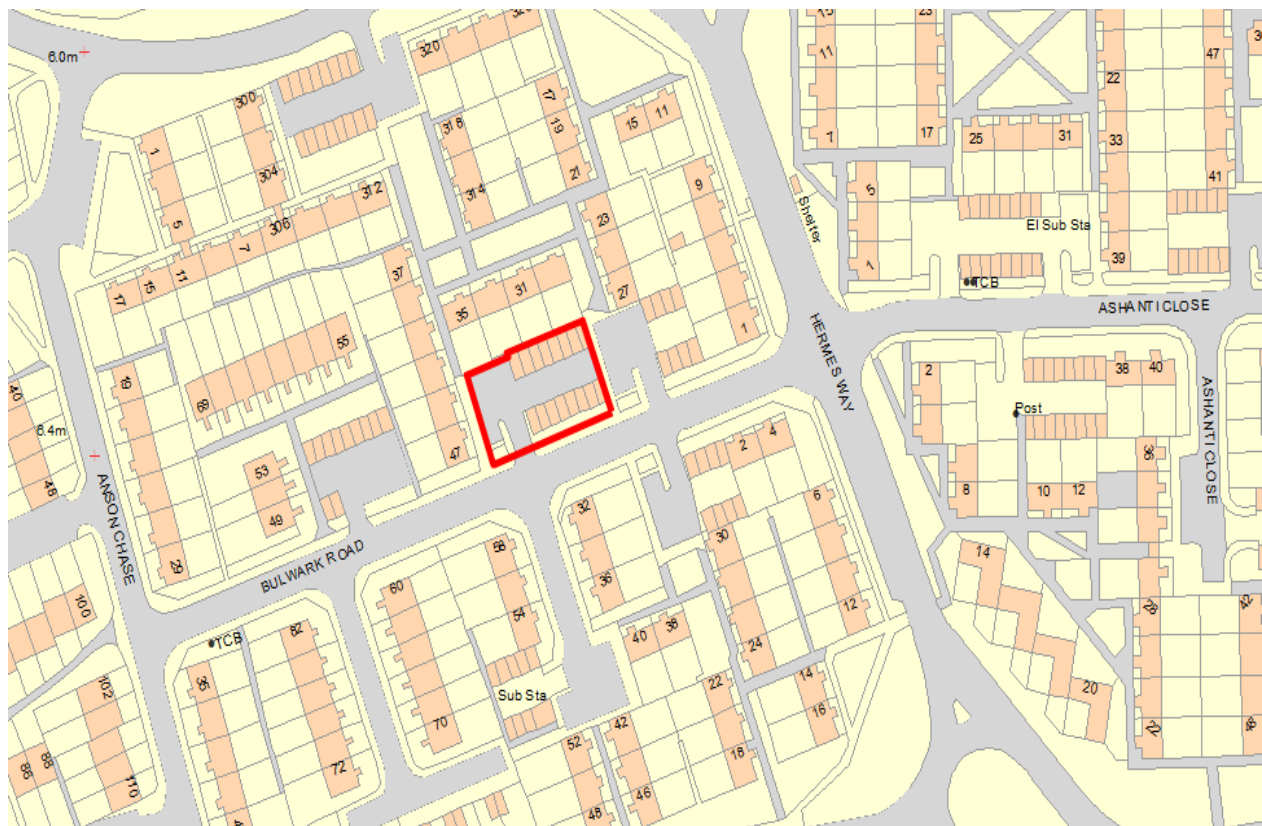
7) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.

8) No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.

Reason: To make sure that the trees on the site are adequately protected during building works in the interests of visual amenity and in accordance with DPD1 (Core Strategy) policy KP2 and CP4, Borough Local Plan 1994 policy C14, and SPD1 (Design and Townscape Guide).

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

Reference:	15/00224/FUL
Ward:	Shoeburyness
Proposal:	Demolish existing garages and erect two semi-detached dwellinghouses and layout 12 parking spaces.
Address:	Garages rear of 29-35 Bulwark Road, Shoeburyness, Southend-On-Sea, Essex.
Applicant:	Mr. T. Holland (Southend-on-Sea Borough Council)
Agent:	Mr. S. Lewis (AK Design Partnership LLP)
Consultation Expiry:	30/03/15
Expiry Date:	27/04/15
Case Officer:	Ian Harrison
Plan Nos:	3679-5.100 PL1 and 3679-5.101 PL3
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought to demolish the existing single storey garage blocks at the application site and redevelop the land to enable the erection of a pair of semi-detached two storey dwellinghouses.
- 1.2 The site currently contains two single storey buildings that are positioned at the North and South boundaries of the site and contain a total of 14 garages. Each building measures 21 metres by 5.2 metres, with mono-pitch roofs built to a maximum height of 2.7 metres. The majority of the remainder of the site is laid to hardstanding, with small grassed areas at the highway frontage of the site.
- 1.3 The proposed development would see the site cleared and the erection of a building that would measure 8.2 metres deep and 13 metres wide, comprising of two dwellinghouses. The building would be positioned 4 metres from the highway frontage and 9.5 metres from the North (rear) boundary of the site. The two storey building would have an eaves height of 5 metres and the ridge height would be 7 metres. The plans have been amended during the course of the application to change the pitch of the roof and reduce the height of the dwellings by 0.7 metres.
- 1.4 The building would be constructed with buff brickwork and panels of off-white render on the front elevation. Grey interlocking tiles would be used on the roof of the property and the fascias and windows would be UPVC. The submitted plans indicatively show the use of Solar panels on the South facing roofslope.
- 1.5 The proposed houses would each contain three bedrooms and would comply with Lifetime Home standards.
- 1.6 The existing parking area at the West of the application site would be retained and adapted to provide a total of 12 parking spaces, 4 of which would serve the proposed development.

2 Site and Surroundings

- 2.1 The application site is located to the North of Bulwark Road, measuring a maximum of 21 metres deep and 32 metres wide. The site is not the subject of any site specific policies within the adopted development plan.
- 2.2 The site contains two single storey buildings that are described above and the surrounding buildings are used for residential purposes in the form of two storey dwellings.
- 2.3 The adjacent block to the North is a two storey terrace of four dwellings that has a maximum height of approximately 6 metres. Dwellings of identical design exist to the West of the application site, 15 metres from the dwellings proposed by this application.

2.4 Similar dwellings exist to the South and East of the application site.

3 Planning Considerations

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

4 Appraisal

Principle of the Development

The National Planning Policy Framework, DPD1 (Core Strategy) policies KP2, CP4 and CP8; Development Management DPD emerging policy DM3.

- 4.1 Development Management DPD2 has been found sound by the Planning Inspectorate. It is therefore considered that these policies, although not adopted by the Council, carry significant weight in the determination of planning applications. This is support by paragraph 216 of the NPPF which states that; *“the more advance the preparation of the emerging plan the greater the weight that may be given.”*
- 4.2 Policy CP8 of the Core Strategy identifies that the intensification of the use of land should play a significant role in meeting the housing needs of the Southend Borough, providing approximately 40% of the additional housing that is required to meet the needs of the Borough. Policy CP8 also expects 80% of residential development to be provided on previously developed land and 1,400 homes to be provided within Shoeburyness during the plan period.
- 4.3 Policy DM3 of the emerging Development Management DPD promotes the efficient and effective use of land in a sustainable manner which does not lead to over intensification or undue stress on supporting infrastructure. Infill development will be supported where in respects the character of the area and amenity of existing residential properties.
- 4.4 From this basis, it is considered that the principle of undertaking residential development at this site should be supported, subject to the following detailed considerations. This is especially the case given that two of the 12 core principles of sustainable development that are identified within the NPPF are to *“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”* and to *“proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.”*

Design and Impact on the Character of the Area:

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4; Development Management DPD emerging policy DM1, BLP policies C11, H5, and H7 and the Design and Townscape Guide.

- 4.5 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, emerging policy DM1 of the Development Management DPD 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.
- 4.6 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.
- 4.7 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”*.
- 4.8 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*
- 4.9 The surrounding area features buildings of generally consistent heights. The proposed dwellings would be approximately 1 metre taller than the surrounding dwellings, although the eaves height would be similar. In this instance it is considered that the increased height is a result of the increased depth of the dwellings in comparison to their neighbours. This is a consequence of the proposed dwelling having to be larger to comply with current standards in terms of internal floorspace and lifetime homes. It is considered that the increased height of the dwellings can be accommodated at this site without material harm to the character or appearance of the surrounding area. Although the majority of dwellings are built to the same height, due to being built at the same time and of identical design, which cannot now be replicated, it is considered that the buildings of the wider area are not of uniform height and therefore the height variation can be accommodated without material harm to the character of the area. The height of existing buildings could have been replicated with a lower pitch of roof, but it is considered that this would have had resulted in the dwellings appearing squat and poorly proportioned, thereby causing more harm than the increased height of the proposed buildings.

The height of the dwellings has been reduced in comparison to the original submissions by using a pitch of roof that replicates the surrounding properties.

- 4.10 The proposed building has been positioned to be in line with the side elevation of the properties to the West. In this instance it is considered that this has the effect of providing a strong frontage to Bulwark Road without restricting views along the existing street-scene. It is therefore considered that the position of the dwellings at the site is appropriate in the context of the surrounding area.
- 4.11 The surrounding area is characterised by featuring buildings of a uniform design that is reflective of the age of the properties. Given the advances that have occurred in building design since the surrounding properties were built it is considered that it would be undesirable to require the applicant to entirely replicate the design of the existing dwellings within the surrounding area. Instead of this, the applicant is proposing the use of a similar buff brick and has included the use of rendered panels around the proposed windows, which can be viewed as a modern interpretation of the cladding panels that exist between the windows of the existing properties. In this respect it is considered that the proposed development is taking a design approach that is modern, but also partly reflective of the architecture of the surrounding area.
- 4.12 As a new development, it is considered that the proposed dwellings would be viewed as departure from the established character of the surrounding area and therefore it is considered that the height of the dwellings can be varied, along with the architectural detailing of the dwellings, without causing material harm to the character or appearance of Bulwark Road. In this respect it is also noted that the existing garage court is of poor appearance that detracts from the character of the surrounding area and as such its redevelopment would represent a visual enhancement. Therefore, in the context of the surrounding area and on balance, it is considered that no objection should be raised to the layout, scale or appearance of the proposed development

Traffic and Transport Issues

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4; BLP policies T8 and T11 and Development Management DPD emerging policy DM15.

- 4.12 Policy T11 requires the provision of adequate parking and servicing facilities. The Essex Planning Officers Association (EPOA) set out the requirements for each use of land with the adopted parking standards indicating that a maximum of 1.5 spaces should be provided per residential unit, with it being expected that less parking would be provided within the most sustainable locations.
- 4.14 The provision of 4 parking spaces to serve the proposed dwellings would exceed the requirements of the Council's Adopted Parking Standards and also comply with the Council's parking standards within the Council's emerging Development Management DPD. It is therefore considered that ample parking is proposed for the occupants of the proposed development.

- 4.15 The site currently contains 16 garages and scope for additional parking within the site that is a facility that is used by residents of the surrounding area. However, it is noted that 4 of the garage spaces have been lost through the vacant garages being 'boarded up' and other garages are also of limited use. Eight open parking spaces would be retained at the site for use by the surrounding community.
- 4.16 Cycle parking could occur within the plots of the properties which would be adequate in terms of the complying with the content of the Council's Adopted Parking Standards.

Impact on Residential Amenity:

The National Planning Policy Framework; Development Management DPD emerging policy DM1, BLP policies C11, H5, and H7 the Design and Townscape Guide.

- 4.17 Policy DM1 of the emerging Development Management DPD and policy H5 of the BLP requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight."
- 4.18 Due to the separation distance between dwellings of 19.5 metres, it is considered that the impact on the light received within properties to the rear of the application site (29 to 35 Bulwark Road) would be minimal. The rear elevation of the proposed dwellings would face the neighbouring dwellings and therefore cause some overlooking of the neighbouring property. However, the separation distance of 19.5 metres ensures that the level of overlooking would not cause the habitable rooms of amenity areas to be unusable. In this respect it is considered appropriate to note that the 'back-to-back' distances are not materially different to those which exist elsewhere in the surrounding area.
- 4.19 Similarly, due to the separation distances and the presence of garage courts between the proposed dwellings and the existing neighbouring dwellings, it is considered that the proposed development would not have a harmful impact on the amenities of the properties to the West of the application site.
- 4.20 No other properties would be harmfully affected to an extent that would justify the refusal of the application on those grounds.

Living Conditions for Future Occupiers

National Planning Policy Framework 2012, Development Management DPD emerging policy DM8, Borough Local Plan Policies H5 and H7 and SPD1

4.21 Paragraph 17 of the NPPF states that “*planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*”. The Council’s Development Management Development Plan Document has been through examination and it is therefore considered to have significant weight in policy terms. In this document (Policy DM8) minimum dwelling and room sizes are set out as per the below table:

Policy Table 4: Indicative Residential Space Standards

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|-----|--------------------------|----|
| (a) | 2 bedroom (3 bed spaces) | 66 |
| (b) | 2 bedroom (4 bed spaces) | 77 |
| (c) | 3 bedroom (5 bed spaces) | 82 |
| (d) | 3 bedroom (6 bed spaces) | 95 |

The following is also prescribed:

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bed space.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Bedroom Sizes : The minimum floor area for bedrooms to be no less than 7m² for a single bedroom with a minimum width of 2.15m² ; and 12m² for a double/twin bedroom with a minimum width of 2.55m²
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

- 4.22 With respect to amenity space, the proposed dwellings would be served by gardens that would measure 75 square metres which is considered to be an appropriate amount of amenity space in this instance.
- 4.23 The proposed 5 bed space, three bedroom units would measure 96 square metres in area and the bedrooms are shown to measure 11.8 and 14 square metres in the case of the double and twin bedrooms and 6.5 square metres in the case of the single bedrooms.
- 4.24 Therefore, on balance and despite a minor deficiency in terms of the size of the single bedrooms, it is considered that the standard of amenity for future occupants of the building would be acceptable.
- 4.25 As the homes are affordable units they will also meet lifetime homes standards which meets with the requirements of emerging policy DM8.

Sustainable construction

National Planning Policy Framework (NPPF). Core Strategy Policy KP2. Development Management DPD emerging policy DM2

- 4.26 Policy KP2 of the Core Strategy states that at least 10% of the total energy needs of a new development should be provided through on-site renewable sources of energy provision (and/or decentralised renewable or low carbon energy sources). Emerging policy DM2 requires new development to achieve Code Level 3 under the Code for Sustainable Homes. It is proposed to install solar (pv) panels on the South facing elevation and although the predicted energy performance has not been provided, this can be secured by condition. As the homes are all affordable housing units they have been designed to meet Code Level 4 under the Code for Sustainable Homes which exceeds the emerging policy requirements. Therefore, subject to conditions, it is considered this satisfies existing and emerging policy.

Other Matters

- 4.27 Although it is noted that the developments are proposed as affordable housing units, it is considered appropriate to note that policy CP8 does not require affordable housing to be provided at the site as the site does not exceed either of the thresholds that are set out within the policy. Therefore, as the affordable housing units are not required to be provided to make the development acceptable in planning terms, it is considered that the Local Planning Authority cannot require the affordable housing units to be secured under the terms of a legal agreement pursuant to Section 106 of the Town and Country Planning Act.

5 Conclusion

- 5.1 The proposed development would enable the creation of two additional affordable housing residential units which is considered to be in accordance with the development plan. The impact on neighbouring properties would not be unacceptable, the living conditions for future occupants is acceptable and it is considered that ample parking would be provided to serve the proposed development.
- 5.2 On balance, it is considered that the design and scale of the proposed development would not be materially harmful to the character and appearance of the surrounding area and represent an improvement in comparison to the existing garage court. It is therefore recommended that planning permission is approved.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework and National Planning Policy Guidance.
- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure) and CP8 (Dwelling Provision).
- 6.3 Emerging Development Management (DPD2): DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (The Efficient and Effective Use of Land), DM8 (Residential Standards), DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 6.5 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), H7 (Formation of Self-contained Flats), T8 (Traffic Management and Highway Safety) and T11 (Parking Standards).
- 6.6 EPOA adopted Vehicle Parking Standards.

Representation Summary

Highway Authority

- 7.1 Parking has been provided in accordance with guidance therefore no highway objections are raised as it is not considered that the proposal will have a detrimental impact upon the public highway

Public Consultation

7.2 10 neighbouring properties were notified of the application and a notice was posted at the site. No letters of representation have been received.

8 Relevant Planning History

8.1 There is no planning history of relevance to this application at this site.

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. (C01A)

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990. (R01A)

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 3679-5.100 PL1 and 3679-5.101 PL3

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan. (R01D)

03 Unless otherwise agreed in writing with the local planning authority, the development hereby permitted shall be constructed entirely of the materials details of which are shown on the plans hereby approved.

Reason: In the interest of visual amenity in accordance with the NPPF, DPD1 (Core Strategy) 2007 policies KP2 and CP4, Borough Local Plan 1994 policies C11 and H5 and SPD1 (Design and Townscape Guide).

04 12 car parking spaces shall be provided in accordance with the approved plans prior to the occupation of any of the dwellings hereby approved.

Reason: To ensure that satisfactory off-street car parking is provided 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:-

- iv. proposed finished levels or contours;**
- v. means of enclosure;**
- vi. hard surfacing materials;**

Soft landscape works shall include trees (number/species/size on planting), shrubs, lower level planting and grassed areas

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 Before the development hereby permitted is begun a scheme for generating 10% of the predicted energy requirement of the development from decentralised renewable and/or low carbon sources shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the development is first occupied and shall remain operational for the lifetime of the development unless otherwise agreed in writing by the local planning authority

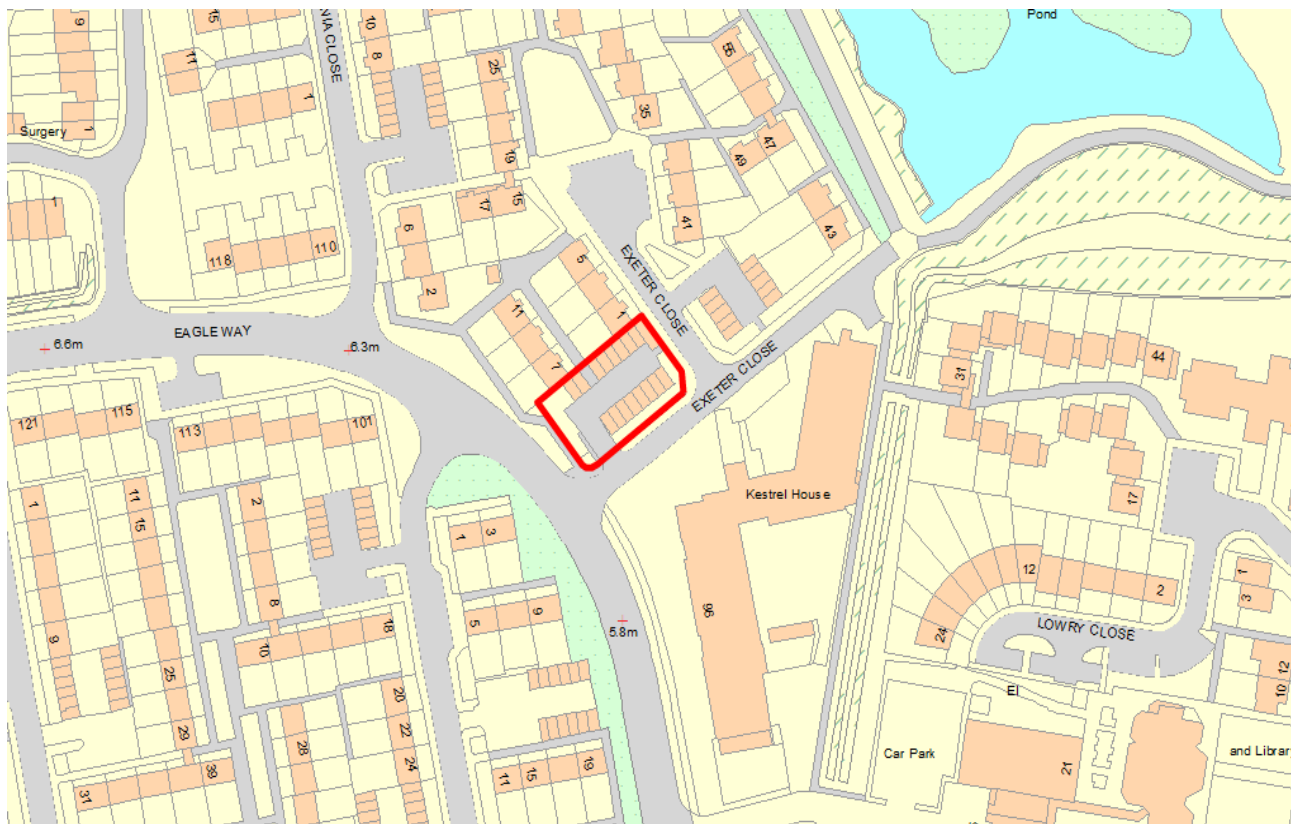
Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the NPPF, DPD1 (Core Strategy) policy KP2 and CP4, and SPD1 (Design and Townscape Guide).

