# Southend-on-Sea Borough Council

Development Control Committee 3<sup>rd</sup> June 2015

#### SUPPLEMENTARY INFORMATION

Reports on Pre-Meeting Site Visits (4a)

Page 3 Crown College 411 Sutton Road 14/02043/FULM

The applicant has submitted further information in support of their application. This has been distributed to Members and is summarised below:

- Moat Housing Association and Dove Jeffery Homes are joint Applicant's. Moat Housing Association have entered into contracts to own and manage the completed scheme. The proposal will secure new local jobs through provision of commercial retail floorspace and the construction of the development itself. The proposal is for 100% affordable housing. The Council will be provided with full nomination rights ensuring local people on the local housing register are locally housed. Moat maintain a "preferential partner" status with Southend-on-Sea Borough Council for the provision of affordable housing. The site does not qualify for 100% affordable housing delivery and therefore the proposal is a significant material benefit in support of what is already a planning policy compliant proposal. The proposals will deliver a significant amount of affordable housing (55 apartments) and following discussions with the strategic housing department, will assist with addressing the Borough's shortfalls and reduce the number of local people waiting on the home seeker register
- Height/Scale -A part 3 and part 4 storey building is proposed. The 3 storey element is in keeping with the scale of recently permitted proposals at 427 Sutton Road (adjoining our Application Site) and some of the existing taller buildings within Sutton Road. The 4 storey element proposed in this scheme is set back from Sutton Road, concealed and will not be prominent within the street scene. It is set behind an amenity roof terrace that will largely screen the 4 storey part of the building. The flat roof contemporary design proposed in this application offers comparable heights to existing 3 storey pitched roof dwellings within Glenhurst Road.
- Overlooking: The Council has no set standard in respect of overlooking/privacy with each case to be considered on its merits.
   We would highlight that other Essex authorities have adopted the Essex Design Guide, which sets out minimum privacy standards and this requires 25m separation as a minimum. This is considered the acceptable standard for the majority of authorities in Essex. In this case a separation distance achieved is in excess of 35 m at the third storey and 38m at fourth storey level. Further,

- the apartments within the top floor have most primary windows fronting Sutton Road to remove overlooking from this level.
- Best practice national guidance from Building Research
   Establishment (BRE) identifies that an acceptable daylight in
   interior of a property is achieved if a 25 degree vertical angle from
   a point at 2m above the floor on the building is achieved.
- The level of parking is policy compliant. The highway authority and Officer's support the level of parking given the sustainable location. Additional public spaces are proposed in the highway increasing visitor parking at Sutton Road.
- As demonstrated above the proposal is policy compliant. It is supported by Officers' having undertaken a full and detailed assessment of the relevant considerations. We acknowledge that the proposal has received a small level of local objection (13 letters of objection in total) all to the rear of the site and we are sympathetic to residents' concerns, however all professional assessment of the proposal confirms its appropriateness in terms of standards and technical compliance. The proposal will also deliver significant public realm improvements, it will provide a high level of affordable housing which is a significant benefit towards meeting the undersupply of affordable housing within the Borough and it will help the regeneration of an area identified and targeted by SOS Borough Council as requiring regeneration.

# Page 42 The Esplanade Public House, Southend on Sea 15/00155/FULM

Officers are seeking that the application is **DEFERRED** to allow for further negotiations to take place.

Page 76 77 Parkanaur Road 15/00209/FULH

#### 5. Representation Summary

#### **Public Consultation**

A letter has been received on behalf of the applicant in support of the application. This has been circulated to Members by email.

#### 7. Recommendation

Additional condition:

04. The flat roof of the extension hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless otherwise agreed in writing by the Local Planning Authority. The roof can however be used for the purposes of maintenance or to escape in an emergency.

Reason: To protect the privacy and environment of neighbouring occupiers in accordance with Policy CP4 of the Core Strategy, Policy H5 of the Borough Local Plan and the Design and Townscape Guide, 2009 (SPD1).

