

Southend-on-Sea Borough Council

Agenda
Item

Report of the Corporate Director of Place
To
Development Control Committee
On
03rd June 2015

Report(s) on Pre-Meeting Site Visits

A Part 1 Agenda Item

WARD & TIME	APP/REF NO.	ADDRESS	PAGE
Victoria	14/02043/FULM	Crown College 411 - 415 Sutton Road	3
Milton	15/00155/FULM	The Esplanade Western Esplanade	42
Thorpe	15/00209/FULH	77 Parkanaur Road Thorpe Bay	76
West Shoebury	15/00312/FULH	210 Delaware Road Shoeburyness	83
Milton	15/00418/AMDT	Shelter Western Esplanade	89
Belfairs	15/00311/FUL	112 The Fairway Leigh-On-Sea	102

Depart Civic Centre at: 10am

DEVELOPMENT CONTROL COMMITTEE

SITE VISIT PROTOCOL

Purpose of Visits

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

Selecting Site Visits

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

Procedures on Site Visits

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

Version: 6 March 2007

Reference:	14/02043/FULM
Ward:	Victoria
Proposal:	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.
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:	29th May 2015
Case Officer:	Charlotte Galforg
Plan Nos:	200B, 201B, 202B, 203B, 204B, 205B, 206B, 207B, 208B, 209B, 210.
Recommendation:	Delegate to the Head of Planning and Transport or the Group Manager Planning to GRANT PLANNING PERMISSION subject to completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (As Amended).



This application was deferred from Development Control Committee on 4th March in order that Members can undertake a site visit.

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.
- 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 Whilst the applicant proposes that all units would be social rented affordable housing, it should be noted that in order to secure grant funding it is necessary that the S106 relating to the scheme requires only the 30% AH provision in line with the normal policy requirements.
- 1.8 The applicant has undertaken extensive pre-application discussion with officers.
- 1.9 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 crill 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 and therefore that use appears to have been unauthorised. 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, and 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; Development Management DPD Policies DM3, DM7.

- 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 (30% secured by S106). 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 unit 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, Development Management DPD Policy DM1; 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 be 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. Revised plans have been submitted during the application process to address concerns previously raised by officers relating to: the residential access detail, impact on residents from parking and access, cycle parking location, increased articulation and detailing to elevations and amendments to details of materials, an increase in size of balconies and waste storage. The detailed design of the development is considered to be acceptable.
- 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; Development Management DPD Policies DM15; 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 Travel plans have been submitted for both the residential and commercial elements of the development, these require minor amendments but are largely acceptable. 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 and there is cycle parking to the front of the development to serve the commercial unit. This is considered acceptable.

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 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 unit. This is considered to be adequate to meets the needs of the development. 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 and Policy DM15 of the Development Management DPD 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, Development Management DPD DM1, DM8; Policies Design and Townscape Guide SPD1

- 4.48 Policies H5 of the BLP, DM1 of the Development Management DPD 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; Development Management DPD Policy DM2; 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 Development Management DPD Policy DM2.

- 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.

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 built out as 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 It should be noted that 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 for the development to be required by the S106 Agreement 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 on site.

4.78 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.

4.80 Education – see para 4.77 above. If the development is built out as 100% Affordable Housing no education contribution will be sought. Otherwise a contribution of £50,480.96 will be required.

4.81 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.

- 4.82 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. The public realm improvements will be controlled as part of the S106 Agreement.
- 4.83 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 applicants have agreed to make a total contribution for public art. Public realm improvements and highways works to the value of £83,350. This is considered to be reasonable and acceptable.
- 4.84 The contributions proposed are considered to meet the tests set out in the CIL Regulations 2010.. Without the contributions that are set out above the development could not be considered acceptable. Therefore if the S106 agreement is not completed within the relevant timescale the application should be refused. An option to this effect is included within the recommendation in Section 10.

Other Considerations

NPPF, DPD1 (Core Strategy) policies KP1, KP2, KP3, CP4, CP6; Development Management DPD Policies DM14; BLP policies; C1, C11, H5, H7, U2, SPD1 Design and Townscape Guide

- 4.85 *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

- 4.86 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:
- necessary to make the development acceptable in planning terms; and
 - directly related to the development; and
 - 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 provided to meet 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** – (Original Plans) 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.

(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]**

- 7.12 **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

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 LA_{eq} 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 LA_{eq}, T dB in bedrooms and living rooms with windows closed at any time. Where the internal noise levels will exceed 35 LA_{eq}, T dB in bedrooms (night-time) and 45 LA_{eq} 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 LA_{eq} 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:

- **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) 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: 200B, 201B, 202B, 203B, 204B, 205B, 206B, 207B, 208B, 209B, 210.

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 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_{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} dB 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

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.

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 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.

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 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 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 A1unit 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 C7and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.

- 24** No construction works above the level of the floor slab shall take place 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** 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 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** Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any order revoking and re-enacting that Order with or without modification, no advertisement shall be displayed on the building without the prior written consents of the Local Planning Authority.

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

- 27** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 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.

- 28** 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.

29 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 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.

30 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

31 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

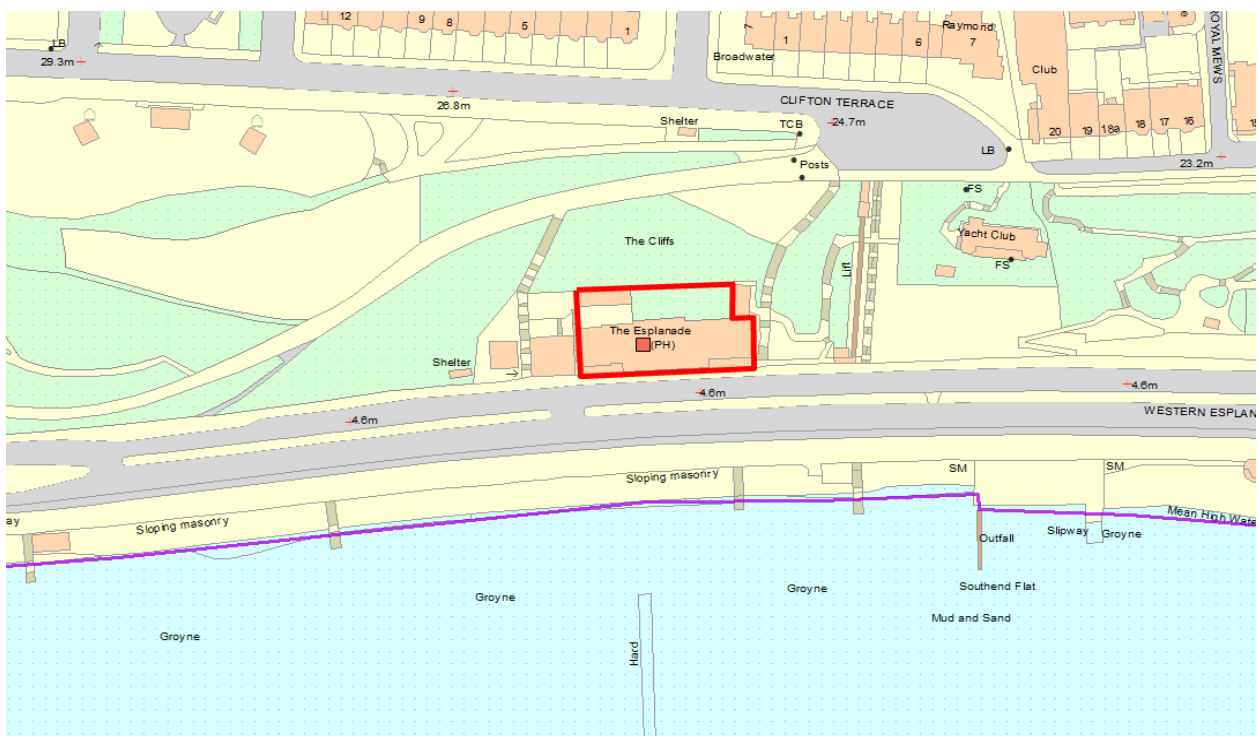
Informatives

- 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 29th July 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:	15/00155/FULM
Ward:	Milton
Proposal:	Demolish existing building, erect 5 storey building comprising 24 self-contained flats with ground floor restaurant and basement parking, layout amenity area, refuse and cycle storage and landscaping, form new vehicular access onto Western Esplanade.
Address:	The Esplanade Public House, Western Esplanade, Southend On Sea
Applicant:	Mr CG Pettersson, Redab Commercial Ltd
Agent:	Stagg Architects Limited
Consultation Expiry:	13th May 2015
Expiry Date:	5th June 2015
Case Officer:	Charlotte Galforg
Plan Nos:	51415-P-01, 51415-P-02, 51415-P-03, 51415-P-04, 51415-P-20 D, 51415-P-21 D, 51415-P- 22 C, 51415-P-23 C, 51415-P-24 C, 51415-P- 25C, 51415-P- 26A, 51415-P-30, 51415-P-41A, 51415-P- 50, 51415-P-51, 51415-P-60, 51415-P- 61, 51415-P- 62, 51415-P- 63
Recommendation:	REFUSE PLANNING PERMISSION



1 The Proposal

- 1.1 The application proposes to demolish all existing buildings on site and to erect a new 5 storey building with basement car parking for 26 cars (including 3 disabled parking bays), a ground floor restaurant (682sqm) with external terrace and 24 flats.
- 1.2 The design of the development would be contemporary and is characterised by extensive glazing and balconies to the front, with the structure of the building being visually defined by glue-laminated (“glu lam”) timber beams. The balconies are stepped back slightly as the building increases in height with the “glu lam” timber beams angled back. The ends of the building are mainly rendered. The rear of the building would be a mix of render, dark grey powder coated aluminium frame glazing and a clear glazed louvre system. It is intended that this element of the development would create a “winter garden” to serve the residential occupiers. The building would have a green roof. 11 trees would be felled as a result of the development. The applicant proposes to plant 3 new trees to the north of the site.
- 1.3 There would be a single access/egress to the site, a new crossover would be provided. A stop go control light linked to a barrier at the top of the ramp is proposed to allow cars to enter the car park first. A total of 37 cycle parking spaces are proposed (some Sheffield stands are proposed on the opposite side of the street) together with 4 motor cycle parking bays. Pedestrian access to the apartments would be from the south eastern corner of the site through a glazed lobby. A platform lift is included to assist access to the restaurant. A new loading bay would be created to the front of the development necessitating in the loss of 3 on street car parking spaces.
- 1.4 The applicant has also submitted the following supporting documents: Design and Access Statement, Flood Risk Assessment, Acoustic Statement, Habitat Survey, Travel Plan, Arboricultural Report, Transport Assessment including waste proposals, Planning Statement, Viability Statements. landscape proposals, Energy and Sustainability Statement, draft waste management plan, draft car park management plan.
- 1.5 The applicant has submitted draft heads of terms relating to the following issues: Education contribution, Highways works, monitoring fee, felling and replanting trees on adjoining Council land.
- 1.6 It should be noted that permission was granted in 2010 on this site to demolish the public house and park store, and erect a four storey 58 bedroom hotel and restaurant with basement parking, replace park store and form vehicular access onto Western Esplanade. Ref 10/00112/FULM. This permission was renewed in 2013 and remains extant.
- 1.7 The applicant undertook pre application discussions with officers prior to submission of this application.

2 Site and Surroundings

- 2.1 The site is some 0.123 hectares in area and set in a prominent seafront location on Western Esplanade to the west of the Pier. The dual carriageway that is Western Esplanade lies to the south and beyond that the beach and estuary. The site is currently occupied by "The Esplanade" public house and restaurant, a two storey detached building with a first floor roof terrace. An SBC park store lies adjacent to the existing building. The site itself is relatively flat but the land rises up steeply to the side and to the rear of the site. There is open parkland to the north and east. There are steps immediately to the east of the site and to the west lies Marriott's Fish restaurant, more steps and the Pier West café. The cliff lift is located adjacent to the site to the east. Land slippage has occurred to the Cliffs and this has extended onto the northern part of the application site. The slippage area to the west of the site has been granted planning permission for works to be carried out to reinforce the cliff slip area and to erect a new museum complex.
- 2.2 The existing public house was built in around 1900 and has been altered and extended throughout its life. There is no parking to serve the existing site. On street parking is provided in the form of marked bays on the side of the highway and between the existing carriageways. A temporary bus stop is located immediately to the south of the site.
- 2.3 The site abuts an area of Public Open Space but the building is excluded from it. The application site is located to the south and west of Clifftown Conservation Area, and within (but excluded from) an area of Public Open Space within the BLP. The dwellings immediately to the north of the site in Clifton Terrace and Clifftown Parade are Grade II Listed Buildings. To the south of the site lies the estuary which is a SSSI, SPA, RAMSAR site and SINC. The southernmost part of the site lies in Flood Zone 2. Within the emerging Southend Central Area Action Plan the site lies within the Town Centre and Central Seafront Area but. National Cycle Network Route 16 passes the site to the south.

3 Planning Considerations

- 3.1 The main planning considerations are: the principle of demolition of the existing building and the principle of residential and restaurant use on this site, design and impact on the character of the area in general and the Clifftown Conservation Area and associated listed buildings, traffic and transport issues, impact on surrounding occupiers, living conditions for future occupiers, impact on cliff stability, loss of trees, flood risk and drainage, ecology/biodiversity, sustainability issues, developer contributions and viability.

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; DMDPD Policy: DM6.

- 4.1 The applicant has stated that the previously permitted hotel is not a commercially viable option on this site and that the proposals for a restaurant at ground floor with flats above is the only commercially viable option in this location and would continue employment use on the site whilst increasing footfall around the site and enliven the seafront out of season.

4.2 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.

4.3 The application site lies within the Town Centre and Seafront Area within the Core Strategy and DMDPD. Although the primary focus for regeneration is the town centre and central area, appropriate regeneration and growth will also be focussed in the Seafront area,

“in order to enhance the Seafront’s role as a successful leisure and tourist attraction and place to live, and make the best use of the River Thames, subject to the safeguarding of the biodiversity importance of the foreshore” Policy KP1

4.4 Policy KP2 of the Core Strategy states that:

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

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

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

4.5 It is recognised that the development will create a small number of jobs within the restaurant use and that in addition by maintaining the apartments. The applicant considers that spending in the local area will be boosted by restaurant patrons and the new residents of the development. Policy CP1 sets out how and where jobs should be provided and 750 jobs within the seafront area are sought by 2021. However it should be noted that policy CP1 also states:

“Development proposals involving employment must contribute to the creation and retention of a wide range of jobs, educational and re-skilling opportunities. Employment generating development should be located using a sequential approach in accordance with the spatial priorities and roles set out in Policies KP1 and CP2. Offices, retailing, leisure and other uses generating large numbers of people should be focused in the town centre. Industrial and distribution uses will be supported on existing and identified industrial/employment sites, where this would increase employment densities and/or reinforce their role in regeneration.”

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

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

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

4.7 Policy CP8 of the Core Strategy states that some 1,100 new dwellings can be accommodated within the Seafront area, within the plan Period and requires that 80% of residential development should be on previously developed land. The proposals are in accordance with this aspiration and the residential use would not prejudice the tourism compatible use at ground floor.

4.8 Borough Local Plan Policy L1 seeks to encourage proposals to provide new visitor attractions or improve existing tourist facilities, where they enhance the resort's ability to attract and cater for visitors, increase local employment opportunities and provide for environmental improvements and Policy L2 deals specifically with the Central Seafront Area and seeks to promote new leisure facilities to improve its environment for visitors. The existing use of the site is as a public house, and the current facility has become slightly run down in recent years. The proposed new restaurant use would cater to visitors to and residents of the town and seafront in a similar way to the existing public house and would result in regeneration of the site. It is considered on balance that the proposals therefore accord with policy L1 and L2.

