

Southend-on-Sea Borough Council

Agenda
Item

Report of the Corporate Director for Place
To
Development Control Committee
On
02nd September 2015

Report(s) on Planning Applications

A Part 1 Agenda Item

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Reference:	15/00803/BC4M
Ward:	Victoria
Proposal:	Demolish existing College building, Phase 1: Erect four storey block of 56 flats fronting Carnarvon Road, layout 56 car parking spaces together with associated amenity space landscaping and bin stores; Phase 2: Erect 4 and 5 storey blocks of 102 flats on the southern section of the site, layout 102 car parking spaces and raised courtyard garden, bin stores and landscaping.
Address:	Former College Building, Carnarvon Road, Southend-On-Sea, Essex.
Applicant:	(Dranton (Carnarvon) Limited
Agent:	(David Godden) Hollybrook Homes
Consultation Expiry:	03rd July 2015
Expiry Date:	9th September 2015
Case Officer:	Charlotte Galforg
Plan Nos:	A341_P_010 A341_P_020, A341_P_030, A341_P_040, A341_P_041A, A341_P_042, A341_P_043, A341_P_044, A341_P_045, A341_P_046, A341_P_047, A341_P_050, A341_P_A051, A341_P_052, A341_P_053, A341_P_054, A341_P_055, A341_P_056, A341_P_057, A341_P_060
Recommendation:	Delegate to the Head of Planning and Transport or the Group Manager for Planning and Building Control to GRANT PLANNING PERMISSION subject to completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (As Amended).



1 The Proposal

Background to the application

- 1.1 In 2003, it was resolved to grant outline application for demolition of part of the college buildings, redevelop building for 173 flats, erect extension and new floor over part of building, lay out associated car parking, and refurbish adult education building (03/01325/FUL). The associated S106 Agreement required 20% affordable housing, a contribution for transport improvements, contribution towards provision of Controlled Parking Zone (CPZ) and a contribution towards installation of CCTV within the site and was completed on 18th June 2007. Permission was granted for 5 years. The applicant commenced development on this application in May 2012, by demolishing part of the building. Therefore the 2003 permission remains extant.
- 1.2 In 2007 a further application was granted permission (05/00311/FUL) to demolish part of college building, redevelop building for 119 flats (class C3) and use part of ground floor as College (class D1), erect three storey detached block of 12 affordable units (a total of 131 units), erect refuse store/plant room, lay out associated car parking, amenity areas and landscaping. This application was delegated for approval by the Committee subject to completion of a S106 Agreement requiring 20% affordable housing, a contributions of £80,000 for transport improvements, a contribution of £10,000 towards provision of a controlled parking zone, and a contribution of £23,000 towards installation of CCTV within the site. The S106 Agreement was completed on 20th June 2007. Permission was granted for 5 years. An extension of time to the above application 12/00825/EXTM was granted in March 2013 and remains extant.

The application

1.3 The details of the current application are summarised as follows:

Site Area	0.86hectares
Height	3 - 5.5 storeys
No. of units	158 self-contained flats, 27 x 1 bedroom, 131 x 2 bedroom units, 47 units would be affordable, comprising 12 rented and 35 shared ownership housing units.
Car parking	158 car parking spaces
Cycle parking	158 cycle parking spaces

Amenity space: total public and private space 2,844sqm (18sqm per unit)

1.4 The proposed development is to be carried out in phases with demolition of the existing college building followed by the first phase of the new building works (56 units in two blocks, shown as Block A) on the northern section of the site (Phase 1), and the second phase (102 units, shown as blocks B and C) on the southern section of the site (Phase 2). A phasing plan has been submitted with the application.

1.5 Block A - The two buildings fronting Carnarvon Road are four storey but will be generally viewed as three storey, with fourth storey elements at the western end of each the buildings. The main elements of the fourth storey are set back from the frontage. The four storey elements mark the corners of both Crowborough Road and Carnarvon Road. The principle entrances into Carnarvon Road are recessed and have glass canopies and two of the entrances are augmented by the entrance to timber faced bike and bin stores.

1.6 The southern elevation of block A faces blocks B and C and has larger fenestration to take advantage of the southern aspect. Balconies are provided on this elevation and are 3.6m² per unit.

1.7 Blocks B and C – blocks B and C are located to the south of Blocks A and bound a central courtyard. Parking is provided beneath these blocks and the central courtyard is raised by about 1.1m above ground level. In total there are 5 storeys with the ground floor raised to accommodate the parking underneath. The courtyard above the parking will be used as amenity space. Principle accesses to Blocks B and C are from the courtyard and from the south opposite the Police Station. These entrances are controlled but a gate would allow views through into the courtyard. Curved stair cores will mark the entrances at the east and west sides of the building.

1.8 The materials proposed are light stone coloured and blue bricks, intended to reflect the materials of the civic centre as well as the light stucco of the Edwardian buildings opposite, timber detailing is also proposed. Roofs are generally flat and to be constructed of profiled aluminium sheet. The single storey roof on the western end of Block A will be green as it is more widely visible.

- 1.9 All the units will be life time homes compliant.
- 1.10 Car parking is provided to the rear of Blocks A, under the covered courtyard and along the western elevations of blocks A and B. Cycle parking is provide close to building entrances at a minimum of 1 space per unit. Refuse storage is provided throughout the site and the location of storage allows the building to be serviced from Carnarvon Road, the existing service road to the west and the existing Council car park.
- 1.11 Some landscaping/amenity areas are provided to the front and rear of blocks A and to the rear of block B and C but the main amenity space is located within the courtyard to blocks B and C.
- 1.12 In the south west corner of the site it is proposed to replace the Council's open bin store area and with a permanent built store. This will also include the Councils shredding facility.
- 1.13 Public art is proposed in the form of balconies decorated with shell motives to reflect Southend's fishing industry.
- 1.14 The scheme will provide in excess off 10% energy from on-site renewables in the form of photovoltaic panels.
- 1.15 The application includes draft Heads of Terms, which propose the following
- 30% Affordable Housing
 - Transport Contribution of £80k to be spent on the upgrading of bus shelters and bus information in Victoria Avenue and/or the introduction of CCTV within the Victoria subway or other subway improvements
 - Controlled parking zone contribution of £10k to be used to explore a controlled parking zone within the vicinity of the site

It should be noted that the development is now also subject to CIL.

- 1.16 The applicants have submitted a covering letter /planning statement, design, planning and access statement, Transport Assessment, Energy Statement, Daylight and Sunlight Assessment, Surface Water Drainage Statement and Heads of Terms.
- 1.16 Pre-application discussions have been undertaken with officers and a pre-application presentation to Members was given in July 2014. The applicant undertook a public consultation in January 2015.

2.0 Site and Surroundings

- 2.1 The site is located to the north of the town centre adjacent to the Civic Centre, on Carnarvon Road. There are two storey residential properties along Carnarvon Road to the north of the site, with the Civic Centre to the west, the Police Headquarters to the south and the Civic East car park to the east with railway beyond.
- 2.2 The site accommodates the former college campus buildings which fronts Carnarvon Road and consists of a six storey building and a two storey conference facility. The buildings form an “L” Shape with the return wing of five storeys running parallel to the railway. A two storey building completes the former campus fronting on to the open space area. There is a forecourt car park and landscaped area to the rear of the main buildings. The site has been vacant for a number of years and fallen into disrepair.

3.0 Planning Considerations

- 3.1 The main issues when considering this application are: the principle of residential development on this site; design and impact on the character of the area, traffic and transport issues, impact on residential amenity for existing and future occupiers, impact of the development on the future use of the adjacent Council car park, sustainability issues and developer contributions. The previous planning permissions on the site, which remain extant, are material considerations when assessing the impact of the development currently proposed.

4.0 Appraisal

Principle of development

Planning Policy: NPPF; DPD1 (Core Strategy) Policies, KP1; KP2; CP8 and DMDDP policies DM3, DM10, DM11.

- 4.1 The site lies within the central area as set out in the DM and Southend Central Area Action Plan (draft). Within the SCAAP the site is part of Potential Development Site PS9a, and the “Victorias” Gateway Neighbourhood. Policy DP9 seeks (inter alia) the transformation of the land within Proposal Site PS9a Victoria Avenue, into a sustainable mixed-use area.

- 4.2 Southend has a defined need to provide some 6,500 new homes between 2001 and 2021 and the Core Strategy Policies CP1 and CP8 state that 2000 of these homes will be located within the Town Centre area. Policy CP2 states that development should (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, particularly having regard to the need to:*
- *minimise the use of ‘greenfield’ land;*
 - *reduce the need to travel;*
 - *ensure good accessibility to local services and the transport network;*
 - *facilitate the use of travel modes other than the private car “*
- 4.3 The proposed development makes use of previously developed land which is sited within a highly sustainable area, close to local amenities and public transport. This accords with the general advice within the NPPF and Core Strategy.
- 4.4 High density residential use has previously been accepted on this site and indeed the extant permission is for greater numbers of dwellings than is currently proposed.
- 4.5 The current proposal would result in the loss of a site that was previously used for education (D1) purposes and previous schemes have retained a limited element of D1 use within the development. However the current proposal is solely for residential use. Taking into account the relocation of the original SEEC user of the site elsewhere within the town centre and the need for good quality housing within the town centre, on balance there is no objection to no D1 being re-provided on site.
- 4.6 Taking into account the above factors there are no objections in principle to the use of the site for housing.

Housing mix

- 4.7 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. The Council seeks to ensure that all residential development provides a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing, to reflect the borough’s housing need and housing demand.

- 4.8 The application proposes 27 x 1 bedroom and 131 x 2 bedroom units. 47 units would be affordable, comprising 12 rented and 35 shared ownership housing units. The applicant has stated that 30% AH will be provided across the whole site. The first phase of the development will provide 29%, these will be provided within a single block to the east side of the site fronting Carnarvon Road. The applicant state that it is not possible to provide an additional affordable housing units within Phase 1 of the development this would result in a single unit begin provided in a separate block and would not be attractive to or manageable by an RP. The Councils Housing team support the application as submitted, given the breakdown of units. It should be noted that the extant permissions include only 1 x 3 bed unit in the 2005 (extended 2012) permission. Therefore on this basis, and taking into account the advice from the Council's Housing Team, the mix is considered acceptable in this instance.

Design and Impact on the Character of the Area

Planning Policies: NPPF, DPD1 (Core Strategy) policies KP2, KP3, CP4; DMDPD policy DM1; SPD1 Design and Townscape Guide.

- 4.9 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.

- 4.10 The NPPF also states at paragraph 56:

"The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

- 4.11 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".

- 4.12 The need for good design is reiterated in DMDPD policies DM1,DM3 and DM4 and Policies KP2 and CP4 of the Core Strategy, the Design and Townscape Guide and emerging policy SCAAP policy CS2.

The scale and detailed design of the development

- 4.13 There is no objection in principle to the redevelopment of this site which at present contains the former South Essex College a building which does not relate well to the surrounding streetscene and has become run down and rather an eyesore in the streetscene. The redevelopment of this site would therefore be welcomed and would assist in the regeneration of the wider area. The existing vacant college building is of a slab like construction and rises to 6 storeys, with the adjacent Civic Centre tower to 13 Storeys. Thus it is considered that there is scope for a larger, building on this site which is at a greater scale that the residential dwellings it faces.
- 4.14 The scheme is generally high density overall but seeks to redistribute the scale and massing on the site so that the buildings of lower height are located to the north of the site opposite the existing residential street and the larger blocks located to the southern section of the site adjacent to the civic buildings. The change in scale will significantly improve the integration with the existing residential area and provide a better transition from this domestic scale to the taller buildings in the civic quarter. The greater permeability of the site will also help to reconnect the residential area with Victoria Avenue and the route to the town centre which is in line with the objectives of the emerging Southend Central Area Action Plan for this area and should promote walking and cycling generally.
- 4.15 Block A and A East - To the north onto Carnarvon Road the scheme is set much further forward than the existing building which should provide more enclosure to the streetscene. This is considered an improvement over the existing situation, which has a large parking area to the front of the site and will enable the parking to be hidden to the rear of the blocks.
- 4.16 The buildings on this frontage are proposed as 3 storeys rising to 4 after a significant setback across most of the frontage. This set back has been determined to ensure that the fourth storeys will not be visible from the northern side of the street helping to repair the balance and enclosure to the streetscene at this point and this should work well. The taller elements (4 storeys) have been brought forward at the corners to provide visual markers or 'pavilions' at key junctions and viewpoints especially the view from the Victoria Avenue junction to the west and the terminating views from the north down Crowborough Road and Tunbridge Road. In addition the corner of the building facing NW to Victoria Avenue includes additional glazed corner windows identifying its importance in the townscape. These features will add interest to the streetscene and legibility to the scheme whilst still maintaining a positive relationship with the streetscene opposite.

