

Southend-on-Sea Borough Council

Agenda
Item

Report of the Corporate Director for Place
To
Development Control Committee
On
5th August 2015

Report(s) on Pre-Meeting Site Visits

A Part 1 Agenda Item

WARD & TIME	APP/REF NO.	ADDRESS	PAGE
Eastwood Park	15/00290/FUL	Fairfield BMW Arterial Road	3
Milton	15/00155/FULM	The Esplanade Pub Western Esplanade	11

Depart Civic Centre at: 11.15am

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:	15/00290/FUL
Ward:	Eastwood Park
Proposal:	Form vehicular crossover onto Hazelwood Grove
Address:	Fairfield BMW, Arterial Road, Leigh-on-Sea, SS9 4XX
Applicant:	Fairfield Garage (Leigh-on-Sea)
Agent:	Brook Radley
Consultation Expiry:	15 th April 2015
Expiry Date:	7 th June 2015
Case Officer:	Patricia Coyle/Charlotte Galforg
Plan Nos:	1266/14/01; -02rev A
Recommendation:	GRANT PLANNING PERMISSION



This application was deferred from June Development Control Committee for a site visit.

1 The Proposal

- 1.1 Planning permission is sought to provide an additional vehicle access onto Hazelwood Grove. The access is proposed to be located approximately 31m from the existing junction with the Arterial Road (A127) at the end of a gap between laid-out parking spaces.
- 1.2 The applicants indicate that on completion of the new Mini showroom on the opposite side of Hazelwood Grove and, as facilities are not provided comprehensively at each site, there will be an increase in the need for staff to take vehicles from one site to the other. This would be, for example, for the servicing of MINIs at the BMW site and for BMWs to be MOT-ed, have pre-delivery inspections and valeting at the MINI site. The applicants indicate that there have been such requirements for transfer between the two sites since 1997 and that the existing “in only” access have been used as two-way for a long time by staff. The proposal is to formally provide a separate exit only for the sole use of staff due to an expected increase in the transfer of vehicles across Hazelwood Grove from the current approximately 15 vehicle movements daily to approximately 44 daily movements. It is proposed that there would be security bollards which could only be activated by staff passes.
- 1.3 Revised Plans show the new egress from the BMW site to be located to the south of previously proposed location so that cars would exit the site opposite the exit/entry onto Fairfield Mini.

2 Site and Surroundings

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

3 Planning Considerations

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

4 Appraisal

Principle of Development

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

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

Design and impact on the character of the area

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

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

Traffic and Transportation

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

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

Impact on residential amenity

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

- 4.6 The proposal would provide a new vehicle access onto Hazelwood Grove. It is envisaged that there would be around 44 movements a day between the application site and the MINI site on the opposite side of Hazelwood Grove in connection with the running of the two facilities. The proposed exit-only vehicle access has been relocated so that it is no longer (as was originally proposed) located directly opposite No. 1 Hazelwood Grove and has been moved to the south away from the residential properties in Hazelwood. While it is considered that the proposal would introduce a relatively large number of vehicle movements, now that the access is onto the non-residential part of Hazlewood Grove it is not considered that it would result in undue noise or disturbance to residential occupiers and would not adversely impact their amenities.
- 4.7 In light of the above, it is considered the proposal would not have an adverse impact on the amenities of residents within Hazelwood Grove and would be in accordance with Policy CP4 of the Core Strategy, policy E5 of the Southend on Sea Borough Local Plan and the Design and Townscape Guide.

Conclusion

- 4.8 The proposal would introduce an additional vehicular access onto Hazelwood Grove. It is considered that this is sufficiently distant from residential properties in Hazelwood Grove to ensure that it did not result in harm to the residential amenities of immediate neighbours.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework, 2012 Section 1 Building a strong , competitive economy; Section 4 Promoting sustainable transport; Section 7 Requiring good design; Section 8 Promoting healthy communities
- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance), CP3 (Transport and Accessibility)
- 5.3 Borough Local Plan Policies E4 (Industrial and Warehousing) and C11 (New Buildings, Extensions and Alterations), E5 (Non-residential uses close to housing), T8 (Traffic Management and Highway Safety)
- 5.4 Development Management DPD Policies DM1 Design Quality and DM15 Sustainable Transport Management.
- 5.5 Design & Townscape Guide, 2009 (SPD1).

6 Representation Summary

Highways

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

Parks and trees

- 6.2 No comments received.