# Page 83 210 Delaware Road, Shoeburyness 15/00312/FULH

An additional comment has been received from the Group Manager of Fieldwork Services within Department for People. One of the teams within my service is the Children with Disabilities Team stating:

"I can confirm that, based on the OT recommendation, major adaptations to 210 Delaware Road were required in order to meet the needs of Master Kieron Harradence, aged 6 years. Kieron attends Kingsdown Special Needs School who provide services for children with severe learning difficulties and children with profound and multiple difficulties. As such Kieron has significant disabilities and it is likely without the adaptations he would experience a negative impact on his wellbeing at home".

#### 4. Appraisal

Please note the numbering of properties in paragraph 4.9 and 5.1 should read as no. 212 Delaware Road rather than 112 Delaware as stated on page 86 of book 1).

Please note the numbering contained within paragraph 4.10 should read no. 208 Delaware Road rather than no. 108 as guoted.

#### 8.1 Public Consultation

The objection letter received under paragraph 8.1 with respect to the harm on adjacent properties should read as 212 rather than 112 as stated.

#### 10. Recommendation

Please note the reason for refusal should read as follows:

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 at no. 212 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).

# Page 89 Shelter Western Esplanade, Westcliff-on-Sea 15/00418/AMDT

#### 7.10 Public Consultation

A further 8 letters of objection have been received. The new points of objection can be summarised as follows:

- The proposal is design to placate residents only; there is no difference between this and the previous permanent proposal.
- Concern that the applicant will apply to make the roof plant permanent rather than undertake the more costly sensitive solution.
- Concern that the applicant will use the principle of roof top development to reapply for another rotunda addition.
- The prevailing wind direction is on shore which will blow the fumes towards residents. [Officer Comment: The Council's Environmental Health Officer has not raised any objections to this issue.]
- Insufficient information has been submitted relating to the technical details
  of the plant. [Officer Comment: The Council's Environmental Health
  Officer has not raised any objections to this proposal.]
- Concern that the permanent solution could not be constructed after the
  completion of the cliffs works [Officer Comment: It is understood that
  most of the construction works for the duct and the service yard to
  the western side of the building for the permanent solution would be
  undertaken by the Council's contractor as part of the current cliff
  stabilisation works and leaving only the installation of the equipment
  into the duct and service yard during the winter period to be
  undertaken by the applicant.]
- The structure may attract vandalism or anti-social behaviour [Officer Comment: It is considered that the tenant would take responsibility for dealing with anti-social behaviour on the roof]
- The proposal may create a precedent for other structures to be erected on the roof. [Officer Comment: All structures on the roof would require planning permission and would be assessed on their merits taking into account the impact on the historic building, the character of the conservation area and impact on surrounding neighbours.]
- The plant would impact on the enjoyment of the surrounding open space and views from it.
- Access to public open space is important to the wellbeing of residents especially where they do not have private gardens.
- The roof is well used by the public as an amenity space.
- Concern over parking when the café opens. [Officer Comment: parking is not considered to be relevant to the positioning of the extract.]

One additional letter of support has also been received which comments that the roof is not used very often at present.

## 8.1 Relevant Planning History

An application for the permanent solution for the extraction has been received by the Council and is in the process of being validated. This shows the intake and the extraction equipment being buried in a duct concealed within the cliff slope to the rear of the building exiting via a vent in the retaining wall to the west service yard. Public consultation on this permanent proposal will be undertaken shortly.

#### 9 Recommendation

It is recommended that the following condition be added:

10 No railing, fence, wall or other means of enclosure shall be erected on the roof of the building unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, to ensure that the appearance of the building makes a positive contribution to the character of The Leas Conservation Area and to retain unobstructed access onto the roof of the building. This is 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).

