

## Southend-on-Sea Borough Council

Development Control Committee 15<sup>th</sup> April 2015

### SUPPLEMENTARY INFORMATION

#### Report(s) on Pre-Meeting Site Visits (4a)

Page 3

Wellstead Gardens Sports and Social Club, Wellstead Gardens  
14/01708/FULM

#### 7. Representation Summary

##### Ward Cllr

7.6 Councillor Courtenay objects to the proposal given the additional parking stress this application will cause to residents of the area particularly in Wellstead Gardens. The area is already between the hospital parking management scheme and three secondary schools. Therefore there are lots of vehicles in this small area. This application will increase the use of the facilities including coaches, yet provide no additional parking.

The size and height of the building does not fit in with the local area. The building would 'tower over' properties particularly St James Gardens and Kenilworth Gardens.

##### MP

7.7 A letter has been received from David Amess MP supporting the constituent's concerns detailed under paragraph 7.5 of the main report.

#### 9. Recommendation

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

**0800-2100 Monday to Friday  
0900-1800 Saturday and Sundays**

Page 19

15/00066/FULH

**5 Park Terrace, Westcliff-on-Sea**

#### Representation Summary

##### 7.1 Milton Conservation Society

Further comment from Milton Conservation Society received as follows:

- The existing garage is not being used as a garage and the new development proposes additional storage space. Therefore

this already enlarged dwelling (with the large permitted development structure in the rear garden) which will become further enlarged by the additional storage building proposed, will have no in-use parking space which we consider to be unacceptable and very unfair on local residents who suffer the consequence of further on-street parking stress, as we have already described.

- We would ask that this proposal is refused planning permission on the grounds of no parking provision or, if approved, at least conditioned with a requirement for the existing garage to only be used for vehicular garaging in connection with the occupation of the dwelling.

## **Main reports (4b)**

Page 3

14/02043/FULM

### **Crown Secretarial College 411 – 415 Sutton Road**

#### **1. The Proposal**

Following preparation of the report, the applicant has submitted revised plans in response to officer concerns and provided clarification in relation to S106 Contributions.

The description should be altered as follows:

**Demolish existing buildings, erect part 3/part4 storey block comprising 55 flats, 395sqm retail commercial floorspace at ground floor, communal amenity space, landscaping, parking and associated works.**

*Changes to the plans/submission* can be summarised as follows:

- Residential access revised to bring this in line with the main build-line as requested. A canopy has been placed above to create shelter and help produce a focal point.
- The applicant states that viability is critical on this site and as such the proposed development has been designed to provide a deliverable scheme. In light of this they have looked at alternative ways to overcome the concerns raised over the impact on the secondary bedroom with a window to the rear parking court overlooking a parking space. Revisions have been made to the access to move the proposed kink in the road closer to the entrance point of the site to allow room for an additional planting bed to be positioned below an additional window to Bedroom.02 of the proposed apartment. In addition to this the parking space which is overlooked by apartment.05 is allocated to apartment.05.
- Whilst the majority of visitor cycle parking is allocated to the rear of the site addition visitor cycle parking has been position in close

proximity to the front entrance and commercial space allowing additional cycle parking for up to 12 visitor cycles.

- Following comments made regarding the of articulation to side elevations, amendments have been made to improve articulation by incorporating additional cladding areas and low level brickwork to help break the solid areas of render.
- In order to improve articulation to the rear elevation additional materials have been incorporated into the elevation to create breaks in large areas of brick or render.
- Some balconies have been increased in size and are now approximately 4.4m<sup>2</sup> as opposed to 2.8m<sup>2</sup>.
- The applicant confirms that the proposed development will provide a total of 10no 1100L Bins (Split 6no for Residual Waste and 4no for recycling) across the site for residential use with a minimum of 1no 140L Food waste bin per residential refuse store.
- A retail travel plan and a revised residential travel plan have been submitted.

#### *Changes to the S106*

The applicant has confirmed their acceptance of the following contributions:

- Bus stop improvement contribution of £10,000 to provide real-time information at the bus stop(s) adjacent to the site.
- Traffic Regulation Order contribution of £4,000.
- Public realm and highway works to the value of £83,350 including:
  - Public art provision/financial contribution (value and details to be agreed prior to first occupation).Creation of a loading bay/parking spaces within the existing Sutton Road highway.
  - Removal of existing redundant crossovers and street furniture to the front of the site.
  - Installation of new street furniture and paving to the front of the site.