08 Notwithstanding the provisions of Classes A, B and E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no outbuildings shall be erected and none of the dwellings hereby approved shall be enlarged or altered unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of visual amenity in accordance with DPD1 (Core Strategy) 2007 policies KP2 and CP4, Borough Local Plan 1994 policies C11 and H5 and SPD1 (Design and Townscape Guide).

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

Reference:	15/00225/FUL
Ward:	Shoeburyness
Proposal:	Demolish existing garages, erect terrace of three dwellinghouses and form vehicular crossover and layout parking at rear.
Address:	Garages adjacent 1 and 7 Exeter Close, Shoeburyness, Southend-On-Sea, Essex
Applicant:	Mr. T. Holland (Southend-on-Sea Borough Council)
Agent:	Mr. S. Lewis (AK Design Partnership LLP)
Consultation Expiry:	30/03/15
Expiry Date:	27/04/15
Case Officer:	Ian Harrison
Plan Nos:	3679-6.100 PL3 and 3679-6.101 PL1
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought to demolish the existing single storey garage blocks at the application site and redevelop the land to enable the erection of a terrace of three two storey dwellinghouses.
- 1.2 The site currently contains three single storey buildings that are positioned at the North and South boundaries of the site and contain a total of 16 garages. Each building features mono-pitch roofs built to a maximum height of 2.7 metres. The majority of the remainder of the site is laid to hardstanding, with small grassed areas at the highway frontages of the site.
- 1.3 The proposed development would see the site cleared and the erection of a building that would measure 8.2 metres deep and 19.1 metres wide, comprising of three dwellinghouses. The building would be positioned 4.2 metres from the highway frontage of Eagle Way and 18.6 metres from the East (rear) boundary of the site. The two storey building would have a ridge height of 7.7 metres and an eaves height of 5.1 metres with hipped gables.
- 1.4 The building would be constructed with orange/red brickwork and panels of off-white render on the front elevation. Grey interlocking tiles would be used on the roof of the property and the fascias and windows would be UPVC. The submitted plans indicatively show the use of Solar panels on the West facing roofslope.
- 1.5 Two of the proposed houses would contain three bedrooms and the central dwelling would contain two bedrooms. The dwellings would comply with Lifetime Home standards.
- 1.6 8 car parking spaces are proposed within a parking area at the rear of the site which would be accessed from Exeter Close. The submitted plans show the removal of two existing trees at the South frontage of the site and two at the East frontage of the site, with those trees being replaced on land that is within the applicant's control to the South of the application site. A 1.8 metre wide footpath would be provided to the North of the proposed dwellings to enable pedestrian access to the dwellings to the North

2 Site and Surroundings

- 2.1 The application site is located to the North of Exeter Close and to the East of Eagle Way, measuring a maximum of 36 metres deep and 22 metres wide. The site is not the subject of any site specific policies within the adopted development plan.
- 2.2 The site contains three single storey buildings that are described above and the surrounding buildings are used for residential purposes in the form of two storey dwellings and a two storey sheltered accommodation block to the South.

- 2.3 The adjacent block to the North is a terrace of two-storey dwellings that measures a maximum of 6 metres deep with a maximum height of 6.9 metres and an eaves height of 5.2 metres. A terrace of identical design exists to the North East.

3 Planning Considerations

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

4 Appraisal

Principle of the Development

The National Planning Policy Framework, DPD1 (Core Strategy) policies KP2, CP4 and CP8; Development Management DPD emerging policy DM3.

- 4.1 Development Management DPD2 has been found sound by the Planning Inspectorate. It is therefore considered that these policies, although not adopted by the Council, carry significant weight in the determination of planning applications. This is support by paragraph 216 of the NPPF which states that; *“the more advance the preparation of the emerging plan the greater the weight that may be given.”*
- 4.2 Policy CP8 of the Core Strategy identifies that the intensification of the use of land should play a significant role in meeting the housing needs of the Southend Borough, providing approximately 40% of the additional housing that is required to meet the needs of the Borough. Policy CP8 also expects 80% of residential development to be provided on previously developed land and 1,400 homes to be provided within Shoeburyness during the plan period.
- 4.3 Policy DM3 of the emerging Development Management DPD promotes the efficient and effective use of land in a sustainable manner which does not lead to over intensification or undue stress on supporting infrastructure. Infill development will be supported where in respects the character of the area and amenity of existing residential properties.
- 4.4 From this basis, it is considered that the principle of undertaking residential development at this site should be supported, subject to the following detailed considerations. This is especially the case given that two of the 12 core principles of sustainable development that are identified within the NPPF are to *“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”* and to *“proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.”*

Design and Impact on the Character of the Area:

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4; Development Management DPD emerging policy DM1, BLP policies C11, H5, and H7 and the Design and Townscape Guide.

- 4.5 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, emerging policy DM1 of the Development Management DPD 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.
- 4.6 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.
- 4.7 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”*.
- 4.8 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*
- 4.9 The surrounding area features buildings of generally consistent heights, although it is noted that there is a bulkier building to the South. The proposed dwellings would be approximately 0.8 metres taller than the surrounding dwellings, although the eaves height would be similar. In this instance it is considered that the increased height is a result of the increased depth of the dwellings in comparison to their neighbours. This is a consequence of the proposed dwelling having to be larger to comply with current standards in terms of internal floorspace and lifetime homes. It is considered that the increased height of the dwellings can be accommodated at this site without material harm to the character or appearance of the surrounding area. Although the majority of dwellings are built to the same height, due to being built at the same time and of identical design, which cannot now be replicated, it is considered that the buildings of the wider area are not of uniform height and therefore the height variation can be accommodated without material harm to the character of the area. The height of existing buildings could have been replicated with a lower pitch of roof, but it is considered that this would have had resulted in the dwellings appearing squat and poorly proportioned, thereby causing more harm than the increased height of the proposed buildings.

- 4.10 The proposed building has been positioned to be in line with the rear elevation of the properties to the North. In this instance it is considered that this has the effect of providing a strong frontage to Eagle Way which is the most prominent frontage of the site, thereby reflecting the grain and arrangement of existing development. It is therefore considered that the position of the dwellings at the site is appropriate in the context of the surrounding area.
- 4.11 The surrounding area is characterised by featuring buildings of a uniform design that is reflective of the age of the properties. Given the advances that have occurred in building design since the surrounding properties were built it is considered that it would be undesirable to require the applicant to entirely replicate the design of the existing dwellings within the surrounding area. Instead of this, the applicant is proposing the use of a similar red/orange brick and has included the use of rendered panels around the proposed windows, which can be viewed as a modern interpretation of the cladding panels that exist around the windows of the some of the existing properties within the surrounding area. In this respect it is considered that the proposed development is taking a design approach that is modern, but also partly reflective of the architecture of the surrounding area. Whilst the comments of the Council's Design and Regeneration Team are noted, it is considered that the decision to hip the gables of the proposed building would reflect the appearance of the building to the South and is not therefore out-of-keeping with the character of the surrounding area. It is considered that it is appropriate to match the architecture of the building to the South as the materials proposed to be used would also match that building.
- 4.12 As a new development, it is considered that the proposed dwellings would be viewed as departure from the established character of the surrounding area and therefore it is considered that the height of the dwellings can be varied, along with the architectural detailing of the dwellings, without causing material harm to the character or appearance of Exeter Close and Eagle Way. In this respect it is also noted that the existing garage court is of poor appearance that detracts from the character of the surrounding area and as such its redevelopment would represent a visual enhancement. Therefore, in the context of the surrounding area and on balance, it is considered that no objection should be raised to the layout, scale or appearance of the proposed development

Traffic and Transport Issues

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4; BLP policies T8 and T11 and Development Management DPD emerging policy DM15.

- 4.13 Policy T11 requires the provision of adequate parking and servicing facilities. The Essex Planning Officers Association (EPOA) set out the requirements for each use of land with the adopted parking standards indicating that a maximum of 1.5 spaces should be provided per residential unit, with it being expected that less parking would be provided within the most sustainable locations.

- 4.14 The provision of 8 parking spaces to serve the proposed dwellings would exceed the requirements of the Council's Adopted Parking Standards and also comply with the Council's parking standards within the Council's emerging Development Management DPD. It is therefore considered that ample parking is proposed for the occupants of the proposed development.
- 4.15 The site currently contains 16 garages and scope for additional parking within the site that is a facility that is used by residents of the surrounding area. However, it is noted that 7 of the garage spaces have been lost through the vacant garages being 'boarded up' and other garages are also of limited use. Two open parking spaces would be retained at the site for use by the surrounding community.
- 4.16 Cycle parking could occur within the plots of the properties which would be adequate in terms of the complying with the content of the Council's Adopted Parking Standards.

Impact on Residential Amenity.

The National Planning Policy Framework; Development Management DPD emerging policy DM1, BLP policies C11, H5, and H7 the Design and Townscape Guide.

- 4.17 Policy DM1 of the emerging Development Management DPD and policy H5 of the BLP requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight."
- 4.18 The residential property to the North of the application site (7 Exeter Close) features no windows in the side elevation. The proposed building would be positioned to project 2.2 metres further to the rear than the front elevation of the property to the North and as such the rear part of the dwelling would be visible from within the neighbouring property and have some impact on the light received within the neighbouring property. However, as the proposed dwelling only extends 2.2 metres to the East, is separated from the neighbouring dwelling by 1.8 metres and is located to the South, it is considered that the impact on direct sunlight would be limited to a small part of the winter day and the impact on general daylight received within the property would be marginal. For this reason, it is considered that the proposed development would not cause a harmful loss of direct sunlight or general daylight within the neighbouring properties that would justify the refusal of the application.

- 4.19 Similarly, due to the separation distance between dwellings of 12.8 metres and the position of the dwellings to the West South West of the neighbouring properties, it is considered that the impact on the light received within property to the North East of the application site (1 Exeter Close) would be minimal. The rear elevation of the proposed dwellings would face the neighbouring dwelling and therefore cause some overlooking of the neighbouring property. However, the separation distance of 12.8 metres ensures that the level of overlooking would not cause the habitable rooms of amenity areas to be unusable and the overlooking would not be materially different to that which is already possible from the existing dwellings.
- 4.20 No other properties would be harmfully affected to an extent that would justify the refusal of the application on those grounds.

Living Conditions for Future Occupiers

National Planning Policy Framework 2012, Development Management DPD emerging policy DM8, Borough Local Plan Policies H5 and H7 and SPD1

- 4.21 Paragraph 17 of the NPPF states that “*planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*”. The Council’s Development Management Development Plan Document has been through examination and it is therefore considered to have significant weight in policy terms. In this document (Policy DM8) minimum dwelling and room sizes are set out as per the below table:

Policy Table 4: Indicative Residential Space Standards for dwellings

- | | | |
|-----|--------------------------|----|
| (a) | 2 bedroom (3 bed spaces) | 66 |
| (b) | 2 bedroom (4 bed spaces) | 77 |
| (c) | 3 bedroom (5 bed spaces) | 82 |
| (d) | 3 bedroom (6 bed spaces) | 95 |

The following is also prescribed:

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bedspace.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Bedroom Sizes : The minimum floor area for bedrooms to be no less than 7m² for a single bedroom with a minimum width of 2.15m² ; and 12m² for a double/twin bedroom with a minimum width of 2.55m²
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.

- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

4.22 With respect to amenity space, the proposed dwellings would be served by gardens that would measure 62, 49 and 68 square metres which is considered to be an appropriate amount of amenity space in this instance.

4.23 The proposed three bedroom units (with 5 bed spaces) would measure 94 square metres in area and the bedrooms are shown to measure 11.8 and 14 square metres in the case of the double and twin bedrooms and 6.5 square metres in the case of the single bedrooms. The proposed two bedroom dwelling (with 3 bed spaces) complies with the abovementioned standards, with an internal floor area of 78 square metres. Cycle and refuse storage can occur within the plots of the proposed dwellings and internal domestic storage cupboards are shown with the proposed dwellings.

4.24 Therefore, on balance and despite a minor deficiency in terms of the size of the single bedrooms in the three bedroom dwellings, it is considered that the standard of amenity for future occupants of the building would be acceptable.

4.25 As the homes are affordable units they will also meet lifetime homes standards which meets with the requirements of emerging policy DM8.

Sustainable construction

National Planning Policy Framework (NPPF). Core Strategy Policy KP2. Development Management DPD emerging policy DM2

4.26 Policy KP2 of the Core Strategy states that at least 10% of the total energy needs of a new development should be provided through on-site renewable sources of energy provision (and/or decentralised renewable or low carbon energy sources). Emerging policy DM2 requires new development to achieve Code Level 3 under the Code for Sustainable Homes. It is proposed to install solar (pv) panels on the West facing elevation and although the predicted energy performance has not been provided, this can be secured by condition. As the homes are all affordable housing units they have been designed to meet Code Level 4 under the Code for Sustainable Homes which exceeds the emerging policy requirements. Therefore, subject to conditions, it is considered this satisfies existing and emerging policy.

Other Matters

- 4.27 Although it is noted that the developments are proposed as affordable housing units, it is considered appropriate to note that policy CP8 does not require affordable housing to be provided at the site as the site does not exceed either of the thresholds that are set out within the policy. Therefore, as the affordable housing units are not required to be provided to make the development acceptable in planning terms, it is considered that the Local Planning Authority cannot require the affordable housing units to be secured under the terms of a legal agreement pursuant to Section 106 of the Town and Country Planning Act.

5 Conclusion

- 5.1 The proposed development would enable the creation of three additional affordable housing residential units which is considered to be in accordance with the development plan. The impact on neighbouring properties would not be unacceptable, the living conditions for future occupants is acceptable and it is considered that ample parking would be provided to serve the proposed development.
- 5.2 On balance, it is considered that the design and scale of the proposed development would not be materially harmful to the character and appearance of the surrounding area and represent an improvement in comparison to the existing garage court. It is therefore recommended that planning permission is approved.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework and National Planning Policy Guidance.
- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure) and CP8 (Dwelling Provision).
- 6.3 Emerging Development Management (DPD2): DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (The Efficient and Effective Use of Land), DM8 (Residential Standards), DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 6.5 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), H7 (Formation of Self-contained Flats), T8 (Traffic Management and Highway Safety) and T11 (Parking Standards).
- 6.6 EPOA adopted Vehicle Parking Standards.

Representation Summary

Design and Regeneration

- 7.1 No objection has been raised to the proposal, but the following detailed design comments have been made:
- 7.2 The development positively achieves alignment with the front building line of neighbouring dwellings, and sees each unit provided within private amenity space and parking, together with the re-provision of parking to the rear of the site. There is a mix of 2 and 3 bed units, which should provide family sized accommodation. The properties are generally well articulated with large, contemporary windows, well defined entranceways, with the side elevation of plot 3 (of which there would be public views) positively incorporating a strong provision of fenestration which articulates this frontage.
- 7.3 In design terms, the main concern relates to the roof style proposed. Hipped roofs are not a common feature of the streetscene or wider area, where gabled roofs dominate. It is considered that in order to achieve a stronger degree of consistency with local character and context, this should be addressed (particularly given the prominent location of the proposed units at the junction of Eagle Way/Exeter Close).
- 7.4 Development Management Policy DM8, within Policy Table 5, sets out the standards expected to be achieved for residential bedrooms and amenity. For plots 1 and 3, the twin and single bedrooms fall below these standards. These units also seem to be lacking internal storage space, although benefit from a cupboard at first floor, this space seems limited given the number of bedrooms.
- 7.5 It is noted that there is a large tree to the front of the site, and this should be appropriately protected during construction – this could be dealt with by condition as necessary. Two trees to the side of the site are regrettably to be lost, although it is noted that new trees are to be planted opposite the site which is welcomed and there could be further scope to incorporate tree planting to the grass area adjacent to the parking court.
- 7.6 In terms of renewables, solar panels are proposed, and further information will be required to demonstrate how these panels will contribute to the obtainment of a min of 10% of the energy needs of the dwellings. This should be dealt with by condition. Also, details of boundary treatments should be agreed by condition.

Highway Authority

- 7.7 100% parking has been provided with the proposal therefore no highway objections are raised.

Public Consultation

7.8 5 neighbouring properties were notified of the application and a notice was posted at the site. No letters of representation have been received.

8 Relevant Planning History

8.1 There is no planning history of relevance to this application at this site.

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. (C01A)

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990. (R01A)

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 3679-6.100 PL3 and 3679-6.101 PL1

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan. (R01D)

03 Unless otherwise agreed in writing with the local planning authority, the development hereby permitted shall be constructed entirely of the materials details of which are shown on the plans hereby approved.

Reason: In the interest of visual amenity in accordance with the NPPF, DPD1 (Core Strategy) 2007 policies KP2 and CP4, Borough Local Plan 1994 policies C11 and H5 and SPD1 (Design and Townscape Guide).

04 8 car parking spaces shall be provided in accordance with the approved plans prior to the occupation of any of the dwellings hereby approved.

Reason: To ensure that satisfactory off-street car parking is provided 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:-

- vii. proposed finished levels or contours;**
- viii. means of enclosure;**
- ix. hard surfacing materials;**

Soft landscape works shall include trees (number/species/size on planting), shrubs, lower level planting and grassed areas

The soft landscaping works shall also include the planting of four trees on the land to the South of Exeter Close as shown on plan 3679-6.100 PL3.

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, within and outside the application site, 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 Before the development hereby permitted is begun a scheme for generating 10% of the predicted energy requirement of the development from decentralised renewable and/or low carbon sources shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the development is first occupied and shall remain operational for the lifetime of the development unless otherwise agreed in writing by the local planning authority

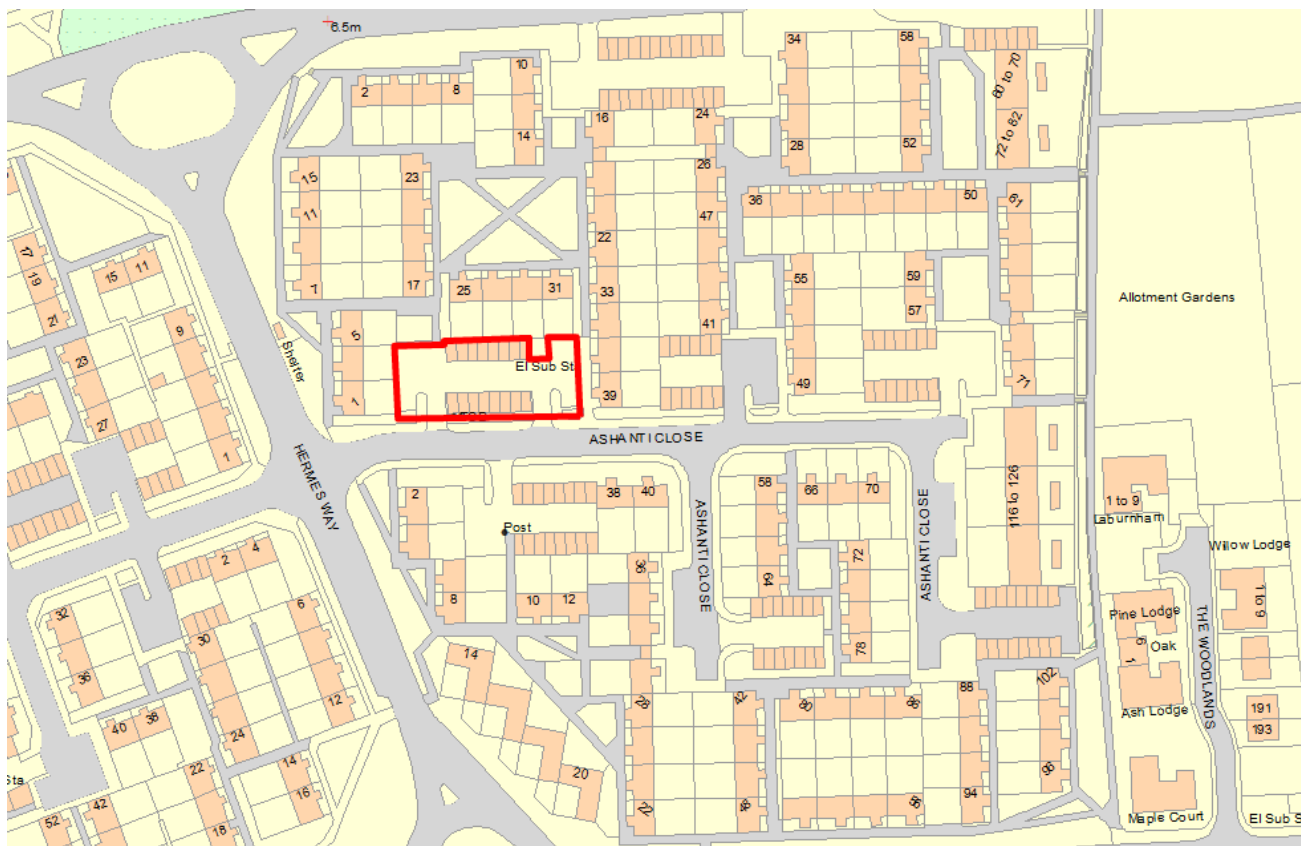
Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the NPPF, DPD1 (Core Strategy) policy KP2 and CP4, and SPD1 (Design and Townscape Guide).

08 Notwithstanding the provisions of Classes A, B and E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no outbuildings shall be erected and none of the dwellings hereby approved shall be enlarged or altered unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of visual amenity in accordance with DPD1 (Core Strategy) 2007 policies KP2 and CP4, Borough Local Plan 1994 policies C11 and H5 and SPD1 (Design and Townscape Guide).