- 4.17 The proposed scheme has a modern appearance and will essentially create a new character for the area but the architect has taken care to ensure that there are positive references to the more traditional residential character to the north as well as to the larger civic buildings to the south. To the north block A has a significantly stepped building line so will appear more as linked blocks when viewed from the street. This picks up on the proportions of the semi-detached housing opposite helping to re-establish the rhythm of the streetscene in this location. The recessed links in the lighter brick will significantly break up the scale of the block again improving on the existing situation and making a positive reference to the grain and scale of the houses opposite.
- 4.18 It is noted that aside from the entrances the elevation here is very flat with regular fenestration but the changes in materials and detailing, including contrasting brick bonding to the various elements of the façade, have helped to provide interest to the frontage and the regular patterning here again references the more uniform character of the houses and in the wider area. The Design and Access Statement explains that this block contains dual aspect units with the main living accommodation located facing south where there will be more sun so there is greater articulation and balconies to the this elevation internal to the site.
- 4.19 This character has been continued onto the east elevation and onto the west elevation of the development which faces towards Victoria Avenue. Here again interest is provided in the form of brick patterning and bonding and the above mentioned corner glazing feature facing Victoria Avenue.
- 4.20 The detailing of the entrances and particularly the bin stores ensure that they are an integral part of the design and do not detract from the appearance of the frontage as a whole.
- 4.21 With regard to the site frontage long planters are shown to the pavement edge. These will be dual purpose as they will provide some form of boundary enclosure and defensible space to the site as well as a place for soft landscaping to soften the development. Small trees are shown on the plans and elevations here. These will provide important additional interest and add texture to the flat elevations and must be followed through in the full landscaping plan. It will be important to ensure that the planters are designed in such a way to ensure that small trees are viable. This will be ensured by the use of a landscaping condition. This landscaping will also provide a link to the streetscene which is characterised by avenues of trees and will mitigate for the loss of the trees and shrubs which exist on this frontage at present. It would be preferred if this feature continued to the NW corner of the site, however the applicant has stated that it is not possible to relocate the spaces. This is because of the need for spaces to be within close proximity of the buildings that they serve and form one 'demise' that can be transferred to a Housing Association/RP and therefore cannot be separated. It is considered however that the points that have been raised can be addressed by high quality landscaping, details of which will be submitted pursuant to the landscaping condition referred to above.

- 4.22 To the south side the elevation of block A is much more animated with a large number of staggered balconies providing the block with a lively appearance and this should provide an attractive townscape to the centre of the site.
- 4.23 Blocks B and C – These blocks follow a similar language to the block A south side, helping to provide a cohesive character to the development although it also includes a number of additional design elements. Firstly the blocks are raised up approximately $\frac{1}{2}$ a storey above ground level to enable the majority of the car parking for the development to be screened from views at lower ground level. Although this lifts the flats above ground level this arrangement generally is seen as a benefit to the scheme as it enables the unsightly parking to be hidden from view. The lower sections of wall below the flats are the only exterior wall to the car park and as such they are required to provide ventilation. This has been achieved with perforated brickwork which will add texture to the elevations without appearing out of place and is considered to be a good solution in this context. As with the trees to the frontage of block A it is considered that the trees proposed to the north of this building will be important in providing an additional level of interest to counter balance the raising of ground floor flats and therefore the reduced level of activity these units will provide at street level.
- 4.24 Above the car park at podium level in the centre of the blocks is a private shared garden area with feature staircases and archways linking the blocks but providing separation at the upper levels which continues the arch theme from the frontage of block A. The other noticeable difference is the introduction of feature curved stair towers to the east and west elevations which contrast to the recessed entrances of block A. The decision to change the approach here is accepted as the development character in the centre of the site is more animated and informal which contrasts to the more formal referencing of the Carnarvon Road frontage. These stair towers are full height and project forward of the building line making them quite prominent features although they do not seem to integrate so well as those to the front of the site, however, the introduction of fenestration has made them more active and they will serve well to mark the entrances to the building.
- 4.25 There is some concern regarding the entrances location on the east side (block C), but the applicant has confirmed that these will be for emergency purposes only and that the main access will be taken from within the courtyard area.
- 4.26 A smaller 5th floor is proposed to block C only. As with block A it is noted that this element is set back significantly from the sides which should ensure that the blank north and south elevations are not visible in the streetscene. On the internal elevations the balcony arrangement is staggered which should provide an interesting feature to the courtyard although will not be visible in the wider streetscene.
- 4.27 The largest amenity space for the development is proposed on the podium between blocks B and C and is secured with feature gates which span the space between the block. This should provide enough space to create a useable and attractive amenity space for the residents.

- 4.28 *Materials* - The main brick is proposed as buff coloured to reference the colouring of the civic centre and police station and this is considered to be a positive reference to local character especially as the materials for the residential area to the north of the site are mixed. Blue brick in a vertical bond is proposed as a feature brick which again references the slate/darker roofs in the area. The other materials as noted in the statement appear to be of a high quality. In principle the materials suggested are considered acceptable, but details will be finalised through the use of conditions.
- 4.29 To conclude, the detailed design and suggested use of materials for the development are considered acceptable and are considered to accord with the Core Strategy and DMDPD policy and the advice of the SPD 1 Design and Townscape Guide.

Traffic and Transport

Planning Policies: NPPF; DPD1 (Core Strategy) policies: KP1, KP2, KP3, CP3; DMDPD Policy 15.

- 4.30 The site is considered to be very accessible. It is located within walking distance of three stations which connect with both London Liverpool Street and Fenchurch Street and is close 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.
- 4.31 The scheme is accompanied by a Transport Statement and a Travel Plan is proposed to serve the development including provision of Travel Packs for residents.

Traffic Generation

- 4.32 The previous use of the site as a college and the previous and extant permissions for the site must be taken into account when considering the impact of the proposals in terms of traffic.
- 4.33 The applicant has used the TRICS data base to assess trip generation for the proposed use at peak weekday hours and the submitted evidence suggests that the proposed residential development in comparison to the former college use will result in significantly less traffic during these peak hours and is therefore unlikely to result in any significant impact on the operation of the local highway network. Logically the development is also likely to generate slightly less traffic than the extant scheme for 173 units and slightly more traffic than the extant scheme for 131 residential units. This nominal level of trips is unlikely to result in any detriment to the local highway or local transport network. Officers agree with this interpretation and therefore no objections are raised in terms of the impact of the development on the surrounding highways network.

Car Parking

- 4.34 158 car parking spaces would be provided, 100% parking to serve the residential units (1 space per unit). This provision is in accordance with DM standards for central area accessible sites. The car parking spaces are located conveniently to serve the occupiers and the amount and type of car parking provision is considered acceptable.
- 4.35 158 cycle parking spaces are proposed. This is in accordance with DM DPD standards. The cycle parking would be secure and covered and accessibly located and is therefore considered to be acceptable.

Access and Servicing

- 4.36 The main vehicular accesses to the development are from Carnarvon Road, as is currently the case. This is acceptable. There is also access from the service road to the west and this service road will continue to serve the Councils Waste store. This is acceptable. There is sufficient space within the site and the waste storage areas are located in positions such that servicing of the development can be undertaken in an acceptable manner. This includes an element of servicing which can take place from with the Councils car park to the east of the development, and will not interfere with its operation. This is all considered acceptable in principle however a waste management plan is required to finalise these details.

Developer Contributions for Highways works

- 4.37 Policy KP2 of the Core Strategy requires that “new development should ensure good accessibility to local services and the transport network ... facilitate the use of travel modes other than the private car....secure improvements to transport networks, infrastructure and facilities and promote improved and sustainable modes of travel”.
- 4.38 Please see below for an explanation as to how certain works associated with this scheme will be covered by CIL.
- 4.39 *Controlled Parking Zone* - The applicants have offered to make a contribution of £10k towards the exploration and potential formation of controlled parking zone in the vicinity of the site. This contribution formed part of the previous S106 Agreement. Highways officers consider that the contribution of 10k will still be required to investigate the possibility of implementing any appropriate parking measures to protect residents from on street parking that may occur as a result of the development.
- 4.40 *Travel Plan and Travel Packs* - In light of the fact that the development is relying on the accessibility of the site and its residents making use of sustainable forms of transport to justify the amount of car parking provision it is considered that the development should be subject to a Travel Plan and that residents should be provided with Travel packs. The applicant has agreed to this provision.

- 4.41 Therefore subject to completion of a S106 Agreement to cover the issues that are set out above, no objections are raised to the development on traffic or transport grounds. Therefore the proposed development is considered to meet with policies CP3 of the Core Strategy and DM15 of the DMDPD, with regard to traffic generation and parking.

Impact on amenities of existing adjacent occupiers and occupiers of the proposed development

Planning Policies: Core Strategy DPD1 policies; CP4; CP6, CP7, CP8; DMDPD policies: DM1, DM3, DM8.

- 4.42 Policies CP4 of the Core Strategy and DM3 of the DMDPD refer to the impact of development on surrounding occupiers and the need to safeguard existing amenity. The adjacent buildings to the north of the site are residential.

Overbearing, sunlight and daylight

- 4.43 At its closest point, the new development is sited some 18m away from the front elevation of the dwellings to the north. It is not unreasonable to expect some degree of overlooking on the public side of properties. Users of the college were also able to look out towards the dwellings. This situation is reflected in most streets throughout the borough and no objections are raised on this basis. The scale of the development and its siting would mean that it would not be overbearing or result in an unacceptable loss of sunlight or daylight to neighbouring dwellings. The scheme is sited further forward than the existing college building, but is lower thus negating this siting. Furthermore the extant 2003 permission is for a larger development, which, although it was considered acceptable, would have a greater impact on the properties to the north. Acceptable levels of daylight and sunlight would be retained to these buildings. Thus the impact on the existing dwellings to the north is considered acceptable.

Activity

- 4.44 In terms of the activity associated with the proposed development, the use will no doubt generate a noticeable level of activity compared site as vacant; however given that the last use of the site (as a college) could be reactivated without the need for planning permission, the activity generated by the proposed development, whilst different, is not considered to be harmful. Indeed there would be likely to be less traffic activity associated with the proposed development. There were no limitations on the hours of use of the college.

Impact on future occupiers

- 4.45 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. The DM DPD includes minimum indicative residential space standards and the development exceeds these standards for all units. The units are lifetime homes compliant.
- 4.46 It is noted that a number of the proposed units in block C will look out onto the Council car park to the east. However, the floor level of this block is slightly raised to accommodate the car parking for the block. Windows and balconies are therefore also raised above ground level, and it is considered that, on balance the relationship will not be detrimental to future occupiers of the flats.
- 4.47 The units and amenity space generally benefit from good levels of sunlight and daylight, however given the courtyard environment of Blocks B and C, a sunlight and daylight report was submitted to ensure that units facing into the courtyard at lower levels, and the amenity space would receive sufficient sunlight and daylight. The submitted report demonstrates that policy compliant levels are achieved for the amenity space and all flats with the exception of bedroom 2 to flats 4 and 7. However the levels are only marginally lower than would generally be found acceptable, and taking into account the urban location of the development, the slight reduction is not considered "significant in the context of the BRE Guidelines. Thus taking the scheme as a whole the level of sunlight and daylight for future occupiers is considered to be acceptable.
- 4.48 There would be overlooking of the flats from the adjacent Civic Centre office development. However this situation was accepted as part of the previous and extant developments, future occupiers will be aware of this relationship before purchasing a flat and thus no objection is raised on this basis.
- 4.49 Amenity space needs to be considered both in terms of quantity and quality. There are both communal areas of amenity space and private balconies to serve the development. Semi private areas are provided to the Carnarvon Road frontage and around the building, and a central courtyard is provided between blocks B and C. All units benefit from balconies of at least 3.6sqm in size, most of these are located on the southern sides of the buildings and therefore gain maximum sunlight. The applicants suggests that the car parking area to the rear of Block A could be used as shared space, however officers are not sure that this would be entirely practical.
- 4.50 The total area of amenity space/landscaping equates to 18sqm per unit which is considered acceptable, although the phasing plan should indicate how amenity space will be provided to block A prior to the completion of Blocks B and C.

- 4.51 The site is within close proximity to Churchill Gardens which means that residents could also access this area for recreational purposes.
- 4.52 Taking all these factors into account the development is considered to be acceptable in terms of the impact on existing and future occupiers.

Sustainable Construction

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

- 4.53 Policy KP2 sets out development principles for the Borough and states that:

“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”

These requirements are reiterated and expanded upon within DM2.

- 4.54 The applicants have submitted an Energy Strategy in support of their application. This sets out how the energy needs of the development might be met and looks at all the possible options.
- 4.55 Provision of energy efficient measures is integral to the design of the building and an array of pv panels on the roof which should provide just over 10.% of the energy requirements of the scheme which is consistent with the requirements of policy KP2. It is considered that there is scope to include sustainable urban drainage into the development and this will be controlled by condition.

Ecology

- 4.56 The site has been vacant for some time and over that period landscaping on the site has become more established. It is considered that there is limited potential for wildlife within the site and the impact on nesting birds etc. is addressed by other legislation. An informative will be added to any permission to remind the developers of the need to protect any nesting birds.

Developer Contributions and CIL

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

4.57 The Core Strategy Policy KP3 requires that:

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

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

4.58 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material ‘local finance consideration’ in planning decisions. The proposed development will result in a net increase in gross internal area of 12,513 sqm (taking into account any deductions for existing ‘in-use’ floorspace that is being retained/demolished (delete as applicable), which equates to £ 250,260. Since part of the development would be for affordable housing the applicant can apply for an exemption for those areas.

Controlled Parking Zone

4.59 As noted above that the applicant has offered to make a contribution of £10k towards a controlled parking zone in the vicinity of the site. This contribution formed part of the previous S106 Agreement. This is specific to this scheme and therefore falls to be considered as part of the S106 Agreement.

Travel Plan/ Travel Packs

4.60 The applicants have agreed to submit a Travel Plan and provide Travel Packs for the development this will be included as part of the S106.

Public Art

4.61 The applicant has stated that they will include public art provision within their development site. They have suggested the use of a motif treatment on selected balconies within the scheme that reflected Southend’s historic shell fish industry. Following historic research Proctor and Matthews Architects have explored how elements of the design proposed, for the Carnarvon Road site, might incorporate references to Southend on Sea’s history. The possible incorporation of a motif or specifically crafted element into the architectural language has been considered and was thought to be a more authentic way to engage art in the design rather than it being an add on or afterthought which can often happen when considerations of the ‘arts’ component of a scheme happen too late.