Public Consultation

6.3 (Original Plans) One site notice was displayed and 4 neighbours were directly notified of the proposal. 5 letters of representation have been received raising objections on the following grounds:

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

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

7 Relevant Planning History

- 7.1 Erect replacement car wash and valet building to replace existing- refused (13/01487/FUL)
- 7.2 Layout hardstanding and erect detached garage with pitched roof – granted (13/01486/FUL)
- 7.3 Lay out additional parking spaces and alter parking layout (variation of Conditions 03, 04 and 05 of planning permission SOS/98/0071 which related to the provision and retention of parking areas and open display areas)- Granted 01/00094/FUL
- 7.4 Relax condition 1 on planning permission 98/0017 dated 4th March 1998 (which states that extended hours of operation shall be discontinued on or before 31st March 1999) to allow the continuance of use of the ground floor body shop between 0800-2030 Monday- Friday and 0800-1730 Saturdays and at no time on Sunday or Bank holiday).

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

8 Recommendation

Members are recommended to GRANT planning permission subject to the following conditions:

- 01 The development hereby permitted shall begin not 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 following approved plans and details: 1266/14/02 Rev A**

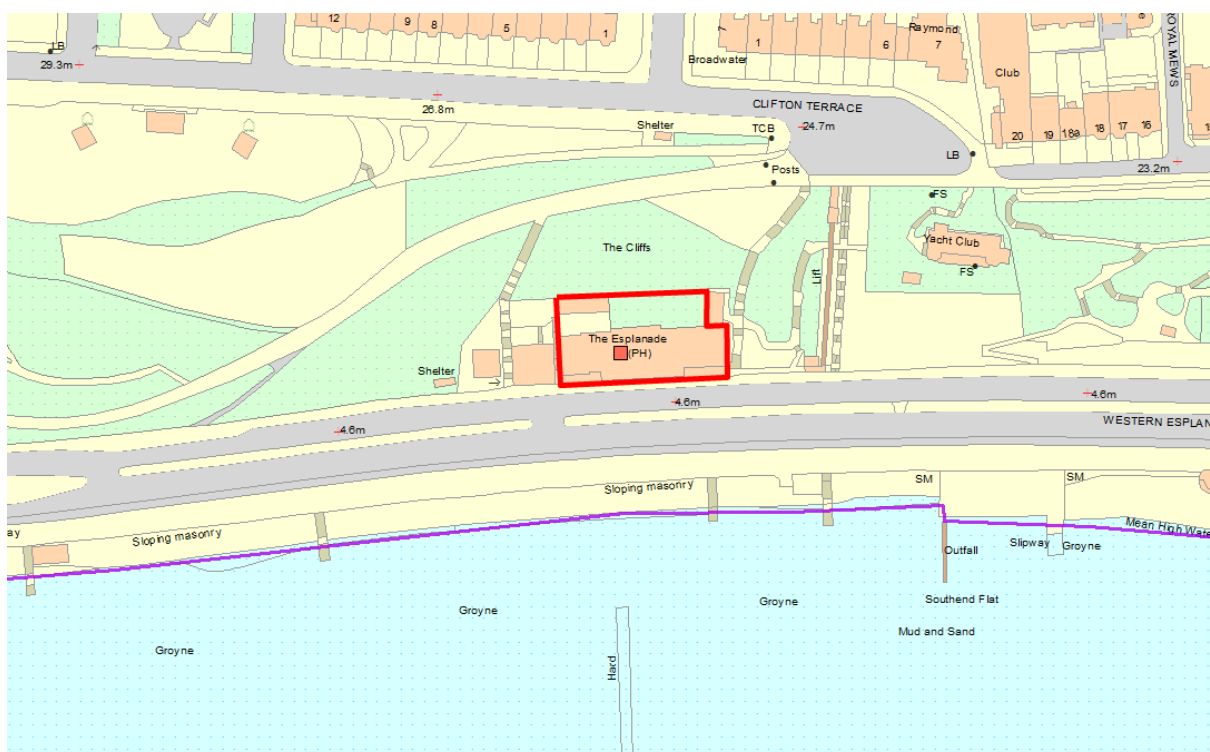
Reason: To ensure that the development is carried out in accordance with the Development plan.