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

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

It is considered that the principle of the proposed uses is generally supported by this policy and that other detailed issues will be discussed below.

4.10 Therefore there is no objection in principle to redevelopment of this site for restaurant use at ground floor with residential use above.

Housing Mix

4.11 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. This requirement is reflected within Policy DM7 of the DMDPD.

4.12 The application proposes 24 x 2 bedroom flats, all of which would be market housing. This does not comply with policy DM7. The applicant states that due to the location and topography of the site it is not possible to provide accommodation for families because of their requirement for a garden and parking spaces closer to the front door. They also state that Southend has a large proportion of 1 bed properties. They argue that the development would add to the housing mix within the area, however it is difficult to see how this is achieved. Whilst all the units would be designed to lifetime homes standards, which is welcomed, this is not in itself sufficient to overcome an objection to the homogeneity of unit sizes.

- 4.13 Policy CP8 of the Core Strategy explains that residential development proposals will be expected to contribute to local housing needs, including affordable housing.

“All residential developments of 10-49 dwellings will be expected to provide not less than 20% of the total number of units on site as affordable housing”

The applicant is seeking not to provide any affordable housing on viability grounds. A viability statement has been submitted with the application and assessed by an independent third party. The assessor has expressed concerns regarding the methodology that has been applied and which does not reflect best practice. Notwithstanding this, using an appropriate assessment methodology, the assessor has concluded that the development will in fact make an appropriate level of profit, with or without the provision of affordable housing on site. Officers therefore consider that affordable housing should be provided as part of the development scheme and that without this this proposal is unacceptable and contrary to the above policy.

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

Planning Policies: NPPF, DPD1 (Core Strategy) policies KP1, KP2, KP3, CP4, BLP policies; C2, C4, C11, C14, C15, C16, H5, H7, DMDPD policies, DM1, DM4, DM5, DM6, SPD1 Design and Townscape Guide.

- 4.14 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.

- 4.15 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.”

At paragraph 60 *“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. It is, however, proper to seek to promote or reinforce local distinctiveness.”*

At paragraph 61 *“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”*

At paragraph 63 *“ In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.”*

And at paragraph 65 *“Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal’s economic, social and environmental benefits).”*

- 4.16 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, DMDPD policies DM1 and DM4, the Design and Townscape Guide and emerging policy SCAAP policy CS2. The need to protect the character of conservation areas and listed buildings is set out in policies C2 and C4.

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

“to, ensure that new development is supported by appropriate infrastructure and services, and minimises and mitigates against flood risk; protect and enhance the distinctive historic and natural environment; improve transport, legibility, accessibility and connectivity by all modes of travel but fundamentally reduce the impact of the road and parking as a barrier to movement within the entire Central Seafront Area; provide a high quality and sustainable environment with well-designed buildings, structures and spaces; to promote, rebalance and enhance culture, leisure and tourism in the Central Seafront area and foreshore in accordance with designations (SSSI, Ramsar and SPA); delivering of a public art, urban greening and lighting strategy for the central seafront area, including a dedicated creative lighting scheme for the Pier; provide a clean, safe, friendly, well managed and well maintained Central Seafront Area in the daytime and at night to attract a wider range of visitors”.

- 4.18 Policy CS5: The Waterfront ,states (inter alia)

The Council, through the exercise of its planning powers and other initiatives will:

- protect and enhancing all parks, gardens and other significant areas of green space;
- promote the highest quality in all Central Seafront development (see Policy CS2);
- protect all estuary views from Westcliff Parade, Clifftown Parade, Clifton Terrace, Royal Terrace, Pier Hill, Western Esplanade, Marine Parade and Eastern Esplanade.

- 4.19 The need to protect visually important views is reiterated throughout the SCAAP.

- 4.20 The applicants states that *“the design of the building is a result of our response to the opportunities the site presents and the context in which its sits. Rather than being inspired by the form of another object or emulate a style of architecture we have allowed the design to emerge from the unique set of constraints and opportunities the site presents”*. The applicants have submitted a full and comprehensive DAS in support of their application and produced a model.
- 4.21 It is important to note and take account of the fact that there is an extant permission on this site. The applicants contend that the visual impact of the two developments is broadly the same as the approved scheme, however officers do not concur. The overall height of the approved building is approximately 800mm lower than that now proposed, in addition it is less deep and considered to be of significantly less mass. The approved scheme is only 3 storeys and was designed with significant setbacks to the top floor and a deep projecting canopy to screen it which, along with the strong horizontal lines, reduced the perceived scale of the building in the streetscene. The design of the extant proposal was considered to be well detailed and referenced the seaside character of the area.
- 4.22 Officers raised concerns regarding the scale and massing of the proposed development and its detailed design during pre-application discussions and it is noted that some minor alterations have been made to the elevation in response to pre application advice, but this has not made a material difference to the bulk of the proposal, it’s impact on the conservation area or its integration into the wider seaside context.
- 4.23 The proposed development is an increase in both the actual and perceived scale of the building over this previously approved scheme. It is considered that this would result in a much bulkier building that would be inappropriate in this location. Whilst it is noted that there would be only an approximate 800mm increase in height (not including the extract ventilation chimneys and lift over run which are higher) the form includes an additional storey, has a much more forward building line on all floors but particularly the upper ones and the key feature, the frame, adds to the perceived bulk in its forward projection and strong vertical emphasis. The site is one of only a few buildings in this section of the seafront, all of which are low rise. The proposal would be a step change in scale and bulk over the existing but also over the approved scheme which is probably already on the limit of acceptability and which justified the increase in scale with its considered design.
- 4.24 There is also a concern that the larger building will have a greater impact on the Clifftown conservation area and the setting of the Listed buildings just at the top of the cliff. At present these contexts are separated by an expanse of trees but as the scale of the building increases and the trees are reduced then these contexts become more interlinked. An image in the Design and Access Statement show that the roof will visible above road level but also shows many trees in front acting as a screen. This does not appear to have taken into account the loss of the trees as part of this proposal which taken together with the increase in height and scale of the development will open up views from the top of the cliffs. It is not considered that this impact will be mitigated by the use of green roofs which are proposed or the additional tree planting that is proposed.
- 4.25 The proposal must be respectful of this historic setting and should not appear to dominate it. It is considered that at present it would not respect the historic setting or preserve important views.

- 4.26 With regard to the design detailing, whilst the laminate frame is an interesting concept, there is a concern that it does not respond as well to the context of the site as the previously approved scheme which sought to pick up on the seaside theme and referenced the horizontal balcony and canopy lines found in the vicinity. This would be improved by making more of the open corner aspect to the eastern side, include more layering and have a more horizontal emphasis. Officers note the advice within para 60-65 of the NPPF however the design of the building, whilst different and innovative is not such that it is considered so special as to outweigh the impact on the character of the surrounding area and the adjacent conservation area and local views.
- 4.27 With regard to materials there seems to be two colours of glazing system and solid timber doors into a double height glazed lobby which may appear unresolved in practice. It is also noted that although the location of the solar panels is noted to the south elevation they are not shown on the plans so it is difficult to assess their impact on the design, which could be considerable.

Trees

- 4.28 A significant 11 trees would need to be felled to build this proposal. Others will need to be pruned. There is no objection to this per se as the trees are of limited quality and the applicants have offered to fund replacement tree planting in the vicinity of the site, although not immediately adjacent to the building. However removal of the trees will open up views of the building, which will be more obvious before the trees mature and for reasons set out above is considered detrimental to the area.

Sustainable design and construction

- 4.29 The applicant states that the building has been designed to very energy efficient by using passive means, including the position of glazing and the wintergardens. Architectural solar panels are proposed on the front of the building. These panels have a reflective quality which will make the building shimmer in the sunshine. The applicants are also proposing high levels of insulation and triple glazing. They propose to use ground source heat pumps (GSHPs) but have not submitted details of where these will be located and air source heat pumps(ASHPs if GSHP's do not prove to be viable, again no details of where these would be sited have been provided. .
- 4.30 There are no objections in principle to the use of PVs GSPHPs or ASHPs however this is a very exposed building in a prominent location and there will be extensive public views of all side including the roof. ASHP could be detrimental to the character of the proposal. If the development were considered to be acceptable further details of the visual impact of these technologies would be sought to ensure that they can be fully integrated into the design. Without these details this element of the development is not considered acceptable. The applicant has been requested to address this issue and any further information will be reported.
- 4.31 To conclude, the development, as a result of its scale, mass and design is considered to have an unacceptable impact on the streetscene and the character of the area and that of the adjacent Conservation area, including in particular the impact on views from it. The development is therefore considered to be contrary to policies KP2 and CP4 of the Core Strategy, polices H5, C11 and C16 of the BLP, together with DM1, DM2, DM5 and DM6 and the Design and Townscape Guide.

Traffic and Transport

Planning Policies: NPPF; DPD1 (Core Strategy) policies: KP1 KP2, KP3, CP3; BLP Policies; T8, T10, T11, T12, T13, DMDPD policy 15

- 4.32 The site is set in a sustainable location. It is located within walking distance of Southend Central station which connects with London Fenchurch Street, and is adjacent to cycle routes and bus routes. The site is within ready walking distance of the town centre and its associated amenities and is also located close to the A13 and A127, Southend to London arterial roads.
- 4.33 The proposal includes 682m² of restaurant floorspace and 24 residential units. It includes 26 car parking spaces, 3 of which would be allocated to disabled persons. The applicants have taken into account there is a residential unit existing on site which does not have a parking space. It is also noted that the existing public house (585sqm) does not have any parking. 4 motor cycle parking spaces and 37 cycle parking spaces are proposed.
- 4.34 The scheme is accompanied by a Traffic Assessment; both residential and commercial Travel Plans, a draft Waste Management Plan and a draft Car Park Management Plan.
- 4.35 The scheme includes alterations to the highway as described at para 1.3 of this report.

Traffic Generation

- 4.36 Trip Generation has been assessed using recognised models. The modelling assessed the impact of the development together with other nearby development.
- 4.37 The modelling demonstrates that the worst case scenario trip generation exercise demonstrates that the development would result in an overall decrease in traffic when compared to the existing public house use, relieving stress on the local highway network.

Car Parking

- 4.38 Residential - The development is policy compliant with regard to residential parking provision. The scheme includes slightly in excess of 100% parking to serve the residential units (1 space per unit). This provision is in accordance with EPOA standards for accessible sites and the emerging DM15 policy.
- 4.39 No parking spaces are provided for the commercial use which is the same as with the current public house. However the development will include implementation of a travel plan for the commercial unit. Parking standards for commercial development are maxima standards within the current and emerging policy. Taking all these factors into account no objections are raised to the lack of parking provision for the commercial unit.
- 4.40 It should also be noted that the travel plans have been submitted for both the commercial and residential elements of the development. These plans set out a number of initiatives and measures which will be implemented with a view to reducing reliance on the private car and maximising the use of sustainable transport modes. If the development were considered to be acceptable implementation of these Travel Plans would be a requirement of the S106 Agreement.

- 4.41 The applicants have shown 37 cycle parking spaces to be provided to serve the development. This will be provided in various locations within the site and on the highway opposite. This is considered acceptable and is welcomed.

Access and Servicing

- 4.42 The pedestrian access to the development is from Western Esplanade and separate access is provided for the restaurant and residential units.
- 4.43 *Servicing* – Service access to the site will take place from the highway. A new layby is proposed and this will be an improvement over the existing situation.
- 4.44 Separate residential and commercial waste storage is proposed within the development. The detail of residential waste storage is very good and the commercial storage is satisfactory. A draft waste management strategy has been submitted with the application and if the development were considered to be acceptable the final detail of this could be subject to a condition.
- 4.45 Servicing and waste facilities to serve the development are therefore considered acceptable.
- 4.46 Developer Contributions for Highways works are discussed in para 4.88 below.
- 4.47 Taking all these factors into account proposed development is considered to meet with policies T8, T11, T12 and T13 of the BLP, CP3 of the Core Strategy and DM15 of the DMDPD 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, DMDPD policy DM1, Design and Townscape Guide SPD1

- 4.48 Policies H5 of the BLP, CP4 of the Core Strategy and Policy DM1 of the DMDPD refer to the impact of development on surrounding occupiers. The only residential properties adjacent to the site are those above in Clifton Terrace and Clifftown Parade and those within the accommodation above Pier West Café. Residents are currently facing a smaller development on 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.

Impact on existing adjacent occupiers

Outlook, sunlight and daylight and overlooking.

- 4.49 The site is physically distant from the properties to the north and these buildings will not be directly affected by the development. The Pier West Café would be affected in terms of overshadowing in the morning. However given that there windows to the top floor residential accommodation are secondary and the south of the building is totally glazed at upper floor level, it is not considered that the impact is material. 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.
- 4.50 Some residents have objected because of a loss of view. However this is not a material consideration when considering the impact of the development on the amenities of residents.

Overlooking

- 4.51 The development by reason of its design and siting in relation to other residential development would not give rise to overlooking.

Noise and disturbance

- 4.52 The applicant has submitted an acoustic assessment with the application, this contains limited information but states that the development will be compliant with the relevant BS standards for sound insulation and noise reduction in buildings. Given the current use of the existing elderly building as a public house where live music is played, the impact of the new development, which will be built to modern construction standards is likely to be less than currently.

Plant and ventilation equipment

- 4.53 The applicant states that no rooftop or external plant is proposed so this will protect nearby properties.
- 4.54 If permission were to be granted a condition requiring construction noise to be mitigated would be imposed and hours of construction limited.

Lighting

- 4.55 The development will be externally lit. If permission were to be granted details of the lighting would be controlled by condition to ensure that the light source is directed away from surrounding residential occupiers and is not excessively bright and will not therefore cause detrimental intrusion of light.

Impact on future occupiers

- 4.56 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

- 4.57 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.
- 4.58 The DM DPD includes minimum indicative residential space standards at policy DM7 and the development exceeds these standards for all units.

Outlook

- 4.59 To the rear the proposed winter garden is an interesting concept but there is a concern that this will impact on the outlook and daylight to habitable rooms to the rear. The cross section appears to show that there will be minimal outlook from the first floor rear windows as the car park ventilation shaft runs the full length of the building and rises significantly up the rear wall which means that only high level glazing above head height will be visible from this level. Views into the upper levels of the winter garden will also be severely restricted by the extent of walkways above.

This will have a detrimental impact on the outlook and light to the bedrooms on this side at this level in particular. Also due to the depth of the flats and the siting into the cliff it is likely that the rear areas of the flats will be dark. However taking the development as a whole, on balance no objection is raised to the impact of these restraints on general living conditions.

Overlooking

- 4.60 As noted above it is not considered that there will be undue levels of overlooking between the development and existing properties surrounding the site. Balconies to the development have been designed to both give maximum views out of the development towards the seafront, but also to avoid unacceptable degrees of overlooking between units.

Amenity Space

- 4.61 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.
- 4.62 Due to the shape and topography of the site, the applicant has not been able to provide external garden spaces. However every flat has a south facing terrace the full width of the apartment. The size of the amenity space varies but they average out at 21.5sqm per unit, which is considered acceptable. Some units have rear "private terraces" within the Wintergarden, but in these will have little practical use due to their internal siting and limited size. However the units also have easy access to the amenity space provided by the cliffs and beach. Amenity space provision for the development is therefore considered acceptable.

Noise

- 4.63 The applicant has chosen not to undertake a noise assessment at this time but has undertaken to do so in the summer months when background noise is at its highest. However as noted above an acoustic assessment has been submitted with the application. The applicants consider that to protect future residents the units will need to be triple glazed. The application includes details of how the units will be protected from noise from the restaurant below. It is therefore considered that subject to various conditions that would need to be imposed if permission were to be granted, the impact of noise of the future residents can be satisfactorily addressed.
- 4.64 It should be noted that some of the balconies serving the development will be likely experience high levels of noise. Whilst design features and potential balcony screening will help, the impact cannot which be entirely mitigated. However given that they are good levels of communal amenity space (the cliffs) around the development, and that the site is adjacent to the seafront and its beaches, it is considered that the development will still result in a satisfactory level of amenity space for occupiers and no objections are raised on that basis.