Together with:

- Provision of Travel Packs for residents.
- Retail Travel Plan.

However with regard to securing the affordable housing for the site, there are issues surrounding the availability of grant funding for affordable housing units secured via an S106 agreement. In order to address this issue the affordable housing requirement has been revised in line with Council policy, to 30% and the applicant has agreed to make the required contribution for Education (£50,480.96) if only 30% AH is provided. However, in the event a contract is in place with a Registered Provider to deliver the scheme as 100% AH then the education contribution would

not be payable i.e. 100% is only the criteria for assessing if the education contribution is payable and not an absolute and binding requirement for AH provision by the Council.

It should also be noted that a recent court case (Oxfordshire CC v Secretary of State for Communities and Local Government & Ors) has ruled that a S106 monitoring is not lawful under CIL (i.e. not material to the decision) for a Local Planning Authority to require payments for the costs of monitoring s106 obligations, since these will not generally meet the test of “necessity”. Therefore the request for this contribution has been removed.

### *Conditions*

For viability reasons the applicant is also seeking to amend a number of conditions to reduce the requirement for pre commencement discharge. Discussions have taken place with officer and the resulting changes are considered to be reasonable, to meet the tests for conditions and would not prejudice the acceptability of the development. The revised conditions are set out in the Recommendation.

## **7.0 Representation Summary**

### **Design**

(amended plans) In the main these amendments are positive and have sought to address previous design comments. I would reiterate my previous comments/concerns regarding the surface treatment to the residential access, which is to be laid to tarmac. A better quality surface material should be used to the main access way into the site, to enhance vistas from the street – i.e. continue the block paving here. **[Officer comment – this matter is addressed by condition 18]**

### **Education**

This application falls within the Bournemouth Park Primary School catchment area and Cecil Jones College catchment area. Places in the Southend primary sector are extremely restricted with an expansion programme underway. Cecil Jones College and Futures College will be at capacity from September 2017 with an expansion programme currently at feasibility stage. Therefore if only 30% affordable housing is provided a contribution towards both primary and secondary would be requested of £50,480.96

## **10.0 Recommendation**

**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:**

- **17 units of affordable rented housing units (30% of overall provision) comprising 11x1bed and 6x2bed units.**

- Education contributions of £50,481 (£26,512 for expansion project at Bournemouth Park Primary School and £23,969 for expansion project at Cecil Jones College) payable prior to commencement of development provided that, in the event that a contract is in place between the developer and a Registered Provider for the provision of further affordable housing within the development the education contribution shall be reduced pro rata on the basis that 100% provision of affordable housing would result in a zero education contribution.
- Bus stop improvement contribution of £10,000 to provide real-time information at the bus stop(s) adjacent to the site
- Traffic Regulation Order contribution of £4,000
- Public realm and highway works to the value of £83,350 including:
  - Public art provision/financial contribution (value and details to be agreed prior to first occupation)
  - Creation of a loading bay/parking spaces within the existing Sutton Road highway
  - Removal of existing redundant crossovers and street furniture to the front of the site
  - Installation of new street furniture and paving to the front of the site
- Provision of Travel Packs for residents
- Retail Travel Plan

**b) Conditions amended as follows:**

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

**03** Within 28 days of commencement of development samples/details of the brick and render to be used on all the external elevations shall be submitted to the local planning authority for approval. The development shall only be carried out in accordance with the approved details.

**09** No construction works above the level of floor slab shall take place until 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<sub>max</sub> and L<sub>Aeq</sub> 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.

### **13 Decontamination**

#### **1. Site Characterisation**

With the exception of demolition, grubbing up of foundations and site clearance, 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**

With the exception of demolition, grubbing up of foundations and site clearance, 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.

**18** No construction works above the level of the floor slab 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.

**20** No construction works above the level of the floor slab shall take place until details of the proposed Photovoltaics cells set out in the submitted Energy and Sustainability Statement by Fusion 13 have been 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.