Page 102 112 The Fairway, Leigh-on-Sea 15/00311/FUL

#### 7.3 Public Consultation

One additional letter of representation received to be read in conjunction with paragraph 7.3 on page 111 stating:

- A two storey house in this location would be out of place and shoehorned to the rear of the property.
- There is insufficient room to accommodation a home with the potential of several cars.
- If the application is allowed it will set a precedent for future development.

# Reports on Main reports (4b)

Page 3
Marine Plaza Marine Parade and Southchurch Avenue Southend.
14/01462/FULM

#### **Current position**

#### Materials

As requested the applicants have submitted details of the proposed balcony and cladding materials and these have been made available for Members to view.

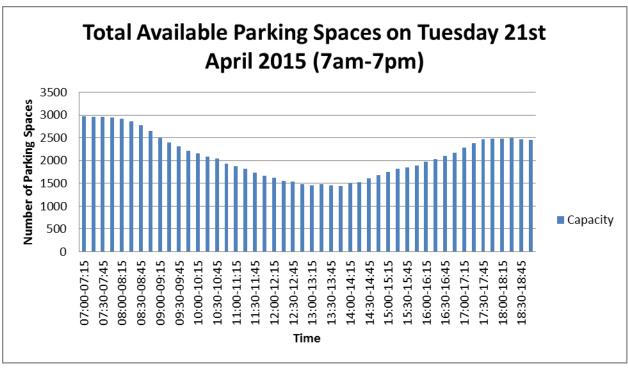
# Car Parking Surveys

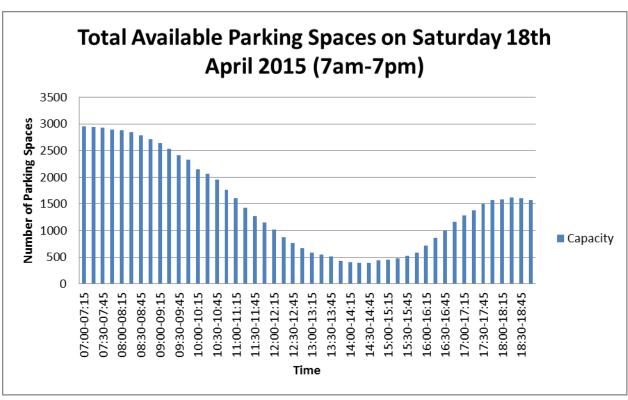
The results from the remaining car parking capacity surveys requested by Members have now been received. These additional surveys were carried out on Saturday 18<sup>th</sup> April and Tues 21<sup>st</sup> April between 7am and 7pm. Detail of the survey results are set out below.

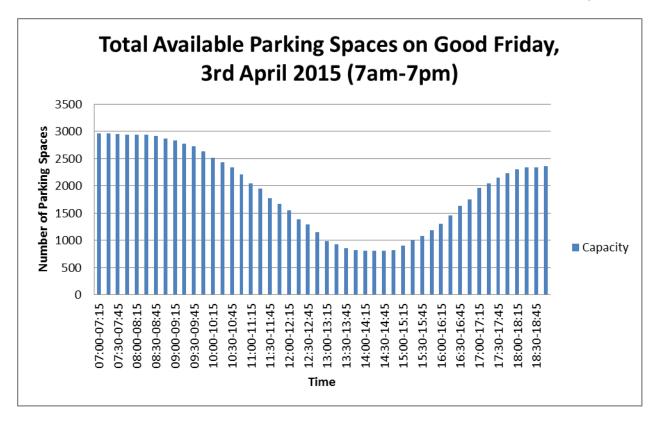
To summarise, applying the Councils DMDPD car parking standards (which are maximum standards) both surveys demonstrate that there is sufficient capacity within town centre car parks to accommodate car parking demand resulting from the development within town centre car parks should this be necessary.