Sustainable Construction

Planning Policy: NPPF DPD1 (Core Strategy) policies: Key Policies: KP2, CP4, DMDPD policy DM2, SPD 1 Design and Townscape Guide

- 4.65 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..”

- 4.66 Policy DM2 states: “1. All new development should be energy and resource efficient by incorporating the following requirements:

(i) Applying passive and energy efficient design measures; and

(ii) Prioritising the use of sustainably sourced material, and adopting sustainable construction methods that minimise the use of raw materials and maximise the recovery of minerals from construction, demolition and excavation wastes produced at development or redevelopment sites; and

(iii) Where viable and feasible, achieving a minimum Code for Sustainable Homes Level 3, and move towards zero carbon by 2016 for all residential developments; or achieving a BREEAM ‘very good’ rating, and move towards zero carbon by 2019 for all non-residential developments. Applications should include Interim Code or BREEAM certificates based on the design stage assessment. Planning conditions will require submission of final Code certificates and post-construction BREEAM certificates, as appropriate; and

(iv) Water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting; and

(v) Urban greening measures and promoting biodiversity from the beginning of the design process. Urban greening design measures include, but are not limited to: provision of soft landscaped open space; tree planting; green roofs; living walls; nest boxes; and soft landscaping.”

- 4.67 The applicants have submitted details their ecology/biodiversity enhancing proposals, details of the green roof of the building and an Environmental Strategy and details of their proposed use of renewable energy sources.
- 4.68 The residential part of the development will achieved Code for Sustainable Homes level 3 and the units meet lifetime homes standards.
- 4.69 The Design Statement states that this will be a very energy efficient building with triple glazing, good insulation and air tightness. This is welcomed. In terms of renewable energy the applicants are seeking to provide PV reflective foil/slimline solar panels to the south elevations of the feature columns and either GSHP or ASHP if GSHP boreholes proves unviable.
- 4.70 Whilst there is no objection to GSHP, there are concerns regarding the visual impact of the proposed PV film/panels to the columns which appears to clash with the overall design concept and will be very prominent. Also no details have been submitted of the where any ASHP these will be located. This is a very exposed building in a prominent location and there will be extensive public views of all side including the roof. ASHP could be detrimental to the character of the proposal. Further details of the visual impact of these technologies have been sought from the applicant and further information will be reported. The energy statement says that this should reduce predicted carbon emissions by 45.1% and meet the for 10% renewable energy requirement.
- 4.71 The applicant has not formally submitted details of how the development would incorporate a Sustainable Drainage system (SuDs) to manage water runoff from buildings. However the site is currently occupied by a building and hard surfaces and in this respect the development will not increase surface water runoff. The green sedum roof will provide a greater level of attenuation that existing. It is therefore considered that if the development is found acceptable, this matter could be controlled by a suitable condition.

Ecology

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

- 4.72 The application site is close to an area which forms part of the Benfleet and Southend Marshes SPA and Ramsar site. The location of the proposal in relation to this European and Ramsar site means that the application must be determined in accordance with the requirements of the Habitat Regulations in particular Regulation 61 and in relation to the Wildlife and Countryside Act 1981 (as amended). Consideration of the application must also take into account the impact of the development on protected species. Natural England, the Environment Agency, RSPB and Essex Wildlife Trust have all been consulted regarding the application.
- 4.73 Natural England has no objection to the proposed development subject to the inclusion of their recommended conditions (which would be imposed if the application were considered to be acceptable) and the proposal being carried out in strict accordance with the details of the application. The reason for this view is that subject to the inclusion of the recommended conditions, Natural England consider that the proposed development, either alone or in combination with other plans or projects, would not be likely to have a significant effect on the Benfleet and Southend Marshes SPA and Ramsar site

- 4.74 Officers have carried out an assessment of the application under the Habitats Regulations 2010 and in particular Regulation 61. The Habitats Regulations require a two-step process. Firstly consideration needs to be given as to whether the development is likely to have a significant effect and if it does, the next step is to make an appropriate assessment.
- 4.75 As required by the regulations the applicant has provided such information as the authority reasonably requires for the purposes of the assessment or to enable them to determine whether an appropriate assessment is required. An ecological scoping survey has been carried out in relation to the site and surrounding area. This has determined that the site may be suitable for nesting birds but has low potential for roosting bats. Separate assessment has also been carried out in relation to mammals found within the area. The submitted report recommends a number of mitigation measures in relation to the development such as how works should be carried out, incorporation of features to encourage biodiversity, etc. Should the development be considered acceptable these mitigation measures will be required to be carried out by virtue of suitable conditions.
- 4.76 The authority has consulted the appropriate nature conservation bodies and has had regard to the representations of those bodies.
- 4.77 Both the applicant's ecologist and Natural England have assessed the impact of the development and concluded that it would not be likely to have a significant impact on the Benfleet and Southend Marshes SPA and Ramsar site. No adverse comments have been received either from Essex Wildlife Trust or the Councils Parks officers in relation to the application and taking into account the information submitted with the application and the opinions of the general public as set out in the representations received it is not considered necessary to make an appropriate assessment.
- 4.78 Given the nature of the seafront being well lit and crowded, and containing other development close to the protected area, it is considered that the impact of the construction works associated with the development, will not be significant in relation to the impact upon the protected sites and wintering birds and indeed Natural England has not raised concerns in relation to construction issues subject to appropriate conditions being imposed. Conditions will be imposed to mitigate the impacts of the development.
- 4.79 If the development were considered to be acceptable, provided the appropriate mitigation measures are proposed and the recommended conditions are imposed, it is considered that the development would have an acceptable impact in relation to ecology and would not have a significant environmental impact.

Flood risk and drainage

Planning Policy: NPPF Section 10, DPD1 (Core Strategy) policies: KP1, KP2, KP3, CP4, BLP policies, U1, U2; DMDPD Policy DM6.

- 4.80 The southern part of the site lies within Flood Zone1 but future increases in sea levels and climate change will draw it into Flood Zone 2 within the lifetime of the development. A Flood Risk Assessment was submitted with the application. This sets out how the building has been designed to mitigate risk from flooding currently and in the future, including providing flood boards to the basement car park and providing an alternative exit to the residential accommodation to the rear of the development. It is also recommended that the building sign up to the EA's flood warning system. It is considered that the mitigation measures will mean that the development is acceptable in terms of flood risk and it is noted that the EA raise no objection to the application.
- 4.81 The impact of the development is therefore considered to meet the requirements of the NPPF and the Development Plan 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.

- 4.82 The Core Strategy Policy KP3 requires that:

"In order to help the delivery of the Plan's provisions the Borough Council will:

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

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."

- 4.83 The applicant has submitted a viability statement which they consider demonstrates that the development is not viable with S106 Contributions relating to Affordable Housing. However they are *"prepared as a goodwill gesture to accept the contributions to Education, Highways, Council's Cost for 106 Agreement, tree felling and re-planting, third party appraisal, and monitoring fees"*.
- 4.84 *Affordable Housing* – The applicant is seeking not to provide affordable housing on this site on the grounds of viability. A viability statement has been submitted with the application and this has been examined by an independent assessor (BNP Paribas). The assessor is of the view that the applicant's viability statement is unconventional and does not represent best practice. Therefore the assessor has adopted an alternative (widely accepted) methodology and applied to the submitted development.

- 4.85 It is noted that the Applicant makes reference to site purchase costs. However, viability best practice directs that purchase price should be disregarded. The site benchmark is typically considered to be the Current Use Value ('CUV') of the site plus, where appropriate, a landowner's premium. An Alternative Use Value ('AUV') may also constitute a reasonable benchmark figure where it is considered to be feasible in planning and commercial terms. Development convention suggests that where a development proposal generates a RLV that is higher than the benchmark, it can be assessed as financially viable and likely to proceed. If the RLV generated by a development is lower than the benchmark, clearly a landowner would sell the site for existing or alternative use or might delay development until the RLV improves.
- 4.86 The independent assessment concludes the scheme generates a profit with and without 20% Affordable Housing. Therefore officers consider that the viability argument present by the applicants is unacceptable and that Affordable Housing should be provided as part of the development. Without this the development is unacceptable.
- 4.87 *Education* – This application falls within the Milton Hall/Barons Court Primary Schools Catchment area and Belfairs Academy Catchment area. Places in the primary sector for this area are extremely restricted with an expansion programme of central Southend primary schools underway. Secondary schools are all full with the exception of Cecil Jones College and Futures College. A contribution towards both primary and secondary would therefore be requested. Therefore a total contribution of £28,846.26 is sought towards future expansion. The developer has agreed to make this contribution.
- 4.88 *Highways improvements* – If permission were to be granted the applicant would be required to fund the all costs relating to the introduction of the loading bay a re-provision of parking spaces and dropped kerbs. This cost will be £8,000. Any works on the public highway will require the appropriate highway agreement. The developer has agreed to make this contribution.
- 4.89 *Travel Plans* – the submission includes reference to Travel Plans for the residential and commercial units. If the development were to be considered acceptable these would need to be included as a requirement of the S106 Obligation.
- 4.90 *Public Art* - Public art to a sum equivalent to 1% of development costs would normally be requested on a major development site such as this. The applicant has declined to make such a contribution but is prepared to use the east short end façade for some type of art on the building, and would be happy to work closely with the local Council's representative to select the right type of art. Redab is not however prepared to make this part of the S106 agreement as "*Paragraph 004 of the National Planning Practice Guidance 2014 sets out that: "Planning obligations should not be sought – on for instance public art – which are clearly not necessary to make the development acceptable." It is our view that in this instance the provision of public art is clearly not a necessity.*"

- 4.91 Officers do not concur with the applicants view in this respect. SPD2 deals with Planning obligations and clearly sets out the reasons for public art and its necessity to any major development. Notwithstanding this the applicant has failed to submit details of their proposed public art scheme and without this the matter cannot be satisfactorily dealt with by planning condition. Discussions with the applicant are on-going in this respect.
- 4.92 The development would result in the loss of several mature trees across the site. Whilst these have limited value as specimens in themselves, they do provide screening of the existing building. The Council would normally seek to replace trees on a two for one basis. Given the location on the cliff it would not be appropriate to replace all trees in this location and planting needs to be carried out within the wider area. Planting and aftercare should be carried out by the Council and there is a cost associated with this. The cost of replacement trees and aftercare equates to £250 per tree, making a total contribution requested of £5,500. The applicant has agreed to this contribution.
- 4.93 The contributions proposed are considered to meet the tests set out in the CIL Regulations 2010. Without the contributions that are set out above the development could not be considered acceptable. Therefore if the S106 agreement is not completed within the relevant timescale the application should be refused.

Other Considerations

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

Stability of the Cliff

- 4.94 The site lies adjacent to the areas of the Cliffs which have recently been subject to slippage. It lies within an area of unstable land. Therefore it is imperative that any development should not adversely impact upon the stability of the area.
- 4.95 The applicant has submitted a stability report with the application. This refers to the structural examination that was carried out in relation to previous applications on the site. It confirms that the structural condition of the existing building, which was not constructed in such a way as to take account of future cliff stability, is poor and showing signs of cracking. Whilst this does not currently threaten the overall stability of the building they consider that this will escalate over time.
- 4.96 They have also submitted an outline of how they intend to deal with stability issues for the new development and options for construction of a retaining wall to the rear. The Council's structural engineer is satisfied with this approach, and content that a suitable condition is added to any permission which requires full structural details to be submitted prior to the erection of the new development. The development should ultimately improve the stability of the cliff in this location and is welcomed. However in itself, the improvement to the stability of the cliff does not negate the negative effects of the development which are outlined in this report.
- 4.97 *Archaeology* – Since the previous application was considered it has become apparent that this area of the Cliffs is of geological interest and is potentially a very rich source of Eocene fossils which could be of National importance. It is therefore, if the application were considered acceptable it would be necessary to impose appropriate conditions which would allow geologists/archaeologists access to the site to record any geological/archaeological finds.

Community Infrastructure Levy Regulations

4.98 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 would meet all the tests and so that if the application were otherwise considered to be acceptable this would constitute a reason for granting planning permission in respect of application

5.0 Conclusion

5.1 The principle of the proposed development is supported as providing an improved tourist facility which will help attract visitors to the town. The site is readily accessible and traffic generation from the development can be satisfactorily absorbed into the surrounding highway. Parking is provided at an acceptable level. The application has satisfactorily addressed flood risk issues. In these respects the application is considered acceptable.

5.2 However the scale and massing and detailed design of the development is such that it will appear out of scale and out of keeping in this area, adversely affect views from the conservation area and notwithstanding the sustainable credentials and innovative design of the building this does not outweigh the harm that would be caused to the general streetscene and the surrounding and adjacent conservation area.

5.3 The applicant has failed to demonstrate that 10% renewables can be provided in an acceptable manner.

5.4 The application also fails to make satisfactory provision for affordable housing in line with policy CP8 or public art and the applicant has not satisfactorily demonstrated that such provision is not viable on this site.

5.5 For these reasons the application is considered to be contrary to policies H5, C4, C11, and C16 of the Borough Local Plan, Policies KP2, CP4 and CP8 of the Core Strategy and Policies DM1, DM2 and DM8 of the Development Management DPD

6.0 Planning Policy Summary

6.1 NPPF - National Planning Policy Framework: Achieving sustainable development, Core Planning Principles, Policies: 1. Building a strong, competitive economy; 2.; 4. Promoting sustainable transport, 6. Delivering a wide choice of high quality homes; 7. Requiring good design; 8. Promoting healthy communities; 10. Meeting the challenge of climate change, flooding and coastal change; 11. Conserving and enhancing the natural environment. 12. Conserving and enhancing the historic environment.

6.2 DPD1 (Core Strategy) Policies- Key Policies, KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP1 (Employment Generating Development); CP2 (town Centre and Retail Development) CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure); CP8 (Dwelling Provision).

.6.3 BLP Policies; C2 (Historic Buildings), C4 (Conservation Areas) C7 (Shop and Commercial Frontages and Fascias),C11 (New Buildings, Extensions and Alterations, C14 (Trees, Planted Areas and Landscaping), C15 (Retention of Open Spaces), C16 (Foreshore Views), E5(Non-Residential Uses Located Close to Housing), H5 (Residential Design and Layout Considerations), H7 (Formation of Self-Contained Flats), L1 (Facilities For Tourism), L10 (Seafront Visitor Parking), S5 (Non Retail Uses); 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.

Southend Central Area Action Plan (Consultation document)

6.7 Development Management DPD (This document has been to examination, found sound and is awaiting adoption) Policies: DM1: Design Quality; DM2: Low Carbon development and efficient use of resources, DM3: Efficient and effective use of land; DM4 Tall and Large Buildings, DM5: Historic Environment; DM6: Seafront; DM7: Dwelling Mix; DM8:Residential Standards; DM10 Employment Sectors; DM14 Environmental Management; DM15: Sustainable Transport Management.

7.0 Representation Summary

7.1 **Essex and Suffolk Water** –We have no objection to the redevelopment of this site subject to compliance with our requirements. Consent is given to this development on the condition that a new metered water connection is made onto the Company's network for each new dwelling and the restaurant for revenue purposes.

For the restaurant, the following applies: Essex & Suffolk Water are the enforcement agents for The Water Supply (Water Fittings) Regulations 1999 within our area of supply, on behalf of the Department for the Environment, Food & Rural Affairs. We understand that a planning application has been made for the above premises which are Notifiable under Regulation 5 of the Water Supply (Water Fittings) Regulations 1999.