At present the applicants design team have been exploring the use of specialist pre-cast concrete techniques employing re constituted stone compounds. These would employ bespoke moulds created through software that allows variations on a theme to be explored. Depending on the efficiencies delivered by this process differing designs might be employed to bring variety to the treatments of these components.

The design team would wish to explore this idea further in the development of the detailed design and precise design and materials and details regarding the amount of number of balconies that are incorporated into the art will be agreed as part of the S106.

Affordable Housing

- 4.62 The applicants have agreed to 30% affordable housing provision as set out above. This will be controlled as part of the S106 Agreement.
- 4.63 Without the contributions that are set out above the development could not be considered acceptable. Therefore if the S106 agreement is not completed within the relevant timescale the application should be refused. An option to this effect is included within the recommendation in section 10.

Highways improvements and Education

- 4.64 The proposed contributions for improvements to bus stops etc. within the vicinity of the site and for Education are now covered by CIL contributions and are not therefore sought through S106.

Other Considerations

DPD1 (Core Strategy) policies KP1, KP2, KP3, CP4, CP6; DM DPD policies: DM3, DM8, DM14, DM15.

Impact on Council Car Park

- 4.65 The development does not prejudice the continued operation of the Councils eastern car park.
- 4.66 Should the car park come forward for development at a future date, whilst the proposed development would impact to a degree on the layout of any such development because of the site of the units, this impact is not considered to be materially greater than the impact of the existing building if reoccupied of the previous extant permissions, and would not prejudice development per se. Therefore no objections are raised on that basis.

Contamination

- 4.67 The western part of the site is shown to be potentially contaminated. A condition regarding appropriate investigation and remediation is therefore recommended.

Flooding

- 4.68 The site lies within Flood Zone 1 and is therefore not liable to flooding. The site is mostly hard-surfaced at present so the creation of additional landscaped areas could reduce the risk of surface water flooding, however a Suds system will be required by condition.

Phasing

- 4.69 The development is proposed to be Phased, with Block A being developed first, in order to enable to southern blocks to come forward. There is no objection in principle to such phasing. Although because of the configuration of the units, the frontage scheme contains only 29% Affordable Housing, overall the scheme is compliant and Housing officers have raised no objection to this stage provision. It is recommended that a phasing plan is required by condition so that should there be a time lag between both phases being completed, the acceptability of the visual impact of the development, parking provision and the environment for future occupiers can be safeguarded.

5.0 Community Infrastructure Levy Regulations

- 5.1 The Community Infrastructure Levy Regulations 2010 came into force on 6 April 2010. The planning obligation discussed above and as outlined in the recommendation below has been fully considered in the context of Part 11 Section 122 (2) of the Regulations, namely that planning obligations are:
- a) necessary to make the development acceptable in planning terms; **and**
 - b) directly related to the development; **and**
 - c) fairly and reasonably related in scale and kind to the development

The conclusion is that the planning obligation outlined in this report meets all the tests and so constitutes a reason for granting planning permission in respect of application 15/00803/BC4M.

6.0 Conclusion

- 6.1 This scheme is a well-designed proposal which will bring a vacant and rundown site back into use and create a new neighbourhood with a distinctive sense of place but one which has positive references to the surrounding area both in terms of scale and detail. The amount of development is not considered to result in undue traffic generation and the level of car, cycle and motor cycle parking is considered acceptable in this accessible location. The development is not considered to result in material harm to the occupiers of the proposed development or the occupiers of nearby residential properties. This proposal should help to kick start regeneration in the Victoria Gateway Neighbourhood and therefore welcomed.

7.0 Planning Policy Summary

- 7.1 National Planning Policy Framework: Achieving sustainable development, Core Planning Principles, Policies: 1. Building a strong, competitive economy; 2; 4. Promoting sustainable transport, 6. Delivering a wide choice of high quality homes; 7. Requiring good design; 8. Promoting healthy communities; 10. Meeting the challenge of climate change, flooding and coastal change; 11. Conserving and enhancing the natural environment.
- 7.2 DPD1 (Core Strategy) Policies- Key Policies, KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure); CP8 (Dwelling Provision).
- 7.3 Development Management DPD 2015: 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, DM7: Dwelling Mix; DM8: Residential Standards; DM14 Environmental Management; DM15: Sustainable Transport Management.
- 7.4 Supplementary Planning Document 1: Design & Townscape Guide (2009).
- 7.5 Supplementary Planning Document 2: Planning Obligations (2010)
- 7.6 Southend Central Area Action Plan Consultation draft (2010)

8.0 Representation Summary

8.1 Police Architectural Liaison Officer

Please clarify that the perforated brick wall on the southern boundary will not be a climbing aid for children. **[Officer comment – the applicant has confirmed that proposed wall to the landscaped courtyard (serving the western end of Building A) will be designed in such a way that it will not make a climbing aid for children/youths. The full detail of this will be submitted as part of the Landscaping and Enclosure information (not submitted as part of this planning application) that will need to be submitted pursuant to a planning condition].**

8.2 Network Rail – no comments

8.3 Fire Brigade – no comments

8.4 Airport Director– no comments

8.5 Design and Regeneration

The proposal for residential is in line with local character and has been accepted in past planning approvals on the site. The scheme is generally high density overall but seeks to redistribute the scale and massing on the site so that the buildings of lower height are located to the north of the site opposite the existing residential street and the larger blocks located to the southern section of the site adjacent to the civic buildings. The change in scale will significantly improve the integration with the existing residential area and provide a better transition from this domestic scale to the taller buildings in the civic quarter. The greater permeability of the site will also help to reconnect the residential area with Victoria Avenue and the route to the town centre which is in line with the objectives of the emerging Southend Central Area Action Plan for this area and should promote walking and cycling generally.

Block A and A East - To the north onto Carnarvon Road the scheme is set much further forward than the existing building which should provide more enclosure to the streetscene. This is considered an improvement over the existing situation, which has a large parking area to the front of the site, but there would be scope for a slightly deeper frontage here which would be more representative of the streetscene. Nevertheless the proposal is still considered to be an improvement on the existing situation and will enable the parking to be hidden to the rear of the blocks.

The buildings on this frontage are proposed as 3 storeys rising to 4 after a significant setback across most of the frontage. This set back has been determined to ensure that the fourth storeys will not be visible from the northern side of the street helping to repair the balance and enclosure to the streetscene at this point and this should work well. The taller elements (4 storeys) have been brought forward at the corners to provide visual markers or 'pavilions' at key junctions and viewpoints especially the view from the Victoria Avenue junction to the west and the terminating views from the north down Crowborough Road and Tunbridge Road. In addition the corner of the building facing NW to Victoria Avenue includes additional glazed corner windows identifying its importance in the townscape. These features should add interest to the streetscene and legibility to the scheme whilst still maintaining a positive relationship with the streetscene opposite.

The proposed scheme has a modern appearance and will essentially create a new character for the area but the architect has taken care to ensure that there are positive references to the more traditional residential character to the north as well as to the larger civic buildings to the south. To the north block A has a significantly stepped building line so will appear more as linked blocks when viewed from the street. This picks up on the proportions of the semi-detached housing opposite helping to re-establish the rhythm of the streetscene in this location. The recessed links in the lighter brick should significantly break up the scale of the block again improving on the existing situation and making a positive reference to the grain and scale of the houses opposite.

This character has been continued onto the east elevation and onto the west elevation of the development which faces towards Victoria Avenue. Here again interest is provided in the form of brick patterning and bonding and the above mentioned corner glazing feature facing Victoria Avenue. It was suggested at pre app that there would be scope for additional balconies on the west elevation but the design statement comments that it is not viable for two balconies to be provided to these flats and they consider it more appropriate to orientate them to the south. On balance it is considered that the approach taken here continues the language of the main external elevation to the north and is therefore considered to be acceptable. It should however be softened with additional landscaping - see below.

In terms of design details it is pleasing to see that the same care and attention has been provided to the detailing of the entrances and particularly the bin stores to ensure that they are an integral part of the design and do not detract from the appearance of the frontage as a whole. It is considered that that spayed design with timber cladding will work well to accentuate the entrances to the block and to provide a convenient location for signage giving the store a dual purpose. The decision to provide a number of entrances to this block also adds interest and activity to the streetscene and again references the existing character which includes regularly spaced front doors. In addition, the inclusion of a stand-alone entrance arch at the main vehicular access point adds to the repetition of this feature giving it further legitimacy in the design as a whole.

With regard to the site frontage long planters are shown to the pavement edge. These will be dual purpose as they will provide some form of boundary enclosure and defensible space to the site as well as a place for soft landscaping to soften the development. Small trees are shown on the plans and elevations here. These will provide important additional interest and add texture to the flat elevations and must be followed through in the full landscaping plan. It will be important to ensure that the planters are designed in such a way to ensure that small trees are viable. This will also provide a link to the streetscene which is characterised by avenues of trees and mitigate for the loss of the trees and shrubs which exist on this frontage at present.

To the south side the elevation of block A is much more animated with a large number of staggered balconies providing the block with a lively appearance and this should provide an attractive townscape to the centre of the site. The design statement comments that it is the intention to provide a shared space concept in this location and this is welcomed in principle, but, whilst this should enhance the setting of the buildings with good quality surfacing and landscaping it is questioned whether this area could be used as amenity for the development as a whole except for the ground floor flats to block A which have small terraces onto this space.

Amenity otherwise is provided as two small garden areas to the south west corner of block A and to the south of block A East and in the form of private balconies to all flats. There is a concern that this is rather a low provision for the number of units in these frontage blocks especially for the units in the centre section which have no easy access to the garden areas. It may be that these flats can share the main amenity area within the centre of blocks B and C but the design statement seems to suggest that this will be restricted to blocks B and C only.

Blocks B and C - Blocks B and C follow a similar language to the block A south side helping to provide a cohesive character to the development although it also includes a number of additional design elements. Firstly the blocks are raised up approximately $\frac{1}{2}$ a storey above ground level to enable the majority of the car parking for the development to be screened from views at lower ground level. Although this lifts the flats above ground level this arrangement generally is seen as a benefit to the scheme as it enables the unsightly parking to be hidden from view. The lower sections of wall below the flats are the only exterior wall to the car park and as such they are required to provide ventilation. This has been achieved with perforated brickwork which will add texture to the elevations without appearing out of place and is considered to be a good solution in this context. As with the trees to the frontage of block A it is considered that the trees proposed to the north of this building will be important in providing an additional level of interest to counter balance the raising of ground floor flats and therefore the reduced level of activity these units will provide at street level.

Above the car park at podium level in the centre of the blocks is a private shared garden area with feature staircases and archways linking the blocks but providing separation at the upper levels which continues the arch theme from the frontage of block A.

The other noticeable difference is the introduction of feature curved stair towers to the east and west elevations which contrast to the recessed entrances of block A. The decision to change the approach here is accepted as the development character in the centre of the site is more animated and informal which contrasts to the more formal referencing of the Carnarvon Road frontage. These stair towers are full height and project forward of the building line making them quite prominent features although they do not seem to integrate so well as those to the front of the site, however, the introduction of fenestration has made them more active and they will serve well to mark the entrances to the building.

There is some concern regarding the location of these on the east side (block C) as it is unclear how the boundary of the site will be treated here and whether this would have an impact on the future development of the Council car park. It would seem more logical for the entrances to block C to be located on the more public frontages. The location of the entrances on the east side combined with the building's tightness to the boundary has also resulted in the need for cut through arches in the corners of block C. It seems that these are proposed not as a design feature necessarily but primarily to allow pedestrian access to the eastern entrances of block C which are located tight on the boundary of the site facing onto the council car park as noted above. The architect has sought to make them into a design feature by increasing them to double height with open sides, which will create a more acceptable pedestrian environment by increasing daylight penetration, but generally they appear rather out of character with the rest of the development. It is also noted that there is a balcony tucked into this arch at the NE corner. This seems particularly contrived and will significantly restrict sunlight to this living area. It is suggested that relocating the entrances to a more public location such as the north and south elevations of the block may achieve a better solution making the entrances more visible and more of a feature for the building and this should improve the view into the site from Crowborough Road.

A smaller 5th floor is proposed to block C only. As with block A it is noted that this element is set back significantly from the sides which should ensure that the blank north and south elevations are not visible in the streetscene.

On the internal elevations the balcony arrangement is staggered which should provide an interesting feature to the courtyard although will not be visible in the wider streetscene.

The largest amenity space for the development is proposed on the podium between blocks B and C and is secured with feature gates which span the space between the block. This should provide enough space to create a useable and attractive amenity space for the residents, it is unclear however if this will be restricted to residents of block B and C only or whether it will be accessible to all. As noted above it seems that Blocks A and D have significantly smaller areas of amenity and in the case of Block A the area is only accessible to some units although it is noted that all units have a useable private balcony area which will at least provide some outside space. It is also acknowledged that Churchill Gardens are within the vicinity of the site and that these units are mostly 2 bed not large family units.

The layout of the flats should meet the standards set out in DM 8 although this appears to be fine. It is noted that most units are dual aspect and this should ensure good levels of sunlight throughout the day and is seen to be a positive aspect of the scheme. The only concern with the internal layout is the covered balcony mentioned above.

Materials - The main brick is proposed as buff coloured to reference the colouring of the civic centre and police station and this is considered to be a positive reference to local character especially as the materials for the residential area to the north of the site are mixed. Blue brick in a vertical bond is proposed as a feature brick which again references the slate/darker roofs in the area. The other materials as noted in the statement appear to be of a high quality but the list is incomplete and unspecific so it is considered that full details of the materials and detailing for the windows, balconies and entrances should be conditioned.