- 03 The vehicle access hereby approved shall be fitted with lowerable security bollards as shown on plan 1266/14/02A prior to its first use.**

Reason: To define the scope of this permission with regards to highway safety, efficiency and the general amenities of the area in accordance with Policies KP2 and CP3 of the Core Strategy DPD1

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:	September 4th 2015
Case Officer:	Charlotte Galforg
Plan No's:	51415-P-01, 51415-P-02, 51415-P-03A, 51415-P-04, 51415-P-20 E, 51415-P-21 F, 51415-P- 22 D, 51415-P-23 D, 51415-P-24 D, 51415-P- 25D, 51415-P- 26B, 51415-P-30, 51415-P-41C, 51415-P- 50, 51415-P-51, 51415-P-60C, 51415-P- 61B, 51415-P- 62B, 51415-P- 63A
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 with an element of glazing turning the southern corner and timber cladding details. 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. During the course of the application the proposals have become CIL liable and the relevant CIL forms have been submitted.
- 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. The application was deferred from Committee earlier in the year at officer’s request to allow further negotiations to take place and this has resulted a number of meetings between the applicants and officers and revised plans and further financial information being submitted.

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 Marriotts 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. 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 the mix set out in 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. Nevertheless it is recognised that the units will be built to a high specification and are within a premium location, thus there are unlikely to appeal to first time buyers etc., thus the lack of one bedroom units is accepted here. The units are very large (circa 98sqm) and it is likely that if necessary a third bedroom could be created within a number of units. Therefore in this instance no objection is raised in respect of the housing mix.

- 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. However the applicant has declined to review their methodology.

There has been lengthy and on-going discussion between the applicant and BNP Paribas (acting on the Council's behalf as independent viability consultant) regarding the current values of the site and likely value of the finished units (i.e. the Gross Development Value GDV). The scheme is unique insofar that there are no directly comparable developments in Southend as this is a product that would be new to the locality. Therefore, the extent of the sales values can only truly be ascertained when the units are actually sold. However, government guidance maintains that viability appraisals used in determining planning applications must be based on current values, informed by best available evidence.

- 4.14 Pricing schedules submitted by local agents have shown that there is a vast difference in opinion regarding the price the residential units could achieve and the viability assessment provided by the applicant to demonstrate that affordable housing is not viable is based upon relatively modest sales values. We have also been provided with information by the Applicant regarding finance rates offered by lending institutions, which includes information regarding financial appraisals and the GDV of the proposed scheme. This information states significantly higher GDVs, than the Applicant's viability appraisal suggests.

- 4.15 A dispute has also arisen with the Applicant in respect of the methodology adopted to appraise the scheme's site value. The Applicant is relying on the purchase price of £978,000 in September 2014 as the benchmark land value (Site Value) and has failed to provide a reasonable assessment of the property's Current Use Value (CUV) against which the value of the development can be benchmarked. The NPPF (paragraph 24) makes it clear that a current use value of the land or a realistic alternative use that complies with planning policy should be used as the benchmark for valuing land. The Applicant has stated that the purchase price did reflect the CUV of the site (plus a premium to incentivise the land owner to sell). RICS guidance advises that a reasonable 'premium' to apply to a CUV for a willing land owner to sell can be up to 20%. Whilst the site has planning permission for a hotel, the applicant has advised that the hotel use is not viable therefore; it is not a realistic alternative use value to inform the site value. The CUV (plus a premium for a willing land owner to sell) is therefore, considered a reasonable basis for which to establish the site value. BNP Paribas (on behalf of the Council) have concluded based on their research and information from the applicant, that a reasonable site value is £583,000. BNP's view is that the purchase price includes significant 'hope value' which in turn has influenced the applicant's position in terms of the viability of the scheme. In other words; the applicant has paid too much for the land in the context of a policy compliant scheme.

- 4.16 In light of the above information it was deemed reasonable for BNP Paribas (on behalf of the Council) to model an appraisal adopting the upper end of the sales values provided by the Applicant from Home and Martin & Co together with what Officers consider to be a reasonable site value, and on that basis the appraisal confirms that the maximum surplus the scheme can support is £551,000
- 4.17 Officers have considered whether a review mechanisms/overage provisions (also referred to as “clawback”) might be appropriate in this instance. However, overage provisions whereby the viability of schemes are reassessed at various stages during their build Programme to recoup any additional value have recently been found to be unacceptable by an Inspector at appeal as they rely on future values when government guidance makes it clear viability judgements at planning application stage must be based on current values. If an agreed position was reached, which was not policy compliant, then the S106 agreement could allow this position to prevail for a limited timeframe (i.e. to ensure that the development is completed in a timely manner before any significant changes in values occurs).
- 4.18 The applicant is currently offering 0% affordable housing. Taking into account the above it is considered that insufficient evidence has been provided to demonstrate that the scheme cannot support a contribution towards affordable housing. As such, and without a contribution towards affordable housing the proposal is contrary to the NPPF and Core Strategy Policy CP8 and is therefore recommended for refusal on this basis.