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

Reference:	15/00232/FUL
Ward:	Shoeburyness
Proposal:	Demolish existing garages and erect terrace of three dwellinghouses, layout hardstanding and form vehicular access onto Ashanti Close.
Address:	Garages rear of 25 And 31 Ashanti Close, Shoeburyness, Southend-On-Sea, Essex, SS3 9RL
Applicant:	Mr. T. Holland (Southend-on-Sea Borough Council)
Agent:	Mr. S. Lewis (AK Design Partnership LLP)
Consultation Expiry:	30/03/15
Expiry Date:	24/04/15
Case Officer:	Ian Harrison
Plan Nos:	3679-1.100 PL2 and 3679-1.101 PL1
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought to demolish the existing single storey garage blocks at the application site and redevelop the land to enable the erection of a terrace of three two storey dwellinghouses.
- 1.2 The site currently contains two single storey buildings that are positioned at the North and South boundaries of the site and contain a total of 16 garages. Each building measures 21 metres by 5.3 metres, with mono-pitch roofs built to a maximum height of 2.6 metres. The majority of the remainder of the site is laid to hardstanding, with small grassed areas at the highway frontage of the site.
- 1.3 The proposed development would see the site cleared and the erection of a building that would measure 8.2 metres deep and 20.3 metres wide, comprising of three dwellinghouses. The building would be positioned 5 metres from the highway frontage and 7.2 metres from the North (rear) boundary of the site. The two storey building would have a ridge height of 7.7 metres and an eaves height of 5 metres.
- 1.4 The building would be constructed with buff brickwork and panels of off-white render on the front elevation. Grey interlocking tiles would be used on the roof of the property and the fascias and windows would be UPVC. The submitted plans indicatively show the use of Solar panels on the South facing roofslope.
- 1.5 The proposed houses would each contain three bedrooms and would comply with Lifetime Home standards.
- 1.6 Three pairs of car parking spaces are proposed at the frontage of the application site, with each pair being served by a dropped kerb to provide access onto Ashanti Close. The submitted plans show the removal of two existing trees at the frontage of the site. The existing parking area at the East and West edges of the application site would be retained and enlarged through the removal of kerbs within the parking areas.

2 Site and Surroundings

- 2.1 The application site is located to the North of Ashanti Close, measuring a maximum of 20.7 metres deep and 60 metres wide. The site is not the subject of any site specific policies within the adopted development plan.
- 2.2 The site contains two single storey buildings that are described above and the surrounding buildings are used for residential purposes in the form of two storey dwellings.
- 2.3 The adjacent block to the North is a terrace of two-storey dwellings that measures a 6 metres deep with a maximum height of approximately 6.7 metres and an eaves height of 5 metres. Terraces of identical design exist to the East and West of the application site, 15 and 20 metres from the dwellings proposed by this application.

- 2.4 The existing dwellings to the North (rear) of the application site have a shared boundary with the proposed dwellings, which is located 7.2 metres from the rear elevation of the proposed dwellings and 9.2 metres from the rear elevation of the dwellings to the North.

3 Planning Considerations

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

4 Appraisal

Principle of the Development

The National Planning Policy Framework, DPD1 (Core Strategy) policies KP2, CP4 and CP8; Development Management DPD emerging policy DM3.

- 4.1 Development Management DPD2 has been found sound by the Planning Inspectorate. It is therefore considered that these policies, although not adopted by the Council, carry significant weight in the determination of planning applications. This is support by paragraph 216 of the NPPF which states that; *“the more advance the preparation of the emerging plan the greater the weight that may be given.”*
- 4.2 Policy CP8 of the Core Strategy identifies that the intensification of the use of land should play a significant role in meeting the housing needs of the Southend Borough, providing approximately 40% of the additional housing that is required to meet the needs of the Borough. Policy CP8 also expects 80% of residential development to be provided on previously developed land and 1,400 homes to be provided within Shoeburyness during the plan period.
- 4.3 Policy DM3 of the emerging Development Management DPD promotes the efficient and effective use of land in a sustainable manner which does not lead to over intensification or undue stress on supporting infrastructure. Infill development will be supported where in respects the character of the area and amenity of existing residential properties.
- 4.4 From this basis, it is considered that the principle of undertaking residential development at this site should be supported, subject to the following detailed considerations. This is especially the case given that two of the 12 core principles of sustainable development that are identified within the NPPF are to *“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”* and to *“proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.”*

Design and Impact on the Character of the Area:

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4; Development Management DPD emerging policy DM1, BLP policies C11, H5, and H7 and the Design and Townscape Guide.

- 4.5 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, emerging policy DM1 of the Development Management DPD 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.
- 4.6 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.
- 4.7 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”*.
- 4.8 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*
- 4.9 The surrounding area features buildings of generally consistent heights, although it is noted that there are taller developments to the East end of Ashanti Close. The proposed dwellings would be approximately 1 metre taller than the surrounding dwellings, although the eaves height would be similar. In this instance it is considered that the increased height is a result of the increased depth of the dwellings in comparison to their neighbours. This is a consequence of the proposed dwelling having to be larger to comply with current standards in terms of internal floorspace and lifetime homes. It is considered that the increased height of the dwellings can be accommodated at this site without material harm to the character or appearance of the surrounding area. Although the majority of dwellings are built to the same height, due to being built at the same time and of identical design, which cannot now be replicated, it is considered that the buildings of the wider area are not of uniform height and therefore the height variation can be accommodated without material harm to the character of the area.

The height of existing buildings could have been replicated with a lower pitch of roof, but it is considered that this would have had resulted in the dwellings appearing squat and poorly proportioned, thereby causing more harm than the increased height of the proposed buildings.

- 4.10 In this instance it is considered that proposed development would be orientated to provide a frontage to Ashanti Close without restricting views along the existing street-scene. It is therefore considered that the position of the dwellings at the site is appropriate in the context of the surrounding area.
- 4.11 The surrounding area is characterised by featuring buildings of a uniform design that is reflective of the age of the properties. Given the advances that have occurred in building design since the surrounding properties were built it is considered that it would be undesirable to require the applicant to entirely replicate the design of the existing dwellings within the surrounding area. Instead of this, the applicant is proposing the use of a similar buff brick and has included the use of rendered panels around the proposed windows, which can be viewed as a modern interpretation of the cladding panels that exist between the windows of the existing properties. In this respect it is considered that the proposed development is taking a design approach that is modern, but also partly reflective of the architecture of the surrounding area.
- 4.12 As a new development, it is considered that the proposed dwellings would be viewed as departure from the established character of the surrounding area and therefore it is considered that the height of the dwellings can be varied, along with the architectural detailing of the dwellings, without causing material harm to the character or appearance of Ashanti Close. In this respect it is also noted that the existing garage court is of poor appearance that detracts from the character of the surrounding area and as such its redevelopment would represent a visual enhancement. Therefore, in the context of the surrounding area and on balance, it is considered that no objection should be raised to the layout, scale or appearance of the proposed development

Traffic and Transport Issues

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4; BLP policies T8 and T11 and Development Management DPD emerging policy DM15.

- 4.13 Policy T11 requires the provision of adequate parking and servicing facilities. The Essex Planning Officers Association (EPOA) set out the requirements for each use of land with the adopted parking standards indicating that a maximum of 1.5 spaces should be provided per residential unit, with it being expected that less parking would be provided within the most sustainable locations.

- 4.14 The provision of 6 parking spaces to serve the proposed dwellings would exceed the requirements of the Council's Adopted Parking Standards and also comply with the Council's parking standards within the Council's emerging Development Management DPD. It is therefore considered that ample parking is proposed for the occupants of the proposed development.
- 4.15 The site currently contains 16 garages and scope for additional parking within the site that is a facility that is used by residents of the surrounding area. However, it is noted that 5 of the garage spaces have been lost through the vacant garages being 'boarded up' and site visit evidence suggests that other garages are also of limited use. Open parking spaces would be retained at the site for use by the surrounding community. It is also considered relevant to note that the applicant has arranged for alternative garage accommodation to be provided within the surrounding area for those tenants that were still using garages at the site.
- 4.16 Cycle parking could occur within the plots of the properties which would be adequate in terms of the complying with the content of the Council's Adopted Parking Standards.

Impact on Residential Amenity.

The National Planning Policy Framework; Development Management DPD emerging policy DM1, BLP policies C11, H5, and H7 the Design and Townscape Guide.

- 4.17 Policy DM1 of the emerging Development Management DPD and policy H5 of the BLP requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight."
- 4.18 Due to the separation distance between dwellings of 16.4 metres, it is considered that the impact on the light received within properties to the rear of the application site (25 to 29 Ashanti Close) would be minimal. The rear elevation of the proposed dwellings would face the neighbouring dwellings and therefore cause some overlooking of the neighbouring property. However, the separation distance of 16.4 metres ensures that the level of overlooking would not cause the habitable rooms of amenity areas to be unusable. In this respect it is considered appropriate to note that the 'back-to-back' distances are not materially different to those which exist throughout the surrounding area.
- 4.19 Similarly, due to the separation distances and the presence of parking courts between the proposed dwellings and the existing neighbouring dwellings, it is considered that the proposed development would not have a harmful impact on the amenities of the properties to the East and West of the application site.

4.20 No other properties would be harmfully affected to an extent that would justify the refusal of the application on those grounds.

Living Conditions for Future Occupiers

National Planning Policy Framework 2012, Development Management DPD emerging policy DM8, Borough Local Plan Policies H5 and H7 and SPD1

4.21 Paragraph 17 of the NPPF states that “*planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*”. The Council’s Development Management Development Plan Document has been through examination and it is therefore considered to have significant weight in policy terms. In this document (Policy DM8) minimum dwelling and room sizes are set out as per the below table:

Policy Table 4: Indicative Residential Space Standards

- (a) 2 bedroom (3 bed spaces) 66
- (b) 2 bedroom (4 bed spaces) 77
- (c) 3 bedroom (5 bed spaces) 82
- (d) 3 bedroom (6 bed spaces) 95

The following is also prescribed:

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bedspace.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Bedroom Sizes : The minimum floor area for bedrooms to be no less than 7m² for a single bedroom with a minimum width of 2.15m² ; and 12m² for a double/twin bedroom with a minimum width of 2.55m²
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.

- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

- 4.22 Each dwelling would have internal dimensions that exceed the abovementioned standards. With respect to amenity space, the proposed dwellings would be served by gardens that would measure 43, 48 and 50 square metres which are considered to be small, but acceptable in this instance, particularly given the comparable size of gardens in the surrounding area.
- 4.23 The proposed units would measure 95 square metres in area and the bedrooms are shown to measure 11.8 and 14 square metres in the case of the double and twin bedrooms and 6.5 square metres in the case of the single bedrooms. Cycle and refuse storage can occur within the plots of the proposed dwellings and internal domestic storage cupboards are shown with the proposed dwellings, albeit not of the size required by the abovementioned policy.
- 4.24 Therefore, on balance and despite a minor deficiency in terms of the size of some of the bedrooms, it is considered that the standard of amenity for future occupants of the building would be acceptable.
- 4.25 As the homes are affordable units they will also meet lifetime homes standards which meets with the requirements of emerging policy DM8.

Sustainable construction

National Planning Policy Framework (NPPF). Core Strategy Policy KP2. Development Management DPD emerging policy DM2

- 4.26 Policy KP2 of the Core Strategy states that at least 10% of the total energy needs of a new development should be provided through on-site renewable sources of energy provision (and/or decentralised renewable or low carbon energy sources). Emerging policy DM2 requires new development to achieve Code Level 3 under the Code for Sustainable Homes. It is proposed to install solar (pv) panels on the east facing elevation and although the predicted energy performance has not been provided, this can be secured by condition. As the homes are all affordable housing units they have been designed to meet Code Level 4 under the Code for Sustainable Homes which exceeds the emerging policy requirements. Therefore, subject to conditions, it is considered this satisfies existing and emerging policy.

Other Matters

- 4.27 Although it is noted that the developments are proposed as affordable housing units, it is considered appropriate to note that policy CP8 does not require affordable housing to be provided at the site as the site does not exceed either of the thresholds that are set out within the policy. Therefore, as the affordable housing units are not required to be provided to make the development acceptable in planning terms, it is considered that the Local Planning Authority cannot require the affordable housing units to be secured under the terms of a legal agreement pursuant to Section 106 of the Town and Country Planning Act.

5 Conclusion

- 5.1 The proposed development would enable the creation of three additional affordable housing residential units which is considered to be in accordance with the development plan. The impact on neighbouring properties would not be unacceptable, the living conditions for future occupants is acceptable and it is considered that ample parking would be provided to serve the proposed development.
- 5.2 On balance, it is considered that the design and scale of the proposed development would not be materially harmful to the character and appearance of the surrounding area and represent an improvement in comparison to the existing garage court. It is therefore recommended that planning permission is approved.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework and National Planning Policy Guidance.
- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure) and CP8 (Dwelling Provision).
- 6.3 Emerging Development Management (DPD2): DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (The Efficient and Effective Use of Land), DM8 (Residential Standards), DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 6.5 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), H7 (Formation of Self-contained Flats), T8 (Traffic Management and Highway Safety) and T11 (Parking Standards).
- 6.6 EPOA adopted Vehicle Parking Standards.

Representation Summary

Design and Regeneration

- 7.1 No objection has been raised to the proposal, but the following detailed design comments have been made:
- 7.2 The principle of residential development in this location is not objected to. The overriding character of the area being for residential dwellings, and the proposed development would provide family sized accommodation (3 x 3 bed units) which is welcomed, and would form part of a wider development of garage blocks in the street (the opposite site also being proposed for redevelopment).
- 7.3 The twin and single bedrooms to each unit fall slightly under these standards. Internal storage space is also limited to a cupboard at first floor and in this respect it is noted that policy indicates that 1.25 square metres should be provided for a 1-2 person dwelling, plus a minimum of 0.5m² for each additional bedspace, thereby equating to 2.75 square metres in this case.
- 7.4 Each unit is positively provided with a rear garden. Details of hard and soft landscaping, and boundary treatment should be agreed by condition should planning permission be granted. The units also benefit from off street parking to their frontage. This is not a common feature of the streetscene, with the majority of parking on street or within parking courts / garage blocks. Nonetheless there is scope to soften these spaces with landscaping, as indicated on the plans, and good quality surface materials.
- 7.5 When considering the design on its own merits, the properties appear to be well articulated with large windows to both the front and rear. There is a sense of uniformity to the character of the area however, and the designs are somewhat juxtaposed to this (although replicate the design proposed to the opposite site). It is accepted that replicating the design of existing dwellings isn't necessary and that materials could be dealt with by condition to ensure successful integration with the streetscene in this respect (e.g. timber cladding rather than render could be considered as this is found to existing properties). Unlike the 3 new dwellings proposed opposite the site, these units wouldn't be read in immediate context with existing dwellings facing the street. Although a stronger degree of alignment could have been achieved with properties to the west, on balance there are no objections.
- 7.6 A minimum of 10% of the energy needs of the development should come from on-site renewable sources in line with CS policy KP2. Solar panels are to be provided and details of how the requirements of Policy KP2 will be met should be dealt with by condition. The proposed obtainment of CFSH level 4 is welcomed. It is also noted that the dwellings have been designed to reflect lifetime homes standards and secure by design principles, which is again welcomed.

Highway Authority

- 7.7 There are no highway objections to this proposal 100% parking has been provided.

Public Consultation

- 7.8 15 neighbouring properties were notified of the application and a notice was posted at the site. No letters of representation have been received.

8 Relevant Planning History

- 8.1 There is no planning history of relevance to this application at this site.

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. (C01A)**

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990. (R01A)

- 02 **The development hereby permitted shall be carried out in accordance with the following approved plans: 3679-1.100 PL2 and 3679-1.101 PL1**

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan. (R01D)

- 03 **Unless otherwise agreed in writing with the local planning authority, the development hereby permitted shall be constructed entirely of the materials details of which are shown on the plans hereby approved.**

Reason: In the interest of visual amenity in accordance with the NPPF, DPD1 (Core Strategy) 2007 policies KP2 and CP4, Borough Local Plan 1994 policies C11 and H5 and SPD1 (Design and Townscape Guide).

- 04 **6 car parking spaces shall be provided in accordance with the approved plans prior to the occupation of any of the dwellings hereby approved.**

Reason: To ensure that satisfactory off-street car parking is provided 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:-

- x. proposed finished levels or contours;**
- xi. means of enclosure;**
- xii. hard surfacing materials;**

Soft landscape works shall include trees (number/species/size on planting), shrubs, lower level planting and grassed areas

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 Before the development hereby permitted is begun a scheme for generating 10% of the predicted energy requirement of the development from decentralised renewable and/or low carbon sources shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the development is first occupied and shall remain operational for the lifetime of the development 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).

08 Notwithstanding the provisions of Classes A, B and E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no outbuildings shall be erected and none of the dwellings hereby approved shall be enlarged or altered unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of visual amenity in accordance with DPD1 (Core Strategy) 2007 policies KP2 and CP4, Borough Local Plan 1994 policies C11 and H5 and SPD1 (Design and Townscape Guide).

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

Reference:	15/00233/FUL
Ward:	Shoeburyness
Proposal:	Demolish existing garages and erect terrace of three dwellinghouses, layout hardstanding and form vehicular access onto Ashanti Close and retain existing parking spaces
Address:	Garages rear of 10 And 12 and adjacent 38 Ashanti Close, Shoeburyness, Southend-On-Sea, Essex, SS3 9RL
Applicant:	Mr. T. Holland (Southend-on-Sea Borough Council)
Agent:	Mr. S. Lewis (AK Design Partnership LLP)
Consultation Expiry:	30/03/15
Expiry Date:	24/04/15
Case Officer:	Ian Harrison
Plan Nos:	3679-2.100 PL2 and 3679-2.101 PL1
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought to demolish the existing single storey garage blocks at the application site and redevelop the land to enable the erection of a terrace of three two storey affordable dwellinghouses.
- 1.2 The site currently contains two single storey buildings that are positioned at the North and South boundaries of the site and contain a total of 16 garages. Each building measures 20 metres by 5.2metres, with mono-pitch roofs built to a maximum height of 2.6 metres. The majority of the remainder of the site is laid to hardstanding, with small grassed areas at the highway frontage of the site.
- 1.3 The proposed development would see the site cleared and the erection of a building that would measure 8.1 metres deep and 20 metres wide, comprising of three dwellinghouses. The building would be positioned 5 metres from the highway frontage and 9.3 metres from the South (rear) boundary of the site. The two storey building would have a ridge height of 7.6 metres and an eaves height of 5 metres.
- 1.4 The building would be constructed with buff brickwork and panels of off-white render on the front elevation. Grey interlocking tiles would be used on the roof of the property and the fascias and windows would be UPVC. The submitted plans indicatively show the use of Solar panels on the South facing roofslope.
- 1.5 The proposed houses would each contain three bedrooms and would comply with Lifetime Home standards.
- 1.6 Three pairs of car parking spaces are proposed at the frontage of the application site, with each pair being served by a dropped kerb to provide access onto Ashanti Close. The submitted plans show the retention of the existing tree at the frontage of the site. The existing parking area at the West edge of the application site would be retained and enlarged through the removal of a part of a kerb, which would enable the parking of an additional car within the parking area.

2 Site and Surroundings

- 2.1 The application site is located to the South of Ashanti Close, measuring a maximum of 22 metres deep and 32 metres wide. The site is not the subject of any site specific policies within the adopted development plan.
- 2.2 The site contains two single storey buildings that are described above and the surrounding buildings are used for residential purposes in the form of two storey dwellings.
- 2.3 The adjacent block to the East is a pair of two-storey, semi-detached dwellings that measures a maximum of 7.7 metres deep with a maximum height of 6.7 metres and an eaves height of 5.1 metres. Dwellings of identical design exist to the West of the application site, 20 metres from the dwellings proposed by this application.

- 2.4 Similar dwellings exist to the South (rear) of the application site, with a shared boundary being located 9.3 metres from the rear elevation of the proposed dwellings and 9.3 metres from the rear elevation of the dwellings to the South.

3 Planning Considerations

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

4 Appraisal

Principle of the Development

The National Planning Policy Framework, DPD1 (Core Strategy) policies KP2, CP4 and CP8; Development Management DPD emerging policy DM3.

- 4.1 Development Management DPD2 has been found sound by the Planning Inspectorate. It is therefore considered that these policies, although not adopted by the Council, carry significant weight in the determination of planning applications. This is supported by paragraph 216 of the NPPF which states that; *“the more advance the preparation of the emerging plan the greater the weight that may be given.”*
- 4.2 Policy CP8 of the Core Strategy identifies that the intensification of the use of land should play a significant role in meeting the housing needs of the Southend Borough, providing approximately 40% of the additional housing that is required to meet the needs of the Borough. Policy CP8 also expects 80% of residential development to be provided on previously developed land and 1,400 homes to be provided within Shoeburyness during the plan period.
- 4.3 Policy DM3 of the emerging Development Management DPD promotes the efficient and effective use of land in a sustainable manner which does not lead to over intensification or undue stress on supporting infrastructure. Infill development will be supported where in respects the character of the area and amenity of existing residential properties.
- 4.4 From this basis, it is considered that the principle of undertaking residential development at this site should be supported, subject to the following detailed considerations. This is especially the case given that two of the 12 core principles of sustainable development that are identified within the NPPF are to *“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”* and to *“proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.”*

Design and Impact on the Character of the Area:

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4; Development Management DPD emerging policy DM1, BLP policies C11, H5, and H7 and the Design and Townscape Guide.