Sustainability - It seems that the proposal that 716m² of pvs are proposed to the roof which should provide 10.3% of the energy needs. The roof plan show where these are to be located. It is therefore considered that this meets the requirements of KP2.

8.5 Highways

The proposed layout appears to reduce the parking capacity in the Council Car Park. The loss of these spaces would not be acceptable. A car park management plan and layout should be provided this should be conditioned.**[Officer comment: revised plans have been submitted which show the Council car park to be retained as existing]**

Parking - 1 for 1 car parking provision has been provided in accordance with the council's parking policy. The site benefits from being in a sustainable location with regard to public transport with good links in close proximity.

Cycle Parking - 158 cycle parking spaces have been provided which is in line with council policy.

Refuse Storage - The council's refuse storage facility is to be retrained and rebuilt. Which is considered acceptable

Traffic Impact - Consideration has been given to the extant permissions for 173 flats in 2007, 131 flats in 2013 and the lawful use of existing site. It is not considered the current application would have a detrimental impact upon the highway network. During pre-application discussion it was agreed that the applicant would provide a trip distribution plan. This has not been supplied and is required to ensure that future traffic scenarios can be assessed.**[Officer comment: this has now been submitted and supports the applicants main assessment that the traffic generation from the development is acceptable]**

Travel Packs -

Southend Borough Council's sustainable travel branding is called 'Ideas in Motion'. There is an 'Ideas in Motion' website www.ideasinmotionsouthend.co.uk which provides a great deal of useful information regarding the available travel opportunities in Southend along with other helpful information such as a Travel Map for the town.

In summary the recommended contents of a Travel (Welcome) Pack which must be provided for each dwelling is as follows:

- Key websites that provide advice on how to find out the sustainable travel options and local active travel events that are available through the Ideas In Motion website
- Bus – local operators websites and travel advice
- Train – local operators and travel advice
- Cycling – cycle Southend website www.cyclesouthend.co.uk route maps and local facilities
- Walking – routes and information points
- Electric Bikes and Electric Cars – options and opportunities
- Opportunities for car sharing
- Car clubs if relevant

In addition, up to date bus and train timetables, details of local taxi companies, community transport and school transport should be included. All reasonable endeavors should be made to ensure that the Travel Packs are passed on to future tenants/home owners.

Discount Vouchers or Free Train or Bus Tickets for people to try the local public transport should be included. The vouchers/tickets will depend on the location and type of development.

The Travel Packs should be agreed by Southend on Sea Borough Council prior to the distribution of the packs to ensure relevant and up-to-date information has been provided. **[Officer comment – the applicant has agreed to provide a Travel Plan and Travel Packs].**

8.6 Education

This application falls within the Bournemouth Park Primary School catchment area and Chase High School 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 who will be at capacity from September 2017 with an expansion programme currently in feasibility stage. A contribution towards both primary and secondary would be requested. Whilst it is appreciated that 29% of this is social housing the pupil product rate has been adjusted downwards accordingly – request contribution of £157,452. **[Officer comment – this matter is now covered by CIL]**

8.7 Housing

The Department for People welcomes the provision of Affordable Housing and therefore supports this application.

Core Strategy Policy CP8 provides the guidance on the affordable housing threshold for residential developments. This is outlined below:

10 to 49 units = 20%, 50+ units = 30%

This development therefore complies with this requirement and provides the necessary amount of affordable housing.

In terms of the dwelling mix, the SHMA Review 2013 undertook an assessment of affordable dwelling needs and consequently set out a recommended affordable dwelling mix for Southend on Sea, the percentages indicated below are the affordable housing provision by bedroom size for the borough.

The percentage of affordable housing element required within the borough: -

1 bed	2 bed	3 bed	4+ bed
16%	43%	37%	4%

This development does not meet this requirement however this is due to the overall housing mix offered i.e. only offering 1 and 2 bed flats. The affordable housing mix offered is therefore supported.

As indicated in the Development Management DPD Policy DM7 we would request tenure mix of: - 60/40% (60% rented, 40% intermediate housing).

On this occasion due to the design of the property and taking into account the associated housing management concerns the Strategic Housing team support this tenure mix. This also takes into account the provision and tenure mix of affordable housing developments within the local area.

8.8 Waste Management

We note the dedicated rubbish store area. Could the developer confirm that this number is correct as well as the construction of the bin store and how it will be made as user friendly as possible (e.g. lighting proposed, whether there will be drainage, whether it will be secure, etc.). **[Officer comment –the applicant has confirmed that all the waste bins are located in secure purpose built block work enclosures incorporated within the buildings. This avoids the need for less attractive stand-alone structures within the grounds of the development. Each of the stores will have a drainage provision in the floors alongside a tap for wash downs. They will be accessed via fob/key entry for residents only and will be fully lit. The number and the capacity of the bins are based on the Euro Bin charts and recommendations (sizes indicated on the Ground Floor Plan layout) in the Waste Management Guidance for Developers, Designers and Planners Guideline for Southend.]**

There appears to be no mention of the type of containment which will or will not be provided. Please could the developer provide a waste management plan to detail how they expect residents to fully participate in the recycling (dry recycling and food waste) and waste services, if eurobins are proposed the numbers involved and whether the proposed bin stores will be sufficient to house these, etc. **[Officer comment – this will be required by condition]**

8.9 Asset Management

The scheme is generally supported however I have the following areas of concern:

- The proposed new bin store/shredding room should be accessed from the service road with the yard being between the new building and the service yard. Interim provision (including access) during the new bin store/shredding room build also needs to be provided for so that the Civic Centre can be appropriately serviced. **[Officer comment – Revised plans have been received to this effect]**
- The area proposed for pedestrian access from the South of the site should be limited to pedestrian only out through the civic square. The surface here is not laid to support heavy vehicles or construction traffic although occasional transit sized vehicles will be. **[Officer comment: As the waste store arrangement has now been revised access from this area will not be necessary]**
- Access over the Council's East Car Park should be for servicing only and should not impact on the Council's parking **[Officer comment: the applicant has provided revised plans to demonstrate this will be the case]**
- General pedestrian access/egress over the Council's East Car Park is not really practical or welcomed. **[Officer comment – the applicant has confirmed any pedestrian access will be limited to emergency purposes only]**

8.10 Parks – no comments

8.11 Environmental Health

No adverse observations in principle from the Environmental Protection aspect. However, in view of the relatively close proximity of the site to office and residential accommodation, it is recommended that conditions relating to the control of noise and dust be attached to any consent that may be granted in view of the scale of the proposed development, and particularly the proposal to demolish the existing buildings.

Further, the western part of the site is shown to be potentially contaminated. A condition regarding appropriate investigation and remediation should also, therefore, be attached.

In view of its date of construction, the applicant's attention should also be drawn to the possibility of the existing building containing asbestos by inclusion of an informative.

8.12 **Structural Engineer** – no comments

8.13 **Curator Central Museum** - no comments

8.14 **Coastal/Suds Engineer** – no comments

8.15 **Public Consultation**

Site notices posted, press notice advertised, 24 neighbours notified - 2 letters received:

- One raising no objection, but concerned the scheme has too many units.
- One letter of raising concerns principally related to schemes that have been allowed at other sites and their compassion to this proposal.

9.0 Relevant Planning History

9.1 2003 - It was resolved to grant outline application, subject to a legal agreement, for demolition of part of college buildings, redevelop building for 173 flats, erect extension and new floor over part of building, lay out associated car parking, refurbish adult education building (SOS/03/01325/FUL). The S106 Agreement requiring 20% affordable housing, a contribution for transport improvements, contribution towards provision of CPZ and a contribution towards installation of CCTV within the site. The S106 Agreement was completed on 18th June 2007. Permission was granted for 5 years. The applicant commenced development on this application in May 2012, by demolishing part of the building. Therefore the 2003 permission remains extant.

9.2 2005 - In 2005 it was resolved to grant full planning permission to demolish part of college building, redevelop building for 119 flats (class C3) and use part of ground floor as College (class D1), erect three storey detached block of 12 affordable units(a total of 131 units), erect refuse store/plant room, lay out associated car parking, amenity areas and landscaping This application was delegated for approval subject to completion of a S106 Agreement requiring 20% affordable housing, a contributions of £80,000 for transport improvements, a contribution of £10,000 towards provision of a controlled parking zone, and a contribution of £23,000 towards installation of CCTV within the site. The S106 Agreement was completed on 20th June 2007. Permission was granted for 5 years. (SOS/05/00311/FUL).

9.3 2012 - Extension of time to implement application SOS/05/00311/FUL granted permission (12/00825/EXTM).

Recommendation

10.0 Members are recommended to:

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

- 30% Affordable Housing (47 units including 12 rented and 35 shared ownership housing units) – 29% in phase 1 and 31% in phase 2
- Contribution of £10k - for traffic surveys/controlled parking
- Travel Plan and Travel Packs
- Scheme of Public art

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

01. The development hereby permitted shall 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:

A341_P_010 A341_P_020, A341_P_030, A341_P_060, A341_P_061,
A341_P_062, A341_P_063, A341_P_064, A341_P_065, A341_P_066,
A341_P_067, A341_P_040, A341_P_041A, A341_P_042, A341_P_043,
A341_P_070, A341_P_071, A341_P_072, A341_P_073, A341_P_080,
A341_P_081, A341_P_090.

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

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

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in Core Strategy 2007 policy KP2 and CP4, DMDPD policy DM1 and SPD1 (Design and Townscape Guide).

04. No development of either Phase shall be occupied until parking for that phase of the development (56 spaces for Phase 1 and 102 spaces for Phase 2) together with vehicular accesses from the adjacent highway have been provided in accordance with the approved plans the parking spaces and vehicular access shall be permanently reserved for the parking of residents and visitors to the residential units

Reason: To ensure that satisfactory off-street car parking and turning provision is provided for people using the development in the interests of amenity and highways efficiency and safety, in accordance with DPD1 (Core Strategy) 2007 policy KP2, DMDPD policy DM15 and SPD1 (Design and Townscape Guide).

05. No part of a particular phase of the development shall be occupied until space has been laid out within the site for cycle parking to serve that phase (56 spaces for Phase 1 102 spaces for Phase 2) in accordance with the approved plans. The cycle stores shall be permanently reserved for the parking of cycles of occupiers and callers to the premises and not used for any other purposes, whether or not permitted by the Town and Country Planning (General Permitted Development Order) 2015 (or any other Order amending, revoking or re-enacting that Order).

Reason: To ensure that satisfactory secure off-street bicycle parking is provided in the interests of sustainability, amenity and highways efficiency and safety, in accordance DPD1 (Core Strategy) 2007 policy KP2, DM DPD policy DM15 and SPD1 (Design and Townscape Guide).

06. No development of either Phase of the development (excluding demolition) shall take place until full details of both hard and soft landscape works for that phase have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved unless otherwise agreed in writing by the local planning authority. These details shall include, for example:- i. proposed finished levels or contours; ii. means of enclosure; iii. car parking layouts; iv. other vehicle and pedestrian access and circulation areas; v. hard surfacing materials; vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.); vii. proposed and existing functional services above and below ground (e.g. drainage power, viii. communications cables, pipelines etc. indicating lines, manholes, supports.); ix. retained historic landscape features and proposals for restoration, where relevant.

Reason: To ensure that the development is satisfactory in terms of its appearance and that it makes a positive contribution to the local environment and biodiversity in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) policy KP2 and CP4, and SPD1 (Design and Townscape Guide).

07. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority for each phase before occupation of the development within that phase, for its permitted use. The landscape management plan shall be carried out as approved.

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

08. Notwithstanding the provisions of the Town and Country Planning Act (General Permitted Development) Order 2015, or any order revoking and re-enacting that Order with or without modification, no development shall be carried out within Part 16 to those Orders unless previously agreed in writing by the LPA.

Reason: In the interests of visual amenity in accordance with policies policy CP4 of the Core Strategy DPD1.

09. No development shall take place (excluding demolition) for either phase of the development until details of a sustainable drainage system to serve that phase of the development has been submitted to and approved by the Local Planning Authority and no building hereby permitted shall be occupied until the sustainable drainage system for the relevant phase of the development has been completed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory standard of sustainable drainage in accordance with DPD1 (Core Strategy) 2007 policy KP2 and DMDPD policy DM2.

10. The sustainability measures set out in the Energy Statement by BBS dated 15th April 2015 and shown on the plans hereby approved shall be implemented during each phase of the development and brought into use on first occupation of the phase of the development to which it relates, development unless otherwise agreed in writing with the Local Planning Authority.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with, DPD1 (Core Strategy) policy KP2 and CP4, DMDPD policy DM2 and SPD1 (Design and Townscape Guide).

11. No meter boxes shall be installed on the front elevation of the premises

Reason: In the interests of the visual amenity in accordance with Policy CP4 of the Core Strategy DPD1.

12. Prior to installation details of any mechanical extraction, ventilation or air conditioning plant, together with any mitigation measures, shall be submitted to and approved by the Local Planning Authority With reference to BS4142, the noise rating level arising from all plant and extraction/ventilation equipment should be at least 5dB(A) below the prevailing background at 3.5 metres from the ground floor façades and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character.

Reason: To protect the amenities of the occupiers from undue noise and disturbance in order to protect their amenities in accordance with DPD1 (Core Strategy) policies KP2 and CP4, Policy DM1 and DM7 of the DMDPD and SPD1 (Design and Townscape Guide).

13. During construction deliveries and collections shall take place only between the hours of : 08:00-19:00hrs Monday to Friday; and 08:00-13:00hrs Saturday; with no deliveries on Sundays or Bank Holidays.