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

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

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

Surface Water Disposal - The 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 request that the agreed strategy is conditioned in the planning approval.

Trade Effluent - The planning application includes employment/commercial use. To discharge trade effluent from trade premises to a public sewer vested in Anglian Water requires our consent. It is an offence under section 118 of the Water Industry Act 1991 to discharge trade effluent to sewer without consent. Anglian Water would ask that the following text be included within your Notice should permission be granted.

“An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.

Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.”

7.3 **Environment Agency** - We have no objection to the proposal. Our maps show the application site is located in Flood Zone 1, although we note that the site is in close proximity to Flood Zones 2. The applicant may wish to sign up to our Flood Warning system, details of which can be found here: <https://fwd.environment-agency.gov.uk/app/olr/home>

7.4 **Natural England** - Conservation of Habitats and Species Regulations 2010, as amended and Wildlife and Countryside Act 1981 (as amended)

NO OBJECTION

Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features.

European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the ‘Habitats Regulations’). The application site is in close proximity to the Benfleet and Southend Marshes Special Protection Area (SPA) which is a European site. The site is also listed as the Benfleet and Southend Marshes Ramsar site and also notified at a national level as the Benfleet and Southend Marshes Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

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

No objection

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

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

- the proposal is not necessary for the management of the European site;
- the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects.

Natural England is of the opinion that the proposed works, as described in the current application, are not likely to result in a significant effect on any of the interest features for which the European and international sites have been designated.

This latter conclusion is also drawn in the Extended Phase 1 Habitat Survey (Peak Ecology, January 2015) at paragraph 4.1.

No objection – with conditions

This application is in close proximity to the Benfleet and Southend Marshes SSSI. However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Conditions

The conditions that we recommend are:

- No concrete-breaking, percussive pile-driving, or other particularly noisy demolition or construction activities are to be carried out during periods of freezing weather (i.e. when the ground or air temperature is at or below 0°C, or the ground is snow covered).

Reason: in order to minimise the risk of disturbance to over-wintering wildfowl and waders using the nearby foreshore during periods when they are already subject to additional stress due to the weather conditions.

- No security or other exterior lighting shall be illuminated, unless such lights are so arranged as to prevent any light spill onto the Benfleet and Southend Marshes SSSI, and to minimise direct glare when viewed from the foreshore.

Reason: to minimise the risk of disturbance to wintering birds whilst feeding on the SSSI, or of disorientation of birds whilst in flight.

These conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which the Benfleet and Southend Marshes SSSI is notified.

If your Authority is minded to grant consent for this application without the conditions recommended above, we refer you to Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended), specifically the duty placed upon your authority, requiring that your Authority:

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice; and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application.

Protected species

We have not assessed this application and associated documents for impacts on protected species. We note that protected species are addressed in the Extended Phase 1 Habitat Survey (Peak Ecology, January 2015). Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

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

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

We welcome recommendations for a green roof (sedum) on the proposed development. This positive biodiversity feature could be subject to a suitably worded planning condition.

7.5 **RSPB** – no comments

7.6 **Essex Wildlife Trust** – no comments

7.7 **British Gas** – no comments

7.8 **Essex Police** – no comments

7.9 **Police Architectural Liaison Officer** – no comments

7.10 **Design** - The approved scheme is only 3 storeys and was design with a significant setback to the top floor and a deep projecting canopy to screen it which, along with the strong horizontal lines, reduced the perceived scale of the building in the streetscene. The design of this approved proposal was considered to be well detailed and referenced the seaside character of the area.

The main concern with the proposal is the increase in both the actual and perceived scale of the building over this previously approved scheme which it is considered would result in a much bulkier building that would be inappropriate in this location. It is noted that this is only 1.3m increase in height (not including the extract ventilation chimneys and lift over run which are even higher) but the form includes an additional storey, has a much more forward building line on all floors but particularly the upper ones and the key feature, the frame, adds to the perceived bulk in its forward projection and strong vertical emphasis. The site is one of only a few buildings in this section of the seafront, all of which are low rise. The proposal would be a step change in scale and bulk over the existing but also over the approved scheme which is probably already on the limit of acceptability and which justified the increase in scale with its considered design.

There is also a concern that the larger the building the more it will impact on the conservation area and the setting of the Listed buildings just at the top of the cliff. At present these contexts are separated by an expanse of trees but as the scale of the building increases and the trees are reduced (it is understood that a significant number would need to be felled to build this proposal and this is also a concern as it will impact on the landscape character of the cliffs at this point) then these contexts become more interlinked. The image in the design and access statement p20 and p29 show that the roof will visible above road level but the image shows many trees in front acting as a screen, this does not appear to have taken into account the loss of the trees as part of this proposal and this will open up views from the top of the cliffs.

Views into and out of the conservation areas have been an issue for members with both the adjacent museum proposal and The Sun shelter conversion in The Leas Conservation Area. The proposal must be respectful of this historic setting and should not appear to dominate it. Consideration should be given to dropping

a floor and making flats smaller so you can achieve more per floor (this would only really equate to 1 additional unit per floor and where the flats are proposed as approx 100m² there should be scope to achieve this).

With regard to the design detailing, whilst the laminate frame is an interesting concept, there is a concern that it is not responding as well to the context of the site as the previously approved scheme which sought to pick up on the seaside theme and referenced the horizontal balcony and canopy lines found in the vicinity. That is not to say that this proposal should replicate this character, or others elsewhere in the vicinity, but it could make more of the open corner aspect to the eastern side, include more layering and have a more horizontal emphasis.

It is noted that some minor changes have been made to the elevation in response to pre app advice given by the Council but this has not made a material difference to the bulk of the proposal, its impact on the conservation area or its integration into the wider seaside context.

The reference provided for the Morcombe Midland hotel is useful and this level of refinement and minimal clutter architecture would be welcomed in principle for the commercial unit although it is noted that externally the building generally is very different to the proposal.

To the rear the proposed winter garden is an interesting concept but there is a concern that this will impact on the outlook and daylight to habitable rooms to the rear. The cross section appears to show that there will be minimal outlook from the 1st floor rear windows as the car park ventilation shaft runs the full length of the building and rises significantly up the rear wall which means that only high level glazing above head height will be visible from this level. Views into the upper levels of the winter garden will also be severely restricted by the extent of walkways above. This will have a detrimental impact on the outlook and light to the bedrooms on this side at this level in particular.

With regard to materials there seems to be two colours of glazing system and solid timber doors into a double height glazed lobby which may appear unresolved in practice. It is also noted that although in the materials key the location of the solar panels to the south elevation is not shown on the plans so it is difficult to assess their impact on the design.

Sustainability

The Design statement states that this will be a very energy efficient building with triple glazing, good insulation and air tightness and, whilst this is welcomed in principle, this does not seem to be reflected in the CSH which is predicted as level 3 only despite the inclusion of renewables.

With regard to the requirement of policy KP2 to provide 10% of energy from on-site renewables the following technologies are proposed:

- PV reflective foil/slimline solar panels? to the south elevations of the feature columns and either
- GSHP or ASHP if GSHP boreholes proves unviable.

Whilst there is no objection to GSHP there are concerns regarding the visual impact of the proposed pv film/panels to the columns which seems to clash with the overall design concept and will be very prominent and with the possibility of accepting ASHP without any details of where these will be located. This is a very exposed building in a prominent location and there will be extensive public views of all side including the roof. ASHP could be detrimental to the character of the proposal. Further details of the visual impact of these technologies should be sought to ensure that they can be fully integrated into the design.

The energy statement says that this should reduce predicted carbon emissions by 45.1% however out policy is for 10% of energy not carbon so calculations that demonstrate this requirement can be met should be sought.

7.10 **Structural Engineer** - No excavation can be carried out prior to site investigation & design calculations have been completed and approved by Council's Consultant monitoring the stability of the cliff

7.11 **Parks** - Seek a condition requiring the recommendations in the ecological and badger report to be carried out.

Mammals - All recommendations in section 4 of the mammal survey are undertaken.

Nesting birds. Vegetation clearance to be carried out during the period of October to February to avoid nesting season.

Roosting bats - Detailed inspection of parks building as it is likely that the development will impact on this building.

Soft landscaping - Include areas of soft landscaping within the footprint of the development. We would support the recommendation for the use of a living roof.

Bird boxes - Include nest boxes in suitable locations within the footprint of the development.

Existing Parks Building - The retention of this building is required along with unrestricted access both during and after development. We would expect notice under the party wall act prior to any development.

Trees - We are concerned over the number of trees to be lost as a result of the development. In particular we are concerned over the proposal to remove trees on council owned land.

A condition is requested requiring all retained trees to be protected as per the British standard BS5837. If trees are removed as part of a development they should be replaced on a two for one basis. Note the planting of this many trees on Southend Cliffs in the vicinity of the development is unlikely to be possible. Funding should be provided by the developer to plant replacement trees for any trees owned by the council that agreement is granted for removal. Replacement trees for those lost in the development site should be planted within the development. If it is not possible to locate the trees within the development site funding should be provided to the council to plant trees within the town.

With regard to the cost of replacement trees this will depend of the amount finally removed and if any of the trees can be replaced on the developers site. However, it is likely to be in the region of £8000.

Utilities. - No details have been provided about utilities. As it is likely that some of them will have to run through or across public open space I would wish to see a condition requiring the location of any surfaces across council land to be agreed prior to commencement of works onsite.

Design and access statement - The use of a well maintained green wall can enhance the visual appearance of a building. The applicant has acknowledged the challenge of establishing and maintaining a living green wall and has proposed the use of plastic plants. We would not support the use of plastic plants to create a green wall and would request that if this feature is to be included that real plants are used. If a living green wall is not possible we would like to see an alternative feature.

Amenity Space. The inclusion of terraces is noted and would be beneficial to the development. However, it is likely the increase in residential properties in the area will impact on the use of the adjoining green space. The applicant has stated that they would like to work with the council on landscaping in the open space. Taking both these points in to account we would like to request a contribution of £24,000 to be used to enhance the hard and soft landscaping in the area. We would also be happy to discuss alternatives such as the developer delivering an agreed landscaping scheme.

Further comments following site meeting: Trees – It was noted that a total of ten trees are highlighted for removal as a result of the proposed development. We would usually be looking for a replacement of two for one on any trees removed in association with a development. The trees proposed for removal, as a group add to the amenity value to the area. However, the majority individually are not of high amenity value but do add considerably with regard to habitat and other benefits. The opportunity for planting trees in the direct vicinity of the development is limited and that replacement trees may be planted at other suitable locations within the town.

Given the added requirement for more intensive aftercare of bigger trees, a two for one replacement with 12-14cm stem diameter heavy standard trees from a suitable supplier would be the best option to pursue.

The planting locations for these need not be determined at this time, and should be informed by a re-planting survey to be carried out by the council arb section once numbers have been agreed and development has begun. Species selection could be determined at this time too.

With regard to locations for replacement trees in the direct influence of the development opportunities are limited. The number of trees that had been proposed was too high for this location. In addition to this we would not usually plant a tree in such a location as we would not be able to water and undertake the necessary establishment works. We would consider the option on of the applicant planting and watering the trees The number of trees would have to be reduced in this location to around three and that tree locations are also subject to services as we are unable to plant over gas, water electric etc. Total number of replacement trees to be confirmed. Seek contribution of £5,500

With regard to T18 as listed in the arboricultural report. I would consider the retention and safeguarding of this tree as paramount in arb terms. Therefore it will need full root protection, in the form of appropriate protective fencing etc before development begins.

This fencing should not be breached during development except by prior agreement with the arb section. As a council tree, and the best example under potential threat, we should make it clear that any significant damage or compromise of its long term health would have to be compensated for by the developer in an amount based on its CAVAT valuation (not a two for one replacement option).

I also would not be in favour of a 20% crown reduction. I can see little purpose to such works, and trees of the Acer genus often do not take well to crown reduction works, especially in such a potentially arduous environment. As a council we would not undertake such works, and nor would it be acceptable for privately employed contractors to work on council trees. Instead, once development has begun we would consider specific reduction of whatever parts of the crown looked as though they would directly hinder construction by the minimum required.

Landscaping contribution –. As a minimum we would be looking to improve the access, usability and amenity value of the area to the east of the proposed development site up to the cliff lift. We would be happy to look at this in two ways, either a financial sum paid to the council to design and undertake the works or alternatively the applicant to produces a landscape design, in consultation and to be agreed with us, and for the applicant to undertake the works with the necessary agreements in place from the council. The improved area would remain public open space.

Any works outside the footprint of the existing (eg installation of utilities) development that encroached on public open space is something that as a parks section we would object to and loss of public open space is not something that would be supported.

7.12 **Asset Management** – no comments.

7.13 **Environmental Health** -

Noise - No noise assessment has been provided however the applicant has detailed that that mitigation measures for the façade are likely. They have also advised that they propose to undertake a noise assessment during the summer when activity in the area will be at its busiest. The assessment shall be carried out using the noise criteria outlined in Deane Austin Associates LLP acoustic assessment dated 28th January 2015.

Plant - 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.

Construction - During the demolition and construction phase noise and vibration issues may arise which could lead to the hours of work being restricted.

External lighting - External lighting shall be directed, sited and screened so as not to cause detrimental intrusion of light into residential property.

Air Quality - Demolition and construction activities have the potential to generate fugitive dust emissions. Mitigation measures shall be put in place to control emissions on site and to minimise effects on adjacent residential premises. The developer should also consider control measures detailed in Best Practice Guidance “The control of dust and emissions from construction and demolition”.

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

Recommended conditions relating to ambient noise levels, acoustic protection, extraction and ventilation equipment details, noise from plant, delivery hours, construction hours, no burning of waste, external lighting.

Recommended informatives re regulatory frameworks, noise assessment, development best practice, food and hygiene regulations, noise and ventilation, licensing.

7.14 Economic Development – no comments

7.15 Highways - Residential Element.

Access - Future residents will access the underground parking area via a single access ramp from Western Esplanade. A one-in, one-out arrangement will be operated to prioritise to vehicles entering the car park. This will be controlled via a control light linked to the barrier at the top of the ramp. When the light is read the vehicle exiting will be held in the underground waiting area. this will help reduce the likelihood of vehicles stacking on the highway. A car park management plan will be required by condition.

Parking - 26 car parking spaces have been provided for the 24 flats which includes 3 disabled spaces with 30 cycle spaces and 4 motorcycle spaces. Consideration has been given to the sustainable location of the site with good public transport links in close proximity.

Trip Generation - the applicant has used TRICS software to assess the residential impact of the development which has shown 75 daily one-way vehicle trips, 36 arrivals and 39 departures. The applicant has used Census 2011 data which has indicated a lower vehicle use than the TRICS software assumes. This indicates the estimated TRICS software is likely to be an overestimate and this is therefore a robust approach assessing the development in a worst case scenario. There is no objection to this approach and is not considered that the residential element will have a detrimental impact upon the public highway.

Servicing - The residential refuse collection point is located within the required collection guidance criteria. Access for the waste collection vehicle will be via a loading bay on the public highway which will require the removal of 3 on street parking bays. There are no objections to this approach as it will ensure that the waste collection vehicle will not obstruct the free flow of traffic on Western Esplanade. A waste management plan should be secured by condition.

Commercial Element

Parking - No commercial parking has been provided in conjunction with the proposed this is below the required standard however no parking is currently provided for the existing use. Therefore it is not considered that an objection can be raised on this basis. 7 cycle parking spaces will be provided for staff use as well as 8 cycle spaces for customers to be located opposite the site on national cycle route 16.