- 4.5 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, emerging policy DM1 of the Development Management DPD 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.
- 4.3 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.
- 4.4 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”*.
- 4.5 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*
- 4.6 The surrounding area features buildings of generally consistent heights, although it is noted that there are taller developments to the East end of Ashanti Close. The proposed dwellings would be approximately 1 metre taller than the surrounding dwellings, although the eaves height would be similar. In this instance it is considered that the increased height is a result of the increased depth of the dwellings in comparison to their neighbours. This is a consequence of the proposed dwelling having to be larger to comply with current standards in terms of internal floorspace and lifetime homes. It is considered that the increased height of the dwellings can be accommodated at this site without material harm to the character or appearance of the surrounding area. Although the majority of dwellings are built to the same height, due to being built at the same time and of identical design, which cannot now be replicated, it is considered that the buildings of the wider area are not of uniform height and therefore the height variation can be accommodated without material harm to the character of the area.

The height of existing buildings could have been replicated with a lower pitch of roof, but it is considered that this would have had resulted in the dwellings appearing squat and poorly proportioned, thereby causing more harm than the increased height of the proposed buildings.

- 4.7 The proposed building has been positioned to be recessed from the front projection of the dwellings to the East and in line with the side elevation of the properties to the West that front Hermes Way. In this instance it is considered that this has the effect of providing a strong frontage to Ashanti Close without restricting views along the existing street-scene. It is therefore considered that the position of the dwellings at the site is appropriate in the context of the surrounding area.
- 4.8 The surrounding area is characterised by featuring buildings of a uniform design that is reflective of the age of the properties. Given the advances that have occurred in building design since the surrounding properties were built it is considered that it would be undesirable to require the applicant to entirely replicate the design of the existing dwellings within the surrounding area. Instead of this, the applicant is proposing the use of a similar buff brick and has included the use of rendered panels around the proposed windows, which can be viewed as a modern interpretation of the cladding panels that exist between the windows of the existing properties. In this respect it is considered that the proposed development is taking a design approach that is modern, but also partly reflective of the architecture of the surrounding area.
- 4.9 As a new development, it is considered that the proposed dwellings would be viewed as departure from the established character of the surrounding area and therefore it is considered that the height of the dwellings can be varied, along with the architectural detailing of the dwellings, without causing material harm to the character or appearance of Ashanti Close. In this respect it is also noted that the existing garage court is of poor appearance that detracts from the character of the surrounding area and as such its redevelopment would represent a visual enhancement. Therefore, in the context of the surrounding area and on balance, it is considered that no objection should be raised to the layout, scale or appearance of the proposed development

Traffic and Transport Issues

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4; BLP policies T8 and T11 and Development Management DPD emerging policy DM15.

- 4.10 Policy T11 requires the provision of adequate parking and servicing facilities. The Essex Planning Officers Association (EPOA) set out the requirements for each use of land with the adopted parking standards indicating that a maximum of 1.5 spaces should be provided per residential unit, with it being expected that less parking would be provided within the most sustainable locations.

- 4.11 The provision of 6 parking spaces to serve the proposed dwellings would exceed the requirements of the Council's Adopted Parking Standards but comply with parking standards within the Council's emerging Development Management DPD. It is therefore considered that sufficient parking is proposed for the occupants of the proposed development.
- 4.12 The site currently contains 16 garages and scope for additional parking within the site that is a facility that is used by residents of the surrounding area. However, it is noted that 4 of the garage spaces have been lost through the vacant garages being 'boarded up' and site visit evidence suggests that other garages are also of limited use. Six open parking spaces would be retained at the site for use by the surrounding community. It is also considered relevant to note that the applicant has arranged for alternative garage accommodation to be provided within the surrounding area for those tenants that were still using garages at the site.
- 4.13 Cycle parking could occur within the plots of the properties which would be adequate in terms of the complying with the content of the Council's Adopted Parking Standards.

Impact on Residential Amenity:

The National Planning Policy Framework; Development Management DPD emerging policy DM1, BLP policies C11, H5, and H7 the Design and Townscape Guide.

- 4.14 Policy DM1 of the emerging Development Management DPD and policy H5 of the BLP requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight."
- 4.15 The residential property to the East of the application site (38 Ashanti Close) features no windows in the side elevation. The proposed building would be positioned to project 2 metres further to the rear than the rear elevation of the property to the East and as such the rear part of the dwelling would be visible from within the neighbouring property and have some impact on the light received within the neighbouring property. However, as the proposed dwelling only extends 2 metres to the rear, is separated from the neighbouring dwelling by 1 metre and is located to the West, it is considered that the impact on direct sunlight would be limited to a small part of the late summer evening and the impact on general daylight received within the property would be marginal. For this reason, it is considered that the proposed development would not cause a harmful loss of direct sunlight or general daylight within the neighbouring properties that would justify the refusal of the application.

- 4.16 Similarly, due to the separation distance between dwellings of 18.6 metres and the position of the dwellings to the North of the neighbouring properties, it is considered that the impact on the light received within properties to the rear of the application site (10 and 12 Ashanti Close) would be minimal. The rear elevation of the proposed dwellings would face the neighbouring dwellings and therefore cause some overlooking of the neighbouring property. However, the separation distance of 18.6 metres ensures that the level of overlooking would not cause the habitable rooms of amenity areas to be unusable. In this respect it is considered appropriate to note that the 'back-to-back' distances are not materially different to those which exist throughout the surrounding area.
- 4.17 No other properties would be harmfully affected to an extent that would justify the refusal of the application on those grounds.

Living Conditions for Future Occupiers

National Planning Policy Framework 2012, Development Management DPD emerging policy DM8, Borough Local Plan Policies H5 and H7 and SPD1

- 4.18 Paragraph 17 of the NPPF states that "*planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*". The Council's Development Management Development Plan Document has been through examination and it is therefore considered to have significant weight in policy terms. In this document (Policy DM8) minimum dwelling and room sizes are set out as per the below table:

Policy Table 4: Indicative Residential Space Standards for dwellings:

- | | | |
|-----|--------------------------|----|
| (a) | 2 bedroom (3 bed spaces) | 66 |
| (b) | 2 bedroom (4 bed spaces) | 77 |
| (c) | 3 bedroom (5 bed spaces) | 82 |
| (d) | 3 bedroom (6 bed spaces) | 95 |

The following is also prescribed:

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bedspace.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Bedroom Sizes : The minimum floor area for bedrooms to be no less than 7m² for a single bedroom with a minimum width of 2.15m² ; and 12m² for a double/twin bedroom with a minimum width of 2.55m²

- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

4.19 With respect to amenity space, the proposed dwellings would be served by gardens that would measure 70, 62 and 56 square metres which is considered to be an appropriate amount of amenity space in this instance.

4.20 The proposed units would measure 94 square metres in area and the bedrooms are shown to measure 11.8 and 14 square metres in the case of the double and twin bedrooms and 6.5 square metres in the case of the single bedrooms. Cycle and refuse storage can occur within the plots of the proposed dwellings and internal domestic storage cupboards are shown with the proposed dwellings

4.21 Therefore, on balance and despite a minor deficiency in terms of the size of the single bedrooms, it is considered that the standard of amenity for future occupants of the building would be acceptable.

4.22 As the homes are affordable units they will also meet lifetime homes standards which meets with the requirements of emerging policy DM8.

Sustainable construction

National Planning Policy Framework (NPPF). Core Strategy Policy KP2. Development Management DPD emerging policy DM2

4.23 Policy KP2 of the Core Strategy states that at least 10% of the total energy needs of a new development should be provided through on-site renewable sources of energy provision (and/or decentralised renewable or low carbon energy sources). Emerging policy DM2 requires new development to achieve Code Level 3 under the Code for Sustainable Homes. It is proposed to install solar (pv) panels on the South facing elevation and although the predicted energy performance has not been provided, this can be secured by condition. As the homes are all affordable housing units they have been designed to meet Code Level 4 under the Code for Sustainable Homes which exceeds the emerging policy requirements. Therefore, subject to conditions, it is considered this satisfies existing and emerging policy.

Other Matters

- 4.28 Although it is noted that the developments are proposed as affordable housing units, it is considered appropriate to note that policy CP8 does not require affordable housing to be provided at the site as the site does not exceed either of the thresholds that are set out within the policy. Therefore, as the affordable housing units are not required to be provided to make the development acceptable in planning terms, it is considered that the Local Planning Authority cannot require the affordable housing units to be secured under the terms of a legal agreement pursuant to Section 106 of the Town and Country Planning Act.

5 Conclusion

- 5.1 The proposed development would enable the creation of three additional affordable housing residential units which is considered to be in accordance with the development plan. The impact on neighbouring properties would not be unacceptable, the living conditions for future occupants is acceptable and it is considered that ample parking would be provided to serve the proposed development.
- 5.2 On balance, it is considered that the design and scale of the proposed development would not be materially harmful to the character and appearance of the surrounding area and represent an improvement in comparison to the existing garage court. It is therefore recommended that planning permission is approved.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework and National Planning Policy Guidance.
- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure) and CP8 (Dwelling Provision).
- 6.3 Emerging Development Management (DPD2): DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (The Efficient and Effective Use of Land), DM8 (Residential Standards), DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 6.5 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), H7 (Formation of Self-contained Flats), T8 (Traffic Management and Highway Safety) and T11 (Parking Standards).
- 6.6 EPOA adopted Vehicle Parking Standards.

Representation Summary

Design and Regeneration

- 7.1 No objection has been raised to the proposal, but the following detailed design comments have been made:
- 7.2 The principle of residential development in this location is not objected to-the overriding character of the area being for residential dwellings, and the proposed development would provide family sized accommodation which is welcomed.
- 7.3 The twin and single bedrooms to each unit fall slightly under these standards (policy table 5 sets out a minimum floor area of 7m2 for single bedrooms and 12m2 for double/twin bedrooms). Internal storage space is also limited to a cupboard at first floor.
- 7.4 Each unit is positively provided with a rear garden. Details of hard and soft landscaping, and boundary treatment (particularly given proximity of plot 3 to the car park), should be agreed by condition should planning permission be granted. The units also benefit from off street parking to their frontage. This is not a common feature of the streetscene, with the majority of parking on street or within parking courts / garage blocks. Nonetheless there is scope to soften these spaces with landscaping, as indicated on the plans, and good quality surface materials.
- 7.5 When considering the design on its own merits, the properties appear to be well articulated with large windows to both the front and rear. There is a sense of uniformity to the character of the area however, and the designs are somewhat juxtaposed to this. It is accepted that replicating the design of existing dwellings isn't necessary and that materials could be dealt with by condition to ensure successful integration with the streetscene in this respect. It would be desirable however to see a stronger sense of alignment achieved with the immediately adjacent dwellings (number 38), with which the proposed dwellings will be read in context. This could be achieved by setting the building line back slightly to align with the main building line of number 38 (as proposed it is stepped slightly forward of this, presumably replicating the building line of the existing garages - the erection of 2 storey dwellings here would however be a noticeable change and further consideration to alignment would be beneficial particularly given the change in character and design).
- 7.6 A minimum of 10% of the energy needs of the development should come from on site renewable sources in line with CS policy KP2. Solar panels are to be provided, details of how the requirements of Policy KP2 will be met should be dealt with by condition. The proposed obtainment of CFSH level 4 is welcomed. It is also noted that the dwellings have been designed to reflect lifetime homes standards and secure by design principles, which is again welcomed.

Highway Authority

- 7.7 There are no highway objections to this proposal 100% parking has been provided.

Public Consultation

- 7.8 11 neighbouring properties were notified of the application and a notice was posted at the site. No letters of representation have been received.

8 Relevant Planning History

- 8.1 There is no planning history of relevance to this application at this site.

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. (C01A)**

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990. (R01A)

- 02 **The development hereby permitted shall be carried out in accordance with the following approved plans: 3679-2.100 PL2 and 3679-2.101 PL1**

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan. (R01D)

- 03 **Unless otherwise agreed in writing with the local planning authority, the development hereby permitted shall be constructed entirely of the materials details of which are shown on the plans hereby approved.**

Reason: In the interest of visual amenity in accordance with the NPPF, DPD1 (Core Strategy) 2007 policies KP2 and CP4, Borough Local Plan 1994 policies C11 and H5 and SPD1 (Design and Townscape Guide).

- 04 **12 car parking spaces shall be provided in accordance with the approved plans prior to the occupation of any of the dwellings hereby approved.**

Reason: To ensure that satisfactory off-street car parking is provided 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:-

- xiii. proposed finished levels or contours;**
- xiv. means of enclosure;**
- xv. hard surfacing materials;**

Soft landscape works shall include trees (number/species/size on planting), shrubs, lower level planting and grassed areas

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 Before the development hereby permitted is begun a scheme for generating 10% of the predicted energy requirement of the development from decentralised renewable and/or low carbon sources shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the development is first occupied and shall remain operational for the lifetime of the development 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).

08 Notwithstanding the provisions of Classes A, B and E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no outbuildings shall be erected and none of the dwellings hereby approved shall be enlarged or altered unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of visual amenity in accordance with DPD1 (Core Strategy) 2007 policies KP2 and CP4, Borough Local Plan 1994 policies C11 and H5 and SPD1 (Design and Townscape Guide).

- 09**
- 1) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - Trees in Relation to Construction - Recommendations has been agreed in writing by the local planning authority. These measures shall be carried out as described and approved.**
 - 2) All tree work shall be carried out in accordance with British Standard BS3998 - Recommendations for Tree Work.**
 - 3) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 2 years from the first use of the building hereby approved other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.**
 - 4) If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and planted at such time as may be specified in writing by the local planning authority.**
 - 5) No fires shall be lit within 2 metres of the nearest point of the canopy of any retained tree.**
 - 6) No equipment, machinery or structure shall be attached to or supported by a retained tree.**
 - 7) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.**
 - 8) No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.**

Reason: To make sure that the trees on the site are adequately protected during building works in the interests of visual amenity and in accordance with DPD1 (Core Strategy) policy KP2 and CP4, Borough Local Plan 1994 policy C14, and SPD1 (Design and Townscape Guide).

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

Reference:	15/00248/FUL
Ward:	Shoeburyness
Proposal:	Demolish existing garages and erect two and three storey block of five self-contained flats and layout parking
Address:	Garages Adjacent 102 and 104-114, Ashanti Close, Shoeburyness, Southend-On-Sea, Essex, SS3 9RL
Applicant:	Mr. T. Holland (Southend-on-Sea Borough Council)
Agent:	Mr. S. Lewis (AK Design Partnership LLP)
Consultation Expiry:	30/03/15
Expiry Date:	27/04/15
Case Officer:	Ian Harrison
Plan Nos:	3679-4.101 PL1 and 3679-4.100 PL3
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought to demolish the existing single storey garage blocks at the application site and redevelop the land to enable the erection of a part three storey, part two storey block that would contain five flats.
- 1.2 The site currently contains two single storey buildings that are positioned at the North and South boundaries of the site and contain a total of 16 garages. Each building measures 20.8 metres by 5.3 metres, with mono-pitch roofs built to a maximum height of 2.6 metres. The majority of the remainder of the site is laid to hardstanding, with small grassed areas at the front and rear edge of the site.
- 1.3 The proposed development would see the site cleared and the erection of a building that would measure 10 metres deep and 15.9 metres wide. The North 9.4 metres of the building would contain three storeys of accommodation, with a flat on each floor, with a ridge height of 10.6 metres and an eaves height of 8.1 metres. The South 6.5 metres of the building would contain two storeys of accommodation, with a flat on each floor, with a ridge height of 7.8 metres and an eaves height of 5.3 metres.
- 1.4 The building would be constructed with buff brickwork and panels of off-white render on the front elevation. Grey interlocking tiles would be used on the roof of the property and the fascias and windows would be UPVC. The submitted plans indicatively show the use of Solar panels on the East facing roofslopes.
- 1.5 The proposed flats would each contain two bedrooms and would comply with Lifetime Home standards.
- 1.6 11 car parking spaces are proposed at the frontage of the application site and cycle parking is proposed in the form of a shed in the amenity space at the rear of the proposed building. The submitted plans show the proposed provision of tree planting on the bank to the East of the application site, outside of the application site.

2 Site and Surroundings

- 2.1 The application site is located at the East end of Ashanti Close, measuring a maximum of 35.5 metres deep, 18 metres wide at the East boundary and 28 metres wide at the West boundary. The site is not the subject of any site specific policies within the adopted development plan.
- 2.2 The site contains two single storey buildings that are described above and the surrounding buildings are used for residential purposes, including flats and dwellings. A public footpath runs to the East of the application site, linking Elm Road to Eagle Way

- 2.3 The adjacent block to the North is a three storey block of flats that measures 8.2 metres deep and has a maximum height of 10.6 metres, with an eaves height of 8.2 metres. To the East of the site is a converted water tower that contains up to six storeys of flats. The adjacent properties to the South and West are two storey dwellings that are of identical design to the other dwellings of Ashanti Close.

3 Planning Considerations

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

4 Appraisal

Principle of the Development

The National Planning Policy Framework, DPD1 (Core Strategy) policies KP2, CP4 and CP8; Development Management DPD emerging policy DM3.

- 4.1 Development Management DPD2 has been found sound by the Planning Inspectorate. It is therefore, considered these policies although not adopted by the Council carry significant weight in the determination of planning applications. This is supported by paragraph 216 of the NPPF which states that; *“the more advanced the preparation of the emerging plan the greater the weight that may be given.”*
- 4.2 Policy CP8 of the Core Strategy identifies that the intensification of the use of land should play a significant role in meeting the housing needs of the Southend Borough, providing approximately 40% of the additional housing that is required to meet the needs of the Borough. Policy CP8 also expects 80% of residential development to be provided on previously developed land and 1,400 homes to be provided within Shoeburyness during the plan period.
- 4.3 Policy DM3 of the emerging Development Management DPD promotes the efficient and effective use of land in a sustainable manner which does not lead to over intensification or undue stress on supporting infrastructure. Infill development will be supported where in respects the character of the area and amenity of existing residential properties.
- 4.4 From this basis, it is considered that the principle of undertaking residential development at this site should be supported, subject to the following detailed considerations. This is especially the case given that two of the 12 core principles of sustainable development that are identified within the NPPF are to *“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”* and to *“proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.”*

Design and Impact on the Character of the Area:

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4; Development Management DPD emerging policy DM1, BLP policies C11, H5, and H7 and the Design and Townscape Guide.

- 4.5 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, emerging policy DM1 of the Development Management DPD 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.
- 4.6 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.
- 4.7 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”*.
- 4.8 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.”*
- 4.9 The surrounding area features buildings of various heights including a six storey building to the East a three storey building to the North and two storey buildings to the South and East. The applicant has attempted to reflect these varying heights within the development, utilising a part-two storey, part-three storey approach that enables the height of the building to match the height of the building to the North and step down to two storeys at the South, thereby partly bridging the difference in the heights of the existing buildings. In this instance it is considered that the height of the built form is in-keeping with the character and scale of other buildings within the surrounding area.
- 4.10 The most prominent views of the site are considered to be from the Ashanti Close frontage to the West of the site. It is therefore considered appropriate that the building has been positioned to reflect the building line of the adjacent flats to the North rather than the dwellings to the South which are aligned differently.

- 4.11 The surrounding area is characterised by featuring buildings of a uniform design that is reflective of the age of the properties. Given the advances that have occurred in building design since the surrounding properties were built it is considered that it would be undesirable to require the applicant to entirely replicate the design of the existing dwellings within the surrounding area. Instead of this, the applicant is proposing the use of a similar buff brick and has included the use of rendered panels around the proposed windows, which can be viewed as a modern interpretation of the cladding panels that exist between the windows of the existing properties. In this respect it is considered that the proposed development is taking a design approach that is modern, but also partly reflective of the architecture of the surrounding area.
- 4.12 No elevational details of the proposed cycle storage facilities have been provided but it is considered reasonable to assume that the structure would be lower in height or only marginally taller than the existing boundary treatments at the rear of the site. In this context, it is considered that the erection of cycle and bin store structures would not cause harm to the character of the surrounding area.

Traffic and Transport Issues

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4; BLP policies T8 and T11 and Development Management DPD emerging policy DM15.

- 4.13 Policy T11 requires the provision of adequate parking and servicing facilities. The Essex Planning Officers Association (EPOA) set out the requirements for each use of land with the adopted parking standards indicating that a maximum of 1.5 spaces should be provided per residential unit, with it being expected that less parking would be provided within the most sustainable locations.
- 4.14 The provision of 11 parking spaces at the site would exceed the requirements of the Council's Adopted Parking Standards and also comply with the Council's parking standards within the Council's emerging Development Management DPD. It is therefore considered that ample parking is proposed for the occupants of the proposed development.
- 4.15 The site currently contains 16 garages and scope for additional parking within the site that is a facility that is used by residents of the surrounding area. However, it is noted that 6 of the garage space have been lost through the vacant garages being 'boarded up' and site visit evidence suggests that other garages are also of limited use. As part of the wider affordable housing in this area, any persons renting garages are to be offered garages nearby.
- 4.16 A location for cycle parking is shown on the submitted plans which would address the requirements of policy T11.