**24.** No construction works above the level of the floor slab shall take place until details of the proposed balconies and balustrades, including fixings, at a scale of 1:20 have been submitted to and approved by the Local Planning Authority, the development shall be carried out in accordance with the approved details.

**25.** No construction works above the level of the floor slab shall take place until details of the treatment of the undercroft area, including internal elevations, materials/finishes and lighting have been submitted to and approved by the Local Planning Authority, the development shall be carried out in accordance with the approved details.

**30** Within 56 days of commencement of development a surface water drainage scheme in line with that detailed in the submitted drainage strategy or as otherwise agreed with the Local Planning Authority shall be submitted to 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.

The scheme shall include details of the proposed adoption and maintenance arrangements for the proposed surface water scheme for the lifetime of the proposed development. This shall detail who will maintain each element of the surface water system for the lifetime of the development by submission of a maintenance schedule and these arrangements shall be in place prior to occupation of the development .

#### **Additional Condition**

**32 No construction works above the level of the floor slab shall take place until samples of the materials to be used on all the external elevations, with the exception of brick and render, but 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**

**c) In the event that the planning obligation referred to in part (a) above has not been completed by 29th May 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 following comments are based upon the noise and vibration report submitted on the 14<sup>th</sup> March 2015.

#### **Noise Assessment:**

The main noise sources affecting the proposed development are trains to the north of the site and road traffic noise along Station Road. One noise meter was set up to measure the noise environment during the day and night. I assume that the survey was manned as it is not clear in the report **[Officer Comment: The applicant has confirmed the survey was manned]**.

It is unclear as to how the noise levels from the two main sources, road and rail, have been distinguished. The noise meter would have measured both sources but it would be useful to have the maximum noise levels from trains and road traffic identified separately. **[Officer Comment: the applicant has confirmed the site is mainly affected by traffic noise with regular but short-lived contributions from trains. The data collected was used, modified for distance and facade corrections, to arrive at the most likely worst case noise level at the facades. This is a cautious approach and one that is generally supported in the literature. There was little difference in maximum noise levels from each source. Maximum levels only had relevance overnight and maximum noise levels have been corrected as indicated in the report (Para 6.3)].**

Also does the consultant know how much the measurements were affected by the existing hand car wash. It could be that noise levels are higher than necessary but mitigation would be based on a worst-case **[Officer Comment: The applicant has confirmed the noise from the car wash was intermittent and the measurement position was as far as practicable from the main car cleaning operation]**.

Although PPG24 NEC's are not relevant to policy, we did request NEC of the site be given. **[Officer Comment: NEC's are now irrelevant but, the data shows that the site would fall into NEC C but only marginally]**.

The report does give advice for glazing and ventilation mitigation, but I am confused as to why they have used the highest LAeq during the day to predict noise levels to bedrooms (para. 5.2). Is this **[Comment: The applicant states no - it would not be perceived as a near doubling in loudness. Loudness is relative and the noise environment at the site is at the level we have measured and not at 55dBA. In other words, there is no comparison to be made that would enable a loudness judgment to be formed. Without a gated frontage incorporating imperforate panels and a continuous fence around the dwellings, it is difficult to see how the noise from traffic could be reduced any further]**.

#### **Amenity Noise Levels:**

It is predicted within the noise report that amenity noise levels will exceed The WHO guidance of 55dB(A) by more than 9dB(A). Para. 6.10 of the report suggest that this is 'slightly' above the criterion, whereas in reality this could be perceived subjectively as nearly a doubling in noise level. It is stated that in BS8233:2014 where amenity space near to strategic transport networks exceed relevant criterion, this should not present a constraint to the granting of planning permission. It should be noted however that there is a requirement for the development to be designed to achieve the lowest practicable noise levels possible.

**[Officer Comment: The applicant contends that a plan as submitted show the layout of the development answering the aforementioned questions being raised about amenity spaces. The amenity space is principally to the side of the dwellings. The effect of the fence along the railway boundary will reduce noise levels by about 8dBA at ground level but it is the visual screening effect which is probably more important. Calculations took into account the effect of the 2m fence and the screening afforded by the dwelling itself when calculating the glazing requirement on the rear elevation (Para 6.7)].**

#### **Vibration:**

The vibration assessment was undertaken but there does not appear to be any information as to what ground the vibration meter was set up on or whether it was continuous monitoring or just samples during the day and night **[Officer Comment: The applicant has confirmed that the Vibrock instrument was set up on solid concrete and levelled appropriately. Night-time was continuous monitoring, daytime monitoring was over the period 11:00-17:00hrs].**

In conclusion, from the acoustic information submitted by the applicant it has been demonstrated that the site could be considered acceptable residential use in noise terms.