Trip Generation - The proposal has a smaller gross floor area than the existing use. Traffic generation has been assessed using TRICS software which has shown 181 daily one-way vehicle trips, 92 arrivals and 89 departures. The applicant has used the Census 2011 data to demonstrate that the development will increase the number of pedestrians and public transport users travelling to and from the site, but will reduce the number of vehicles trips.

A reduction of 124 daily one-way trips, 61 arrivals and 63 departures. It is considered that this is robust approach and no highway objection is raised.

Servicing - The applicant will be making their own refuse collection using the proposed loading bay on the highway. Servicing will be carried out using the same loading bay timings of these deliveries should be subject to a condition.

Given the above information there are no highway objections to the proposal. it is not considered that the proposal will have a detrimental impact on the public highway and the surrounding area.

The applicant will be required to fund the all costs relating to the introduction of the loading bay a re-provision of parking spaces and dropped kerbs. This cost will be £8,000. Any works on the public highway will require the appropriate highway agreement.

7.16 **Waste Management** - Good proposals for waste and storage – quantity of waste storage bins is ok, should be sufficient for proposed development. Proposed unloading/loading area for waste collection vehicle at the front of the proposed development very good.

Waste Management – Commercial tenant – Southend Borough Councils waste Management contractor may not necessarily deliver this service, however the Waste Management Team have the following comments:

1. Note proposal to store commercial bins in separate bin store and make them available for collection only on the day of collection – which means they will not left on the public footpath prior to collection – when they will be transported from the bin store to the collection vehicle.

2. Note proposed slope has gradient of 1:15 which meets the development guidance of no more than 1:12, so access should not be problematic.

3. Note that access passageway is also fire access – need to ensure bins are not left in passageway on day of collection in case interference with fire access. **[Officer comment – this could be controlled by a waste management plans which could be required by condition]**

4. Note position of bin store – as long as ventilation is good and the area is kept clean and tidy we can't see any detrimental impacts – in the event there were it would be for the tenant to resolve.

5. Note use of unloading/loading bay for commercial waste collection vehicle – this is acceptable but should be mentioned that in the event collections were early in the morning the contractor will move bins from the access doorway to the collection vehicle with corresponding potential nuisance to residents in the development. **[Officer comment – this could be controlled by a waste management plans which could be required by condition]**

The development proposals related the household waste and storage appear very good. The proposals related to commercial waste management, could be better – for example the storage area could be in a more external position closer to the collection point, but nevertheless the current design is satisfactory.

7.17 **Education** - This application falls within the Milton Hall/Barons Court Primary Schools Catchment area and Belfairs Academy Catchment area. Places in the primary sector for this area are extremely restricted with an expansion programme of central Southend primary schools underway. Secondary schools are all full with the exception of Cecil Jones College and Futures College. A contribution towards both primary and secondary would therefore be requested. Therefore a total contribution of £28.846.26 is sought towards future expansion

7.18 **Housing** – to be reported

8.0 **Public Consultation**

8.1 Site notices posted and 91 neighbours notified. Press notice published.

30 letters of objection received from 29 addresses, including an objection form SKIPP. Objecting on the following grounds:

- Building too high
- Scale too great and out of character
- Ugly
- Will be intrusive
- Impact on Conservation Area
- Impact on views of Estuary
- Impact on views from the Conservation Area
- Will obscure views of the Cliff Lift
- The cliffs are currently largely unspoilt this will have an adverse impact on their attractiveness
- Reduce attractiveness of the area to tourists
- Building will dominate cliffs
- Loss of open space
- Precedent for other similar development
- Insufficient car parking to serve the development
- Will lead to traffic congestion and resulting impact on road safety
- Residential development not appropriate in this location should be protected for tourism uses.
- Impact on residents privacy

There are other more appropriate locations for a development of this type

8.2 The application has been called in to Committee by Cllr Jonathon Garston, Cllr Ware-Lane and Cllr Cheryl Nevin.

9.0 Relevant Planning History

- 9.1 2010 – Planning permission granted to demolish public house (class A4) and park store, erect four storey 58 bedroom hotel (class C1) and restaurant with basement parking, replace park store and form vehicular access onto Western Esplanade. Ref 10/00112/FULM
- 9.2 2013 – Planning permission granted to demolish public house (class A4) and park store, erect four storey 58 bedroom hotel (class C1) and restaurant with basement parking, replace park store and form vehicular access onto Western Esplanade (application to extend time limit for implementation of planning permission 10/00112/FULM dated 18/05/2010). Ref 13/00153/EXTM

10.0 Recommendation

Members are recommended to:

REFUSE Planning Permission for the following reasons:

- 01 The development, as a result of its scale, mass and detailed design, including provision of photovoltaic cells, together with the resulting loss of existing landscaping is considered to have an unacceptable impact on the streetscene and the character of the area and that of the adjacent Clifftown Conservation area, including in particular the impact on views from it. The development is therefore considered to be contrary to policies KP2 and CP4 of the Core Strategy, policies H5, C4, C11 and C16 of the BLP, together with DM1, DM2, DM5 and DM6 and the Design and Townscape Guide and SPD 1 Design and Townscape Guide 2009.**
- 02 The proposed development fails to provide a sustainable housing mix in terms of provision of affordable housing and would fail to contribute to the creation of a sustainable and balanced community. The proposal is therefore considered to be contrary to the National Planning Policy Framework, Policy CP8 of the Core Strategy DPD1 and policy DM7 of the Development Management DPD.**
- 03 The application fails to satisfactorily demonstrate how 10% of the energy needs of new development will come from on-site renewable options and the development is therefore contrary to the aims and requirements of Policy KP2 of the Core Strategy DPD1 and Policy DM2 of the DMDPD.**
- 04 In the absence of a signed legal agreement, the proposed development fails to:- i) provide an effective means of enforcing/delivering a Travel Plan; ii) provide for a satisfactory provision of public art iii) provide affordable housing based on local need iv) provide for improvements to education facilities required as a result of the development v) provide for replacement tree planting and vi) provide for a satisfactory method of servicing the development. As such, the proposal would not make a satisfactory contribution towards the quality of the built environment within the vicinity of the site, would result in service vehicles blocking the highway 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, CP6 and CP8 of the Core Strategy, Policies C11, C14, U1, T8 and T13 of the Borough Local Plan, Policies DM1, DM7 and DM15 of the DM DPD the Design and Townscape Guide (2009)**

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



This application was deferred at the 15th April meeting of the Development Control Committee for a Member site visit.

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 rooftiles 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:	15/00312/FULH
Ward:	West Shoebury
Proposal:	Erect single storey rear extension (Retrospective)
Address:	210 Delaware Road, Shoeburyness, Southend-On-Sea, Essex, SS3 9NS
Applicant:	Papworth Trust
Agent:	Papworth Trust
Consultation Expiry:	21.05.2015
Expiry Date:	25.06.2015
Case Officer:	Janine Rowley
Plan Nos:	Location Plan; PT/9121/EXT/004; PT/9121/EXT/002 12.05.2015.
Recommendation:	REFUSE PLANNING PERMISSION; AUTHORISE ENFORCEMENT ACTION



1 The Proposal

- 1.1 The proposal seeks retrospective planning permission for a single storey flat roofed extension, which has already been constructed.
- 1.2 The extension is 5.5m wide x 4.7m deep x 2.7m high.
- 1.3 The single storey rear extension at this address had been constructed by the Papworth Trust to provide a ground floor bedroom and level entry bathroom for a young resident who is severely disabled to the extent that he is wheelchair reliant and requires constant care.

2 Site and Surroundings

- 2.1 The site is two storey dwellinghouse located on the northern side of Delaware Road adjacent to Shoeburyness High School to the south. The surrounding area is residential in character. The dwellings in the surrounding area are two-storey terraced properties to this part of Delaware Road.

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

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4, CP8; DPD2 Development Management emerging policy DM1, BLP policies C11, H5 and the Design and Townscape Guide SPD1 (2009)

- 4.1 This proposal is considered in the context of the National Planning Policy Framework, DPD2 emerging Development Management, DPD1 Core Strategy and Borough Council policies relating to design. These policies and guidance support extensions to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building.

Design and impact on the character of the area

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

- 4.2 National Planning Policy Framework (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”*.

- 4.3 Emerging policy DM1 of the Development Management states the Council will support good quality, innovative design that contributes positively to the creation of successful places. All development is required to respect and enhance the character of the site and protect amenity of the site to immediate neighbours and surrounding area having regard to privacy, overlooking, outlook, noise and disturbance and the sense of enclosure.
- 4.4 Policy KP2 of the Core Strategy advocates the need for all new development to respect the character and scale of the existing neighbourhood where appropriate and secure urban improvements through quality design. 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 by maintaining and enhancing 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 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.”*
- 4.6 The extension 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 and is acceptable in design terms.

Traffic and Transportation

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4, CP3; Development Management Plan emerging policy DM15, BLP policies T8, T11; EPOA Parking Standards and the Design and Townscape Guide SPD1.

- 4.7 It is not considered that the proposed development will result in any parking implications as there is sufficient space to the front of the site for two off street parking spaces.

Impact on Neighbouring Occupiers

National Planning Policy Framework; DPD1 (Core Strategy) Policies KP2 and CP4; Development Management DPD2 emerging policy DM2, Borough Local Plan Policies C11, H5 and the Design and Townscape Guide SPD1 (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. 112 Delaware Road, the extension is sited just inside the shared boundary and extends 4.7m beyond the rear of elevation of no. 112 with a height of 2.7m (eaves). On balance, the extension by reason of its rearward projection will result in loss of light and a sense of enclosure to the occupants of this property no. 112 Delaware Road. Whilst it is noted the extension is single storey only, the location of the extension on the eastern boundary of the site together with the depth of the extension results in an adverse impact on residential amenities of no. 212 by way of being visually intrusive and causing loss of outlook and as such an objection is raised.
- 4.10 It is not considered the single storey rear extension will have an impact on the amenities of existing occupiers of no. 108 Delaware Road to the west of the site, given their existing single storey rear extension and separation distance.

5 Conclusion

- 5.1 The single storey rear extension is not considered to result in any harm to visual amenity but results in a loss of residential amenities of the adjoining occupier at 112 Delaware Road.

6 Enforcement

- 6.1 As the single storey 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.
- 6.2 The applicant was advised by the Council on the 28th July 2014, by way of pre application request in relation to the methods to formally apply for a single storey rear extension. The applicant was firstly advised that prior approval maybe sought from the Local Planning Authority however, if an objection was received from a local resident officers would be unlikely to support such an application due potential for the extension to be overbearing, resulting in loss of light and a sense of enclosure to no. 212. The applicant was further advised that if a formal planning application was to be received the extension should be stepped away from the boundary with 212 Delaware Road to mitigate against any potential harm. The extension was later constructed without an application being submitted.
- 6.3 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 10.
- 6.4 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, and proportionate and in the public interest to pursue enforcement action on the grounds set out in the formal recommendation.

7 Planning Policy Summary

- 7.1 National Planning Policy Framework (NPPF)
- 7.2 Development Plan Document 1: CP4 (The Environment and Urban Renaissance) KP2 (Development Principles)
- 7.3 Emerging Development Management Plan policies DM1 (Design Quality)
- 7.4 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations)
- 7.5 SPD1 Design & Townscape Guide 2009

8 Representation Summary

Public Consultation

- 8.1 2 neighbours notified of the proposal and one letter of representation has been received stating:
 - No notification prior to the works being carried out [**Officer Comment: Works have been carried out retrospectively and the Council has notified relevant parties**].
 - The eaves overhangs into 112 by 6 inches.
 - There appears to be guttering from the adjacent property which runs into my drain.
 - Lost a small margin of the boundary due to the guttering.
 - The extension will have an adverse effect on the value of the house.
 - Despite assurances from Papworth Trust regarding no loss of light, I have to report that enjoyment of light has been affected.
 - Whilst sympathetic to the works taken place, it would seem that 112 will suffer financial loss in the medium to long term and also experiencing less enjoyment of the light and will be looking to a third party to compensate me for this and also take action to rectify the points above.

9 Relevant Planning History

- 9.1 None.

10 Recommendation

REFUSE PLANNING PERMISSION for the following reason:

- 01 **The development, by reason of its rearward depth and close proximity to the shared boundary, results in loss of outlook and visual intrusion to the detriment of the residential amenities of the occupiers of No. 112 Delaware Road contrary to the NPPF, Policies KP2 and CP4 of the Core Strategy, emerging policy DM1 of Development Management DPD2, BLP Policies H5 and C11 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.

- 10.2 Members are recommended to AUTHORISE ENFORCEMENT ACTION to**
- b) secure the removal of the extension, or as a minimum, the reduction in the depth of the extension to a maximum of 3.0m, on the grounds that the current development causes harm to the residential amenities of the adjoining occupier contrary to the NPPF, Policies KP2 and CP4 of the Core Strategy, DPD2 Development Management emerging policy DM1, BLP Policies H5 and C11 and advice contained within the Design and Townscape Guide (SPD1).**

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.

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.

Reference:	15/00418/AMDT
Ward:	Milton
Proposal:	Replace plan numbers P01, P02, P03D, P04 Rev D to include addition of temporary structure on roof of sun shelter to house extraction equipment for one year (variation of condition 02 of planning permission 14/00540/BC4 dated 11th June 2014)
Address:	Shelter Western Esplanade Westcliff-On-Sea Essex
Applicant:	Ms Antonia Waite
Agent:	SKArchitects
Consultation Expiry:	24 th May 2015
Expiry Date:	4 th June 2015
Case Officer:	Abbie Greenwood
Plan Nos:	P01K, P02K, P03K and P04K
Recommendation:	GRANT PLANNING PERMISSION



The Proposal

- 1.1 This application is seeking to revise condition 02 of planning permission 14/00540/BC4 which was for a change of use to a cafe. Condition 02 requires the application to be built in accordance with plans P01, P02, P03 and P04 rev D. It is proposed to replace these plans with plan numbers P01K, P02K, P03K and P04K.
- 1.2 The proposal relates to the conversion of the former Edwardian public shelter on Western Esplanade to a café. Planning permission was granted for this conversion in June 2014 (ref: 14/00540/BC4).The amended plans relate to alternative arrangement for the kitchen extraction. The approved plans proposed that the extraction is internally ducted along the ceiling of the building to a ground level screened service yard at the western end of the building. The current application is seeking to locate the plant on the roof of the building for a temporary period of 1 year to allow for the use to operate pending a more permanent solution. The applicant has advised that they propose to bury the duct in the cliff to the rear of the building which feeds into the approved service yard at the western end of the building but this will need to be programmed to fit in with the cliffs on going stabilisation works. An application for this permanent solution is expected to be submitted shortly. The applicant has advised that they intend to undertake the change from the temporary solution to the permanent solution during the 'off season' in winter 2015/16.
- 1.3 The proposed temporary structure is 6.25m wide, 2.3m deep and 1.4m tall and will be made of timber painted grey and white with some louvered sections for ventilation and a grey fibreglass (GRP) roof.

2 Site and Surroundings

- 2.1 The building is known as The Leas Sun Shelter and is located on the northern side of Western Esplanade facing the sea. The shelter dates from the 1930s and is a locally listed building within The Leas Conservation Area. It is constructed of red brick with stonework detailing and small paned metal windows. The building is identified in The Leas Conservation Area Appraisal as making a positive contribution to the character of the conservation area and as a local landmark. The view from the roof of the shelter is identified as one of the key viewpoints in the conservation area.
- 2.2 The shelter is set within a small area of public gardens and forms a retaining structure to the hill slope behind. The building extends approximately half way up the cliff embankment and the roof is publically accessible as a viewing platform. To the east and west the area of incidental public open space continues either side of the building and provides an attractive pedestrian route from the residential area to the north of the site to the seafront. The public open space is also considered to be an important part of the setting of the locally listed building and the character of the Leas Conservation Area generally. The nearest residential properties are to the north of the public space in Clifton Drive and are approximately 30m from the shelter.
- 2.3 This is a council owned building which has been agreed for lease to a third party for conversion to a café. This site was subject to a Development Brief and subsequent tendering process and general works to the building are now under way.