Impact on Residential Amenity:

The National Planning Policy Framework; Development Management DPD emerging policy DM1, BLP policies C11, H5, and H7 the Design and Townscape Guide.

- 4.18 Policy DM1 of the emerging Development Management DPD and policy H5 of the BLP requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”
- 4.19 The residential properties to the North and South of the application site feature no windows in the side elevations. The proposed building would be positioned to project 2.2 metres further to the rear than the rear elevation of the property to the North and 3.8 metres from the side boundary of the property to the South (102 Ashanti Close). For this reason, it is considered that the proposed development would not cause a harmful loss of direct sunlight or general daylight within the neighbouring properties that would justify the refusal of the application.
- 4.20 The proposed flats would face the rear gardens of the properties to the West (72 to 78 Ashanti Close) and would be 22 metres from the rear boundary of those properties. Similarly, the rear elevation of the proposed building would be 16 metres from the rear elevation of the flats to the East. Although the windows of the proposed development would enable the occupants to look towards the private amenity areas and habitable rooms of the neighbouring properties, it is considered that the separation distances that would be retained would ensure that the level of overlooking caused would not be materially harmful to residential amenity to an extent that would justify the refusal of the application on those grounds. The planting of trees at the rear of the application site would help to screen views between the proposed building and the flats within the Water tower to the East although the full benefit of this planting would take several years to establish and provide significant screening.
- 4.21 Oblique views would also be possible from the proposed building towards the private amenity areas of the properties to the North and South and the front elevation of 88 Ashanti Close. Due to the angle of the outlook from within the proposed building, it is considered that the occupants of the proposed flats would not overlook the amenity areas to an extent that would justify the refusal of the application on those grounds.
- 4.22 The two storey element of the proposed development would be positioned 3.8 metres from the side boundary of 102 Ashanti Close and would therefore become a prominent feature from within the garden area and habitable rooms of that dwelling. However, the development would not have an unacceptably overbearing impact on the outlook from within that property, particularly given the reduce height to 2 storeys on this side of the site.

Living Conditions for Future Occupiers

National Planning Policy Framework 2012, Development Management DPD emerging policy DM8, Borough Local Plan Policies H5 and H7 and SPD1

4.23 Paragraph 17 of the NPPF states that “*planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*”. The Council’s Development Management Development Plan Document has been through examination and it is therefore considered to have significant weight in policy terms. In this document (Policy DM8) minimum dwelling and room sizes are set out as per the below table:

Policy Table 4: Indicative Residential Space Standards

- (a) 1 bedroom (2 bed spaces) 45
- (b) 2 bedroom (3 bed spaces) 57
- (b) 2 bedroom (4 bed spaces) 67

The following is also prescribed:

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bedspace.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Bedroom Sizes : The minimum floor area for bedrooms to be no less than 7m² for a single bedroom with a minimum width of 2.15m² ; and 12m² for a double/twin bedroom with a minimum width of 2.55m²
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

- 4.21 Each flat would have internal dimensions that exceed the abovementioned standards. With respect to amenity space, the proposed flats would be served by a communal garden that would measure 120 square metres which is considered to be an appropriate amount of amenity space in this instance.
- 4.22 The proposed units would measure 57.6 square metres in area and the bedrooms are shown to measure 11.4 square metres in the case of the double bedrooms 9.4 square metres in the case of the single bedrooms. Cycle and refuse storage and internal domestic storage cupboards are also indicatively provided at the rear of the site.
- 4.23 Therefore, on balance and despite a minor deficiency in terms of the size of the double bedrooms, it is considered that the standard of amenity for future occupants of the building would be acceptable.
- 4.24 As the homes are affordable units they will also meet lifetime homes standards which meets with the requirements of emerging policy DM8.

Sustainable construction

National Planning Policy Framework (NPPF). Core Strategy Policy KP2. Development Management DPD emerging policy DM2

- 4.25 Policy KP2 of the Core Strategy states that at least 10% of the total energy needs of a new development should be provided through on-site renewable sources of energy provision (and/or decentralised renewable or low carbon energy sources). Emerging policy DM2 requires new development to achieve Code Level 3 under the Code for Sustainable Homes. It is proposed to install solar (pv) panels on the east facing elevation and although the predicted energy performance has not been provided, this can be secured by condition. As the homes are all affordable housing units they have been designed to meet Code Level 4 under the Code for Sustainable Homes which exceeds the emerging policy requirements. Therefore, subject to conditions, it is considered this satisfies existing and emerging policy.

Other Matters

- 4.26 Although it is noted that the developments are proposed as affordable housing units, it is considered appropriate to note that policy CP8 does not require affordable housing to be provided at the site as the site does not exceed either of the thresholds that are set out within the policy. Therefore, as the affordable housing units are not required to be provided to make the development acceptable in planning terms, it is considered that the Local Planning Authority cannot require the affordable housing units to be secured under the terms of a legal agreement pursuant to Section 106 of the Town and Country Planning Act.

5 Conclusion

- 5.1 The proposed development would enable the creation of five additional affordable housing residential units which is considered to be in accordance with the development plan. The impact on neighbouring properties would not be unacceptable, the living conditions for future occupants is acceptable and it is considered that ample parking would be provided to serve the proposed development.
- 5.2 Moreover, it is considered that the design and scale of the proposed development would be compatible with the character and appearance of the surrounding area and represent an improvement in comparison to the existing garage court. It is therefore recommended that planning permission is approved.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework and National Planning Policy Guidance.
- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure) and CP8 (Dwelling Provision).
- 6.3 Emerging Development Management (DPD2): DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (The Efficient and Effective Use of Land), DM8 (Residential Standards), DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 6.5 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), H7 (Formation of Self-contained Flats), T8 (Traffic Management and Highway Safety) and T11 (Parking Standards).
- 6.6 EPOA adopted Vehicle Parking Standards.

Representation Summary

Design and Regeneration

- 7.1 No objection has been raised to the proposal, but the following detailed design comments have been made:

- 7.2 The block would be situated adjacent to an existing block, with which a degree of alignment is sought in terms of ridge and eaves height, although there is a lack of alignment in terms of the fenestration to the lower floors (it would appear from the plan that there is a slight drop in site level however). While the building does not replicate the character of the existing block, positively windows are large and the entranceway well-defined, providing a contemporary approach. Given the proximity of the building to the existing block, there may be scope to provide more consistency with some simple changes – e.g. coloured render above/below windows rather than surrounding them fully. It would also be desirable to see the rendered panels incorporated to the rear to add further definition to this elevation. All materials should be agreed by condition to ensure the successful integration of the proposed development into the wider streetscene.
- 7.3 The building steps down to two storeys, providing a response to the scale of existing dwellings to the south, which seems appropriate although there are some concerns in regard to the integration of the two and three storey elements of the proposed block. It is asked if there is an opportunity to provide stronger delineation between the two, for example setting the two storey element back slightly from the front building line to achieve this and a degree of subservience to the three storey block.
- 7.4 In terms of internal floor area, each of the units meets the minimum standards set out in DM8 policy table 4. In terms of dwelling mix, it is regrettable that the scheme does not incorporate more of a mix in terms of unit sizes, although it is noted that the development is one of a number of proposals in this location which include a range of family sized houses.
- 7.5 An area of communal amenity space is provided to the rear, which although relatively small the space seems useable and accessible for future residents. It is not clear how the side and rear boundary of the site will be treated and given the public impact, this will need to be carefully detailed and agreed by condition. In keeping with local character an area of green space is proposed to the front of the block, which should enhance its setting. Tree planting is also proposed to the rear, outside of the site boundary, to provide some degree of screening. This is welcomed and if possible should be dealt with by condition to ensure the trees are planted and agreed with the Council's Arboricultural Officers. The provision of trees to the front of the site, in keeping with neighbouring development, would also be encouraged.
- 7.6 The plans do not indicate where the bin store will be located, or design details for this. However, the cycle store is shown in the rear communal garden area. It is not clear whether in this location it will be easily accessible for future residents and the detailed design should be agreed by condition. In order to free-up more amenity space to the rear it may be feasible to locate the cycle parking to the front for example.

- 7.7 Parking is to be provided to the front of the site, there are examples of similar arrangements within the street. Surface materials should be good quality and permeable to help mitigate the impacts of surface water run-off.

Highway Authority

- 7.8 There are no highway objections to this proposal as car parking has been provided in accordance with guidance along with cycle parking. It is not considered that the proposal will have a detrimental impact upon the surrounding highway network.

Public Consultation

- 7.9 37 neighbouring properties were notified of the application and a notice was posted at the site. No letters of representation have been received.
- 7.10 The application has been called-in to the Council's Development Control Committee by Councillors Ward and Chalk.

8 Relevant Planning History

- 8.1 There is no planning history of relevance to this application at this site.

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. (C01A)**

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990. (R01A)

- 02 **The development hereby permitted shall be carried out in accordance with the following approved plans: 3679-4.101 PL1 and 3679-4.100 PL3 (C01D)**

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan. (R01D)

- 03 **Unless otherwise agreed in writing with the local planning authority, the development hereby permitted shall be constructed entirely of the materials details of which are shown on the plans hereby approved.**

Reason: In the interest of visual amenity in accordance with the NPPF, DPD1 (Core Strategy) 2007 policies KP2 and CP4, Borough Local Plan 1994 policies C11 and H5 and SPD1 (Design and Townscape Guide).

- 04 11 car parking spaces shall be provided in accordance with the approved plans prior to the occupation of any of the flats hereby approved.**

Reason: To ensure that satisfactory off-street car parking is provided 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. proposed finished levels or contours;**
- ii. means of enclosure;**
- iii. hard surfacing materials;**

Soft landscape works shall include trees (number/species/size on planting), shrubs, lower level planting and grassed areas within the site.

The soft landscaping works shall also include the planting of six trees on the bank to the East of the application site as shown on plan 3679-4.100 PL1.

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, within and outside the application site, 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 Before the development hereby permitted is begun a scheme for generating 10% of the predicted energy requirement of the development from decentralised renewable and/or low carbon sources shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the development is first occupied and shall remain operational for the lifetime of the development 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).

- 08** Prior to the occupation of the development hereby approved details of the proposed bicycle store, which shall be designed to contain a minimum of 5 bicycles) shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the bicycle store shall be implemented and made available for use prior to the first occupation of the flats hereby approved.

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

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

Reason: To protect the environment and ensure adequate and appropriate storage, recycling and collection of waste resulting from the development in accordance with DPD1 (Core Strategy) 2007 policies KP2 and CP4.

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:	15/00290/FUL
Ward:	Eastwood Park
Proposal:	Form vehicular crossover onto Hazelwood Grove
Address:	Fairfield BMW, Arterial Road, Leigh-on-Sea, SS9 4XX
Applicant:	Fairfield Garage (Leigh-on-Sea)
Agent:	Brook Radley
Consultation Expiry:	15 th April 2015
Expiry Date:	17 th April 2015
Case Officer:	Patricia Coyle
Plan Nos:	1266/14/01; -02
Recommendation:	REFUSE PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought to provide an additional vehicle access onto Hazelwood Grove. The access is proposed to be located approximately 45m from the existing junction with the Arterial Road (A127) at the end of a gap between laid-out parking spaces.
- 1.2 The applicants indicate that on completion of the new Mini showroom on the opposite side of Hazelwood Grove and, as facilities are not provided comprehensively at each site, there will be an increase in the need for staff to take vehicles from one site to the other. This would be, for example, for the servicing of MINIs at the BMW site and for BMWs to be MOT-ed, have pre-delivery inspections and valeting at the MINI site. The applicants indicate that there have been such requirements for transfer between the two sites since 1997 and that the existing “in only” access have been used as two-way for a long time by staff. The proposal is to formally provide a separate exit only for the sole use of staff due to an expected increase in the transfer of vehicles across Hazelwood Grove from the current approximately 15 vehicle movements daily to approximately 44 daily movements. It is proposed that there would be security bollards which could only be activated by staff passes.

2 Site and Surroundings

- 2.1 The application site relates to the BMW Fairfield car sales building located on the northern-eastern junction of the Arterial Road with Hazelwood Grove. There is currently a vehicle access, marked “entry only” to Hazelwood Grove approximately 5m from the junction with the A127 and an exit only with slip road to the east. The parking area is located to the west of the site with a vehicle display area to the south.
- 2.2 The site is bounded by to the south the main (A127) route into and out of Southend and the highway, Hazelwood Grove, lies to the east of the site with residential properties to the north and west of the application sites. The streetscene to Hazelwood Grove is, with the exception of the BMW garage/car sales and the nearly completed MINI garage/car sales, characterised by single storey and chalet bungalows. Also to the north of the site is Eastwood School which has its playing fields lying adjacent to the site boundary.

3 Planning Considerations

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

4 Appraisal

Principle of Development

National Planning Policy Framework, DPD1 (Core Strategy) policies KP2, CP1; BLP policies C11, E1, E5

- 4.1 Policy E1 indicates that the Council will promote the expansion of existing businesses where these are compatible with the aims of the Council's Environmental Charter. Policy E5 indicates that in order to safeguard the character and amenities of residential streets and to retain an adequate housing stock, proposal which intensity or expand a business or other non-residential activity within or adjoining a housing area will normally only be permitted where the proposal respect the character of the locality and satisfactorily meets the adopted design and layout criteria set out in Policies H5 and C11 and would not, among others, adversely affect residential amenity in terms of noise, traffic or other activity. Policy C11, among others, indicates that developers should have regard to access when preparing proposals for development and alterations/buildings should have regard to the need to protect residential amenity.
- 4.2 The proposal to provide a new staff vehicle exit is therefore considered to be acceptable in principle, subject to the details also being acceptable.

Design and impact on the character of the area

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

- 4.3 The proposal will result in the provision of a new vehicle access onto Hazelwood Grove such that a section of the existing hedging will be removed to provide the access and pedestrian/vehicle visibility splays proposed. This would result in the removal of some existing soft landscaping which currently ensures that parked vehicles are not readily visible from around the application site and in longer views along Hazelwood Grove. Providing suitable planting is retained/augmented in the reduced width sections to the boundary, it is not considered that the visual impact of the new access and bollards would have a detrimental impact on the character and appearance of the area. Further details on landscaping could be required by condition to ensure that the proposal retains the greatest level of landscaping possible which currently softens the overall appearance of the BMW garage/car sales building on the streetscene in Hazelwood Grove.

Traffic and Transportation

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

- 4.4 The existing site is situated along the Arterial Road (A127). The applicant indicates that the proposal will remove the need to use the current conflicting use of the “in only” access as a two-way access and that this will also reduce car journeys between the application site and the MINI garage on the opposite side of Hazelwood Grove which, if committed correctly, currently requires a 2 and a half mile round trip using the current slip road exit access onto the A127 and using other roads to circle back onto the A127 and Hazelwood Grove. The applicant indicates that the access would be exit only and that automatically rising bollards activated only by staff passes would ensure that the site remains secure and that only staff can use the proposed access. The applicant further indicates that it is expected that there would be an approximately daily traffic movement between the sites of 44 movements which is an increase on the current movements due to the provision of complementary facilities provided at each of the sites, rather than having all facilities provided at each site.
- 4.5 It is considered that the staff only exit proposed has been suitable design and has provided the required visibility splay required to ensure safe egress from the site. It is not considered that the proposed exit and the traffic movements associated with it will have a detrimental impact upon the surround highway network. There are therefore no highway objections to this proposal.

Impact on residential amenity

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

- 4.6 The proposal would provide a new vehicle access onto Hazelwood Grove. It is envisaged that there would be around 44 movements a day between the application site and the MINI site on the opposite side of Hazelwood Grove in connection with the running of the two facilities. The proposed exit-only vehicle access would be located directly opposite No. 1 Hazelwood Grove. While it has been indicated that this would be restricted to staff use only and that other potential users would be restricted by the use of security bollards, it is considered that the proposal would introduce a relatively large number of vehicle movements over and above that which might be expected in relation to a residential property onto and along a section of Hazelwood Grove which is not currently subject to these movements. While vehicles travelling along a public road have a right of access over it, it is considered that the location of the proposed access directly opposite a residential property would result in an unacceptable level of activity, noise and disturbance, including the flash of headlights and indicators.

- 4.7 In light of the above, it is considered the proposal would have an adverse impact on the residential amenities of residents within Hazelwood Grove, contrary to Policy CP4 of the Core Strategy, policy E5 of the Southend on Sea Borough Local Plan and the Design and Townscape Guide.

Conclusion

- 4.8 The proposal would introduce an additional vehicular access onto Hazelwood Grove. It is considered that this would be closer to the residential properties in Hazelwood Grove and that it would result in harm to the residential amenities of immediate neighbours.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework, 2012 Section 1 Building a strong , competitive economy; Section 4 Promoting sustainable transport; Section 7 Requiring good design; Section 8 Promoting healthy communities
- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance), CP3 (Transport and Accessibility)
- 5.3 Borough Local Plan Policies E4 (Industrial and Warehousing) and C11 (New Buildings, Extensions and Alterations), E5 (Non residential uses close to housing), T8 (Traffic Management and Highway Safety)
- 5.5 Design & Townscape Guide, 2009 (SPD1).

6 Representation Summary

Highways

- 6.1 It is considered that the staff only exit proposed has been suitable design and has provided the required visibility splay required to ensure safe egress from the site. It is not considered that the proposed exit and the traffic movements associated with it will have a detrimental impact upon the surround highway network.

Parks and trees

- 6.2 No comments received.

Public Consultation

6.3 One site notice was displayed and 4 neighbours were directly notified of the proposal. Public consultation had not finished at the time of drafting the committee report and any further comments will be reported in the normal way. Nonetheless, four letters of representation have been received raising objections on the following grounds:

- This would be contrary to the requirements of an earlier planning approval
- Hazelwood Grove was not built for the amount of traffic which already uses it and the proposal would bring an unacceptable amount of traffic onto this public highway
- School children use Hazelwood Grove to attend Eastwood Academy and the new exit could possibly cause an accident
- Insufficient residents have been notified of the proposal **[Officer comment: A site Notice has been posted in addition to neighbour letters]**
- The adjoining MINI site should never have been allowed
- Customers of the BMW site drive up and down and park in the cul-de-sac causing noise and disturbance to residential occupiers
- This is another example of lack of consideration to neighbours and the council should take a serious view of this and consider the views of objectors
- Car carriers park on the A127 blocking the road for other road users

6.4 Councillor Moring has requested this application be dealt with by Development Control Committee.

7 Relevant Planning History

7.1 Erect replacement car wash and valet building to replace existing- refused (13/01487/FUL)

7.2 Layout hardstanding and erect detached garage with pitched roof – granted (13/01486/FUL)

7.3 Lay out additional parking spaces and alter parking layout (variation of Conditions 03, 04 and 05 of planning permission SOS/98/0071 which related to the provision and retention of parking areas and open display areas)- Granted 01/00094/FUL

7.4 Relax condition 1 on planning permission 98/0017 dated 4th March 1998 (which states that extended hours of operation shall be discontinued on or before 31st March 1999) to allow the continuance of use of the ground floor body shop between 0800-2030 Monday- Friday and 0800-1730 Saturdays and at no time on Sunday or Bank holiday.