Table Showing the Number of Parking Spaces Available for each Day Surveyed

TOTAL SPACES AVAILABLE		3186				
	<b>11</b> am		1pm		4pm	
Good Friday	2208	69%	1173	37%	1222	38%
Saturday 18 <sup>th</sup> April	1765	55%	729	23%	641	20%
Tuesday 21st April	1937	61%	1492	47%	1894	59%







#### Existing private car park on site

It is noted that several of the objection letters that have been received refer to the loss of the existing car park on site.

Evidence has been submitted which demonstrates that the car park use (which has never received a permanent planning permission) has not been in continuous use for 10 years. It would also appear that the physical extent of the car park since 2007 has changed as different parts of the land were cleared. For all these reasons, it is officer's view that the use of the land for car parking is not lawful in planning terms.

Furthermore, the applicant has provided evidence from the existing car park operator user which clarifies the position regarding the existing car park on site, which is under the applicant's control. This confirms the following:-

- The car park is a described as a temporary use;
- The capacity of the car park is just 80 cars;
- The use is seasonal and not viable, and the operator has given notice of termination at the end summer period (i.e. September 2015).

Correction - It should be noted that the private car park opening times are Monday – Sunday 24hrs.

#### 9.0 Public Consultation

9.2 4 further letters of objection (including one from Stockvale Group) have been received objecting on the following grounds:

- Too large
- Road is too narrow for heavy vehicles
- Loss of the existing car parking on site.
- · Lack of public conveniences to deal with increased footfall.
- Traffic pollution and congestion.
- Height of the development dwarfing the Kursaal dome.
- Loss of importance of the dome
- Will the sewers be able to cope?
- Noise and disturbance from construction and during use.
- Insufficient parking to meet demands of the development.
- Overshadowing
- · Loss of sea views
- Impact on property value
- Blight to local residents
- Will be seeking reduction in Council Tax
- Magnitude of the development and implications on tourist economy
- Congestions and lack of car parking in the town has negative implications for the tourist industry.
- Lack of direction to existing car parking, particular outside central seafront.
- Lack of parking in the town.
- Parking studies undertaken at low period of visitation, another study should be undertaken at peak times
- If you are a tourist and drive into town at peak times you have no idea where to park.
- Poorly designed and poorly placed affordable housing will lead to social problems.
- Large number of flats will not add to tourism or the attraction of the seafront. In this regard the scheme is not a regeneration proposal.
- There will be difficulty attracting big name brands to the site.

9.3 Should read: 15 letters of support have been received. A further letter of support has been received on the grounds that the development will be a boom for the area in general, but the letter also raises concerns regarding parking and drainage/sewerage

#### 9.5 Essex Chamber of Commerce

Support the development for reasons summarised as follows:

- The site is currently vacant and many people feel it does little to improve the attractiveness of the Seafront so positive proposals as set out in the scheme are to be greatly welcomed.
- The plans represent an investment of over £60million which is a major vote of confidence and will greatly improve the tourist offer and reduce reliance on seasonality for the tourism sector.
- Variety of commercial options.
- Variety of homes.

The development will be a great asset to the Town in rejuvenating this
vacant site, providing new employment opportunities and sending out
a positive message that Southend is open to business.

#### 9.6 Seafront Traders Association

Object to the development for the following reasons:

- Negative impact on tourism and ability of Southend to attract visitors
- Insufficient off street car parking for residents, visitors and staff. This will lead to these people using Fairheads Green car park.
- The loss of the existing car park on site will have a devastating impact on tourism and congestion around the town. During the summer there is a massive shortage of spaces which leads to sever congestion and brings towns roads to a standstill.
- The Travel studies requested by DCC should be done in the summer months to provide a realistic assessment. Studies were carried out on a cold wet April day when visitor numbers were low.
- Esplanade Public House has been recommended for refusal because of its scale and impact on the Conservation Area. Marine Plaza would have an unacceptable impact on the streetscene and character of the area and Kursaal.

# Page 82 Texsol Builders Merchants, Kenway, Southend

#### 1.0 The proposal

The applicant has submitted further information in relation to materials and a revised brick has been agreed. It is recommended that Condition 03 be amended as set out below.