3 Planning Considerations

- 3.1 The considerations in relation to this application are the principle of the development, the visual impact of the amendments on the character and appearance of the locally listed building, the wider conservation area and the seafront generally, the impact on residential amenity and the impact on the incidental public open space. It is not considered that there are any traffic or highways implications in relation to the relocation of the plant equipment.

4 Appraisal

Principle of the Development

National Planning Policy Framework; DPD1 (Core Strategy) Policies KP2, CP4 and CP7; BLP policies C2, C3, C4, C11, H5 and L1 emerging DM DPD Policies DM1, DM5 and DM6 and the Design & Townscape Guide.

- 4.1 As mentioned above, the principle of the conversion of the building has been accepted under the previous approval ref 14/000504/BC4.

Design and Impact on the Character of the Locally Listed Building, The Leas Conservation Area and the wider seafront:

- 4.2 The NPPF requires that alterations within designated conservation areas to preserve or enhance the character or appearance of the conservation area. It recognises that *'heritage assets can be an irreplaceable resource and that they should be conserved in a manner appropriate to their significance.'* (para 126).

- 4.3 In determining planning applications, paragraph 131 of the NPPF says that local planning authorities should take account of:

- *'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;'*

and in para 134 it states that *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'*

- 4.4 Core Strategy Policy KP2 seeks to *'....respect, conserve and enhance ...the historic environment..'*

- 4.5 Core Strategy Policy CP4 seeks to *'....safeguard and enhance the historic environment, heritage and archaeological assets including locally listed buildings..'*

- 4.6 Policy C2 of the Borough Local Plan states that development proposals for locally listed buildings will be required to pay special regard to their preservation and restoration including *'to the maintenance of their scale and proportions, to the preservation of their setting and to the use of appropriate materials.'*

- 4.7 Policy C3 of the Borough Local Plan supports the conversion of Locally Listed building where *'the proposed use and any associated building alterations are sympathetic to its historic or architectural character.'*

- 4.8 Policy C4 of the Borough Local Plan says *'All buildings, open spaces, gardens, trees, views from public places and other aspects of the environment which contribute to the character of Conservation Areas will be protected and enhanced.'* Policy C11 of the Borough Local Plan states that *'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.'*
- 4.9 Policy L1 of the Borough Local Plan supports the development of new facilities on the seafront that cater for the needs of tourists.
- 4.10 This proposal is the same as the previously approved plans with the exception of the plant equipment being temporarily sited on the roof of the building. The applicant has applied to locate the kitchen extract plant on the roof of the building for a period of 1 year, during which time the plant will be relocated. The applicant has confirmed that it is their intention to bury the plant in a duct within the cliff behind the building which exits into the west side service yard. They are in discussions with the Council's Structural Engineer regarding this proposal. An application for this permanent solution is expected shortly.
- 4.11 It should be noted that the cliff remediation works have been subject to a delay and the programme has slipped a few months. It is now expected that the approved shelter service yard will be completed later this summer. This therefore has delayed the applicant's ability to utilise the yard. It should also be noted that the applicant has not chosen to run the ducting internal to the building as originally approved and this has required that an alternative solution be found.
- 4.12 The proposed temporary roof top plant housing measures 6.25m wide, is 2.3m deep and 1.4m tall. The structure extends 0.5m above the existing parapet but is set back 4.4m from the front of the building. This set back will reduce its visual impact from the pavement in front of the building and to some extent from the promenade opposite, but the proposal will be seen above and through the decorative parapet which has an open colonnaded design. The structure will be clearly visible from the southern pavement in Clifton Drive to the north of the site and, as the surrounding cliffs and the roof are public gardens and it will be possible for the public to walk right up to the structure. There are currently no proposals to enclose the roof either side of the proposed plant and the applicant has stated that they will not restrict public access to the roof.
- 4.13 It is proposed to construct the plant enclosure in timber painted grey and white, to match the colour scheme of the proposed café, and to have a grey fibreglass (GRP) roof to match that of the existing shelter.
- 4.14 It should be noted that a previous application (14/01507/BC4) for a rooftop rotunda was refused for the following reason relating to design and impact on the area:
'01 The proposal, by reason of the incongruous design of the rotunda would fail to respect the open character of the seafront setting and the appearance of the existing shelter to the detriment of the character of this locally listed building, the Leas Conservation Area and the seafront generally. This would be contrary to the NPPF, policy CP4 of the Core Strategy, policies C2, C4, C11 and C16 of the Borough Local Plan and the Design and Townscape Guide (SPD1)'

- 4.15 Although the proposed rooftop plant is smaller and lower than the previously refused scheme, its scale is still significant and, in contrast to the rotunda, it would not be an active or useable structure. It is therefore considered that, as a permanent addition this and scale and position would not be considered acceptable as it would appear over dominant and would have a detrimental impact on the historic character of the locally listed building, the wider conservation area and the open views from the public space. However, in order to enable the restaurant to operate whilst a more suitable solution is designed and constructed, it is considered that this proposal could be considered acceptable as a temporary stop gap for a period of 1 year only after which time the occupier must switch to a more appropriate permanent solution.
- 4.16 It should be noted that the proposed conversion of the building to a café generally is in line with the Planning Brief, will secure the future of this historic building.

Impact on Residential Amenity

NPPF, Core Strategy Policies KP2 and CP4 and BLP Policy E5 and U2 and emerging DM DPD Policy DM1

- 4.17 Policy E5 of the Borough Local Plan requires that the character and amenities of residential areas be safeguarded from overlooking, noise, smell, parking, traffic and other activities.
- 4.18 Policy U2 of the Borough Local plan recognises that development can, if not adequately controlled, result in unacceptable levels of environmental pollution. This policy seeks to prevent or reduce noise and other forms of airborne pollution.
- 4.19 The relocation of the plant equipment from esplanade level to rooftop level for a temporary period will bring it closer to the nearest residential properties in Clifton Drive, however, there would still be at approximately 30m between the structure and the nearest property.
- 4.20 The existing planning permission restricts the opening hours of the café to 0800-2300 Monday to Saturday and 0800-2200 on Sundays therefore it can be expected that the plant will be operational for a similar period. It should, however, be noted that the residential properties in Clifton Drive are a considerable distance away and will be shielded from the plant equipment by the bank of the cliff. The applicant has not submitted a noise assessment, however, the Council's Environmental Health Officer does not foresee an issue with the noise from the equipment impacting on adjacent properties and has not objected to the proposal. However, as a precaution it is proposed that a condition be imposed to ensure that the noise from the equipment is within acceptable levels.
- 4.21 With regard to any fumes generated by the extract it is considered that there is still sufficient separation between the extract and the nearest residents in Clifton Drive (30m) for the filtered waste air to dissipate and this should therefore not cause nuisance, however, should any complaints be received regarding this issue, they could be dealt with under Environmental Nuisance Legislation. It is also considered that, given this separation distance, the proposal would not give rise to any loss of light or outlook to these properties.
- 4.22 Environmental Health have advised that the onus is on the applicant to ensure that they do not cause a nuisance to neighbours and have suggested that informatives be added to the decision to ensure that the applicant is aware of this legislation.

- 4.23 Notwithstanding any other issues, it is considered that this proposal will not have any adverse impact on the amenity of residents in Clifton Drive.

Impact on Public Open Space

NPPF, Core Strategy Policies KP2, CP4 and CP7 and BLP Policy C15, emerging DM Policies DM1, DM5 and DM6

- 4.24 The Council's Estates Section has confirmed that, in order to facilitate the lease, the Council extinguished the public open space rights to the building including the roof and the forecourt following a period of public consultation. in August 2014. Therefore, the roof of the building can no longer be classed as public open space. However, this area is still surrounded by the cliff gardens which have views across the roof of the building towards the estuary and is protected by BLP Policy C4. This view is also considered to be an important view out of the character of The Leas Conservation Area and is noted as such in the Conservation Area Appraisal.
- 4.25 The total roof area of the shelter is 178m². The footprint of the proposed plant housing structure is 14m² and it would be 1.4m tall. Although only a small proportion of the roof it is considered that, as a permanent solution, this proposal would have a detrimental impact on the views, character and openness of the surrounding public open space, an opinion which is supported by the Council's Parks Section, however, as this is now only proposed as a temporary stop gap to facilitate the operation of the café whilst a permanent solution is found and constructed, this proposal is, on balance, considered to be acceptable.

5 Conclusion

- 5.1 It is noted that there has been significant opposition to this proposal from local residents, however, it should be noted that these objections relate to the initial proposal for a permanent roof top plant room of the scale and design currently proposed. During the application process officers have been negotiating with the applicant to find a more sensitive solution which is more respectful of the historic character of the building and the wider conservation area and which addresses the concerns of local residents. This proposal has therefore been amended from permanent to temporary by the applicant. It is expected that an application for this permanent solution will be submitted shortly.
- 5.2 Although this proposal would not be considered acceptable as a permanent solution for reasons relating to visual amenity, impact on the historic character of the building and the wider conservation area, it is considered to have no detrimental impact on residential amenity in terms of noise and fumes, and can be considered acceptable as a temporary stop gap to enable the facility to operate whilst a more sensitive permanent solution is designed and constructed. This proposal is, on balance, considered to be acceptable for a period of 1 year.

6 Planning Policy Summary:

- 6.1 National Planning Policy Framework
- 6.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles), CP4 (The Environment and Urban Renaissance), CP7 (Sport, Recreation and Green Space).
- 6.3 Borough Local Plan Policies L1 (Facilities for Tourism), C2 (Historic Buildings), C3 (Conversion of Historic Buildings), C4 (Conservation Areas) and C11 (New Buildings, Extensions and Alterations), C15 (Retention of Open Spaces), E5 (Non Residential Uses Located Close to Housing) and U2 (Pollution Control).

- 6.4 Emerging Development Management DPD Policies DM1 (Design Quality), DM5 (Southend-on-Sea's Historic Environment) and DM Policy DM6 (Seafront).
- 6.5 Supplementary Planning Document 1: Design & Townscape Guide.

7 Representation Summary

Environmental Protection

- 7.1 There is a requirement for commercial kitchens to remove heat, fume and steam so that the kitchen is a comfortable working environment, only marginally above normal room temperature, and to mitigate any potential nuisance for nearby residents. It is up to the applicant to determine whether the chosen system complies with this having regard to the proposed menu and predicted volume of meals produced.
- 7.2 In relation to potential nuisance it is noted that there is some distance [at least 30m] between the unit and the nearest residences. This makes it less likely that smell or noise nuisance will occur. I therefore have no adverse observations from the Environmental Protection aspect, but recommend that the following informatives be attached to any consent that may be granted:-
- 7.3 *'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 construction noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215810 or at Regulatory Services, P.O. Box 5558, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6ZQ.'*
- 7.4 *'The applicant is reminded that this permission is separate to the need to comply with Food Safety and Health & Safety at Work laws. These will include the Food Safety Act 1990 (as amended), the Food Hygiene (England) Regulations 2006, Regulation (EC) 852/2004 and the Health and Safety at Work Etc. Act 1974. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215812 or at Business Regulation, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6ZG.'*
- 7.5 The following standard background noise levels conditions should also be included in any consent:
- 'Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential property.'*

Assets Management

- 7.6 I can confirm that the Council complied with the statutory requirements in S.123 of the Local Government Act 1972 ("the 1972 Act") in terms of advertising the proposed disposal of open space (i.e. the proposed grant of a long lease of the Leas Sun Shelter, Western Esplanade). Advertisements which appeared in the Echo on the 13 and 20 August 2014 clearly identified the property in question. No objections were received to the proposed disposal.
- 7.7 This advertisement was a necessary requirement in connection with the decision of the Cabinet on the 4th September 2012 to market the Leas Sun Shelter for development on the basis of a Development Brief. This statutory process in S.123 of the 1972 Act is quite separate from the planning process for the proposed café which granted planning permission for the conversion of the building in June 2014 (14/00540/BC4)

Parks

- 7.8 The location, size and visual appearance of this structure is likely to have a negative impact on the visual amenity of the publically accessible open space as it would interrupt views from the area across the site to the wider estuary.
- 7.9 The structure also has the potential to increase antisocial behaviour in the area as a possible attractor for youth congregation or rough sleeping and with the timber construction vandalism would also be a concern. **[Officer Comment: If an anti-social behaviour issue did arise in this location it is expected that it would be dealt with by the occupier of the building.]**

Transport and Highways

- 7.10 There are no highway objections to this proposal.

The Southend Society

- 7.11 No response received.

Conservation Association Westcliff Seaboard

- 7.12 CAWS have the following points to make regarding this application:
- The roof area is an integral part of the open space for this community and has been used by thousands of residents as a viewing area over the years.
 - The community was not specifically consulted on the Council's intention to remove the public space designation of this area, the small notice in the press is not considered to be proper consultation on this issue **[Officer Comment: this is not a planning matter]**
 - The proposed plant will blight this area and impact on the historic character of the building.

Public Consultation

7.13 2 site notices were posted. At the time of writing 33 letters of objection were received and 2 letters of support. The objectors concerns are summarised as follows:

- Detrimental to the character of the Locally Listed Building
- Detrimental to the character of the Conservation Area
- Detrimental to the open character of the seafront
- Impact on public open space and views from it
- Noise and smells
- Impact on access through gardens, obstruction
- Loss of public space
- Over scaled
- Unsightly design, eyesore
- Impact on views from private properties **[Officer Comment: this is not a planning consideration]**
- Contrary to Development Brief
- Roof was a popular sitting area for wheelchair users and the proposal will impact on this

7.14 The supporter's comments are summarised as follows:

- No objections as supports the conversion of the building
- Hardly an obstruction

[Officer Comment: It should be noted that these comments were received when the rooftop plant was proposed as a permanent solution. During the application process officers have been negotiating with the applicant to find an alternative more sensitive solution which it more appropriate to the historic building and the surrounding conservation area. It is expected that an application for this amended solution be submitted shortly but in the meantime this application has been amended to be temporary for 1 year rather than permanent.]

7.15 Following the revision to change the proposal from permanent to temporary an additional round of public consultation was undertaken with residents. 10 additional responses were received and the following comments were made:

- Even though this is proposed as temporary it still goes against policy
- Noise will still be a concern
- The temporary structure will still have a negative impact on historic building and conservation area
- Commercial considerations should not override the protection of the conservation area and the locally listed building
- Relocating it would be expensive, it should be sited in the permanent location in the first place
- Concern that the proposal will not be temporary and that the applicant will try and make it permanent

- Applicant should have built the original design
- The gardens in this area and the paths adjacent to the shelter in particular are the only reasonable pedestrian access between the Rossi kiosk and Grosvenor Road for the residents to the north accessing the seafront and the roof itself is a popular stopping area. This proposal will have a detrimental impact on this route.

Members

7.16 This application was called in by Cllr Garston, Cllr Ware-Lane and Cllr Nevin.

8 Relevant Planning History

- 8.1 15/00220/AD - Application for approval of details pursuant to conditions 4 (materials) and condition 5 (hard/soft landscaping) of planning permission 14/00540/BC4 dated 11/06/2014 – permission granted March 2015.
- 8.2 14/01507/BC4 - Use shelter as Cafe (class A3), erect refuse and plant room to side, alter elevations and erect railings to southern boundary and layout hard and soft landscaping, erect single storey glazed rotunda above shelter – refused September 2014.
- 8.3 14/00540/BC4 - Use shelter as Cafe (class A3), erect refuse and plant room to side, alter elevations and erect railings to southern boundary and layout hard and soft landscaping – permission granted April 2014.