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.

- 4.19 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.”

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).*

4.21 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, 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.

4.22 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”.

4.23 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.

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

4.25 Since the previous permission was granted on the site the DMDPD has been adopted. Policy DM4 of the DMDPD refers to tall and large buildings. For the purposes of the policy tall and large buildings are defined as buildings that are

“ substantially taller and/or bulkier and out of scale with the prevailing built form of the surrounding area and/or have a significant impact on the skyline.”

It is considered that the development as submitted falls under this definition as a “large” building. Along the Seafront, it is considered that tall or large buildings should normally only be brought forward in appropriate locations in the Southend Central Area. The application site is not specifically defined as an appropriate site for a tall or large building.

Policy DM4 is quite clear that:

Tall and large buildings will be considered acceptable where (inter alia):

- *They are located in areas whose character, function and appearance would not be harmed by the scale, mass or bulk of a tall or large building; and*
- *They integrate with the form, proportion, composition, and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level; and*

- *Individually or as a group, form a distinctive landmark that emphasises a point of visual significance and enhances the skyline and image of Southend; and*
- *The highest standards of architecture and materials are incorporated;*

Conversely tall and large buildings will not be acceptable where (inter alia):

- *They impact adversely on local views that make an important contribution to the character of the area; or*
- *They adversely impact upon the skyline of Southend as viewed from the foreshore and other important viewpoints and vistas within and outside the Borough; or*
- *They detrimentally impact upon the setting of heritage assets.*

4.26 The applicant states that *“the design of the building is a result of our response to the opportunities the site presents and the context in which it 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. Revised plans have been submitted following discussions with officers. These plans include the following changes in response to officer’s concerns regarding the scale and bulk of the building and its detailed design. The applicant has summarised these as follows:

“The design has been refined to lighten the facade, considerably slimming the vertical columns and strengthening the horizontal emphasis of the balconies to better balance the dynamic of the facade.

With the removal of the planted screens, and removal of some vertical columns, notably from the corners, the facade is now more delicate and transparent. The side elevation has also been re-designed to reduce the amount of render.

Horizontal balconies to this facade now give this elevation a and more horizontal emphasis, and by redesigning the corner balconies to angle back towards the building and removing the corner columns, the building now turns the corner more gracefully, better connecting the front elevation with the side elevation.

Furthermore the top floor has been set back by an additional 1.7 metres from the side, helping this level to recede, an amendment which is particularly effective at closer views.

The design approach on the east elevation has now been applied to the west elevation, removing the corner column etc., and turning the balconies around the side to remove the ‘hard corner’.

Again, we think this has had a beneficial effect on the proportion of this façade too.

At ground level we have focused on reducing the bulk of the parts of the building beneath the overhanging first floor canopy to help the canopy ‘float’ and lighten the building at ground floor level.

To achieve this we have angled back the elements of the ground floor so that rather than rising up to the underside of the canopy they instead slant upwards, effectively mirroring the slope of the soffit. This is beneficial in that it will allow more light to enter the restaurant terrace from the sides while still providing shelter to this area.

In our view the glazed entrance to the apartments on the east corner can be improved by placing the glazing frames on the inside so that it reads as a clean glass box from the outside.

The result is that the only ground floor elements touching the canopy are glazed and this has in our view resulted in a better relationship between the street level and the ground floor while still providing the separation between uses and shelter required.

For the base of the building we appreciate your concerns in regard to render, and we are currently considering either a brick or a smooth polished architectural block such as Forticrete”.

The applicant has also made comments in relation to the buildings context.