### **8 Recommendation**

**The applicant has submitted a final addition in relation to the officer's report and recommendation as follows:**

*"We welcome the officer's report that gives a very positive endorsement to every aspect of the proposal save in one respect. Namely amenity space. On this topic we would invite the members to consider the countervailing argument that we think answers the officer's concern.*

*It is important that an opportunity to efficiently redevelop brownfield land is not lost at a time when there is so much pressure locally and nationally to use greenfield sites. Planning is always about a balance but importantly, and especially in light of the 'National Planning Policy Framework', there is a requirement to provide a wide choice of housing accommodation. It is axiomatic that market housing is both affordable AND suits the needs of buyers.*

*The application site is located within a short walk of the seafront, our town's most vital and natural asset. The site is perfectly located for commuters, whether working locally or outside the town, as well as the mobile older person. The market for these households nowadays is often one where the homeowner does not want the high maintenance costs associated with traditional gardens provided by larger amenity spaces. These houses have been specifically designed to encourage people who are less car dependant who can take advantage of the close transport links and significantly the wonderful asset presented by the close proximity of the beach. If a prospective owner wants a traditional garden both in setting (at the rear) and size (larger) that person will look elsewhere, possibly at an older style property.*

*By way of example and to illustrate the proposed flexibility in the need for amenity space, we would refer you to the recent development at the south end of Southsea Avenue, Leigh on Sea. We understand that this may have been approved on appeal but that simply reinforces the soundness of a flexible approach to amenity space. We attach herewith a ground floor plan that shows a very modest amenity space of 8 square meters at the rear of the property. There is some additional landscaping at the front totally 11.7 square meters. The rear area is the only effectively usable garden area which is much smaller than the garden associated with the 6 units that we are proposing.*

*What this demonstrates therefore is not just a clear precedent for small gardens but a recognition that even for houses, people nowadays do not always want garden areas or at least traditional larger gardens.*

*For this reason while we understand and respect the officer's analysis on the only topic held against the proposal, we would implore the members to consider the wider context and accept that there is an opportunity to bring this site into productive residential use, remove the current non-conforming use and importantly to relieve the pressure in the borough to build on non-brownfield sites by making the maximum reasonable use of this site. The design of this house is aimed at people who are trying to get their first foot on the housing ladder or scale down in later years from larger properties (thereby releasing larger houses for growing families). These people do not want large (or often indeed any) gardens. The Council does not have a minimum amenity area requirement and to make the gardens for these small dwellings any larger would require a reduction in the number of units and thus less yield from the site. It would also result in an awkward townscape as a result of the inevitable large gaps that would appear between buildings. This would be in contrast to the character of the wider area, which is typified by buildings providing enclosure to the street.*

*Accordingly we would ask the members to approve this application for all of the reasons set out by the officer along with the particular reason we have set out above regarding amenity space."*

Southsea Avenue Areas with amenity space as referred to above:



Page 103  
15/00225/FUL

## Garages Adjacent 1 and 7 Exeter Close

### 7. Representation Summary

7.9 Since the drafting of the committee report, two representations have been received from one property (7 Exeter Close) which object to the application on the grounds that:

1. The proposal would have a negative impact on their property value.
2. Their existing existing dwelling would only be accessible by three narrow alleyways which are not lit.
3. Due to point 2 above, the proposal would cause an increase of anti-social behaviour and criminal activities, including fly-tipping.
4. Due to point 2 above, the proposal would restrict access by emergency services.
5. The proposal would represent a net reduction of parking for existing residents.

Page 116

**15/00232/FUL****Garages Rear of 25-31 Ashanti Close****7. Representation Summary**

- 7.9 Since the drafting of the committee report, a representation has been received which objects to the application on the grounds that the Council arranging the vacancy of the existing garages makes it appear that planning permission has already been granted. A second objection has been received that sets out no reasons for this objection.