The applicant has also submitted a Written Scheme of investigation for and Archaeological Watching Brief to address a requirement of Condition 23. It is therefore recommended that Conditions 23 be revised as set out below.

#### 11.0 Recommendation

- 03. The development shall be carried out in accordance with the schedule of materials Rev A submitted on 14.05.15, except where detail is superseded by the emails dated 15.05.15 and 01.06.2015 from D. Godden in which case the development should be carried out in accordance with the details set out in that email.
- 23. (a) The development must be carried out in accordance with the details set out in the Archaeological Watching Brief by Pre-Construct Archaeology limited and dated March 2015. A written report of the investigation and findings must be produced, showing that the archaeological work and development has been carried out

in accordance with the approved scheme. Copies of the written report of the investigation and findings must be sent to Southend Borough Council, Essex County Council and English Heritage.

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

Page 121 939-953 London Road 14/01965/OUTM

Please note paragraph 4.10 should read:

The proposal fails to comply with the emerging standards. The habitable rooms would be served by sufficient windows which would provide acceptable light and outlook. The flats would have an amenity area of 19sqm, which is considered sufficient amenity space for potential future occupiers and more useable space compared to the previously refused proposal.

Please note paragraph 4.19 should refer to apartment 34 not 32.

Page 156 315 Station Road, Westcliff-on-Sea 15/00669/OUT

#### 6.6 Public Consultation

One additional letter of representation has been received objecting to the proposal development.

**Conservation Westcliff Seaboard** have also written in stating:

With regard to conservation, even though this application has come back with less houses, two of these will still be built on a high visibility point facing directly over Pembury Road, which is part of the Leas Conservation Area. This conservation area is less than 100 yards from these houses and the development will affect the vista of this whole part of the Conservation Area.

The construction of these properties will seriously impact the vistas and viewpoint of the Leas Conservation area and furthermore there seems to be no mention of the use of appropriate building materials to protect the conservation status [Officer Comment: Design was not objected to under previously refused applications 15/00219/OUT and 14/01211/OUT. All materials will be dealt with by condition].

The design is inappropriate in its context and should not be accepted. It fails to take the opportunities available for improving the character and

quality of the area and the key way it functions should not be accepted [Officer Comment: Design was not objected to under applications 15/00219/OUT and 14/01211/OUT].

Even if Station Road is not itself a part of the Leas Conservation area the proposed houses will be opposite a range of buildings dating from 1910 and will not blend with these older style buildings and will present an odd street scene in Station Road.

This development faces onto a straight very busy road. Traffic is so fast that locally it is known as the Rat Race. People speed down this straight road and are not stopped by the obelisks in the middle of the road. Cars would also be reversing out onto this fast moving road creating a dangerous situation [Officer Comment: No highways objection has been raised previously under applications15/00219/OUT and 14/01211/OUT].

The properties will back immediately onto the train lines. This is a fast regular service to London and is hardly conducive for the wellbeing of people living in close proximity to the regular noise and vibrations of passing trains.

Not many people like change, but change is good if thoughtfully put together and executed well. Another scheme in Pembury Road has been completed to a high standard. This proposed design is not.

# Page 189 Kiosk 9, Western Esplanade 14/02093/FUL

Please note amended the description (the report remains unaltered as reflects the amended description):

Enclosed bin store to north elevation and install enclosed ventilation equipment to roof (Part Retrospective)

# Page 222 Chartwell Private Hospital, 1629 London Road 15/00315/FUL

#### **Public Consultation**

Since the agenda has been published 3 additional letters of representation have been received and should be read in conjunction with the objections detailed under 7.3 on page 228 of book 3:

 The proposed extension would join the side wall of the adjacent building, blocking a window and causing a loss of light. This would affect the ability of the neighbouring care provider to undertake their

- practices and provide appropriate customer service in a safe and healthy environment.
- The plans remain inaccurate.
- The proposed development is almost identical to a proposal that was refused in 2009
- The proposed development would result in the loss of a parking space that was shown on a previous permission, the provision of which was the subject of a condition of that permission.
- An extension that was built in 2005 was not built in accordance with approved plans and therefore the existing building is already larger than approved.
- A photo has been submitted to show the footpath at the Sydney Road frontage of the site being blocked by a car, the driver of which is allegedly visiting the application site.