- 4.27 The Development Management DPD recognises at para 3.5 that along Southend’s stretch of seafront there are several distinctive ‘character zones’ and each has a different built form and function. Each character zone has unique pressures and opportunities that need to be managed appropriately to promote new development as well as maintain, protect and enhance the form and function which made them originally distinctive.
- 4.28 The emerging SCAAP confirms at para 483 that the Western Esplanade at this point is *“less developed, more low key and is less frenetic in character than Marine Parade and Eastern Esplanade. It affords stunning views, Victorian heritage and extensive greenery on the cliff slope. It is a location for more relaxed and quite pursuits such as a stroll along the promenade or through Cliff Gardens”.*
- 4.29 Western Esplanade at this point is not heavily developed and contains relatively few buildings. The buildings are generally small scale and are of limited height. Where larger buildings do exist, for example The Genting Casino to the south, these have a strong horizontal emphasis and reference the seaside character of the location. This site is in a prominent location and can be viewed from the main commercial area to the east as well as long views from the west.
- 4.30 It is important to note and take account of the fact that there is an extant permission on this site. This was for a four storey hotel and restaurant, with the fourth floor set back from the front of building. An extended canopy was proposed at second floor, which projected forward to obscure views of the upper floor. The design of the hotel produced a pavilion style building, drawing references from local architecture. The eastern end was curved. There were continuous balconies to the front of the buildings with solid and open continuous balustrading. When the previous application was assessed officers noted that it was considered to be at the limits of what would be considered acceptable on this site.
- 4.31 Whilst it is accepted that any revised scheme should not necessarily attempt to emulate the extant scheme, that scheme does provide a useful comparison as to what Members and officers previously found acceptable on this site. However the current application must be considered to determine whether or not it is acceptable in its own right.

- 4.32 The applicants contend that the visual impact of the two developments is broadly the same as the approved scheme and is acceptable, however officers do not concur. The overall height of the proposed building at approximately 16.7m, is approximately 800mm higher than that previously approved, and at its highest point (at the southern edge) approx. 1.6m higher than the main roof level of the approved scheme. Importantly, the main body of the building is also deeper and these factors, taken together with the overall design of the building are considered to result in a development which is of noticeably greater visual mass. The approved scheme is only 4 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.
- 4.33 Officers raised concerns regarding the scale and massing of the proposed development and its detailed design during both pre-application discussions and during negotiations which have taken place throughout the course of the application. The applicants have responded by carrying out the relatively minor alterations that are outlined in para 4.26. Whilst these changes have resulted in an alteration to the appearance of the building and have made minor changes to its perceived massing and scale, it is not considered that these changes have made a material difference to the bulk of the proposal such that it they have overcome concerns regarding the building's impact on the Streetscene or its integration into the wider seaside context. There is also a concern that the resulting building lacks the quality and distinctiveness that is appropriate for this highly visible site.
- 4.34 The proposal has a boxy form with little modelling at the ends, it is effectively almost $\frac{1}{2}$ a floor taller than the previously approved scheme and the floor levels have been squeezed so that an additional floor can be accommodated, the proposal has deeper floorplates at all levels resulting in a significantly greater volume. Notwithstanding the changes that have been made during the course of the application, the feature frame also increases the bulk of the proposal to the front and gives it a vertical emphasis which contrasts with the seafront generally which is characterised by a horizontal layering of projecting canopies and balconies. There is also a lack of integration between the ground and upper floors, including the form and materials. The amendments during the course of the application have reduced the prominence of the frame and made the frontage appear more open and lightweight and this is considered to be an improvement although negatively the overall design is much plainer as a result. The thickening of the balcony floors has slightly increased the horizontality of the building but overall the proposal has retained a boxy form and vertical emphasis. Whilst the changes at the ends have altered the vertical division of the flank elevations and building slightly reduced the amount of blank walling the amendments are very flat and have not provided any focal point or feature to the eastern end or impacted on the overall form of the proposal. These changes have improved the design of the flank elevations but again the amendments are marginal.

- 4.35 A 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, than the buildings which exist on site. 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. Images in the Design and Access Statement show that the roof will be visible above road level but also show that to an extent these views will be screened by planting. 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. The impact will be mitigated to an extent by the use of green roofs which are proposed. The new building would be 4.25 to 4.5 metres below the level of Clifton Terrace and Clifftown Parade. On balance, it is considered that, taking into account the extant permission on the site which would have only a marginally lesser impact when viewed from the conservation area, together with the proposed use of green roof, no objection is raised to the impact of the development on the conservation area or its historic setting.
- 4.36 With regard to the design detailing, whilst the laminate frame is an interesting concept, there is a concern that it does not respond well to the context of the site and makes very limited reference to the horizontal balcony and canopy lines found in the vicinity.
- 4.37 Officers note the advice within para 60-65 of the NPPF however the design of the building, whilst different and including some innovative features such as the frame and wintergarden, is not such that it is considered special enough to outweigh the impact on the character of the surrounding area.
- 4.38 In their submissions the applicants have made reference to the scale of the proposed museum which may be built to the west of the site; the applicant has stated that the *“application building is 9.8 metres lower than the top of the approved museum”* and that *“the height, scale and mass of the application building is minor in comparison”*. However, officers consider that a proposal of the importance of the museum, which will provide Southend with an attraction of national significance, does in its own right justify a larger building. The museum proposal is also considered to be of an exceptional design quality which will regenerate the seafront cliff gardens and enhance the seafront generally as well as making a significant contribution to the local economy. It is therefore considered that it is not appropriate to use the proposed museum to justify the scale of the proposed scheme as these are not comparable.