- 7.5 Layout additional parking spaces at side and lay out 10 spaces at front for the display of used cars for sale (variation of conditions 03, 04, 06 and 07 of planning permission 95/0761 dated 24th September 1996 which relate to the provision and retention of parking areas and open display areas- 98/0071 Granted
- 7.6 Relax condition 08 on planning permission 90/0213 dated 5th March 1991 (which allowed former industrial building to be used for car body repairs) so that car body repair and paint spraying plant and machinery can be used between 0800 and 2030 Monday to Friday and 0800 and 1730 on Saturdays- 98/0017 Granted
- 7.7 Demolish part of existing buildings and erect car showroom with ancillary office space, layout parking and widen and extend existing vehicular access of Hazelwood Grove form Egress onto Arterial Road and landscape the perimeter- 95/0761- Granted
- 7.8 Erect first floor side extension to provide offices- 89/0508 Granted
- 7.9 Erect 3 floodlights on 6m high posts- 88/0251 Granted

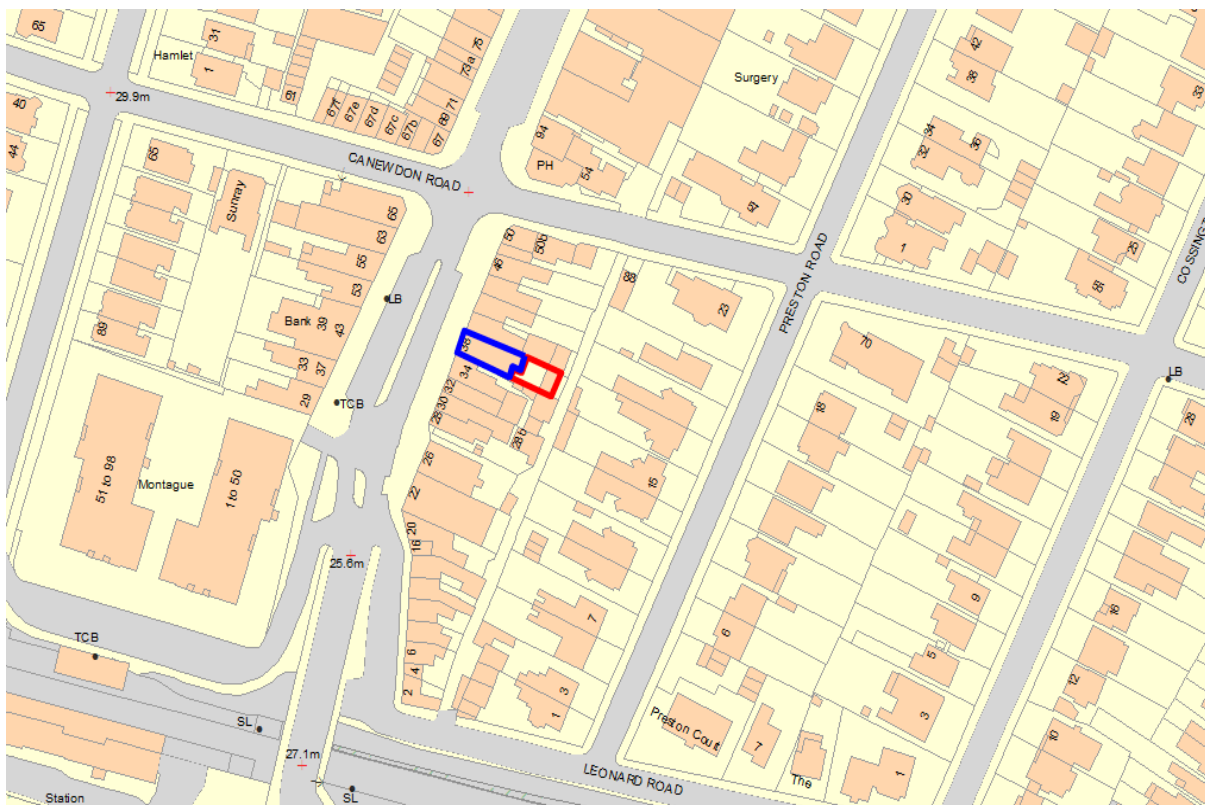
8 Recommendation

Members are recommended to REFUSE planning permission for the following reasons:

- 1 The proposed additional vehicle exit, by reason of the associated vehicular and general activity and resultant noise and disturbance close to residential properties, in particular No. 1 Hazelwood Grove, would be to the detriment to the amenities of neighbouring occupiers. The proposal is therefore contrary to National Planning Policy Framework, Core Strategy Policies KP2, CP3, Southend-on-Sea Borough Local Plan Policies E5, U9, T8 and T11 and the Design & Townscape Guide, 2009.**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action 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:	15/00222/FUL
Ward:	Milton
Proposal:	Partial demolition of the existing 2 storey stable/mews to rear of 38 Hamlet Court Road and erect two storey dwelling with courtyard to rear (Amended Proposal)
Address:	38 Hamlet Court Road, Westcliff-on-Sea, Essex, SS0 7LX
Applicant:	Southend YMCA
Agent:	Artillery Architecture
Consultation Expiry:	20.03.2015
Expiry Date:	22.04.2015
Case Officer:	Janine Rowley
Plan No's:	2920_Site; 2920_LOC; 2920_0G_GA_20; 2920_0G_GA_02 Revision A 27.03.2015
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought for the partial demolition of the existing 2 storey stable/mews to rear of 38 Hamlet Court Road and to erect a two storey dwelling with courtyard to the rear. The dwellinghouse proposed is 6.2m wide x 6m deep x 5.7m high.
- 1.2 In terms of habitable accommodation the ground floor will include floor area of 28sqm including a kitchen, living/dining room area and to the first floor a bedroom and bathroom is proposed with a floorspace of 32sqm.
- 1.3 Access to the dwellinghouse is via Hamlet Mews to the rear and there is no access through the site directly onto Hamlet Court Road. 23sqm of amenity space is proposed to the rear between the rear of commercial and residential premises of 38 Hamlet Court Road. No off street parking is provided. Refuse storage is proposed to the rear.
- 1.4 It should be noted this application has been submitted following refusal of planning permission for partial demolition of the existing 2 storey stable/mews to rear of 38 Hamlet Court Road and to erect two storey dwelling with courtyard to rear (14/01010/FUL). The application was refused for the following reasons:
 1. *“The proposed development by reason of its height, scale, poor quality design, and appearance will appear incongruous to the character and appearance of the streetscene and fails to provide a high quality design, to the detriment of the streetscene and locality. This is contrary to the National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Policies H5, H10 and C11 of the Borough Local Plan and the Design and Townscape Guide, 2009 (SPD1)”.*
 2. *“The proposed development by reason of its size, siting and design would appear dominant and overbearing and give rise to overlooking and consequent loss of privacy to occupiers in the existing building of 38 Hamlet Court Road, to the detriment of the amenities of these occupiers. This is contrary to the National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Policies H5, H10 and C11 of the Borough Local Plan and the Design and Townscape Guide, 2009 (SPD1)”.*
 3. *“The proposed development by reason of its size, lack of adequate amenity space and siting in close proximity to the rear of 38 Hamlet Court Road is considered to constitute overdevelopment of the site to the detriment of the character of the area and the amenities of adjacent occupiers and this is contrary to the National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Policies H5 and C11 of the Borough Local Plan and the Design and Townscape Guide, 2009 (SPD1)”.*

4. *“The siting of the proposed development by reason of its distance from the highway will fail to provide adequate refuse collection provision for future occupiers, to the detriment of their amenities. This is contrary to the National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Policies H5, H10 and T12 of the Borough Local Plan and the Design and Townscape Guide, 2009 (SPD1)”.*

1.5 The applicant has amended the drawings accordingly and submitted additional supporting information for justification to use the site as a dwellinghouse, which did not form part of the previously refused application 14/01010/FUL.

1.6 The main differences include the following:

- Height of the development no greater than existing (5.7m)
- Amenity space has been reduced from 34sqm to 23sqm but will be solely used for the proposed dwellinghouse rather than a shared area for the retail unit, upper flats and proposed dwelling as previously detailed under application 14/01010/FUL;
- Ground floor area reduced from 32sqm to 27sqm and the first floor increased from 28.6sqm to 31sqm.
- Refuse storage proposed to the rear of the site together with a waste management guide.
- Design simplified;
- Materials to be used are more traditional.

1.7 The supporting information submitted states that the property at Hamlet Court Road has been funded by the Empty Property Community Grants Programme (EPCGP-which supports the development of affordable homes through bringing back into use an empty property). The scheme has been supported previously by the Council in different locations including Milton Road and London Road.

1.8 The applicant contends that the project will meet the targets of Homelessness Prevention Strategy (2014) and targets for Children and Young Peoples Plan 2012-2013, which will improve access to suitable housing for 16-18 young people and vulnerable families together with acknowledging the existing rates of homelessness at 42% between 16-24 year olds. The property will be let at an affordable rent. In addition, a letter by Steven Williams MP Minister for Communities also accompanying this application advocates the need for Local Authorities to support voluntary organisations.

1.9 In addition, the applicant has submitted examples of “local precedents” including;

- No. 15 Preston Road-two storey building [**Officer Comment: This is not a dwellinghouse but a studio Class B1**].
- No. 1 Preston Road-two storey dwellinghouse [**Officer Comment: Not backland development as has street frontage 13/00556/FUL**].
- No. 28-30 Hamlet Court Road (14/01528/FUL)
- No. 32 Hamlet Court Road-[**Officer Comment: No council records relating to dwellinghouse**].
- No. 34 Hamlet Court Road-[**Officer Comment: No council records relating to dwellinghouse**].

2 Site and Surroundings

2.1 The application site is located to the rear of 38 Hamlet Court Road which is a two storey mid-terrace building. The ground floor of the building to the front is a commercial premises. The remainder of the building consists of flats.

2.2 The site currently consists of hardstanding and forms a yard area at the rear of the building which is accessed off Hamlet Mews (running parallel to Hamlet Court Road). Hamlet Mews can be accessed off Canewdon Road to the north or Leonard Road to the south.

2.3 The site is located within an area designated as secondary office frontage in the Borough Local Plan. The site is located to the south of the primary shopping frontage which starts from the northern side of Canewdon Road heading northwards towards London Road.

2.4 Hamlet Court Road is characterised by two storey terrace buildings with commercial units at ground floor with residential accommodation over. To the rear of these buildings are garages and outbuildings.

3 Planning Considerations

3.1 The main planning considerations for this application are the principle of development, design, visual impact in the streetscene, standard of accommodation for future occupiers, potential impact on neighbouring occupiers, traffic and transportation issues and whether the proposal has overcome the previous reasons for refusal of application 14/01010/FUL.

4 Appraisal

Principle of Development

National Planning Policy Framework, Development Management DPD2 emerging policies DM3, DM7, Policy KP2 and CP4 of the Core Strategy, Policy H10 of Borough Local Plan and the Design and Townscape Guide.

- 4.1 This proposed is considered in the context of the National Planning Policy Framework 2012 and Core Strategy Policies KP2 and CP8. The NPPF states that “Housing applications should be considered in the context of the presumption in favour of sustainable development”.
- 4.2 The site is previously developed land and it is therefore relevant that Core Strategy policy CP8, supports the provision of dwellings on such land, subject to detailed considerations, where it is expected that the intensification of development will play a role in meeting the housing needs of the Borough.
- 4.3 As detailed above, the applicant has submitted supporting information whereby the dwellinghouse will be funded by the Empty Property Community Grants Programme supporting development of affordable homes. The project will also meet the relevant targets of homelessness and children/young people whereby the existing rates in the borough are at 42% between 16-24 year olds. The applicant has confirmed the property will be let at an affordable rent. Policy DM7 of the emerging Development Management Plan advocates the need for residential development to provide a range of dwelling mixes to reflect the Borough’s housing need and housing demand.
- 4.4 The emerging Development Management Plan Policy DM3 recognises that backland sites have made an important contribution to the delivery of housing in Southend. Nethertheless a balance needs to be struck to ensure that development does not intensify the use of the site which causes a detrimental impact for intended occupiers, neighbours or the surrounding area. This is reinforced by Policy H10 of the Borough Local Plan which states “applications for residential development on backland sites will only be permitted where proposals respect the character of the area, residential amenities of adjoining dwellings and are in accordance with Policies H3 and H5. In particular proposals should provide for adequate distances between buildings and areas of private amenity open space, together with a satisfactory means of access and off-street car parking facilities.”
- 4.5 Subject to detailed considerations set out below, it is considered that the policy framework supports the broad principle of residential development in this location.

Design and Impact on the Streetscene

National Planning Policy Framework, Development Management DPD2 emerging policies DM1, DM3, Policy KP2 and CP4 of the Core Strategy, Policy C11, C14 and H5 of Borough Local Plan and the Design and Townscape Guide.

- 4.6 Policy C11 of the Borough Local Plan (BLP) states that new buildings and extensions or alterations to existing buildings should be designed to create a satisfactory relationship with their surroundings in respect of form, scale, massing, height, elevational design and materials. The emerging Development Management Plan Policy DM1 further advocates the need for high quality design and for any new development to respect and enhance the overall character of the site in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and contributes to and enhances the distinctiveness of place.
- 4.7 Section 205 of SPD1 addresses the conversion of redundant commercial buildings into residential use stating that “Where acceptable in principle, the detailed design should take particular care to preserve any special character the existing building may have to and complement the neighbouring properties and the wider streetscene”. The character of the area is largely defined by the rear elevations of residential buildings (to the East) and commercial buildings (to the West). Some plots feature outbuildings which are mostly flat roofed and of little architectural value. The existing building includes a first floor flat roofed stable/mews type development that is in a poor dilapidated state.
- 4.8 The conversion of the building would cause the improvement of the character of the building and would represent the enhancement of the appearance of the existing building.
- 4.9 In terms of scale of the development, the existing height of the stable/mews is 5.7m and to be retained compared to the previously refused scheme which had a height of 6.4m. The new dwellinghouse will occupy the existing space of the stables/mews in terms of its width and depth and not encroach on the existing courtyard. No objections are raised to the height given it is not increasing and will not appear dominant as previously raised under application 14/01010/FUL.
- 4.10 The overall appearance the amended design is generally more resolved and an improvement over the previously refused design (14/01010/FUL). The treatment of the elevations is very simple. The glazing bars introduced on the windows adds particular interest. Grey render is proposed and details of the materials can be dealt with by condition if deemed acceptable. In light of this, the detailed design has overcome reason 01 of 14/01010/FUL by providing positive impact on the character and appearance of the streetscene.

- 4.11 The proposed development by reason of its detailed design and scale will provide a positive addition to the character and appearance of the locality in accordance with the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, Policy C11 of the Borough Local Plan and the Design and Townscape Guide, 2009 (SPD1) and the emerging Development Management Plan Policy DM1.

Standard of accommodation

National Planning Policy Framework, Development Management DPD2 emerging policies DM8, DPD1 (Core Strategy), Policies KP2, CP4; Borough Local Plan Policy H5; and the Design and Townscape Guide SPD1 (2009)

- 4.12 Whilst the dwellinghouse still appears small and compact, the overall floorspace is 60sqm over the two floors, which is in line with the emerging Development Management Plan Policy DM8. To the rear of the site at first floor a bathroom and storage is now proposed rather than the bedroom, which will benefit from more outlook and light fronting Hamlet Court Mews. Furthermore, the living accommodation to the ground floor will include a split area of the kitchen and living room, the siting of the doors to the rear of the site has altered which will provide more light to the unit than previously considered. It is therefore considered any potential future occupiers will benefit from sufficient outlook and daylight.
- 4.13 Paragraphs 143 and 144 of the Design and Townscape Guide states:

“There is no fixed quantitative requirement for the amount of amenity space as each site is assessed on a site by site basis according to local character and constraints. However, all residential schemes will normally be required to provide useable amenity space for the enjoyment of occupiers in some form... The amount, quality and usability of the amenity provision will be assessed against the following criteria:

Private gardens:

- Be of useable size and shape and large enough for outdoor eating and children’s play.
- Be overlooked by habitable rooms and provide a sitting out area close to the main living area...”

- 4.14 The previously refused scheme 14/01010/FUL included 34sq of amenity space occupying the entire yard to the rear of the new dwellinghouse that could be potentially used by the A1 retail unit and upper flats at no. 38 Hamlet Court Road. The amended layout includes commercial waste storage separated from the residential flats above and the new dwellinghouse. In addition, the staircase to the upper flats, which is only used for emergency purposes will no longer encroach on the amenity space. The proposed amenity space equates to 23sqm, whilst the area is small and enclosed by high boundary walls, it is considered the area is useable space for potential future occupiers. Furthermore, the amenity space is similar to that approved under application 14/01528/FUL whereby the amenity space serving the 2 bedroom dwellinghouse will be surrounded by high boundary walls and sited 6.2m away from the rear elevation of nos. 28-30 Hamlet Court Road, which is a material planning consideration. It is considered the proposal has addressed reason 3 of the previous refusal 14/01010/FUL.

Impact on Neighbouring Occupiers

National Planning Policy Framework, Development Management DPD2 emerging policy DM1, Policy CP4 of the Core Strategy, Policy H5 of Borough Local Plan and the Design and Townscape Guide.

- 4.15 A separation distance of 5.6m will be retained between the rear of the dwellinghouse and the rear of the existing premises at 38 Hamlet Court Road which does not appear to include habitable room windows at the rear currently. However, prior approval has been granted to convert the first and second floor to flats (14/00306/PA3COU) and it is noted the application form accompanying this application states they are already in use as residential properties. Taking into account the height of the dwellinghouse will be no higher than existing and the windows have been lowered from the previously refused application to reflect this change it is not considered the proposal will result in material harm to the amenities of potential future occupiers at no. 38 Hamlet Court Road. There is sufficient separation distance between the front of the proposed dwellinghouse and the rear of properties in Preston Road. It is not considered that the proposed development would give rise to overlooking or loss of privacy of occupiers in Preston Road given the level of separation and that the rear of these buildings can be viewed by anyone using Hamlet Mews (from a public area).
- 4.16 The proposal has therefore overcome reason 2 of application 14/01010/FUL in accordance with H5 and H10 of the Borough Local Plan and the Design and Townscape Guide, 2009 (SPD1).

Traffic and Transportation

National Planning Policy Framework, Development Management DPD2 emerging policy DM15, Policy CP3 of the Core Strategy, Policy H5 of Borough Local Plan and the Design and Townscape Guide.

- 4.17 The application site currently has two off-street parking spaces which will be lost to this proposed development and the applicant states the spaces are not occupied frequently. No parking spaces are proposed for the new dwelling. The emerging policy DM15 of the Development Management Plan requires each dwellinghouse with 1 bedroom to have 1 parking space although if in a sustainable location with access to public transport flexibility will be given; although this is yet to be adopted The Development Management DPD2 has been found sound by the Planning Inspectorate. It is therefore, considered these policies although not yet adopted, should carry significant weight in the determination of planning applications. This is supported by paragraph 216 of the NPPF which states that; “ *the more advance the preparation of the emerging plan the greater the weight that may be given.*” 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 requires a maximum of 1.5 spaces per residential dwelling, in light of this one space for the dwelling is required. Taking into account the location of the site near Hamlet Court Road with access to amenities and public transport the site is considered to be a sustainable location and no objection is raised on this basis. Furthermore, cycle spaces are proposed within the site.
- 4.18 Previous concerns under application 14/01010/FUL had been raised in relation to the refuse storage whereby no supporting details had been submitted for consideration given the distance the refuse store would be from the highway. The amended drawings show separate commercial and residential waste storage. The flats to the upper floors of no. 38 will place refuse on Hamlet Court Road, given this is the main entrance to the units. The retail unit to the ground floor includes separate refuse, which is normally access from Hamlet Court Mews by relevant contractors and taking into account the access to the side of the dwelling, there is scope for this arrangement to continue. The proposed dwellinghouse is set outside of the current guidance of 10m walking distance with a bag and 15m using a wheeled bin. Given that waste storage has now been provided and the applicant has confirmed that a condition of the lease would be for tenants to take their refuse to Canewdon Road on the collection day. In light of the above, the proposal has overcome reason 4 of 14/01010/FUL.

Conclusion

- 4.19 In light of the above, the proposed development is considered acceptable in and has overcome the previous reasons for refusal of application 14/01010/FUL. The development will provide a positive addition and suitable accommodation for potential future occupiers in accordance with the National Planning Policy Framework, policies contained with DPD2, KP2 and CP4 of the Core Strategy and policies H5, H10, C11 of the Borough Local Plan and the Design and Townscape Guide.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework, 2012.
- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).
- 5.3 Borough Local Plan Policies H10 (Backland Development), C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), T8 (Traffic Management and Highway Safety), T11 (Parking Standards) and T12 (Servicing Facilities).
- 5.4 Design & Townscape Guide, 2009 (SPD1).
- 5.5 Emerging Development Management Plan: Policies DM1 (Design Quality), DM3 (The Efficient and Effective Use of Land), DM7 (Housing), DM8 (Residential Standards), DM15 (Sustainable Transport Management).

6 Representation Summary

Design and Regeneration

- 6.1 The site is located to the rear of 38 Hamlet Court Road and currently contains a storage building at first floor that bridges over an area of hardstanding which appears to be used as a parking and refuse storage area (and potentially could provide additional ground level amenity space) for 38 Hamlet Court Road to the front of the site.

It is noted that there are a few instances of stand-alone residential units in this area in Hamlet Mews so the principle of residential accommodation in this area in general would not be out of character, however, given the constrained size of the sites each application will need to be assessed on its merits with particular reference to impact on the associated property in Hamlet Court Road and standard of accommodation provided. In this case the proposal would result in a number of residential units on the site as a whole so the needs of all residents will need to be accommodated.

In this case the proposal would result in the loss of the use of this backland area by the front units leaving them without any parking or much amenity area although it is noted that refuse and cycle storage is proposed. There is a concern that this proposal will result in reduced facilities for the front units.

The amended design is generally better resolved and an improvement over the previously refused plan. The treatment of the elevations is very simple so will rely on good quality sash windows and doors to lift the scheme. The addition of glazing bars since pre app has added interest to the proposal but will rely on a good quality window being used. It is noted that the kitchen window is without this feature and the proposal would be improved if this feature were added to the upper section of the window. It is noted that grey render is proposed. It would be helpful to have further information on this so that its impact can be assessed. The doors to Hamlet Mews should be timber or composite **[Officer Comment: Materials can be dealt with by condition however, amended drawings have been received to reflect the window change to the kitchen].**

Internally there appears to be enough space for a 2 person unit but this should be referenced against the emerging DM policy DM7 for a 2 person 2 storey unit.

Highways

- 6.2 No highway objections to this proposal the site benefits from being in an extremely sustainable location with good public transport links in close proximity. No objections are raised to the waste management proposed.

Environmental Health

- 6.3 No comments received.

Structural Engineer

- 6.4 There are no drawings showing the proposed foundations and it would appear a Party Wall Agreement is required **[Officer Comment: This can be dealt with by Building Control and Party Wall Agreement is not a material planning consideration].**

Public Consultation

6.5 A site notice displayed on the 27th February 2015 and 2 letters of objection received.

- The shop at 38 Hamlet Court Road is occupied by Samaritans and at present doors open to the yard proposed as amenity space to give direct access to Hamlet Mews.
- The proposed development will have an adverse impact on fire safety off occupiers at the retail unit.
- No objection is raised to the building itself but its siting given that it blocks the rear.
- 1m should be either side of the new building at ground floor.
- No refuse area proposed.
- Loss of two parking spaces.
- The application for two flats above the shop would have taken into account the existing parking situation.
- The existing roof should be inspected for asbestos.
- Unsuitable location for a dwelling due to its rear alley location.
- This development will contribute to the overpopulated area.
- Unfit location for the proposed development.