#### 9. Recommendation

It is recommended that the following condition be added:

5. Prior to the first use of the extensions hereby approved, a plan shall be submitted to and approved in writing by the Local Planning Authority showing the provision of a relocated parking space to the East of the two storey extension hereby approved, without causing the loss of any other parking spaces at the application site. The approved parking space shall be marked out and made available for use by staff or visitors to the application site prior to the first use of the extensions hereby approved.

Reason: To ensure that the proposed development does not cause a net loss of parking at the application site in the interests of highway efficiency and safety, in accordance with the NPPF, policies T8 and T11 of the Borough Local Plan and policy DM15 of the Council's Emerging Development Management DPD.

Page 232 14 Lodwick, Shoeburyness 15/00398/FUL

#### **6.1 Representation Summary**

A representation of objection was received by Officers that is not referred to in the Committee Report. This objects on the grounds that the proposal would disregard the rear building line of the properties of Lodwick, thereby setting a precedent for future developments and it is considered that previous concerns about the design, scale and depth of the dwelling have not been addressed. It is also a concern that the proposal would cause a loss of privacy and increased overlooking and therefore, if approved, all glazing in the Eastern elevation should feature obscured glass.

#### **6.6 Representation Summary**

Since the agenda has been published the applicant has submitted two photomontages of the proposed and an aerial photograph to show the building lines of the existing dwellings. A supporting statement has also been received which can be summarised as making the following points:

- The building lines in the surrounding area are staggered and therefore projecting beyond the rear building line should not form a basis for the refusal of the application.
- The 45 metre distance between the proposal and Shoebury Common Road would be sufficient to ensure that the proposed development does not have a significant visual impact.
- The impact of the proposed development would be less than that which was allowed at appeal at 10 Lodwick.
- The design criticisms of the Council represent unreasonable aesthetic control and are evidence that the Council is being too prescriptive.
   The Council is stifling creativity and reducing the quality of design and therefore acting contrary to the NPPF.
- The 'frame' feature at the front of the proposed dwelling should be found acceptable. The fact that such a feature does not currently exist, should not mean that the feature is incompatible with the character of the surrounding area.
- However, the applicant would be willing to change the design of the proposal under the terms of a condition if necessary.
- The proposal would not cause harm to the amenities of neighbouring residents.

# Page 246 Land rear of 104-112 High Street 15/00505/FUL

#### Councillor Call In

The application was called into the Development Control Committee by Cllr Assenheim.

# Page 261 Derek's Florist, 5 Manners Corner 15/00568/FUL

### **6.4 Public Consultation**

Since the agenda has been published 9 additional letters of representation have been received and should be read in conjunction with the objections detailed under 6.4 on page 267 of book 3:

- Freeholders object to this change of use to a fast food outlet.
- The existing hot food outlet already causes problems for flat owners and neighbours with noise, litter, rodent infestation, parking and strong smells from cooking and waste.
- Properties will be devalued.

- The extraction will be unsightly and be below balconies of the existing flats.
- Smells would affect the properties above.
- Refuse would block rear accesses to flats as insufficient space on site.
- Due to amount of customers the proposal will result in highway safety issues due to the extremely busy roads surrounding the site.
- The proposal is contrary to policy E5 of the Borough Local Plan in.

# Page 269 10 Canvey Road 15/00537/FULH

### 7. Representation Summary

An email has been received from Cllr Carole Mulroney which raises concerns regarding the application and states the following:

"The application has been amended from the previously refused application by a reduction in the depth of the rear extension to 3m.