Trees

- 4.39 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

- 4.40 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. The applicants are also proposing high levels of insulation and triple glazing. They propose to use ground source heat pumps (GSHPs)
- 4.41 There are no objections in principle to the use of PVs GSPHPs or ASHPs. Details have been submitted to demonstrate how these features could be installed and officers are satisfied this can be achieved in an acceptable manner.

Conclusion

- 4.42 To conclude, this is an exposed site in a very prominent and sensitive location and as such it demands a well scaled high quality landmark building. This should be achieved not by proposing a simply tall or bulky building but warrants a well-considered and executed design that stands alone as a piece of architecture in its own right. Any development on this site needs to contribute to the regeneration of the seafront offer and the townscape and make a positive contribution to the setting of the conservation area, the cliff gardens and the seafront generally. It is not considered that the proposal has achieved the quality of architecture that justifies the proposed change in scale that was achieved in the previously approved scheme let alone an enlarged proposal.

The development, as a result of its scale, mass and design is considered to have an unacceptable impact on the Streetscene and to be detrimental to the character of the area. 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, DM4, 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

- 4.43 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.
- 4.44 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.
- 4.45 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.
- 4.46 The scheme includes alterations to the highway as described at para 1.3 of this report.

Traffic Generation

- 4.47 Trip Generation has been assessed using recognised models. The modelling assessed the impact of the development together with other nearby development.
- 4.48 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

- 4.49 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.
- 4.50 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.
- 4.51 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 used 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.
- 4.52 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

- 4.53 The pedestrian access to the development is from Western Esplanade and separate access is provided for the restaurant and residential units.
- 4.54 *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.
- 4.55 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.
- 4.56 Servicing and waste facilities to serve the development are therefore considered acceptable.
- 4.57 Developer Contributions for Highways works are discussed in para 4.88 below.
- 4.58 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

- 4.59 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.

- 4.60 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.

- 4.61 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

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

Noise and disturbance

- 4.63 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

- 4.64 The applicant states that no rooftop or external plant is proposed so this will protect nearby properties.

- 4.65 If permission were to be granted a condition requiring construction noise to be mitigated would be imposed and hours of construction limited.

Lighting

- 4.66 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

- 4.67 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

- 4.68 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.
- 4.69 The DM DPD includes minimum indicative residential space standards at policy DM7 and the development exceeds these standards for all units.

Outlook

- 4.70 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

- 4.71 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

- 4.72 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.
- 4.73 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

- 4.74 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.
- 4.75 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

- 4.76 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...”

- 4.77 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.”
- 4.78 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.
- 4.79 The residential part of the development will achieved Code for Sustainable Homes level 3 and the units meet lifetime homes standards.
- 4.80 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. This is considered acceptable in principle and officers are considered that the measures can be provided in a visually acceptable manner. The energy statement says that this should produce and energy saving of between 57 and 65% and therefore meets the requirement for 10% renewable energy.
- 4.81 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.

- 4.82 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.
- 4.83 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
- 4.84 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.
- 4.85 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.
- 4.86 The authority has consulted the appropriate nature conservation bodies and has had regard to the representations of those bodies.
- 4.87 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.

- 4.88 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.
- 4.89 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.

- 4.90 The southern part of the site lies within Flood Zone 1 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.
- 4.91 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.

- 4.92 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."