6.6 Councillor Garston and Councillor Ware-Lane have requested this application be dealt with by Development Control Committee.

7 Relevant Planning History

7.1 Partial demolition of the existing 2 storey stable/mews to rear of 38 Hamlet Court Road and erect two storey dwelling with courtyard to rear- Refused (14/01010/FUL).

8 Recommendation

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

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

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

02 The development hereby permitted shall be carried out in accordance with the approved plans 2920_Site; 2920_LOC; 2920_0G_GA_20; 2920_0G_GA_02 Revision A 27.03.2015.

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

- 03** No development shall take place until details and samples of the facing materials to be used on the external walls including render, brickwork, doors, windows, boundary wall have been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved materials unless otherwise agreed in writing by the local planning authority.

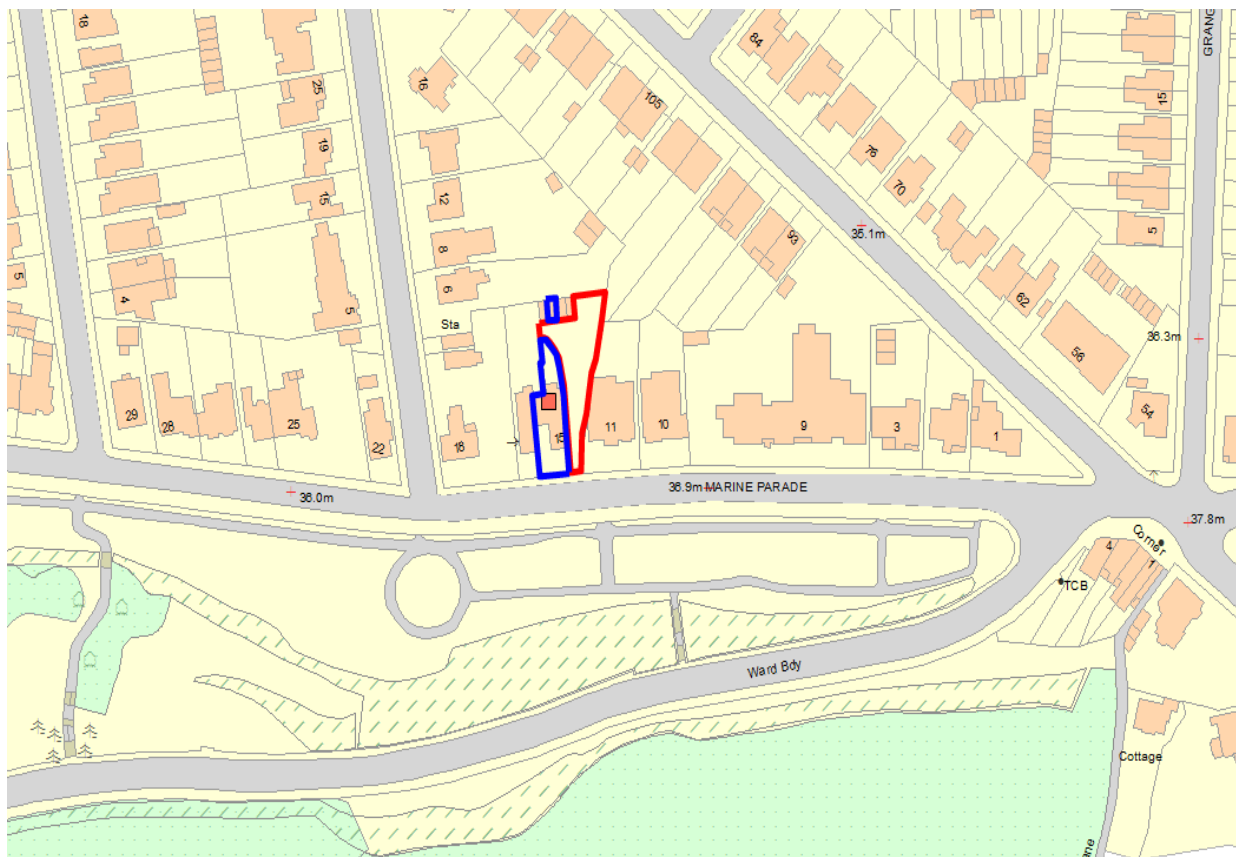
Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy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

- 04** Prior to commencement of the development hereby approved, details shall be submitted of the provision of bin storage, waste management guide and cycle storage facilities at the application site. The approved details shall subsequently be implemented and made available prior to the first occupation of the dwelling hereby approved, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that satisfactory secure 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, DPD1 Core Strategy) 2007 policies KP2, Borough Local Plan 1994 policy T8 and SPD1 (Design and Townscape Guide).

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

Reference:	15/00246/FUL
Ward:	West Leigh
Proposal:	Erect two storey dwellinghouse with balcony to first floor front elevation and amenity space to first floor rear elevation, layout parking.
Address:	15 Marine Parade, Leigh-On-Sea, Essex, SS9 2NA
Applicant:	Mr and Mrs Cummins
Agent:	BGA Architects
Consultation Expiry:	20.03.2015
Expiry Date:	15.04.2015
Case Officer:	Janine Rowley
Plan Nos:	0-001; 1-001; 0-002 A
Recommendation:	REFUSE PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought to erect a two storey dwellinghouse with a first floor with amenity space to the first floor rear elevation and parking.
- 1.2 The building proposed is 6.8m wide x 14.1m deep x 5.9m high; flat roof.
- 1.3 The dwelling would include 3 bedrooms, kitchen, and living area with an internal floorspace of 125sqm. The amenity space equates to 19.5sqm to the first floor including a balcony of 7sqm.

2 Site and Surroundings

- 2.1 The application site is located on the north side of Marine Parade to the rear of no. 15 and approximately 25m west from the junction of Marine Parade with Salisbury Road. There is currently a lawned area where the proposed development is to be sited. To the west of the site are single storey garages. To the east of the site is a two storey dwellinghouse.
- 2.2 The application site is not the subject of any site-specific policy designations.

3 Planning Considerations

- 3.1 The main considerations of relevance to this application are the principle of the development, the design and impact on the streetscene, the amenities of neighbouring residential properties, the amenities of future occupiers of the flats and nearby dwellinghouses and highway safety and parking implications.

4 Appraisal

Principle of Development

National Planning Policy Framework, Development Management DPD2 emerging policies DM3, DM7, Policy KP2 and CP4 of the Core Strategy, Policy H10 of Borough Local Plan and the Design and Townscape Guide.

- 4.1 This proposed is considered in the context of the National Planning Policy Framework 2012 and Core Strategy Policies KP2 and CP8. The NPPF states that *“Housing applications should be considered in the context of the presumption in favour of sustainable development”*.

- 4.2 The emerging Development Management Plan Policy DM3 recognises that backland sites have made an important contribution to the delivery of housing in Southend. Nevertheless a balance needs to be struck to ensure that development does not intensify the use of the site which causes a detrimental impact for intended occupiers, neighbours or the surrounding area. This is reinforced by Policy H10 of the Borough Local Plan which states “applications for residential development on backland sites will only be permitted where proposals respect the character of the area, residential amenities of adjoining dwellings and are in accordance with Policies H3 and H5. In particular proposals should provide for adequate distances between buildings and areas of private amenity open space, together with a satisfactory means of access and off-street car parking facilities.”
- 4.3 The Design and Townscape Guide states that “Whether a backland site is suitable for development will be decided on a site by site basis. In some cases the site may be too constrained or the principle of development may be out of character. This particularly applies where the grain, density and openness of the area is uniform (this is likely to be the case in many of the Borough’s conservation areas)”. Each of the points detailed in Policy H10 and the aforementioned policies are discussed below. There is concern that the proposed development constitutes overdevelopment of the site and the principle of development in this location is unacceptable, as the proposal by reason of the location, size of the site, relationship with surrounding properties, impact on local character and urban grain of the area would be detrimental to the character and appearance of the area. Thus backland development in this location is not considered appropriate.

Design and Impact on the Character of the Area:

National Planning Policy Framework 2012, Development Management DPD2 emerging policy DM1, Core Strategy Policies KP2 and CP4, Borough Local Plan Policies C11, H5 and SPD1

- 4.4 Paragraph 56 of the NPPF states “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”.
- 4.5 Paragraph 60 of the NPPF states “Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles”. Policy KP2 of the Core Strategy requires all new developments respect the character and scale of the existing neighbourhood where appropriate. Policy CP4 of the Core Strategy states that development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend. The emerging Policy DM1 of the Development Management Plan states that all development should achieve high quality, sustainable design and reinforce local distinctiveness.

Furthermore, the policy further suggests that any development should respect and enhance the character of the area, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials and overall townscape.

- 4.6 The dwelling would be located to the rear of 15 Marine Parade. Marine Parade has established building line and the proposed development would be set approximately 22m behind the existing building line appearing at odds with the urban grain of the area failing to respect the local context and surroundings. The overall scale of the development appears at odds with the surrounding area representing inappropriate development. With respect to the detailed design, the overall appearance of the dwelling includes a series of flat roofs to fit the shape of the site. The overall design of the dwelling is contrived. The design fails to compliment the surrounding townscape and overall it represents overdevelopment. The materials also fail to enhance the overall appearance of the dwelling in terms of architectural quality. Whilst the development proposed to the rear of no. 15 Marine Parade, the site will still be visible from Marine Parade down the driveway between the existing properties and will be readily visible from the street detracting from the character of the area. In light of the above, the proposed development by reason of its design, scale and siting would respect a form out of keeping with the surrounding area contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policies C11 and H5 of the Borough Local Plan, Design and Townscape Guide and the emerging Development Management Plan Policy DM1.

Standard of Accommodation for Future Occupiers

National Planning Policy Framework, Development Management Plan emerging Policy DM8, DPD1 (Core Strategy), Policies KP2, CP4; Borough Local Plan Policies C11, H5; and the Design and Townscape Guide SPD1 (2009)

- 4.7 The internal floorspace of the dwelling proposed equates to 125sqm, which is in line with the emerging standards contained within Policy DM8 of which requires at least 82sqm for two storey houses including 3 bedrooms (5 bed spaces). The following is also prescribed including:
- Storage cupboard with minimum floor area of 1.5m² for 3 person dwelling;
 - Suitable space for provision of a washing machine, drying clothes & waste bins;
 - Minimum floor areas for bedrooms to be no less than 7m² for a single bedroom, and 12m² for a double/twin bedroom;
 - Suitable cycle storage with convenient access to the street frontage;
 - Provision of non-recyclable waste storage facilities; and,
 - Refuse stores to be located to limit nuisance caused by noise and smells and should be provided with a means of cleaning.

4.8 Whilst the dwelling complies with the emerging standards, there are concerns with respect to the overall outlook for the potential future occupiers, which points to over development of the site. Bedroom 1 has no window only a rooflight and will therefore have no outlook. This is unacceptable. Bed 3 has an outlook onto a fence 1m away which is not ideal and will restrict daylight and outlook for potential future occupiers. Furthermore, the living accommodation to the first floor will be restricted in outlook daylight given the siting of the amenity space to the north and window to the east which will need to be enclosed by a fence to mitigate against any harm to the immediate neighbours.

4.9 Paragraph 143 of the Design and Townscape Guide, 2009 (SPD1) states:

“There is no fixed quantitative requirement for the amount of amenity space as each site is assessed on a site by site basis according to local character and constraints. However, all residential schemes will normally be required to provide useable amenity space for the enjoyment of occupiers in some form...”

4.10 The proposal will include a garden area of 46sqm to the front of the development, which is small and considered useable amenity space for this type of family accommodation. Furthermore, the amenity space to the rear at first floor will be required to be enclosed to mitigate against any potential harm on adjacent occupiers, which will not again create an acceptable environment for potential future occupiers and add to the overall bulk and scale of the development. The balcony to the front cannot be considered as useable amenity space given its limited size.

4.11 The proposal by reason of its internal layout, poor outlook, restricted access to daylight and sunlight and lack of amenity space would result in an unacceptable standard of living accommodation for future occupants contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policies H5 and C11 of the Borough Local Plan and advice contained within the Design and Townscape Guide SPD1.

Impact on Residential Amenity:

NPPF; Development Management Plan DPD2 emerging policy DM1, DPD 1 (Core Strategy) Policies KP2 and CP4; Southend-on-Sea Borough Local Plan Policies H5, H10 C11; SPD 1 (Design & Townscape Guide (2009))

4.12 Policy H10 of the Borough Local Plan states that backland sites will only be permitted where proposals respect the residential amenities of adjoining dwelling in particular proposals should provide for adequate distances between buildings. This is further supported by Policy H5 of the Borough Local Plan requires that developments respect existing residential amenities, and Policy C11 requiring that developments reflect the need to protect residential amenity.

4.13 The emerging Development Management Plan Document Policy DM1 supports the need for any new development to protect the amenity of the site, immediate

neighbours and the surrounding area with regard to privacy, overlooking, outlook, noise and disturbance and the sense of being overbearing.

- 4.14 The proposed development, by reason of its siting and scale would have an overbearing impact on the amenities enjoyed by existing occupiers of no. 11 Marine Parade. Furthermore, the development would result in overlooking and loss of privacy to the amenities enjoyed by existing occupiers at no. 11 by reason of the first floor balcony and windows to the east elevation. The proposal is therefore contrary to policy H5, H10, C11 of the Borough Local Plan and the emerging Policy DM1 of DPD2.
- 4.15 Given the siting of the development on the boundary and the overall height of the development the building will appear unduly dominant and result in an overbearing form of development to the detriment of amenities of existing occupiers contrary to the provisions of Core Strategy Policy KP2 and CP4, policies H5, H10 and C11 of the Borough Local Plan and the emerging Policy DM1 of DPD2.
- 4.16 It is not considered a new dwellinghouse in this location would result in material harm in terms of noise and disturbance.

Impact on Highway Safety and Parking Provision

National Planning Policy Framework 2012, Development Management DPD2 emerging policy D15, Core Strategy Policies KP2, CP3, CP4, Borough Local Plan Policies T8 and T11 and SPD1

- 4.17 No objections are raised to the vehicle access to the site as this is existing and the road serves a number of garages to the rear of no. 15 Marine Parade.
- 4.18 Policy T11 of the BLP states that “In considering planning applications for development (including changes of use) the Borough Council will require the provision of off-street car parking spaces.” The EPOA Vehicle Parking Standards state that a maximum parking provision of 1.5 space per dwelling should be applied to urban locations that are accessible by public transport. The emerging Development Management DPD2 policy DM15 requires at least two parking spaces per dwelling outside of the town centre. The proposal will include the formation of one off street parking space for a 3 bedroom family type accommodation. This provision is considered to be below emerging standard and compounds the fact that the proposal is overdevelopment resulting in on street parking contrary to the Policy T11 of the Borough Local Plan and policy DM15 of DPD2.

Sustainable Construction:

The National Planning Policy Framework; Development Management DPD2 emerging policy DM2, DPD1 (Core Strategy) Policy KP2 and the Design and Townscape Guide.

4.19 Policy KP2 of the Core Strategy states:

“All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. At least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in SPD 1 Design and Townscape Guide”.

4.20 The provision of renewable energy resources should be considered at the earliest opportunity to ensure an intrinsic design in this instance no details have been submitted for consideration. Emerging policy DM2 requires new development to achieve Code Level 3 under the Code for Sustainable Homes. It is considered any proposed technologies could have a significant impact upon design, scale and overall appearance of the development together with impact on the surrounding neighbouring properties given the site location of this site. This is contrary to the National Planning Policy Framework, Policy KP2 of the Core Strategy (DPD1) and the Design and Townscape Guide, 2009 (SPD1).

4.21 Policy KP2 further suggests that all new development should demonstrate how ‘sustainable urban drainage’ systems (SUDS) to mitigate the increase in surface water run-off and where relevant how they will avoid or mitigate tidal or fluvial flood risk shall be submitted to and agreed with the local planning authority. Given the nature of the scheme proposed it is considered this can be dealt with by condition if the scheme is deemed acceptable.

6 Planning Policy Summary

5.1 National Planning Policy Framework, 2012.

5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).

5.3 BLP Policies: C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), H10 (Backland Development), T8 (Highway Safety), T11 (Parking Standards), C14 (Landscaping)

5.4 Emerging Development Management Plan policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (Efficient and Effective use of land), DM7 (Dwelling Mix, size and type), DM8 (Residential Standards), DM15 (Sustainable Transport Management)

5.5 Design and Townscape Guide SPD (adopted December 2009)

7 Representation Summary

Design and Regeneration

7.1 Principle of Development

This proposal appears to be built on an existing amenity area and proposes to use an existing car parking space. It is noted that the amenity area has undergone some clearance but site photos show that recently it was a well maintained amenity area which even contained children's play equipment. It therefore seems that the site already has an active use and it goes against the NPPF which seeks to protect residential gardens from development. It is also noted that as it is built to the edges of the site on 3 sides there is likely to be significant overlooking concerns onto the neighbouring gardens and that the two storey element on the boundary would be rather overbearing.

It is also noted that, whilst there are a few instances of low rise rear garage blocks, residential development within the central area of the street block goes against the grain of the area. The over whelming character of this area is for residential gardens.

The application has therefore not demonstrated that this site is suitable for a new two storey 3 bed dwelling in principle.

Design

The detailed design proposes a series of basic flat roofed boxes that have been tailored to fit the shape of the site. This seems to be more about getting the maximum development on the site rather than achieving a well-considered high quality house that compliments the surrounding townscape. It is likely that the flat roofs will appear much thicker than shown in order to meet current building regulations and this will further compromise the quality of the design. The proposed timber cladding will not make a significant difference to the architectural quality of the proposal.

Although located to the rear it is noted that there would be a clear view of the proposal down the driveway between the existing properties and it would be readily visible from the street and from the public gardens opposite. It is considered that the proposed design would detrimental to the streetscene at this point and is unacceptable.

Layout

The proposal is for a 3 bed house over 2 storeys. There are a number of concerns with the proposed layout which also suggest that this proposal is an over development of the site:

- Bed 1 has no window only a rooflight and will therefore have no outlook. This is unacceptable for a habitable room
- Bed 3 has an outlook onto a fence 1m away which is not ideal
- There is likely to be overlooking concerns from first floor windows on the north and east sides
- The garden area at 46m² is rather small for a 3 bed family home and its location at the front of the site will impact on the public frontage of the building as high boundaries would be desired. This will further reduce the prominence of the entrance which is proposed down a long side access way. The proposal will not be very legible for visitors.
- The balcony to the rear will have significant overlooking potential. If it were screened this would need to be on all sides resulting in an over dominant development on the boundaries and a much reduced outlook and quality of amenity.
- Only one parking space is provided for a 3 bed unit in an area where there is limited on street parking.

No information has been provided regarding the sustainability of the proposal.

Highways

- 7.2 There is a highway objection to this proposal as the parking does not meet current EPOA policy standards

Leigh on Sea Town Council

- 7.3 Objection to the development on the following grounds:

- Backland development;
- Overdevelopment;
- There are no other dwellings behind those in the triangle formed by Marine Parade, Hadleigh Road and Salisbury Road, that area is all gardens.
- Building will be obtrusive from neighbouring houses and gardens.
- With the bedrooms on the ground floor, the living rooms on the first floor will be particularly intrusive at close distance to nos. 11 and 15 Marine Parade.
- The balconies, both front and back, will be even more intrusive resulting in lack of privacy in adjacent gardens.
- Balconies both to the front and back will be even more intrusive resulting in lack of privacy to the adjacent gardens.
- Considerable loss of daylight and sunlight to the adjoining gardens.
- There are mature trees in the garden of 101 Hadleigh Road.