9 Recommendation

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

- 01 The development hereby permitted shall begin not later than three years from the date of this decision. (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: Application Form dated 13/05/2015 and plan numbers P01K, P02K, P03K and P04K.**

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

- 03 The premises shall not be open for use other than between the hours of 0800 - 2300 Monday - Saturday and between 0800 - 2200 on Sundays or Bank Holidays.**

Reason: To safeguard the amenities of nearby residential and business properties, in accordance with Policies H5 and U2 of the Southend on Sea Borough Local Plan)

- 04 The extract equipment and housing hereby approved on plan numbers P03K and P04K shall be removed within 12 months of the date of this decision and the roof made good.**

Reason: The proposal is not considered acceptable as a permanent addition to the building 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 locally listed building and this part of the Leas Conservation Area. This is as set out in DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy C4 and C11, and SPD1 (Design and Townscape Guide)

- 05 Prior to commencement of the proposed use, cycle stands shall be installed in accordance with details which have been submitted to and approved in writing by the local authority. The development shall only be carried out in accordance with the approved details and retained thereafter.**

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 DPD1 (Core Strategy) 2007 policy KP2, Borough Local Plan 1994 policy T8 and T11, and SPD1 (Design and Townscape Guide)

- 06 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any order revoking or re-enacting that Order with or without modification, no development shall be carried out within Schedule 2, Part 3 Classes A-G of that Order.**

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 this part of the Leas Conservation Area. This is as set out in DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy C4 and C11, and SPD1 (Design and Townscape Guide)

- 07 The roof of the existing shelter building/extension shall not be used as a balcony, roof garden, outdoor seating area or similar area or for any other purpose unless otherwise agreed in writing by the local planning authority.**

Reason: To safeguard the amenities of nearby residential and business properties, in accordance with Policies H5 and U2 of the Southend on Sea Borough Local Plan)

- 08 Prior to commencement of the proposed use, separate stores for waste and materials for recycling must be provided as shown on drawing Proposed Plans P03K. These stores must be clearly marked and made available at all times. Waste must be stored inside the designated store area only. The stores must not be used for any other purpose.**

Reason: To protect the environment and provide suitable storage for waste and materials for recycling in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4.)

- 09 Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and**

generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential property.

Reason: To protect the environment of people in neighbouring properties and general environmental quality from the intrusion of noise and vibration by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest. This is in accordance with the NPPF, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policies E5 and U2.

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.

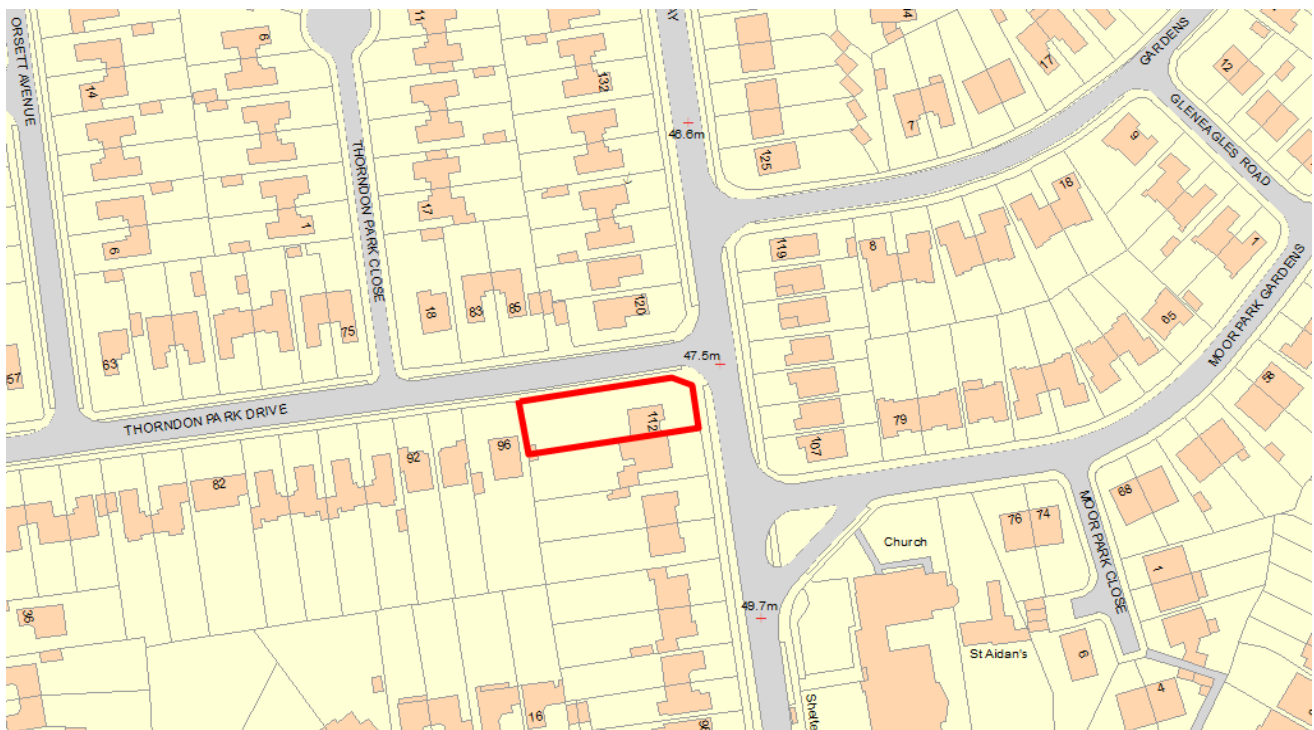
INFORMATIVES

- 01** You are advised that this permission does not grant consent for any advertisements which require separate advertisement consent
- 02** You may need separate licensing approval for the premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission.
- 03** Please contact the Council's Waste Service on 01702 215006 about your arrangements for storing and collecting waste and recyclable materials.
- 04** Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding etc. on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that the Council can tell your neighbours the likely timing of building activities. For more advice, please phone our Highway and Traffic Management Service on 01702 215003.
- 05** 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 construction noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215810 or at Regulatory Services, P.O. Box 5558, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6ZQ.
- 06** The applicant is reminded that this permission is separate to the need to comply with Food Safety and Health & Safety at Work laws. These will include the Food Safety Act 1990 (as amended), the Food Hygiene (England)

Regulations 2006, Regulation (EC) 852/2004 and the Health and Safety at Work Etc. Act 1974. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215812 or at Business Regulation, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6ZG.

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:	15/00311/FUL
Ward:	Belfairs
Proposal:	Demolish existing garage and erect 2 storey dwellinghouse (Amended Proposal)
Address:	112 The Fairway, Leigh-On-Sea, Essex, SS9 4QS
Applicant:	Mr. Albert
Agent:	Direct Planning
Consultation Expiry:	01.04.2015
Expiry Date:	24.04.2015
Case Officer:	Janine Rowley
Plan No's:	DP/2406/ES-1 06.05.2015; DP/2406/ES/2 06.05.2015
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought to demolish an existing single storey garage/studio building and erect a chalet bungalow fronting onto Thorndon Park Drive. The dwelling would have an overall depth of approximately 9.7m wide x 7.7m deep x 6.5m high (7.6m taken from street level of Thorndon Park Drive). The dwelling would have a hipped main roof with dormers to the front and side. The front curtilage of the dwelling would have two parking spaces and a landscaped amenity area. An additional amenity area is proposed to the side (east).
- 1.2 The previous application 13/01055/FUL was refused for the following reasons by Development Control Committee on the 11th September 2013.

1. *“The dwelling by virtue of its design would have a contrived appearance and result in an incongruous feature within the streetscene contrary to the National Planning Policy Framework 2012, Policy KP2 and CP4 of the Core Strategy, Policies C11 and H5 of the Borough Local Plan, and the Design and Townscape Guide (SPD1).”*
2. *“The proposed development would result in the loss of off street parking for No. 112 the Fairway and would therefore give rise to additional on-street parking demand to the detriment of highway safety and efficiency, and would be contrary to Policies T8 and T11 of the Borough Local Plan”.*

- 1.3 The subsequent application was dismissed at appeal in relation to the design and limited plot size (APP/D1590/A/14/2215034), the Inspector concluded in paragraph 14:

“Although I have found that the proposal would have limited impact upon on street parking and would be acceptable in some respects, the proposed design on such a limited size plot would cause visual harm and adversely affect the character and appearance of the area”.

- 1.4 Below are the differences from the current application and the previously refused application:

	13/01055/FUL	15/00311/FUL (current)
Depth	8.9m	7.7m
Height	7.7m	7.6m from street level 6.5m height of actual dwelling
Width	7.7m	9.7m
Gross internal floor area (m ²)	95	80sqm
No. of bedrooms	2	2
Kitchen/dining/living room (m ²)	30.2	30.7
Bedroom 1 (m ²)	17.2	18.4
Bedroom 2 (m ²)	9.5	9.9
Main bathroom (m ²)	4.6	6
Amenity space (m ²)	6 (front of dwelling)	59.6 (to the east of the site)

Materials to be used on the exterior elevations of the proposed dwelling would include facing brickwork and render, clay tiles, white upvc windows, and facing brickwork and concrete posts with vertical boarding.

- 1.5 The main changes to this application following the refusal of application 13/01055FUL include the following:
- The plot size has been increased including part of the existing garden serving 112 The Fairway to the east of the site to be used as amenity space;
 - Roof form;
 - Elevation design has been simplified and incorporates bay windows to the ground floor;
 - One dormer proposed each to the front and side;
 - 2 parking spaces for 112 The Fairway.
- 1.6 The material planning considerations are discussed in detail below together with a review of the previously refused application to assess whether the current application has overcome the previous reasons for refusal.

2 Site and Surroundings

- 2.1 The application site is located behind No. 112 The Fairway and adjacent No. 96 Thorndon Park Drive. At present it is part of the curtilage of No. 112 The Fairway (although separated from main dwelling by a brick wall and gate) and serves as a garage/studio with a hardstanding parking area to the front. Part of it was previously used as a foot clinic. A single width crossover serves the site and there are two off street parking spaces.
- 2.2 The site is located within a residential area. Dwellings on Thorndon Park Drive are generally detached or semi-detached and bungalows or chalet bungalows. There is a general uniformity of building line, roof form and elevational treatment. Parking is unrestricted on Thorndon Park Drive. Land levels on the site rise gently to the south.

3 Planning Considerations

- 3.1 The main issues for consideration are the principle of the development, design and relationship with adjacent development and the streetscene, impact on neighbours, living conditions for future occupiers, parking implications, and use of on-site renewable and whether the proposal overcomes the reasons for refusal of the previous appeal decision.

4 Appraisal

Principle of Development

National Planning Policy Framework; DPD1 (Core Strategy) policies KP1, KP2, CP4, CP8; DPD2 (Development Management) emerging policies DM1, DM3, DM7, BLP policies C11, H5 and the Design and Townscape Guide SPD1 (2009)

- 4.1 This proposal is considered in the context of the National Planning Policy Framework Sections 56 and 64, Core Strategy DPD1 Policies KP2, CP1, CP4 and CP8 and DPD2 Development Management emerging policies DM1, DM3 and DM7.
- 4.2 The core planning principles of the NPPF include at paragraph 17:
- “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” (paragraph 17).*
- 4.3 However the NPPF also states out that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. The principle of development in this location has not been objected too when considering the refusal of application 13/01055/FUL and appeal decision APP/D1590/A/14/2215034, the appeal was only dismissed in relation to design [Refer to paragraph 1.3 above].
- 4.4 Policy DM3 of the emerging Development Management DPD2 states that the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner responding positively to the local context and not leading to over-intensification. Any infill development will be resisted if it creates a detrimental impact on the living conditions and amenity of existing and future residents or neighbouring residents, conflict with the character or grain of the local area, result in a contrived and unusable garden space for existing and proposed dwellings or result in the loss of local ecological assets. Section 5.3 of the Design and Townscape Guide (SPD1) deals with infill development and it is stated:
- 4.5 *“The size of the site together with an analysis of local character and grain will determine whether these sites are suitable for development. In some cases the site may be too small or narrow to accommodate a completely new dwelling (including useable amenity space and parking) and trying to squeeze a house onto the site would significantly compromise its design quality and be detrimental to neighbouring properties and local character. Unless an exceptional design solution can be found, infill development will be considered acceptable”.*
- 4.6 It is considered the proposal to redevelop the site for a new residential dwelling is acceptable in principle subject to it not resulting in harm to the local area. Whilst a section of the existing garden to No. 112 for two parking spaces and garden area serving the new dwelling (approx. 94sqm) would be taken to form part of the curtilage of the new dwelling, there would still remain sufficient rear garden area to serve No. 112 (approx. 154m²).

Design and impact on the character of the area

National Planning Policy Framework- Delivering a wide choice of high quality homes, Requiring good design; DPD1 (Core Strategy) policies KP2, CP4; DPD2 (Development Management), emerging policy DM1; Borough Local Plan policies C11, C14, H5, and Design and Townscape Guide SPD1 (2009)

- 4.7 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”*.
- 4.8 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”*. Furthermore, paragraph 53 of the NPPF states: *“Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens for example where development would cause harm to the local area”*.

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.

- 4.9 Emerging policy DM1 of the Development Management advocates the need for good quality, innovative design that contributes positively to the creation of successful places. All developments should draw reference from the relevant design principles set out in the *‘Design and Townscape Guide’*. In order to reinforce local distinctiveness all development should respect and enhance the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features. Provide appropriate detailing that contributes to and enhances the distinctiveness of place; Contribute positively to the space between buildings and their relationship to the public realm; Protect the amenity of the site, immediate neighbours, and surrounding area.
- 4.10 The site lends itself to a more innovative approach being at the end of a row of housing, and being a smaller than average site. Thorndon Park Drive is characterised by detached and semi-detached traditional bungalows with projecting bay windows and hipped roofs. A number of dwellings have accommodation in the roofspace. Properties on the southern side in particular are built on an elevated ground level noticeably above pavement level.
- 4.11 As with the appeal proposal, the front building line is set forward noticeably approximately 2m however, the existing garage already projects 1.3m in front of no. 96 Thorndon Park Drive. Whilst this project further than the appeal proposal (1.3m) on balance it is not considered the proposal will have harmful impact on the character and appearance of the streetscene.
- 4.12 The overall design approach has significantly improved from the previously refused application and subsequent appeal. The overall design appears simpler and references the surrounding development in Thorndon Park Drive including hipped roof of the same scale, matching eaves, ground floor levels, feature bay windows and the dormers appear subservient to the roofscape relating more satisfactorily to

the surrounding streetscape. Whilst the garden serving no. 112 The Fairway has been reduced, the urban grain is not significantly affected taking into account the size of the garden serving no. 120 The Fairway to the north of the site.

- 4.13 With respect to the layout, the boundary wall proposed to the front of the house will make a positive contribution to the streetscene. Furthermore, the soft landscaping to the front of the site is welcomed. The amenity space to the east of the site is more useable for future occupiers and details of the landscaping and boundary treatments can be dealt with by condition.
- 4.14 In light of the above, the detailed design, scale and overall appearance of the development will result in a positive addition within the streetscene in accordance with the National Planning Policy Framework 2012, DPD1 (Core Strategy) policies KP2 and CP4 of the Core Strategy, DPD2 (Development Management) emerging policy DM1, policies C11 and H5 of the Borough Local Plan, and the Design and Townscape Guide (SPD1). The proposal has therefore overcome reason 01 of application 13/01055/FUL and the subsequent appeal decision (APP/D1590/A/14/2215034).

Standard of Accommodation for Future Occupiers

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

- 4.15 Policy DM8 of the Development Management DPD2 requires a two bedroom (3 bed spaces) over two storeys to provide at least 66sqm internal floor space. The proposed dwelling would have 2 bedrooms and associated living space in accordance with the emerging standard with approximately 80sqm. 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. This development has 9m² for a single and 18.4m² for a double bedroom (excluding 1.8m headroom area);
 - 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.