- 4.93 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*”.
- 4.94 It should be noted that since the application was submitted, CIL has been adopted by the Council and this development is CIL liable. This is discussed in more detail below.
- 4.95 *Affordable Housing* – The applicant is seeking not to provide affordable housing on this site on the grounds of viability. This matter is discussed in detail at para 4.13 onwards above. For the reasons set out officers consider that the viability argument present by the applicants is unacceptable and that a contribution for off-site Affordable Housing should be provided as part of the development. Without this the development is unacceptable.
- 4.96 *Education* – as CIL has been adopted education is no longer a S106 requirement.
- 4.97 *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. As this is a new project it is not on the CIL Regulation 123 Infrastructure List.
- 4.98 *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.
- 4.99 *Public Art* - The applicant has agreed to make a contribution of £40k for public art on or within the vicinity of the site. This is considered to be acceptable.
- 4.100 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.
- 4.101 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.

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

- 4.101 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. However it should be noted that this area is regularly monitored and is considered to be stable at this time. The Council does not have immediate plans to carry out its own stabilisation works in this area.
- 4.102 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 the applicant considers that this will escalate over time.
- 4.103 The applicant has also submitted an outline of how it is intended 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 could be 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 this factor is welcomed. However in themselves, the improvements to the stability of the cliff do not negate the negative effects of the development which are outlined in this report.
- 4.104 *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. 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

- 4.105 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.

4.106 This application is CIL liable. If the application had been recommended for approval, a CIL charge would have been payable. If an appeal is lodged and allowed the development will be CIL liable. Any revised application would also be CIL liable.

5.0 Conclusion

5.1 The principle of the proposed development is supported as providing an improved restaurant facility which will help attract visitors to the town. There is no objection in principle to the associated residential development. 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, and notwithstanding the sustainable credentials and particular design of the building this does not outweigh the harm that would be caused to the general Streetscene and the surrounding area.

5.4 The application also fails to make satisfactory provision for affordable housing in line with policy CP8 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, C11, and C16 of the Borough Local Plan, Policies KP2, CP4 and CP8 of the Core Strategy and Policies DM1, DM2, DM4 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; 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(l) 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 – (Original Plans)** 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 prove 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.

Revised Plans - During the course of this proposal the Council has had several meetings with the applicant, including at pre app stage. The following concerns were expressed at all the meetings:

Bulk and massing

The proposal has a boxy form with little modelling at the ends, it is effectively almost ½ a floor taller than the previously approved scheme and the floor levels have been squeezed so that an additional floor can be accommodated, the proposal has deeper floorplates at all levels resulting in a significantly greater volume. The feature frame has also increased the bulk of the proposal to the front and given it a vertical emphasis which contrasts with the seafront generally which is characterised by a horizontal layering of projecting canopies and balconies.

Lack of definition to the principle corner facing the pier

This site is in a prominent location and can be viewed from the main commercial area to the east. There is an opportunity to provide a key focal point which addresses the main view from the pier. This would also add articulation and interest to the building and to help to break up the form and massing.

Lack of integration between the ground and upper floors

Concerns were raised regarding the lack of integration between the ground and upper levels including form and materials (2 different styles and colours of glazing system and two different colours of render are proposed).

Impact on wider views including the impact of the increased bulk from Clifftown Conservation Area above and impact on longer views of the cliffs and conservation area from the south including approaches along the esplanade and the pier.

At present the existing buildings are buffered from the conservation area by the green space and they read as separate character areas, the larger the building the more these will become interlinked. Views out of the conservation area of the roof expanse in particular are also a concern especially as a number of trees will be lost opening up views of the side and rear of the building from the conservation area to the north east. The cliff gardens are specifically identified the Clifftown Conservation Area Appraisal as providing the setting for the southern edge of the conservation area and views of the estuary and gardens from the cliff top are an important part of its character. (see sections 5.6.1, 7.5.2, 8.3.10, 8.8.6)

Internal outlook and daylight to the rear

Concerns were expressed regarding outlook to the rear bedrooms of the 1st floor flats which have windows onto the winter garden but which are below the level of the external glazing for the winter garden and further shadowed by being under access walkways to the upper flats. If this can be demonstrated to be acceptable there is no objection to the winter garden as a concept although it is noted that this feature will make no contribution to the east elevation as it will be screened by the stair and lift core. It will essentially only be visible from within the cliffs gardens to the rear.

In response to these concerns the following changes have been made to the proposal:

The 4th floor has been set back 1.4m from 2m to 3.4m the eastern end of the building only (facing the pier). No increase in setback is proposed to the front which remains at 3m or to the western end which remains at 2m. This has resulted in a slight reduction in floorspace for the end unit but it is still well above the required minimum.