Public Consultation

7.4 Site notice posted on the 27.02.2015 and 14 neighbours notified of the proposal. 9 letters of objection to the proposed development stating the following comments:

- The proposed dwelling if allowed will be built in the back garden of the original property;
- It would result in overlooking and loss of privacy over no. 6 Salisbury Road;
- If allowed would create a precedent and allow surrounding properties with sufficient space to apply for similar buildings to be erected.
- Overcrowding;
- The siting of the building to the rear of the housing line along the Parade would result in loss of privacy of inhabitants in the adjoining properties;
- The risk of unwelcome precedent being established in the area whereby a garden space accessible by a driveway could be built on;
- Unacceptable location for the dwelling;
- Too close to the boundary;
- Backland development;
- Damage to trees;
- Bad design;
- Only one parking space has been allocated which is not acceptable;
- Overlooking and loss of privacy with particular reference to the living accommodation to the first floor;
- Constrained site resulting in overdevelopment and overbearing design;
- No consideration has been given to neighbouring properties in the design of this proposal;
- Intensification of the buildings;
- Property uses up so much turning space that vehicles will be required to back out into Marine Parade;

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

8 Relevant Planning History

8.1 Demolish existing building and erect three storey block of 5 self-contained flats, lay out 9 basement car parking spaces, cycle and refuse store, landscaping and amenity areas on land at 15 - 16 Marine Parade- Granted (11/00968/FUL)

9 Recommendation

9.1 Members are recommended to REFUSE PLANNING PERMISSION subject to reasons:

- 1 The proposed dwelling, by way of its position, design, scale and layout would be out of keeping with the existing layout and grain of development in the area resulting in backland development appearing conspicuous and visually harmful to the surrounding area. This is contrary to the National Planning Policy Framework policies KP2 and CP4 of the Core Strategy, Policy DM3 of DPD2 and policies H5, H10, C11 of the Borough Local Plan and the Design and Townscape Guide.**
- 2 The proposed development by reason its internal layout, poor outlook, and restricted access to daylight and sunlight and lack of useable amenity space remaining to serve no. 15 would result in an unacceptable standard of living accommodation for future occupants contrary to the National Planning Policy Framework, policy DM15 of DPD2, policies KP2 and CP4 of the Core Strategy, policies H5 and C11 of the Borough Local Plan and advice contained within the Design and Townscape Guide SPD1.**
- 3 The proposed development by reason of its siting and scale would result in an overbearing form of development and result in loss of privacy to nearby residential occupiers through unmitigated overlooking contrary to the National Planning Policy Framework, policy DM1 of DPD2, policies KP2 and CP4 of the Core Strategy, policies C11 and H5 of the Borough Local Plan and the Design and Townscape Guide.**
- 4 The proposed development by reason of lack of parking provisions will result in additional on street parking contrary to National Planning Policy Framework, policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy, policy DM15 of DPD2, policy T8 and T11 of the Southend-on-Sea Borough Local Plan, and guidance contained within the SPD1 (Design and Townscape Guide).**
- 5 The proposed development fails to provide adequate information regarding the use of renewable energy resources which given the scale of the proposal could have a significant impact on design, the appearance, surrounding area and impact on surroundings residential properties. This is contrary to the National Planning Policy Framework, Policy DM2 of DPD2, Policy KP2 of the Core Strategy and the Design and Townscape Guide, 2009 (SPD1).**

Reference:	15/00209/FULH
Ward:	Thorpe
Proposal:	Erect single storey front extension, part two/part single storey side extension and single storey rear extension (amended proposal)
Address:	77 Parkanaur Avenue, Thorpe Bay, SS1 3JA
Applicant:	Mr & Mrs H. Gras
Agent:	Mr D. Blacker, DSB Property Designs Ltd
Consultation Expiry:	09.03.15
Expiry Date:	10.04.15
Case Officer:	Louise Cook
Plan Nos:	2014/11/01/77PA, 2014/11/02/77PA, 2014/11/03/77PA
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought to erect a single storey front extension, part two storey and part single storey side extension and a single storey rear extension.
- 1.2 The proposed single storey front extension will measure a maximum of 6.2m wide x 850mm deep x 3.9m high with a pitched roof.
- 1.3 The proposed part two storey and part single storey side extension will measure a maximum of 2.8m wide x 8.8m deep x 8m high and have a pitched roof. The roof on the two storey element of the proposal will match that of the existing dwellinghouse. The single storey element of the proposal would be located up to the site boundary and the first floor set off the boundary by 1m.
- 1.4 The proposed single storey rear extension will measure a maximum of 10.5m wide x 4.5m deep x 3.5m high and have a flat roof with a lantern rooflight.
- 1.5 The proposed extensions will be finished in brick, render, plain roof tiles and UPVC windows and doors.
- 1.6 The application follows a similar proposal ref. 14/01941/FULH which was refused planning permission under delegated powers on 3rd February 2015 for the following reasons:

“01. The proposed side extension by reason of its proximity to the boundary would reduce the openness between buildings and would be detrimental to the open, spacious character of the streetscene. Therefore, the proposed development is contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies H5 and C11 of the Borough Local Plan and the Design and Townscape Guide, 2009 (SPD1).

02. The proposed single storey front extension would appear overly dominant and lacks articulation, to the detriment of the character and appearance of the existing dwellinghouse. This is contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies H5 and C11 of the Borough Local Plan and the Design and Townscape Guide, 2009 (SPD1).”

2 Site and Surroundings

- 2.1 The site relates to a two storey traditional dwellinghouse located on the western side of Parkanaur Avenue between its junctions with Fermoy and Johnstone Road.
- 2.2 This is a residential area and the street block is characterised by two storey traditional dwellinghouses on relatively wide plots.
- 2.3 This is a residential area and the site has a relatively large west facing rear garden.

3 Planning Considerations

- 3.1 The main planning considerations for this application are design, visual impact in the streetscene, potential impact on neighbouring occupiers and ensuring that the previous reasons for refusal of application ref. 14/01941/FULH have been overcome.

4 Appraisal

Design and Impact on the Streetscene

National Planning Policy Framework, Core Strategy Policies KP2 and CP4 and Policies C11 and H5 of the Borough Local Plan and the Design and Townscape Guide, 2009 (SPD1)

- 4.1 Policy C11 of the Borough Local Plan states:

“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. Where appropriate they should contribute to and enhance public pedestrian areas and open spaces. External materials should be sympathetic in colour and texture with neighbouring development...”

- 4.2 Paragraph 352 of the Design and Townscape Guide, 2009 states:

“Where a terracing effect would be out of character, it would be important to maintain a degree of separation between two neighbouring properties... Extensions over one storey should be set off the boundary to provide an equivalent amount of contextual separation that reflects the prevailing local character and should always be continuous in their form.”

- 4.3 The proposed two storey element of the part single/part two storey side extension would be located 1m from the site boundary and the ground floor located up to the boundary (as per the existing garage in this position). This has been increased by 300mm (from 700mm) from the previously refused application.
- 4.4 Parkanaur Avenue is a residential street characterised by large, predominantly detached dwellings on spacious plots. The street has a spacious feel. It is considered that the proposed first floor element of the side extension set off the site boundary by one metre would maintain a satisfactory level of contextual separation between the application property and the neighbouring property. It is not considered that the proposal would lead to a terracing effect or be out of keeping with the character and appearance of the streetscene and it is considered that the first reason for refusal of the previous application has been overcome.
- 4.5 With regard to the proposed front extension, since the previous application this element has been reduced in width by 800mm (from 7.2m to 6m wide). The proposed garage will be finished in render to match the existing dwellinghouse

rather than brick as previously proposed. Additionally, the front porch will now have a hipped end to the roof which relates better to the hipped roof on the main building. It is considered that the proposed front extension now relates satisfactorily to the existing building and would not appear overly dominant. It is considered that the proposed alterations have satisfactorily overcome the second reason for refusal of the previous application (ref. 14/01941/FULH).

- 4.6 The proposed rear extension will not be visible from the streetscene and whilst this is a large, it is acknowledged that this is a large dwellinghouse on a spacious plot capable of such extensions. Therefore, there is no objection to this element of the proposal and no objection was raised to this under the previous application.
- 4.7 Therefore, in light of the above, the proposed development would not be detrimental to the character and appearance of the existing dwellinghouse and satisfies the policies detailed above.

Impact on Neighbouring Occupiers

National Planning Policy Framework, Core Strategy Policies KP2 and CP4 and Policies C11 and H5 of the Borough Local Plan

- 4.8 With regard to the impact on the neighbour at no. 79 Parkanaur Avenue located to the north of the site, the proposed single storey rear extension will be located one metre off the site boundary and project 4.5m beyond the rear wall of the existing building.
- 4.9 Whilst the application property already extends beyond the rear of the neighbouring property at no. 79 by 2m, the proposed extension will be sited one metre from the boundary and a separation distance of 2.1m will be retained between the proposed extension and the neighbouring property. Additionally, the nearest ground floor rear habitable room window to the proposed extension is sited an additional metre away.
- 4.10 Therefore, whilst the extension is rather deep at 4.5m, given the level of separation that will be retained between the proposed extension and the neighbouring property's nearest habitable room window, it is not considered that it would be overbearing upon or detrimental to the amenities of the neighbouring occupier at no. 79. No objections were raised under the previous application whereby the rear extension was the same as proposed.
- 4.11 The proposed side extension will not project beyond the front or rear of the existing dwellinghouse and therefore will have no impact upon the amenities of no. 79.
- 4.12 With regard to the impact on the amenities of the other immediate neighbouring occupier at no. 75 Parkanaur Avenue located to the south of the application property, the proposed single storey rear extension will be located 2.8m from the southern boundary and given its orientation to the north of this neighbour, will have no impact in terms of undue loss of light or amenity.

- 4.13 With regard to the proposed part single/part two storey side extension, this will be located up to the boundary at ground floor level and 1m off the boundary at first floor level. The neighbouring property has a first floor landing window which faces the application property (north facing). Whilst concerns have been raised by the neighbour regarding the impact of the extension in respect of their landing/hallway, this is a non-habitable room and is not protected under planning.
- 4.14 The neighbouring property at no. 75 has been extended at the rear with a part two and part single storey rear extension. The single storey extension is located closest to the application property. There are two other ground floor windows in the northern (side) elevation of the neighbouring property at no. 75 Parkanaur Avenue. The side window in the original rear dwellinghouse at no. 75 serves a kitchen which again is a non-habitable room and not protected under planning. The other window in the side elevation of the neighbouring property is located within the single storey rear extension and serves a habitable room. This room is also served by a set of French doors at the rear. The proposed side extension will not extend beyond the neighbour's side window and therefore, it is not considered would be overbearing upon this occupier. It is not considered that the extension would result in undue loss of light or amenity to this room given its siting, level of separation and orientation to the north.
- 4.15 As detailed above, the distance to the boundary of the proposed first floor extension has been increased by 300mm to 1m (from 700mm under the previously refused application). It should be noted that no objection was raised to the impact on the neighbouring occupiers under the previously refused application and the distance between the application site and no. 75 at first floor level has now been increased.
- 4.16 Therefore, in light of the above, it is not considered that the proposed development would be detrimental to the amenities of neighbouring occupiers and satisfies policy H5 of the Borough Local Plan.

Planning Policy Summary

- 4.17 National Planning Policy Framework, 2012.
- 4.18 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).
- 4.19 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations) and H5 (Residential Design and Layout Considerations).
- 4.20 Design & Townscape Guide, 2009 (SPD1).

5 Representation Summary

- 5.1 None required.

Public Consultation

5.2 Neighbours notified – One letter of representation has been received which objects to the proposed development on the following grounds:

- Loss of light to the neighbour's upper landing and stairwell areas.
- Blocking of views from the side of their house to the front and rear. **[Officer comment: There is no right to a view under planning legislation.]**
- Does not comply with permitted consent in terms of distances between houses.
- Detrimental effect of the appearance of our house which could potentially cause depreciation in the value to the neighbour's property. **[Officer comment: This is not a material planning consideration.]**

5.3 The application has been called into the Development Control Committee by Cllr Woodley.

6 Relevant Planning History

6.1 14/01941/FULH: Erect single storey front extension, part two storey/part single storey side extension and single storey rear extension – Refused permission for the following reasons:

“01. The proposed side extension by reason of its proximity to the boundary would reduce the openness between buildings and would be detrimental to the open, spacious character of the streetscene. Therefore, the proposed development is contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies H5 and C11 of the Borough Local Plan and the Design and Townscape Guide, 2009 (SPD1).

02. The proposed single storey front extension would appear overly dominant and lacks articulation, to the detriment of the character and appearance of the existing dwellinghouse. This is contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies H5 and C11 of the Borough Local Plan and the Design and Townscape Guide, 2009 (SPD1).”

6.2 91/0869: Erect two storey extension at front and part single/part two storey extension at rear.

7 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

01. The development hereby permitted shall begin no later than 3 (three) years from the date of this decision.

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

02. The development hereby permitted shall be carried out in accordance with the approved plans: 2014/11/02/77PA & 2014/11/03/77PA.

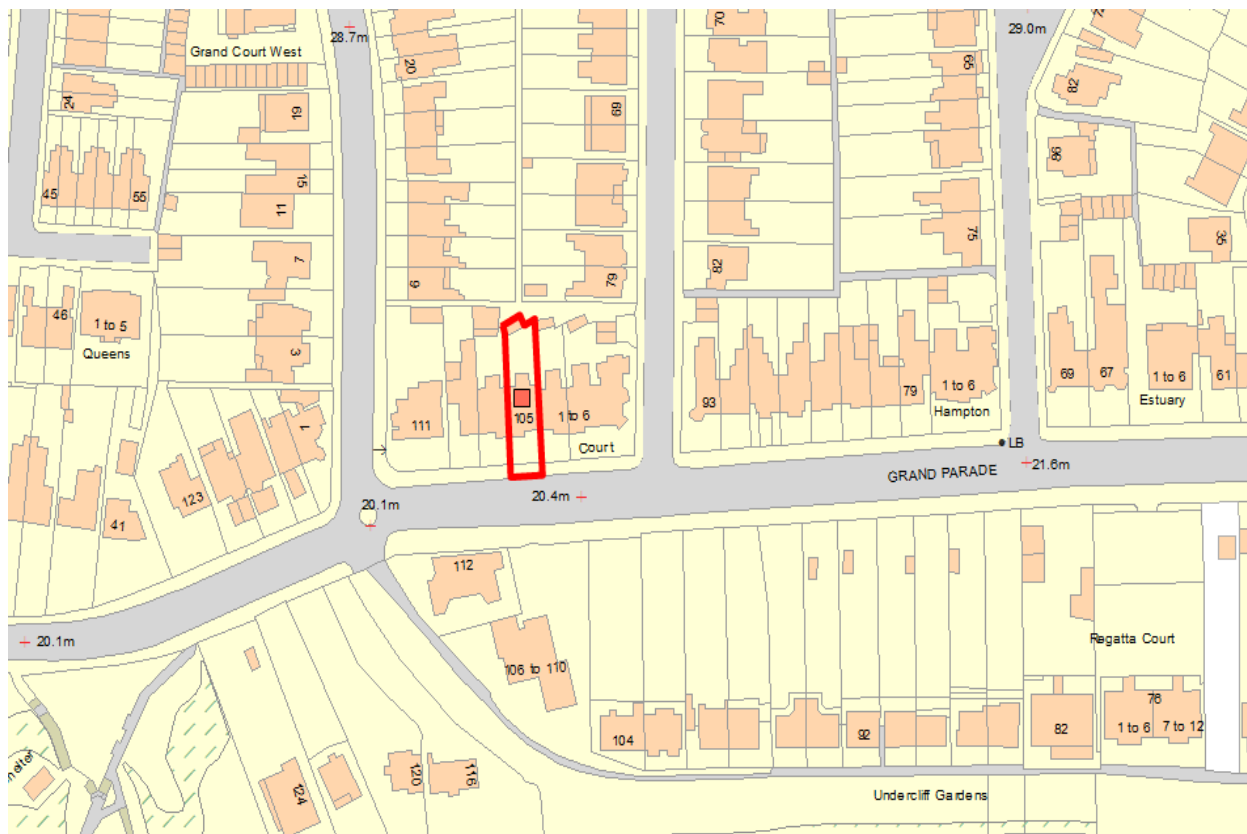
Reason: To ensure that the development is carried out in accordance with provisions of the Development Plan.

03. The colour, type and texture of any materials used on the external elevations of the dormer windows shall match those of the existing building, unless otherwise first agreed in writing by the Local Planning Authority. Such agreed details shall be permanently retained.

Reason: To safeguard the visual amenities of the area, in accordance with Policy C11 of the Southend on Sea Borough Local Plan.

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:	15/00051/FULH
Ward:	Leigh
Proposal:	Erect conservatory at rear (retrospective)
Address:	105 Grand Parade, Leigh-On-Sea, Essex, SS9 1DW
Applicant:	Mr A Blower
Agent:	Mr M Rahman, RD architecture Ltd.
Consultation Expiry:	5 February 2015
Expiry Date:	11 March 2015
Case Officer:	Patricia Coyle
Plan Nos:	MAPS.1; 305
Recommendation:	REFUSE PLANNING PERMISSION; AUTHORISE ENFORCEMENT ACTION



1 The Proposal

- 1.1 The proposal seeks the retention a single-storey pitched roof rear conservatory which has already been constructed.
- 1.2 The conservatory is 1.95m wide x 5.65m deep with a pitched roof with a ridge height at 2.9m high above ground level (2.4m to the eaves). It would, apart from the retaining bars and lower panels to the flank facing the shared boundary, be fully glazed with clear glass. The application site has an existing rear extension and an outbuilding to the rear.

2 Site and Surroundings

- 2.1 The site is located on the northern side of Grand Parade and comprises a two storey terraced dwellinghouse. Land levels rise significantly to the rear (north) such that part of the garden of the application property is at a level approximately a half – one-storey above the level at the rear of the building. The outbuilding is located at this higher level; beyond which is a vehicle access from Leigh Cliff Road.
- 2.2 The surrounding area is residential in character. The dwellings in the surrounding area are two-storey terraced properties to this part of Grand Parade with a flatted block Richmond Court to the corner with Leigh Cliff Road. The neighbouring properties both have similar two-storey deep rear projections; that to the west at No. 107 Grand Parade has a conservatory between the projection and its western boundary.

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 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 Policies C11 and H5.

- 4.1 The dwelling is located within a residential area and an extension to the property is considered acceptable in principle. Other material planning considerations are discussed below.

Design and Impact on the Character of the Area:

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

- 4.2 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies 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 Para 56 of the NPPF states *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*
- 4.4 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”*.
- 4.5 Policy C11 of the Borough Local Plan states *“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.”* and 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.”*
- 4.6 Paragraph 348 of The Design and Townscape Guide (SPD1) under the heading of Rear Extensions it is stated that *“whether or not there are any public views, the design of the rear extensions is still important and every effort should be made to integrate them with the character of the parent building, particularly in terms of scale, materials and the relationship with existing fenestration and roof form.”*
- 4.7 The conservatory is located to the rear of the property and there are no public views of it. It does not therefore have any impact on visual amenity in the streetscene. While it is 5.65m deep, it would extend less than 2m (1.9m) beyond the two-storey rear projection to which it is also attached, is of light-weight construction and single-storey with a pitched roof. It is considered that the conservatory is acceptable in design terms.

Impact on Residential Amenity:

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

- 4.8 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)
- 4.9 With regard to the impact on No. 107 Grand Parade, the conservatory is sited just inside the shared boundary and extends 5.65m beyond the rear of the neighbouring property’s shallower section and the window in the rear elevation. While the conservatory is single-storey and of a light weight structure with the roof pitching away from the attached neighbouring property, it is considered that its close proximity to the shared boundary and its excessive depth would result in harm to this occupiers’ residential amenity by way of being visually intrusive and causing loss of outlook.
- 4.10 With regards to the attached property to the other side, this is one of the Richmond Court flats. The proposed extension is located nearly 5.6m from the shared boundary and extends only 1.85m beyond the two-storey existing projection. It is not considered that there would be any harm to the residential amenities of occupiers of the flats.

5 Conclusion

- 5.1 The conservatory is not considered to result in any harm to visual amenity but would result in loss of residential amenities of adjoining occupiers such that it would be unacceptable.
- 5.2 As the conservatory is already in place, it is necessary to consider whether enforcement action is necessary to mitigate the impact of the development. Taking enforcement action in this case may amount to an interference with the owners’ and/or occupiers’ Human Rights. However, it is necessary for the Council to balance the rights of the owners and/or occupiers against its legitimate aims to regulate and control land within its area. In this particular case it is considered reasonable, expedient, proportionate and in the public interest to pursue enforcement action on the grounds set out in the formal recommendation at para 9.2.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (2012) : Section 7 (Requiring Good design)
- 6.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (Environment & Urban Renaissance)
- 6.3 Southend-on-Sea Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations) and H5 (Residential Design and Layout Considerations)
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide (2009)

7 Representation Summary

Public Consultation

- 7.2 Ten neighbours were consulted; one representation was received objecting on the loss of aspect from windows and loss of light.

8 Relevant Planning History

- 8.1 2010 - Erect extension to north side of top floor (10/00118/FUL)
- 8.2 2009 - Erect extension to north side of top floor - Refused (09/01530/FUL)
- 8.3 2007 - Erect part single/part two storey rear extension – Approved (07/00050/FUL)

9. Recommendation

9.0 Members are recommended to

9.1 REFUSE PLANNING PERMISSION for the following reason:

- a) **01 The proposed development, by reason of its depth, height and close proximity to a shared boundary, results in loss of outlook and visual intrusion to the detriment of the residential amenities of the occupiers of No. 107 Grand Parade contrary to the NPPF, BLP Policies H5 and C11, Policies KP2 and CP4 of the Core Strategy and advice contained within the Design and Townscape Guide (SPD1).**

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.

- 9.2 Members are recommended to AUTHORISE ENFORCEMENT ACTION**
- b) to secure the removal of the conservatory, or as a minimum, the reduction in the depth of the conservatory to a maximum of 3m, on the grounds that the current development causes harm to the residential amenities of an adjoining occupier contrary to the NPPF, BLP Policies H5 and C11, Policies KP2 and CP4 of the Core Strategy and advice contained within the Design and Townscape Guide (SPD1).
- 9.3 The enforcement action to include (if/as necessary) the service an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.
- 9.4 When serving an Enforcement Notice, the local planning authority must ensure a reasonable time for compliance. In this case, the necessary remedial works would probably require quotes to be obtained and contractors to be engaged so a compliance period of 3 months is considered reasonable.