The argument is now made that because the single storey element taken on its own could be developed under pd rights the application is now acceptable.

Paragraph 4.4 of the officer's report clearly states that the proposal is for 'a part single/part 2 storey extension' i.e. it is one extension. To disaggregate the single storey element is to change the nature of the proposal which is under consideration and which should be considered on its merits and in its entirety.

I would urge members to give weight to the views expressed in opposition to this proposal - based on local knowledge as they are."

# Brookside Works, Springfield Drive and 279 Fairfax Drive 15/00404/S106BA

#### 4. Appraisal

Paragraph 4.8 states that "The applicant has also reduced their profit level within the viability appraisal to 17.5% of GDV (down from 19%)." Since publication of the report the applicant has advised that the profit level is 16.8% not 17.5% as reported.

#### 10. Recommendation

Members are recommended to delegate to the Head of Planning and Transport or the Group Manager for Planning and Building Control to **GRANT A MODIFICATION OF THE PLANNING OBLIGATION** dated 28/03/2012 pursuant to planning permission 11/01349/FULM to provide a commuted sum payment for affordable housing of £150,000. This revision will be time limited for 3 years.

# Late Item Balmoral Hotel 32-34 Valkyrie Road 14/00914/FULM

#### Statement submitted by applicant:

Client: Julian and Dan Nyman

Project: Former Balmoral Hotel

Title: Statement for Development Control Committee

Date: 3rd June 2015



#### 1.0 Introduction

- 1.1 The Development Control Committee of the Council resolved on 10<sup>th</sup> September 2014 to grant planning permission subject to planning conditions and a Section 106 legal agreement for an application for the refurbishment of the former Balmoral Hotel to provide 22 apartments. Option 1 allowed for 18 market units and 4 affordable housing units, whilst in the alternate, Option 2, the whole 22 units would be available at affordable rent (80% of market rent). The Committee delegated the final terms to the authority of the Head of Planning and to issue the planning permission.
- 1.2 My clients have been working with your Council's Housing and Planning teams since September 2014 to finalise the planning and lease arrangements. The Planning team wish Members to determine the terms of Option 2 as it represents a departure from the normal basis for affordable housing provision.
- 1.3 Option 1 has already been resolved to be granted and this includes an agreed education contribution and a proposed art contribution of £750.

#### 2.0 Basis of Option 2 - 22 Affordable Housing Units

- 2.1 My clients are prepared to offer the Council the opportunity to secure the 22 units for as long as it requires at affordable rent. This means the 22 units could be in perpetuity if the Council wish to extend the period of term beyond the agreed 14 years.
- 2.2 In order to create an equitable basis for minimising risk to both parties in the short term it is proposed that the Council will take an initial 7 year lease (the Council is limited to this length of lease) with an option to extend for further period(s) of 7 years as required. This gives Council right of lease extension for as long as it requires in periods of 7 years under the Section 106 and lease agreements.
- 2.3 To protect both my Client and the Council in the short term, if the Council does not renew after the initial 7 year lease it will provide, my client will provide 2 units of affordable housing in perpetuity. This will mean the Council will have had the benefit of 22 units of affordable rent units for 7 years and 2 units after this period in perpetuity.
- 2.4 If the Council takes a lease for a further 7 years after the initial lease of 7 years (14 years in total) then if the Council terminates its lease after 14 years there will be no requirement for affordable housing after this period.
- 2.5 The Council will be able under the Section 106 agreement have a continuing right in perpetuity to take a rolling 7 year lease for 22 affordable rental units at the agreed 80% of market rent. There will be no education contribution as agreed and an art work will be installed at a value not less than £750.

#### 3.0 Conclusion

- 3.1 Both Options 1 & 2 are in accordance with Development Plan and National Planning Policy ("NPPF").
- 3.2 Option 2 will increase the supply of affordable housing in the Borough.

CC/1610 Page 1 of 1