It is considered that this amendment will have a small impact on views from the east only but overall the 4th floor will still be prominent in views from many angles and the building has retained its boxy form. This therefore appears insignificant. The previously approved scheme had a much greater setback to the upper level and proposed elegant over sailing canopies to lower floors to obscure views of the top (3rd) floor. This was considered to reduce the perceived and actual scale of the proposal. There is a concern that the full 5 storeys will be evident in the Streetscene. It is not considered that this amendment has made a discernible difference to the bulk, form or perceived scale of the proposal.

The vertical columns have been made more slender from 500-600mm deep to around 300mm deep, the columns have been set back slightly from the front of the balconies, the end columns have been removed, the balconies floors have been increased in thickness from 225mm to 450mm and the planted privacy screens have been changed to opaque screens.

These changes have reduced the prominence of the frame and made the frontage appear more open and lightweight and this is considered to be an improvement although the overall design is much plainer as a result. The thickening of the balcony floors has slightly increased the horizontality of the building but overall the proposal has retained a boxy form and vertical emphasis.

The east and west elevations have been amended to include 1m extra glazing on the 1st-3rd floors, the width of the timber cladding has slightly increased, opaque Juliette balconies have been added, the main front balconies have been splayed inwards at the corners.

Whilst the changes at the ends have altered the vertical division of the flank elevations and building slightly reduced the amount of blank walling the amendments are very flat and have not provided any focal point or feature to the eastern end or impacted on the overall form of the proposal. These changes have improved the design of the flank elevations but again the amendments are marginal.

Conclusion

This is an exposed site in a very prominent and sensitive location and as such it demands a well scaled high quality landmark building. This should be achieved not by proposing a tall or bulky building but a well-considered and executed design that stands alone as a piece of architecture in its own right. This proposal needs to contribute to the regeneration of the seafront offer and the townscape and make a positive contribution to the setting of the conservation area, the cliff gardens and the seafront generally. It is not considered that the proposal has achieved the quality of architecture that justifies the proposed change in scale that was achieved in the previously approved scheme let alone an enlarged proposal.

Much has been made over the course of the discussions to the previously approved scheme. The applicant claims that this proposal is of a similar overall scale but it is considered that the previously approved scheme employed a number of techniques to reduce the impact of the change in scale in the Streetscene and break up the massing of the proposal such as significant and varying setbacks, projecting feature canopies to screen the upper floors, less floor of more generous proportions, positive references to seaside vernacular and a well detailed focal point at the corner addressing the main commercial area of Southend. Overall it is considered that this was a much more responsive to context and a much more refined design which justified the increase in scale on this site. This has not been successfully achieved with the current proposal.

Reference was also made to the scale of the proposed museum which may be built to the west of the site; however, it is considered that a proposal of this importance which will provide Southend with an attraction of national significance does in its own right justify a larger building. The museum proposal is also considered to be of an exceptional design quality which will regenerate the seafront cliff gardens and enhance the seafront generally as well as making a significant contribution to the local economy. It is therefore considered that it is not appropriate to use the proposed museum to justify the scale of the proposed scheme as these are not comparable.

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 developer's 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 produce 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 (e.g. 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 red 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 a 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** – (before CIL liability) 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

- 7.19 **Coastal Defences Engineer** - This section of the cliffs has been included in all recent annual inspections by CH2M Hill (Previously Halcrow) who were our appointed term geotechnical consultant. A slow rate of creep is general for the cliffs and observing it at this location does not mark it out as requiring monitoring or planned stabilisation measures.

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 and 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 Milton Conservation Society have objected for the following reasons:

- Residential use is not suitable at this part of the seafront and would set a terrible precedent likely to lead to more residential proposals which the Council would find difficult to resist. Such residential use in this location does nothing to support the future tourism of the seafront and if this scheme is approved it will become open season for similar residential development schemes on the Rossi, Marriotts, and Pier West sites.
- The building exceeds the previously permitted building height, further eroding views from the cliffs.
- The design is not attractive but cumbersome. The heavily articulated form has absolutely no elegance nor reference to the best of British seafront architecture and indeed looks remarkably like the worst of schemes built in the 1970's & 80's that blight some of our seaside towns and Mediterranean resorts. This would be a real step backwards for our town.

- The proposed design does nothing to complement the historic gardens and adjacent conservation area setting.

8.3 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, is considered to have an unacceptable impact on the Streetscene and the character of the area. 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, DM4 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** 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 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)