Reason: To protect the amenities of the surrounding occupiers from undue noise and disturbance in order to protect their amenities in accordance with DPD1 (Core Strategy) policies KP2 and CP4, Policy DM1 and DM7 of the DMDPD and SPD1 (Design and Townscape Guide).

14. Construction of the development shall be undertaken in accordance with details set out in a construction management Plan, which shall be submitted to and approved in writing by the local planning authority prior to commencement. Following approval of the plan, each phase shall be completed in accordance with the plan before the next phase commences unless otherwise agreed in writing with the local planning authority.

Reason: To protect the amenities of surrounding occupiers from undue noise and disturbance in accordance with DPD1 (Core Strategy) policies KP2 and CP4, Policy DM1 and DM7 of the DMDPD and SPD1 (Design and Townscape Guide).

15. Construction shall not take place outside the following hours 8am – 6pm Monday to Friday, 8am – 1pm Saturday and not at all on Sundays or Bank Holidays.

Reason: To protect the amenities of surrounding occupiers from undue noise and disturbance in accordance with DPD1 (Core Strategy) policies KP2 and CP4, Policy H5 of the Borough Local Plan, Policy DM1 and DM7 of the DMDPD and SPD1 (Design and Townscape Guide).

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

Reason: To protect the amenities of surrounding occupiers in accordance with DPD1 (Core Strategy) policies KP2 and CP4, Policy H5 of the Borough Local Plan, Policy DM1 and DM7 of the DMDPD and SPD1 (Design and Townscape Guide).

17. Any external lighting within the development shall be directed, sited and screened so as not to cause detrimental intrusion of light into the proposed and existing residential properties.

Reason: To protect the amenities of surrounding occupiers in accordance with DPD1 (Core Strategy) policies KP2 and CP4, Policy H5 of the Borough Local Plan, Policy DM1 and DM7 of the DMDPD and SPD1 (Design and Townscape Guide).

18 Decontamination:

a) Submission of Remediation Scheme

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

b) Implementation of Approved Remediation Scheme

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

c) Reporting of Unexpected Contamination

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

An assessment must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 19a. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable.

Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 19b.

d) Long Term Monitoring and Maintenance

A monitoring and maintenance scheme shall be compiled to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must both be submitted to and approved in writing by the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation scheme is complete, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be submitted to the Local Planning Authority. Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

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

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

Reason: to ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy DPD1 and DMDPD Policy DM14 .

20. Prior to commencement of Phase 2 of the development details of the design and materials of the podium and car park gates shall be submitted to and approved by the Local Planning Authority, the development shall be carried out in accordance with the approved details.

c) In the event that the planning obligation referred to in part (a) above has not been completed by the 9th September 2015, the Group Manager, Head of Planning & Transport or Corporate Director be authorised to refuse planning permission for the application on the grounds of failure to comply with Policy CP6 and CP8 of the Core Strategy and the NPPF.

Informatives

1 'The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and construction noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215810 or at Regulatory Services, P.O. Box 5558, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6ZQ'.

2 'Unless reliably verified records are to hand certifying that an asbestos survey has previously been undertaken and that no asbestos was installed, or has been removed and disposed of by specialist contractor, the applicant is advised to commission an asbestos survey with any recommendations arising therefrom being complied with prior to the commencement of demolition'.

3 CIL

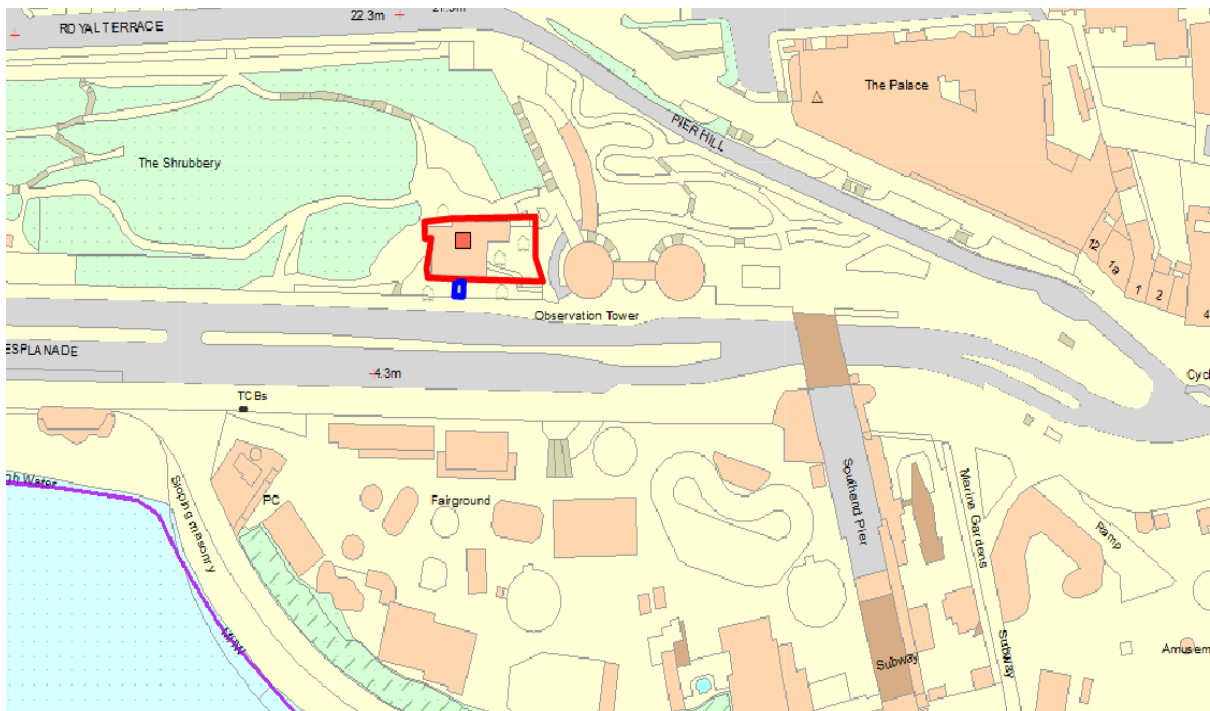
Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a CIL Liability Notice for the applicant's attention and any other person who has an interest in the land. This contains details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at www.southend.gov.uk/cil .

4 S106

This permission is governed by a legal agreement between the applicant and the Borough Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to Affordable Housing, Controlled Parking Contribution, Travel Plan and Public Art.

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

Reference:	15/00955/BC4
Ward:	Milton
Proposal:	Demolish existing restaurant, erect two storey building with basement and terraces to south and west elevations, re-position steps and associated landscaping
Address:	Fishermans Wharf, Western Esplanade, Southend On Sea, Essex, SS1 1EE
Applicant:	Fishermans Wharf
Agent:	Peter Emptage Architects
Consultation Expiry:	19.08.2015
Expiry Date:	09.09.2015
Case Officer:	Janine Rowley
Plan Nos:	13774:P21:A; 13774:P20:A; 13774:P13:M; 13774:P15:B; 13774:P16:B; 13774:P17:A; 13774:P22; 13774:P12:H; 13774:P14:H; 13774:P18:D
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought to demolish the existing restaurant and erect a two storey building with a basement and associated terraces to the south and west elevations, plus repositioning of steps and associated landscaping.
- 1.2 The existing building is 4.6m high (7.4m above the road level along Western Esplanade) x 21m wide x 13.7m deep. The internal floorspace 220sqm.
- 1.3 The proposed building is 6.8m high (10.2m high to the top of the canopy) x 25m wide (28m wide including first floor balcony to the west elevation) x 11.7m deep (14.3m deep including ground and first floor balconies to the front elevation). The
- 1.4 The new building will include:
 - Basement- plant room, dry food store, refuse collection area, refuse area;
 - Ground floor-restaurant, bar, reception area accessed from the west, main kitchen, lift, bike stands, terrace area;
 - First floor – restaurant food prep area, toilets and lift. Two balconies-one to the front and west elevation.
- 1.5 This application is accompanied by a Design and Access Statement, Heritage Statement, Tree Survey, Energy Statement.

2 Site and Surroundings

- 2.1 Fisherman's Wharf restaurant lies within the Seafront Area as designated within the Core Strategy 2007. The application site lies within the Southend Central Area Action Plan boundary (SCAAP) and appears to straddle the boundaries of the St John's, Central Seafront and the Eastern Esplanade and Western Esplanade & The Cliffs quarters. It also lies within the Seafront Central Area Action Plan (SCAAP) boundary.
- 2.2 The site is situated adjacent to Southend Pier, Royal Terrace and the Royal Hotel which are all listed buildings. It also lies within the Clifftown Conservation Area. It is also close to a Site of Special Scientific Interest (the estuary). The site lies outside flood zone 3 which ends just south of the southern boundary of the application site. The tree to the immediate north of the site is protected by TPO/5/2000 and the tree to the south of the site is protected by virtue of being located within the Clifftown Conservation Area.

3 Planning Considerations

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

4 Appraisal

Principle of Development

National Planning Policy Framework 2012, DPD1 Core Strategy Policies KP1, KP2, CP1, CP4, CP7, DPD2 Development Management policy DM6.

- 4.1 This proposed development is considered in the context of the National Planning Policy Framework (NPPF) Sections 56 and 64, and the abovementioned development plan policies. Amongst the core planning principles of the NPPF is to:

“Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”

The proposed development meets this requirement.

- 4.2 The application site lies within the Seafront Area within the Core Strategy Seafront Area. Policy KP1 of the Core Strategy supports proposals for new tourist and visitor facilities, particularly where they create jobs and result in environmental improvements. It also states that in relation to the seafront, the Council will seek 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”*.

The applicant has stated there are a number of constraints with the existing building including the existing condition of the 1930 building which does not meet current standards (including the ramp to the west) and this proposal will provide an opportunity to increase the tourist facilities on offer in the town and the creation of extra jobs.

- 4.3 The Council has also previously prepared, as part of the development plan, the Southend Central Area Action Plan (SCAAP). This document is currently under review although much of its content remains relevant for the aims and objectives for development within Southend Town Centre and the central seafront area. This document states that a key aim of the Strategy is to protect, maintain and improve the area as a seaside resort and as an important leisure and recreational resource for both visitors and residents. Key principles include broadening the leisure, tourism and cultural offer and for appropriately located, high quality and sustainable housing.

This proposed would comply with the emerging strategy providing a high quality tourism facility.

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”.

4.5 This approach is reiterated in Policy CP4 which states: *“Development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and compliments the natural and built assets of Southend”.* This will be achieved by : *“safeguarding and enhancing the historic environment, heritage and archaeological assets, including Listed Buildings, Conservation Areas and Ancient Monuments”* and *“protecting and enhancing the town’s parks, gardens and other urban open spaces, including all open areas whose townscape and amenity value is important to the surrounding area, and the biodiversity of the area!.*

4.6 Policy DM6 of Development Management DPD2 states that all development within the seafront area will incorporate measures which will:

- i. limit any adverse impacts and where possible enhance the biodiversity interests of the local nature reserves and coastal and marine environment; and
- ii. Protect the valuable natural amenity areas of International, European, national importance.

All development proposals within the Seafront Area must take account of flood risk and coastal change. Existing buildings along the Seafront that form a cohesive frontage, have a historic context or are recognised as key landmarks and/or contribute to a distinctive Southend sense of place will be retained and protected from development that would adversely affect their character, appearance, setting and the importance of the Seafront.

Development within or near the Seafront Area must not detrimentally impact upon the Thames Estuary’s openness or views across and backdrops to the River Thames and Southend’s beaches. The provision of new and improved facilities for water recreation and other leisure and tourism facilities will generally be supported in appropriate locations along the Seafront.

The proposed development would be set within the existing site albeit larger and over two floors. It is not considered the development will affect the openness and character of the area.

4.9 Policy CS2 sets out the Key Principles for the Central Seafront Strategy – which seek to support development opportunities and broaden the leisure, tourism and cultural offer, provide for appropriately located, high quality and sustainable housing development. 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 NPPF, Core Strategy and Development Management Document policies all seek to protect green space resources.
- 4.11 Paragraph 74 of the NPPF states that:
Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
 - *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
 - *the development is for alternative sports and recreation provision, the needs for which clearly outweighs the loss.*
- 4.12 Policy CP4 of the Core Strategy states that all new development should result in protecting and enhancing the town's parks, gardens and other urban open spaces, including all open areas whose townscape and amenity value is important to the surrounding area, and the biodiversity of the area.
- 4.13 The proposed development is located within an area that is allocated for green space. The new building would result in a larger footprint but will not result in the loss of any green space and this proposal will enhance the environmental quality.
- 4.14 The site is located within Clifftown Conservation Area and the proposal includes the demolition of the single storey building. Paragraph 131 of the NPPF relating to conserving and enhancing the historic environment states:
- "In determining planning applications, local planning authorities should take account of:*
- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - *the desirability of new development making a positive contribution to local character and distinctiveness".*
- 4.15 Paragraph 128 of the NPPF, states that when determining applications, LPAs should require applicants to describe the significance of the heritage assets affected and the contribution made by their setting. The level of detail provided should be proportionate to the significance of the asset and sufficient to understand the impact of the proposal on this significance. This is supported by paragraph 129, which requires local planning authorities to identify the significance of any heritage assets. Paragraphs 132 to 136 consider the impact of a proposed development upon the significance of a heritage asset, emphasising the importance of conserving heritage assets and that harm or loss to a heritage asset requires clear and convincing justification.