The proposal also accords with the emerging standards. The habitable rooms would be served by sufficient windows which would provide acceptable light and outlook. The dwelling would have an amenity area of 59sqm to the east, which is considered sufficient amenity space for potential future occupiers and more useable space compared to the previously refused proposal. The existing occupiers of 112 The Fairway would benefit from 152sqm amenity space, which is considered sufficient.

Traffic and transportation

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4, CP3; Development Management DPD2 emerging policy DM1; BLP policies T8, T11; EPOA Parking Standards and the Design and Townscape Guide SPD1.

- 4.16 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. Emerging Development Management DPD2 policy DM15, which supersedes EPOA Vehicle Parking Standards (2001) requires at least two parking spaces per dwelling outside of the town centre. Development Management DPD2 has been found ‘sound’ by a planning inspector (18th March 2015). Given that DPD2 has been found sound policies now 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.”*
- 4.17 Two parking spaces have been provided for existing occupiers of 112 The Fairway with the formation of a new vehicle crossover on Thorndon Park Drive and two parking spaces are proposed to the new dwelling using the existing hardstanding and vehicle access serving the garage. No objections have been raised by the Councils Highway Officer and the proposed parking provision complies with policy and is considered to address reason 02 of 13/01055/FUL. The previously refused application includes one parking space for the new dwelling and no parking provision for 112 The Fairway. The Inspector concluded (APP/D1590/A/14/2215034) *“that the proposal would have limited impact upon on street parking...”*
- 4.18 In light of the above, there is sufficient space to accommodate two parking spaces per dwelling together with refuse and cycle storage and therefore no objection is raised in this instance on highway grounds.

Impact on residential amenity

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

- 4.19 Policy H5 of the BLP 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.

- 4.20 It is not considered that the proposed dwelling would result in adverse overshadowing given the orientation of the site and separation distances to neighbouring properties to the north. In relation to overlooking, the main windows serving the first floor bedrooms would be on the north roofslope and overlook the highway which is not cause for concern. A window is proposed on the eastern elevation at first floor level and rooflight to the western elevation, in order to safeguard the amenities of adjacent residential occupiers a condition will be imposed for the window to be obscure glazed.
- 4.21 Although the development is set 2m in front of the adjacent property no. 96 it is not considered the proposed dwelling would be overbearing to existing occupiers of no. 96 Thorndon Park Drive. In relation to the neighbouring dwelling to the west, the roof of the proposed dwelling would be pitched away from this side and there would be a separation distance of approximately 2m between the dwellings. The dwelling is sufficiently well distanced from neighbouring dwellings to the north, east, and south east to mitigate against any potential harm.
- 4.22 Whilst the ground levels differ, the height of the dwelling proposed will be no higher than no. 96 Thorndon Park Drive and not result in any material harm to nearby residents in terms of being overbearing or loss of light.
- 4.23 Permitted development rights should also be removed by condition to ensure the amenities of nearby residents are safeguarded.

Use of On Site Renewable Energy Resources

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

- 4.24 Paragraph 97 of the NPPF states that local authorities should promote energy from renewable sources. Policy KP2 of the Core Strategy states that all new development proposals should demonstrate how they will maximise the use of renewable and recycle energy, water and other resources. Emerging policy DM2 advocates the need to ensure the delivery of sustainable development whereby all development proposals should contribute to minimising energy demand and carbon dioxide emissions in accordance with the energy hierarchy.
- 4.25 Solar panels have been illustrated to the south elevation, which is welcomed however, no details accompany the planning application in terms of how the 10% renewable energy requirement will be provided in accordance with Policy KP2 of the Core Strategy. However, it is considered this can be satisfactorily dealt by condition.
- 4.26 Policy KP2 of the Core Strategy advocates the need for sustainable drainage. No details accompany this application however this can also be dealt with by condition in this case.

5 Conclusion

- 5.1 The proposed dwelling by reason of its design and scale would provide a positive addition to the character of streetscene. Furthermore, the proposal includes sufficient parking provision for the existing occupiers of no. 112 and future occupiers of the new dwelling. It is considered the proposal has overcome the previous reasons for refusal of application 13/01055/FUL and the reasons dismissed of the subsequent appeal.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework 2012.
- 6.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles), CP1 (Employment Generating Development), CP4 (Environment & Urban Renaissance), and CP8 (Dwelling Provision).
- 6.3 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)
- 6.4 Southend-on-Sea Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), and H5 (Residential Design and Layout Considerations), T8 (Traffic Management & Highway Safety) and T11 (Parking Standards).
- 6.5 Supplementary Planning Document 1: Design & Townscape Guide, 2009.

7 Representation Summary

Design and Regeneration

- 7.1 The proposal site currently contains a garage and workshop and associated hardstanding belonging to 112 The Fairway. It is a single storey building of no architectural merit that fronts onto Thorndon Park Drive. The proposal is to demolish this building and replace it with a two storey chalet style property. A 3m wide strip of the garden of number 112 has been included in the site to provide amenity space for the proposed dwelling.

Thorndon Park Drive is characterised by detached and semi-detached traditional bungalows with projecting bay windows and hipped roofs. A number of dwellings have accommodation in the roofspace. Properties on the southern side in particular are built on an elevated ground level noticeably above pavement level.

In townscape terms, whilst the existing garage helps to provide separation between the houses in The Fairway and those in Thorndon Park Drive the redevelopment of this site for a dwelling would reflect the building line on the opposite side of the street and maintain the same degree of separation between the two streets. The site itself is much smaller than its neighbours and as such would contrast with the grain of the area however, it is noted that the principle of residential development was not objected to previously or at appeal.

As with the appeal proposal the front building line is set forward noticeably from the neighbouring dwelling but again this was not considered to be out of character at appeal and is therefore accepted. It is however pleasing to see that, following an objection at appeal to the property being dug into the slope, the existing raised ground level is now proposed to be maintained and this should help to ensure that the proposal integrates into the streetscene.

In terms of detailed design the amended proposal is much simpler and has taken more references from the surrounding houses including a hipped roof of the same scale, matching eaves and ground floor levels, a feature bay windows and modest dormers and this now generally relates much better to the surrounding streetscape.

In terms of layout it is pleasing to see a low boundary wall is proposed in front of the house and presumably a planted garden behind and this should make a positive contribution to the streetscene. It is also noted that the private amenity area has increased and is now much more useable. This has resulted in a loss of garden to 112 but it is considered that there is sufficient space available for this solution. It is suggested that the existing boundary fence to the street be retained to enclose the north elevation of the garden as this would maintain a consistent boundary to the street.

Internally there appears to be enough space for the level of accommodation and the proposal will meet the emerging DM space standards.

The proposed solar panels to the south roofslope are welcomed although further details will be required to ensure that they provide the required 10% renewables.

Traffic and Highways

7.2 No objection.

Public Consultation

7.3 Thirty one neighbours notified of the application. A site notice was also displayed outside the site. At the time of writing this report 20 letters of representation have been received stating:

- Continuous historical multiple applications, including planning inspectorate appeal yet key control committee issues ignored.
- New demand much less demanding on internal space requirements but still appears contrived.
- The front aspect of the building line is now more extensively breaching the established building line.
- The previous front of the house amenity space is now being created by releasing a cut of the garden serving no. 112 The Fairway.
- 112 The Fairway parking has been removed to the new building and now has no off street parking [**Officer Comment: Amended plans have been received whereby the new dwelling and existing property 112 The Fairway will have two parking spaces each in accordance with Policy DM15 of emerging DPD2**].
- The reduction in curtilage of 112 the Fairway will impact the flow of the streetscene with adjoining properties on the Fairway.

- The form set has no flooding issues when the area is recognised as a flooding hot spot so a full drainage assessment should be considered **[Officer Comment: A condition will be imposed to ensure full details are submitted and agreed. This site is not designated within a flood risk zone and consideration has to be given to the existing hardstanding and building on site currently].**
- The stairway light on the western elevation should be obscure glazed **[Officer Comment: This will be dealt with by condition].**
- Consideration has to be given to the Councils statement sent to the Planning Inspectorate in respect of the recent appeal decision **[Officer Comment: All planning applications are assessed in relation to current planning policies including the NPPF, DPD2 (emerging Development Management), DPD1 (Core Strategy), Borough Local Plan and the Design and Townscape Guide. Material consideration has to be given to the appeal decision whereby the Inspector concluded that application 13/01055/FUL (APP/D1590/A/14/2215034) “Although I have found the proposal would have limited impact upon street parking and would be acceptable in some respects, the proposed design on such a limited sized plot would cause visual harm and adversely affect the character and appearance of the area”. In light of this the application was only dismissed on detailed design only].**
- The internal floorspace does not appear sufficient for three persons and has reduced considerably from previous applications **[Officer Comment: The proposal is in line with the emerging internal floor standards of Policy DM8 of the Development Management].**
- Any development must need to adhere to the Part Wall Act **[Officer Comment: This is not a material planning consideration].**
- Any construction work could affect the highway including storage of materials **[Officer Comment: Construction and demolition hours can be dealt with by condition and any construction work is confined to the site].**
- Overcrowding of the existing site/density **[Officer Comment: The principle of residential development has not been objected to previously on this site].**
- Removes existing amenities from 112 the Fairway in terms of reduction in garden area.
- Any construction will appear incongruous and appears squeezed into the plot.
- It will impinge on the overall aspect to the applicants neighbour on the Fairway whose light, privacy and aspect would be seriously compromised **[Officer Comment: Application 13/01055/FUL was only refused on contrived design and lack of parking provision no objections have been previously raised with respect to the impact on the surrounding residents].**
- The building line is unimpeachable and forward of the existing building line. It will look awkward and contrived affecting the streetscene and open aspect of the road.

- The applicant on the previous application 13/01055/FUL during the committee presentation said that all neighbours have been notified about the application and no one objected this was not the case. Whilst the structural design of the development is more agreeable the fact remains it's too small of a plot and makes it backyard development makes this an annex to the main house and has a negative impact on the streetscene **[Officer Comment: Neighbours have been notified in accordance with the Statement of Community Involvement and the proposal is for one new dwelling not an annex].**
- Takes no account of the business run from this address and the off street parking pressures facing the Fairway. The existing owner has 3 vehicles and 1 motorcycle at present **[Officer Comment: The parking provision is in accordance with the emerging Policy DM15 of the Development Management DPD2, whereby dwellings 2 bedroom plus require two parking spaces per unit].**
- Overlooking **[Officer Comment: A condition will be imposed to the first floor eastern elevation to ensure the amenities of residents in The Fairway will be safeguarded].**
- Building Guidelines should be assessed with this application **[Officer Comment: Building Regulations are considered under separate legislation].**
- The planning statement is factually incorrect **[Officer Comment: The application has been assessed in relation to the drawings submitted for consideration. Whilst it is noted the Design and Access Statement has not been updated they are not now required for applications].**
- The development should be assessed against the Technical Housing Standards-nationally described space standard **[Officer Comment: The application has been assessed against relevant policy].**
- Encroachment onto neighbouring property and boundary disputes **[Officer Comment: This is not a material planning consideration. An informative can be added to advise of such issues].**
- Easement licences should be obtained in event of planning being granted **[Officer Comment: This is not a material planning consideration].**
- Development would be against covenants in place **[Officer comment: This is not a material planning consideration].**

Ward Councillor

7.4 Cllr Ayles and Cllr Evans have requested that this application go before the Development Control Committee for consideration.

8 Relevant Planning History

8.1 Demolish existing garage and erect 2 storey dwellinghouse (Amended Proposal)- Refused (13/01055/FUL). Dismissed at appeal

8.2 Demolish existing garage and erect a chalet bungalow (Amended Proposal)- Withdrawn (13/01550/FUL).

8.3 Demolish existing garage and erect 2 storey dwellinghouse- Refused (13/00466/FUL).

- 8.4 Planning permission granted in February 2007 to 'Retain conservatory at rear of 112 The Fairway (Retrospective)' - 07/00046/FUL.

9 Recommendation

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

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

Reason:

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

- 2 The development hereby permitted shall be carried out in accordance with the approved plans DP/2406/ES-1 06.05.2015; DP/2406/ES/2 06.05.2015.

Reason:

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

- 3 Prior to commencement of the development hereby approved, details and samples of materials to be used in the construction of the dwelling hereby approved shall be submitted to and agreed by the Local Planning Authority. The development shall be carried out in accordance with the approved details 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 set out in National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management emerging policy DM1, Borough Local Plan 1994 policy C11, and SPD1 (Design and Townscape Guide).

- 4 4 car parking space(s) shall be provided in accordance with DP/2406/ES-1 06.05.2015 prior to occupation of the new dwellinghouse hereby approved and shall thereafter be permanently retained for the parking of private motor vehicles solely for the benefit of the occupants of the new dwelling and 112 The Fairway respectively of which it forms part and their visitors and for no other purpose unless otherwise agreed in writing by 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, DPD2 (Development Management emerging policy DM15, Borough Local Plan 1994 policy T8 and T11, and SPD1 (Design and Townscape Guide).

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

Reason: To protect the privacy and environment of people in neighbouring residential properties, DPD1 (Core Strategy) 2007 policy CP4, DPD2 (Development Management emerging policy DM1, Borough Local Plan 1994 policy H5, and SPD1(Design and Townscape Guide).

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification, no development shall be carried out within Schedule 2, Part 1, Class A, B, C, D and E.**

Reason: To protect the privacy and environment of people in neighbouring residential properties, DPD1 (Core Strategy) 2007 policy CP4, DPD2 (Development Management emerging policy DM1, Borough Local Plan 1994 policy H5, and SPD1 (Design and Townscape Guide).

- 7 Prior to commencement of the development full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved unless otherwise agreed in writing by the local planning authority. Permeable paving shall be used for the hardstanding area to the rear unless otherwise agreed by the Local Planning Authority.**

Reason:

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

- 8 All planting in the approved landscaping scheme shall be carried out within the first available planting season 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: In the interests of visual amenity 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 and DPD2 (Development Management emerging policy DM1).

- 9 Prior to the commencement of development a renewable energy assessment shall be submitted to and agreed in writing with the Council to demonstrate how at least 10% of the energy needs of the development will come from onsite renewable options (and/or decentralised renewable or low carbon energy sources. The scheme as approved shall be implemented and brought into use on first occupation of the development unless otherwise agreed in writing with 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, DPD2 (Development Management emerging policy DM2, and SPD1 (Design and Townscape Guide).

- 10 No development hereby permitted shall commence until details of surface water attenuation for the site, based on SUDS principles, have been submitted to and approved by the Local Planning Authority. The works agreed shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To ensure satisfactory drainage of the site in accordance with policy KP2 of the Core Strategy DPD1 and DPD2 (Development Management emerging policy DM2.

- 11 Construction and demolition shall only take place between 0730 and 1800 Monday to Friday 0800 and 1300 Saturday and not at all on Sundays or Bank Holidays.**

Reason: In the interests of the character and amenity of the area in accordance with Policy C11 and H5 of the Southend on Sea Borough Local Plan 1994.

- 12 During construction/demolition loading or unloading of goods or materials shall take place on the land between 0730-1800 Monday to Friday 0800-1300 Saturday, and not at all on Sundays or Bank Holidays.**

Reason: In the interests of the character and amenity of the area in accordance with Policy C11 and H5 of the Southend on Sea Borough Local Plan 1994.

Informatives

- 1 You are advised that the development hereby approved is likely to require approval under Building Regulations. Our Building Control Service can be contacted on 01702 215004 or alternatively visit our website http://www.southend.gov.uk/info/200011/building_control for further information.**

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.