- 4.16 The proposal will result in the loss of an existing single storey building located within 'The Shrubbery' which is an important part of Clifftown Conservation Area. A heritage statement accompanies this application which seeks to demonstrate the justify the loss of the existing buildings on the site currently.
- 4.17 The heritage statement accompanying this application suggests that a building first occupied the site in 1911. Since the 1930s a food premises has operated from the site and in 1986 the premises were refurbished to create the Fisherman's Wharf restaurant and the most recent modification was in 2008 to the dining room to provide an extension. The existing building dates back to the 1930s and the heritage significance of the building is limited. Given the existing restaurant building does not have any historic merit and is of poor design in places (particularly the roof form) and has inadequate access arrangements, no objection is raised to the demolition of the existing building in terms, subject to a suitable replacement.
- 4.18 The existing use of the site is as a restaurant, and the current facility has become slightly run down due to the overall condition of the building. The proposed new restaurant use would cater to visitors to and residents of the town and seafront in a similar way to the existing restaurant and would result in regeneration of the site. It is considered the principle of development is acceptable.

**Design and Impact on the Clifftown Conservation Area:
National Planning Policy Framework 2012, DPD1 Core Strategy Policies KP2
and CP4, DPD2 Development Management policy DM1, DM5 and SPD1**

- 4.19 The site is within 'The Shrubbery' which is an important part of Clifftown Conservation Area but the existing restaurant building does not have any historic merit. The site forms the foreground to the conservation area when viewed from the promenade and the pier but is separated from the listed buildings in Royal Terrace by the trees and planting in the Shrubbery and as such its context is more closely associated with the commercial character of the esplanade. The site marks the start of the main commercial seafront of Southend and forms part of the setting of the pier and the pier hill observation tower and lift. As such it is a prominent and important site and presents an opportunity for the creation of a new local landmark/gateway development which can make a positive contribution to the regeneration of the golden mile.

- 4.20 The proposed development has increased the floorspace compared to the existing restaurant. This has been achieved by a combination of an increased basement area to contain plant, storage and refuse areas, a slightly wider building at ground floor and a new first floor. The scale of the first floor has been partly contained within the roof of the building which has helped to mitigate the impact. The building would still be subservient to the adjacent observation tower and that a significant buffer would be retained between the proposal and the listed building at Royal Terrace to the north of the site. The proposal has also been designed to accommodate the two large adjacent trees which will provide softening to the frontage as well as being a feature of the development itself. It is therefore considered that the proposal has, in this instance, managed to achieve a design and form which can successfully accommodate the proposed increase in scale without detrimentally impacting on the streetscene, the trees or the wider conservation area.
- 4.21 The proposal will create a new modern landmark for the seafront which will help to mark the gateway to the Golden Mile and central seafront area. The modern appearance responds to the new architecture of the pier entrance and the adjacent observation tower and this is considered to be the correct approach in this context.
- 4.22 The dynamic roof form, which has drawn references from the sails and hulls of boats in the estuary, will be the main feature of the building and make a positive contribution to the streetscene. The roof form itself has also been derived to enable the adjacent mature oaks to be retained and to become a feature of the development and this is seen as a feature of the scheme and a benefit to the streetscene generally.
- 4.23 The façade below consists of large areas of glazing continuing the lines of the roof and maximising the outlook for the development. Three large balconies are also proposed which should add articulation and activity to the frontage. Whilst the upper front balcony is supported rather than cantilevered no objection is raised. The overall success of these features will also depend on an elegant slimline construction and details of this would therefore be conditioned.
- 4.24 The proposal has been designed to ensure that all plant and servicing requirements are located within the building itself and this will enable the clean lines of the roof to be maintained. This is particularly important as there will be open views of this aspect from the adjacent observation tower and from Royal Terrace. This will be a significant improvement over the existing situation which is particularly poor when viewed from above. This is a bold design which should provide Southend with a new local landmark.

Traffic and parking

National Planning Policy Framework 2012, DPD1 Core Strategy Policies KP2 and CP3 DPD1, DPD2 Development Management DPD2 policy DM15 and SPD1

- 4.25 The site is located approximately 300 metres south west of the travel centre, the main bus terminal in Southend, and approximately 500 metres south of Southend Central railway station.

Car Parking

- 4.26 There is no parking at the site. Policy DM15 of the Development Management Document states that 1 space per 5m² is required for an A3 use. The existing premises would require 44 off street car parking spaces but operates with none. The proposed redevelopment would require 133 car parking spaces and therefore result in a shortfall of 89 parking spaces on the existing situation. It is noted there are a number of facilities without off street car parking in the area most notably Sands opposite the site. No objections have been raised by the Councils Highway Officer, taking into account the site location within walking distance to the railway station and Southend bus centre and central public parking, and no objection is raised subject to a condition in relation a travel plan.

Cycle Storage

- 4.27 Policy DM15 requires 1 space per 100m² for staff plus 1 space per 100m² for customers. The existing site does not benefit from cycle parking currently. The proposal is to install 8 cycle stands to the northwest of the main reception, which could accommodate 16 cycles which would provide in excess of the 14 required by policy DM15.

Refuse Storage

- 4.28 The basement will provide a refuse area and collection area. The Design and Access Statement accompanying this application states a Eurobin of non-recyclable general waste is currently collected daily and cardboard twice week. Glass is independently collected as is frying oil. The applicant anticipates the refuse will increase 50% but a suitable condition can be imposed to ensure full details of a waste management plan are submitted for consideration.

Impact on Residential Amenity:

NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Development Management Policy DM1, SPD 1 (Design & Townscape Guide (2009)

Outlook, sunlight and daylight and overlooking.

- 4.29 The site is physically distant from the properties to the north and these buildings will not be directly affected by the development. It is not considered the proposal will have an adverse impact on the surrounding buildings and amenity spaces in terms of daylight, sunlight and overshadowing.

Overlooking

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

Noise and disturbance

- 4.31 The applicant with the Design and Access statement states that the development will be compliant with the relevant BS for sound insulation and noise reduction in buildings. Given the current use of the existing building as a public restaurant, the impact of the new development, which will be built to modern construction standards, is likely to be less than currently.

- 4.32 The proposed opening hours are between 1200-0000, which is not too dissimilar to the existing restaurant. Although there are now balconies proposed taking into account the separation distance of some 60m to properties in the Royal Terrace and bearing in mind this is the central seafront, no objection is raised.

Plant and ventilation equipment

- 4.33 The applicant states that no rooftop or external plant is proposed so this will protect nearby properties and will be sited within the basement of the new building.
- 4.34 If permission were to be granted a condition requiring construction noise to be mitigated would be imposed and hours of construction limited.

Lighting

- 4.35 No details of the lighting for the new restaurant have been submitted for consideration. 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 to the north and is not excessively bright and will not therefore cause detrimental intrusion of light to the public space to the immediate west and north of the site.

Sustainable Construction

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

- 4.36 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...”.

- 4.37 Policy DM2 states all new development should be energy and resource efficient.
- 4.38 The applicant has submitted an Energy Statement detailing the various technologies that will be employed within the new building including levels of insulation exceeding Building Regulations, tight air permeability and the installation of high performance glazing. High energy efficient equipment and controls to reduce energy usage where possible including avoidance of solar overheating, natural day lighting, natural ventilation, thermal performance of the building fabric, air permeability and thermal bridging. The implementation of such measures will reduce CO² emissions by 14%. The proposed renewable energy sources will include Air Source Heat Pumps and will achieve a 29% overall reduction in carbon emissions and meet the policy KP2 requirement of providing 15% of onsite renewable energy. Subject to conditions, no objections are raised to the proposed technologies.

Other matters

Stability of the Cliff

- 4.39 The site lies adjacent to the areas of the Cliffs, which are currently stable at this time. A covering letter from the applicants consultant CWT Partnership has been submitted for consideration detailing the findings of the slope stability review and soil investigation carried out by Discovery CE, Geotechnical and Environment Engineer in conjunction with the Councils Foreshore Engineer. The findings conclude that a hazard rating of insignificant for potential slips affecting the proposed development. Any excavation works should be limited and a piled foundation is recommended if the scheme was to be deemed acceptable. The applicant suggests that the construction of the basement proposed will include a contiguous piled wall, with the piles being designed as cantilevers retaining the soil behind. Furthermore, any excavations within parts of the development area are limited due to the tree protection areas of a number of trees. No comments have been received at the time of writing this report from the Councils Structural Engineer; however they will be reported within the supplemental report.

Ecology

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

- 4.40 *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.*
- 4.41 Natural England has no objection to the proposed development and the proposal being carried out in strict accordance with the details of the application. The reason for this view is that 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.

4.42 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. In this instance the Council considers the proposed development will not have an adverse impact on the surrounding ecology given the nature of the seafront being well lit and crowded, and containing other development close to the protected area including Adventure Island to the immediate south, 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.

Trees/Landscaping

4.43 Policy DM1 of the Development Management Document advocates the need for new development to respect the character of any landscape setting. There are a number of trees within close proximity to the site. The application is accompanied by an Arboricultural Impact Assessment carried out by Hayden's Arboricultural Consultants. The demolition of the existing building affects the root protection area of two trees to be retained and some minor existing landscaping. The trees neighbouring the site are safeguarded by a Tree Preservation Order (5/2000) and the Clifftown Conservation Area. Whilst it is accepted some soft landscaping in the form of young yew trees will be removed as part of any potential construction works but will not affect the visual amenity of the area. Any demolition and construction works will also affect two individual Oak trees, one to the north (T001) and one to the southeast of the existing building (T002). The Arboricultural Report accompanying this application states that the works will affect the root protection areas of the aforementioned trees however, specialised foundation design has been produced to ensure there will be minimal ground disturbance in order to preserve the existing trees. The Council's Arboriculturalist considers special engineering techniques are to be used where foundations are to be constructed within the root protection areas although it is difficult to ascertain how much piling will be used. In order to avoid damage to the trees a detailed Arboricultural Method Statement and detailed Tree Protection Plan would be required showing how the trees are to be protected throughout all aspects of the demolition and construction of the building together with details of site supervision by a competent arboriculturist at key stages would also be required. Further details on the protection to the trees and full landscaping details will be required to be dealt with by condition.

Archaeology

- 4.44 In relation to archaeology, the heritage statement suggests that Victorian and Edwardian building was discovered during the construction of the Pier Hill and 'The Shrubbery' does not have any further archaeology. A condition will be imposed to ensure if any archaeology is discovered during the demolition and construction works this is reported and recorded.

Community Infrastructure Levy (CIL) Charging Schedule.

- 4.45 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. CIL is payable on net additional gross internal floorspace. The existing floorspace of the restaurant is 220sqm and the proposal will increase the floorspace by an additional 449sqm a (total of 669sqm). The proposed development will therefore, result in a CIL liability of £4490.00.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework
- 5.2 Core Strategy DPD (adopted December 2007) Policies KP1 (Spatial Strategy) KP2 (Development Principles), CP1 (Employment Generating Development) CP4 (The Environment and Urban Renaissance), CP7 (Sport, Recreation and Green Space)
- 5.3 Development Management DPD2 emerging policy DM1 (Design Quality), DM5 (Southend on Seas Historic Environment), DM6 (The Seafront), DM10 (Economic Development), DM14 (Environmental Protection), DM15 (Sustainable Transport Management).
- 5.4 Design and Townscape Guide SPD (adopted December 2009)
- 5.5 Community Infrastructure Charging Schedule.

6 Representation Summary

Design and Regeneration

- 6.1 The site is within 'The Shrubbery' which is an important part of Clifftown Conservation Area but the existing restaurant building does not have any historic merit, is of poor design in places (particularly the roof form) and has inadequate access arrangements. Its context within The Shrubbery provides a pleasant backdrop to the building. There are two large oak trees adjacent to the building and these are an important part of the streetscape in this location. There would therefore be no objection to its redevelopment subject to a high quality design, due consideration for the impact on adjacent trees and the wider conservation area.

The site forms the foreground to the conservation area when viewed from the promenade and the pier but is separated from the listed buildings in Royal Terrace by the trees and planting in the Shrubbery and as such its context is more closely associated with the commercial character of the esplanade. The site marks the start of the main commercial seafront of Southend and forms part of the setting of the pier and the pier hill observation tower and lift. As such it is a prominent and important site and presents an opportunity for the creation of a new local landmark/gateway development which can make a positive contribution to the regeneration of the golden mile.

The proposed development has significantly increased footprint of the existing restaurant. This has been achieved by a combination of an increased basement area to contain plant, storage and refuse areas, a slightly wider building at ground floor and a new first floor. The scale of the first floor has been partly contained within the roof of the building which has helped to mitigate the impact. The submitted plans and perspectives show that the building would still be subservient to the adjacent observation tower and that a significant buffer would be retained between the proposal and the listed building at Royal Terrace to the north of the site. The proposal has also been designed to accommodate the two large adjacent trees which will provide softening to the frontage as well as being a feature of the development itself. It is therefore considered that the proposal has, in this instance, managed to achieve a design and form which can successfully accommodate the proposed increase in scale without detrimentally impacting on the streetscene, the trees or the wider conservation area.

With this proposal the architect has sought to create new modern landmark for the seafront which will help to mark the gateway to the Golden Mile and central seafront area. The modern appearance responds to the new architecture of the pier entrance and the adjacent observation tower and this is considered to be the correct approach in this context.

The dynamic roof form, which has drawn references from the sails and hulls of boats in the estuary, will be the main feature of the building and should provide make a positive contribution to the streetscene. The roof form itself has also been derived to enable the adjacent mature oaks to be retained and to become a feature of the development and this is seen as a feature of the scheme and a benefit to the streetscene generally.

The façade below consists of large areas of glazing continuing the lines of the roof and maximising the outlook for the development. 3 large balconies are also proposed which should add articulation and activity to the frontage. It would be preferred if the upper front balcony could be cantilevered rather than supported as this would better fit with the uncluttered appearance of the proposal. The success of these features will also depend on an elegant slimline construction and details of this should therefore be conditioned.

It is pleasing to see that the proposal has been designed to ensure that all plant and servicing requirements are located within the building itself and this will enable the clean lines of the roof to be maintained. This is particularly important as their will be open views of this aspect from the adjacent observation tower and from Royal Terrace. This will be a significant improvement over the existing situation which is particularly poor when viewed from above.

This is a bold design which should provide Southend with a new local landmark but its success will ultimately depend on the quality of its detailing and materials. The following items should therefore be clarified of conditioned.

- Materials – full details of external materials are required including a sample of the roofing materials and details of the glazing and glazing system. The glazing must take account of solar gain. Materials for the balcony fascia's, balustrades and under sides will also be key.
- Balconies - further details of the balcony construction including cross section and balustrade details should be sought or conditioned
- Plant – all plant must be contained within the building envelope. There will be a need for grilles at some points for air intake and extraction and details of these will need to be agreed. The location of any required air conditioning units and the proposed ASHP will also need to be determined and must also be contained within the building.
- Details of proposed service doors including retaining walls to rockery and paving should be sought
- Drainage - including rainwater runoff, guttering etc..
- Indicative or actual signage. Individual lettering and external illumination is suggested.
- External lighting
- Landscaping including tree protection

Sustainability

The energy statement appears to show that the required 10% renewables can be provided with ASHP but it is unclear where these would be located. This should be clarified. They must not be publically visible **[Officer Comment: The applicant has confirmed the proposed renewable energy sources will be located within the basement area and will be fit at high level. The terrace above will screen the top of the condensers].**

Highway Authority

- 6.2 No objections to this proposal given the sustainable location of the site. The removal and reconstruction of the existing stair access will need to be monitored by the council to ensure the stability of the cliff is not put at risk during construction works.

Councils Arboriculturalist

- 6.3 There are two mature oaks adjacent to the site and two groups of trees. The proposal is to retain the two oaks T001 and T002, and group G001.

G002 is to be removed to facilitate the development; this group contains mainly young yews so the loss of visual amenity is not great.

Special engineering techniques are to be used where foundations are to be constructed within the RPA of T1 (see drawing 4434-D) and there appear to be ground beams supported on piles throughout the RPA. It is a bit difficult to ascertain from the plan how much piling is within the RPA but it appears to be 16 and it is stated in the Arboricultural Report the project arboriculturist and structural engineer have worked in conjunction to produce the design.

It is possible that T1 would have less root activity in this part of the theoretical RPA due to the slope of the ground.

To avoid damage to the trees a detailed Arboricultural Method Statement and detailed Tree Protection Plan would be required showing how the trees are to be protected throughout all aspects of the demolition and construction of the buildings.

A programme of site supervision by a competent arboriculturist at key stages would also be required. This is particularly important on this site due to the proximity of the development to the trees and the lack of space.

Further information is required in relation to the methodology of the piling operation.

Parks

- 6.4 The development will impact on the landscaping of the surrounding amenity space. Therefore prior to the commencement of works on site we require an landscaping plan for the location and any area impacted on by the development, including the rockery/wall to the south. Landscaping to be agreed prior to works commencing and funded by the developer.

The building does not include any elements for biodiversity such as a green roof. I would like to request a condition requiring the developer to provide elements for biodiversity on the building or in the landscaping within the boundary of the lease area.

No details are provided on the SUDS scheme which could impact on the trees and the adjoining open space **[Officer Comment: A condition will be imposed in relation to details of SUDs being submitted to and agreed with the local planning authority].**

Due to the location on of the development a condition requiring the developer not to obstruct or interfere with the open space during and if possible after the completion of the works **[Officer Comment: A condition will be imposed in relation construction management plan being submitted to and agreed with the local planning authority].**

Due to the nature of the site and the charitable trust implications I would like a condition requiring all possible lease, Trust and Charity Commission issues to be addressed prior to commencement onsite **[Officer Comment: This is not a material planning consideration].**

Structural Engineer

- 6.5 No comments received at the time of writing this report.

Environmental Health

- 6.6 No comments received.

Natural England

- 6.7 Internationally and national designated sites-No objections raised subject to the Council reviewing the Habitats Regulation **[Officer Comment: Refer to paragraph 4.42 above].**

Natural England consider the proposal is unlikely to have a significant effect on any European site.

Wildlife and Countryside Act- No objections subject to a condition in relation piling to be imposed if the application is deemed acceptable **[Officer Comment: See condition 8 below].**

Public Consultation

Four site notices posted on the 29th July 2015 and 66 neighbours notified of the proposal. One letter of representation has been received stating:

- Significant unneeded disruption. Enforce working time conditions and wheel washing if approved.

7 Relevant Planning History

- 7.1 Demolition of existing timber framed building in poor condition and rebuild of new restaurant- 14/00980/PREAPF.
- 7.2 Retrospective application to retain glazed extension to front elevation- Granted (08/01044/FUL).

8 Recommendation

Members GRANT PLANNING PERMISSION subject to the following conditions:

- 1 The development hereby permitted shall begin not later than 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.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 13774:P21:A; 13774:P20:A; 13774:P13:M; 13774:P15:B; 13774:P16:B; 13774:P17:A; 13774:P22; 13774:P12:H; 13774:P14:H; 13774:P18:D.**

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

- 3 No development shall take place until details including samples of the materials to be used on the external elevations including roofing, glazing, glazing system, balcony fascia's, balustrades, balcony construction, service doors, ; boundary treatments and hard surfaces have been submitted to and approved by the Local Planning Authority. The development shall only be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.**

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of this part of the Clifftown Conservation Area. This is as set out in DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management Document) 2015 policies DM1 and DM5, and SPD1 (Design and Townscape Guide)

- 4 No development shall commence until full details of both hard and soft landscape works for the new development have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved unless otherwise agreed in writing by the Local Planning Authority. These details shall include, for example: proposed finished levels or contours; means of enclosure; pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or storage units).**

Soft landscape works shall include details of existing trees and shrubs to be retained, together with measures for their protection in the course of development; details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established and measures to enhance biodiversity within the site. If any trees are removed or found to be dying, severely damaged or diseased within 3 years; of planting them, they must be replaced with trees of a similar size and species

Reason: To ensure that the development is satisfactory in terms of its appearance and that it makes a positive contribution to the Local environment and biodiversity in accordance with NPPF, DPD1 (Core Strategy) policy KP2 and CP4, DPD2 (Development Management Document) policy DM1 and SPD1 (Design and Townscape Guide]

- 5 All hard and soft landscape works shall be carried out in accordance with the approved details submitted in accordance with condition 04 and 05. The works shall be completed within the first planting season following completion of the development shall be carried out within the first planting season following first occupation of the development or in accordance with a programme submitted to and approved by the Local Planning Authority**

Reason: To ensure that the development is satisfactory in terms of its appearance and that it makes a positive contribution to the Local environment and biodiversity in accordance with NPPF, DPD1 (Core Strategy) policy KP2 and CP4, DPD2 (Development Management Document) policy DM1 and SPD1 (Design and Townscape Guide).

- 6** No development shall commence until the recommendations of the Haydens Arboricultural Consultants Report dated 12th June 2015, have been submitted to and agreed in writing by the local planning authority including a detailed Arboricultural Method Statement, Tree Protection Plan with the following information fencing type, piling, ground protection measures, access facilitation pruning specification, project phasing and an auditable monitoring schedule.

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

- 7** Prior to demolition of the existing building a method statement, prepared by a chartered structural or civil engineer, to demonstrate how the surrounding land will be stabilised during and following demolition, together with a timetable for the works shall be submitted to and approved by the LPA, demolition shall only be carried out in accordance with the approved method statement and must be completed in its entirety.

Reason: To ensure the demolition does not adversely affect stability of the surrounding land and to protect the character and appearance of the surrounding area in accordance with DPD1 (Core Strategy) policies KP2 and CP4 and SPD1 (Design and Townscape Guide).

- 8** No percussive piling shall take place in freezing conditions: i.e. when the air temperature is below 0°C or when snow cover is greater than 50%.

Reason: to minimise the risk of disturbance to the wintering bird interest of the SSSI at a time when the birds are already subject to a high level of stress due to weather conditions.

- 9** Prior to the use of the development hereby by approved, a Travel Plan including a comprehensive survey of all users, targets to reduce car journeys to the restaurant in the adoption and implementation of the travel plan, identifying sustainable transport modes including cycling and modes of public transport shall be submitted to and agreed in writing by the local planning authority. At the end of each year the Travel Plan shall be monitored for the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified problems must be submitted to and approved in writing by the local planning authority. The Travel Plan must be implemented in full accordance with the approved details unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with the NPPF, DPD1 (Core Strategy) 2007 policy KP2, CP3 and CP4, DPD2 (Development Management) policy DM15, and SPD1 (Design and Townscape Guide).

- 10** No development shall take place until a Construction Environmental Management Plan has been submitted to and approved by the local planning authority. The Plan shall include the following details:

- (a) Programme of works; (b) Code of practice; (c) 24 hour emergency contact number; (d) Hours of building works and measures taken to ensure satisfactory access and movement within the site taking into consideration any existing occupiers; (e) Lorry routing and traffic management (including control of delivery of materials); (f) Control of noise; (g) Control of dust; (h) Site waste management; (i) Details of the local sourcing of material; (j) Measures to prevent pollution of ground and surface water; (k) Measures to protect areas of vegetation and wildlife within the vicinity of the development during construction works; (l) Compliance with legal consents relating to nature conservation specifically protected species; (m) Details of how the Construction Environmental Management Plan will be monitored on site

Reason: To minimise the environmental impact and disturbance to existing residents, vegetation and wildlife during construction of the development in accordance with NPPF, DPD1 (Core Strategy) 2007 policies KP2 and CP4; and DPD2 (Development Management Document) 2015 policy DM1.

- 11 Notwithstanding the submitted information, prior to first occupation of the restaurant hereby approved, a Servicing Management Strategy for shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, servicing of the site shall only take place in accordance with the agreed Strategy.**

Reason: Interests of amenity and highway efficiency and safety in accordance with NPPF, DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management Document) 2015, and SPD1 (Design and Townscape Guide).

- 12 No part of the development shall be occupied until bicycle parking spaces have been provided externally to the restaurant in accordance with plans and details which shall have been previously submitted to and agreed by the Local Planning Authority and the bicycle parking spaces shall be permanently maintained thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.**

Reason: To ensure that satisfactory secure bicycle parking is provided in the interests of sustainability, amenity and highways efficiency and safety, in accordance with NPPF, DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management Document) 2015 and SPD1 (Design and Townscape Guide).

- 13 If, during the course of development, any archaeological findings are located on site. A written report of the investigation and findings must be produced, showing that the archaeological/ geological. Copies of the written report of the investigation and findings shall be submitted to and approved in writing by the local planning authority.**

Reason: To avoid damage to archaeological/ geological remains on site as set out in NPPF, DPD1 (Core Strategy) policy KP2 and CP4, DPD2 (Development Management Document) policies DM1 and DM5 and SPD1 (Design and Townscape Guide).

- 14 Prior to installation of any external lighting, the proposed lighting, including design, siting, luminance, hours of illumination and an assessment using the Institution of Lighting Engineers Guidance Note for the Reduction of Obtrusive Light shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed only in accordance with the approved scheme.**

Reason: To protect the amenities of neighbouring properties and the adjacent SSSI and RAMSAR site and general environmental quality in accordance with, NPPF, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and DPD2 (Development Management Document) 2015 policy DM1.

- 15 No signs(s) or advertisements(s) shall be displayed within the application site without the express consent of the Local Planning Authority, notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007 or any equivalent provision in any statutory revoking and re-enacting those Regulations.**

Reason: In the interests of visual amenity in accordance with DPD1 (Core Strategy) policy KP2 and CP4, DPD2 (Development Management Document) and SPD1 (Design and Townscape Guide).

- 16 Before any development commences details of existing and proposed levels on the land and in relation to adjoining land shall be submitted to and approved by the local planning authority. The development shall be constructed at the level indicated on the approved drawings.**

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

- 17 The development hereby permitted shall be carried out in accordance with details of renewable energy on drawing 13774:P12H and the energy statement carried out by Brontide Consulting June 2015 prior to the occupation of the development hereby approved, unless otherwise agreed in writing by the local planning authority. The approved scheme shall be implemented before the development is first occupied and shall remain operational for the lifetime of the development unless otherwise agreed in writing by the local planning authority.**

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with NPPF, DPD1 (Core Strategy) policy KP2 and CP4, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

- 18 No development shall take place until details of the implementation, adoption, maintenance and management of the sustainable drainage system have been submitted to and approved in writing by the local planning authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.**

Reason: To ensure surface water is adequately managed in the interests of flood prevention and pollution control, in accordance with DPD1 (Core Strategy) 2007 policy KP2.

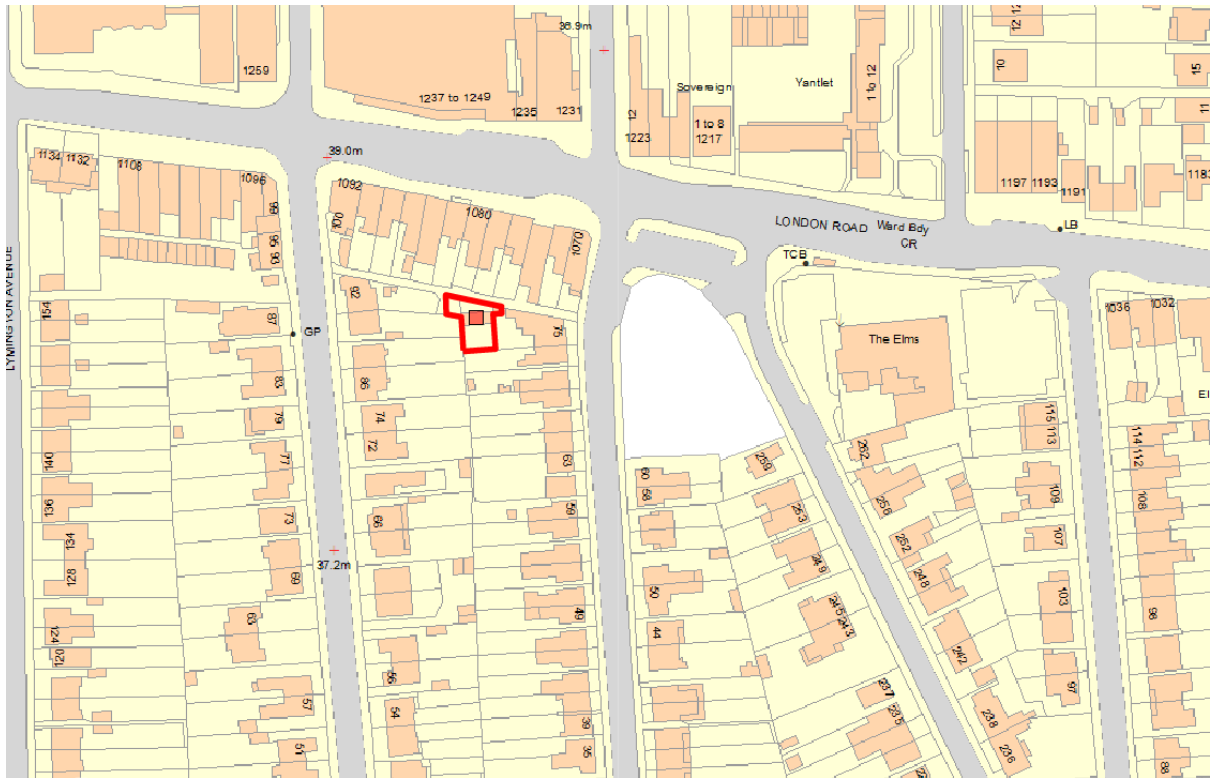
Informative

- 1 Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a CIL Liability Notice for the applicant's attention and any other person who has an interest in the land. This contains details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at www.southend.gov.uk/cil .**

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

Reference:	15/01085/FUL
Ward:	Leigh
Proposal:	Change of use from General Industry (Class B2) to Dwelling House (Class C3), demolish existing rear extension, erect first floor front extension, alter roof, elevations and install vehicle turntable to front
Address:	Rear of 75 Cranleigh Drive, Leigh-on-Sea, Essex, SS9 1SX
Applicant:	Mr Alan and Daniel Green And Pilgrim
Agent:	N/A
Consultation Expiry:	19.08.2015
Expiry Date:	27.08.2015
Case Officer:	Janine Rowley

Plan Nos:	00; 01; 02; 03; 04; 05; 06; 08
Recommendation:	REFUSE PLANNING PERMISSION



The Proposal

- 1.1 Planning permission is to change the use from General Industry (Class B2) to Dwelling House (Class C3), demolish existing rear extension and outbuildings and erect a first floor front extension, alter roof, elevations and install vehicle turntable the west of the existing building.
- 1.2 The existing building is 10.2m wide x 8m deep x 6.6m high, to the rear of the existing building are outbuildings 7.4m wide x 4.9m deep x 2.6m high and a service yard. The existing internal floorspace equates to 91sqm.
- 1.3 The proposed change use will include a kitchen, living and dining room to the ground floor and the two bedrooms and bathroom to the first floor. The first floor extension proposed to the front of the building is 8.5m wide x 3.8m deep x 5.2m high. To the south of the site will be an amenity area of approximately 62sqm. Parking is proposed to the immediate west of the site with the installation of a turntable for two cars exiting onto Station Road to the west of the site by the existing access road. The internal floorspace of the proposed dwellinghouse is 113sqm.

2 Site and Surroundings

- 2.1 The existing site includes a part two storey/part single storey building accessed from Station Road to the immediate to the west. The surrounding area is characterised by two storey buildings to the north, east and west. To the south are gardens serving properties in Cranleigh Drive and Station Road.

Planning Considerations

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

4 Appraisal

Principle of Development

National Planning Policy Framework; DPD1 (Core Strategy) policies KP1, KP2, CP1, CP2, CP4; DPD2 (Development Management Document) policies DM1, DM3, DM7, DM11 and the Design and Townscape Guide SPD1 (2009)

Employment

- 4.1 Government guidance contained within the National Planning Policy Framework (NPPF) encourages effective use of land by re-using land that has been previously developed. The National Planning Policy Framework paragraph 21 suggests that support should be provided for existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. It states that policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances. Paragraph 22 goes on to state *“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose”*. The existing buildings on site have been previously used as a workshop but have been vacant since the 20th February 2008 and the refurbishment of the unit has been deemed economically unviable for general industry purposes.
- 4.2 Policy CP1 of the Core Strategy states that permission will not normally granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposals will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area.
- 4.3 Policy DM11 of the Development Management Document states that outside the employment areas, proposals for alternative uses on sites used (or last used) for employment purposes, including sites for sui-generis uses of an employment nature, will only be permitted where it can be demonstrated that:
- I. It will no longer be effective or viable to accommodate the continued use of the site for employment purposes or
 - II. Use of the site for B2 and B8 purposes gives rise to unacceptable environmental problems.

It will need to be demonstrated that an alternative use of mix of uses will give greater potential benefits to the community and environment than continued employment use.

4.4 In this instance although the commercial unit has been used in the past for the purposes of a workshop and storage the use but has been vacant since 2008. Given that the site of the unit is bounded by residential properties a commercial unit appears to be out of character with the surrounding locality. The existing site clearly demonstrates by reason of its appearance and siting that it is an inappropriate use in need of regeneration. Redevelopment of this site has the potential to enhance the urban environment, visual amenity, and the condition of the local area by having a positive contribution to the appearance and character of the surrounding area. Furthermore, the proposed use as residential would benefit the surrounding residential occupiers in reducing noise and disturbance from the general industrial use.

Backland Development and dwelling mix

4.5 Policy DM3 of the Development Management Document states that all development on land that constitutes backland and infill development will be considered on a site by site basis. Development within these locations will be resisted where the proposals:

- (i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or
- (ii) Conflict with the character and grain of the local area; or
- (iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or
- (iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees.

4.6 The proposed development is acceptable in principle, subject to detailed considerations.

Design and impact on the character of the area

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4; DPD2 (Development Management Document) policies DM1 and DM3 and Design and Townscape Guide SPD1.

4.7 Paragraph 56 of the NPPF states

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

4.8 Paragraph 60 of the NPPF states:

“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles”.

- 4.9 Policy KP2 of the Core Strategy requires all new developments to respect the character and scale of the existing neighbourhood where appropriate. Policy CP4 of the Core Strategy states that development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend.
- 4.10 Policy DM1 and DM3 and the Design and Townscape Guide advocate the need for any new development to respect the character of the area and complement the local character.
- 4.11 The existing building is a two storey workshop with an enclosed and covered yard to the rear. It is located to the rear of 75 Cranleigh Drive in an area between Cranleigh Drive and Station Road and therefore has no street frontage but is visible to the surrounding properties.
- 4.12 The proposed first floor front extension includes the existing triangular shaped yard and extends two storeys with an angled roof creating a triangular addition to the frontage. The proposed modern remodelling of the existing building will enhance the overall character of the existing dilapidated building. The overall design in terms of its massing, fenestration and materials provides a cohesive design and will provide a positive impact enhancing the overall character and appearance of the surrounding area in accordance with the NPPF, DPD1 (Core Strategy) policies KP2 and CP4 of the Core Strategy, policies DM1 and DM3 of the Development Management and the Design and Townscape Guide.

Living Conditions for Future Occupiers

National Planning Policy Framework 2012, Development Management Policy DM8

- 4.13 Policy DM8 of the Development Management DPD2 requires such a development to provide at least 77sqm internal floor space for a two bedroom (four bed spaces) for two storey dwellings. The proposed dwelling would have 2 bedrooms (four bed spaces) and associated living areas and 113sqm of internal floor space, in excess of current standards. The following is also prescribed including:
- Storage cupboard with minimum floor area of 1.5m² for 3 person dwelling;
 - Suitable space for provision of a washing machine, drying clothes & waste bins;
 - Minimum floor areas for bedrooms to be no less than 7m² for a single bedroom, and 12m² for a double/twin bedroom;
 - Suitable cycle storage with convenient access to the street frontage;
 - Provision of non-recyclable waste storage facilities; and,
 - Refuse stores to be located to limit nuisance caused by noise and smells and should be provided with a means of cleaning.

The habitable rooms would be served by sufficient windows which would provide acceptable light and outlook for potential future occupiers.

4.14 One of the core planning principles of the NPPF is that the planning system should *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*.

4.15 Whilst the Council’s Design and Townscape Guide states:

“Outdoor space significantly enhances the quality of life for residents and an attractive useable garden area is an essential element of any new residential development”.

4.16 The proposed 2 bedroom dwelling will have an amenity area in the form of a garden to the south equating to 62sqm, which is considered useable amenity space.

Traffic and Transportation

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

4.17 The existing site is access via Station Road to the immediate west of the site and the site does not benefit from off street parking. To the immediate north of the site is London Road, which is served by a number of bus services. A number of properties to the rear of London Road and Station Road park the vehicles to the rear of their properties along the existing access road. In accordance with policy DM15 of the Development Management Document the existing use as B2 (General Industry) would require the provision of two off street parking spaces. The proposed change of use to a residential property would also require two off street parking spaces. The applicant proposes to install a turntable to the immediate west of the site to enable cars to have ease of access entering and exiting the site. The proposal will provide an improved situation and complies with policy DM15 of the Development Management Document. The Councils Highway Officer has raised no objection subject to conditions in relation to a maintenance strategy to ensure the off street parking is provided for the lifetime of the development.

Refuse

4.18 A refuse store is proposed, however the refuse due to the location falls outside of the collection area. However, a condition can be imposed if the application is deemed acceptable.

Impact on residential amenity

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11, H5 and the Design and Townscape Guide SPD1.

- 4.19 To the north of the site are commercial premises to the ground floor and flats above. To the east and west are two storey dwellinghouses and to the immediate south are garden areas serving properties in Cranleigh Drive and Station Road. Policy DM1 of the Development Management Document states that any new development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.
- 4.20 The existing two storey building is set 4.4m from the nearest residential property to the immediate east of the site no. 75 Cranleigh Drive. The proposed first floor extension will project 1.8m in front of the existing building at the most eastern point. There is a first floor window and two windows to the ground floor that appear to serve habitable rooms of no. 75 Cranleigh Drive. The proposed first floor extension by reason of its depth and siting would result in loss of light and an undue sense of enclosure to the detriment of amenities of existing occupiers at no. 75 Cranleigh Drive contrary to the NPPF, Policies KP2 and CP4 of the Core Strategy DPD1, policy DM1 of Development Management Document DPD2, and advice contained within the Design and Townscape Guide (SPD1).
- 4.21 The existing building is set on the boundary of the existing access road and the first floor front extension will be set in line with the existing building 9.1m away from the nearest property to the north of the site. Given the overall height of the first floor extension eaves at 4.2m rising to 4.8m, it is not considered the proposal will have an adverse impact on the amenities of nearby residents to the north of the site in terms of outlook, light and visual enclosure. Windows are proposed to the front elevation as existing; however a condition can be imposed to ensure the bathrooms are obscure glazed.
- 4.22 Taking into account the 23m away from the rear elevations of no. 90 and 92 Station Road and the limited depth of the first floor extension proposed at 4m there is sufficient distance to mitigate against any harm and the proposal will not be overbearing nor result in loss of light. A window is proposed to the west elevation; however a condition can be imposed to ensure the bathrooms are obscure glazed.
- 4.23 To the rear of the site, the first floor will accommodate two bedrooms with windows facing southwards. The design of the windows includes overhangs and a hood to protect the amenities of existing occupiers from any potential overlooking or loss of privacy.

- 4.24 The existing two storey building is set 4.4m from the nearest residential property to the immediate east of the site no. 75 Cranleigh Drive. The proposed first floor extension will project 1.8m in front of the existing building at the most eastern point. Whilst it is acknowledged there are existing windows within the rear elevation of no. 75, the proposal due to its limited
- 4.25 The proposed change of use will not result in any harm in terms of noise and disturbance taking into account the existing Class B2 use, which includes general industry.

**Community Infrastructure Levy (CIL)
Charging Schedule.**

- 4.26 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 may also be CIL liable.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework
- 5.2 Development Plan Document 1: Core Strategy 2007 Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance), CP3 (Transport and Accessibility), CP1 (Employment Generating Development), CP6 (Community Infrastructure)
- 5.3 Development Management DPD2 emerging policy DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix), DM8 (Residential Standards), DM11 (Employment Area), DM15 (Sustainable Transport Management).
- 5.4 SPD1 Design & Townscape Guide 2009
- 5.5 Waste Management Guide
- 5.6 Community Infrastructure Levy (CIL) Charging Schedule

6 Representation Summary

Design and Regeneration

6.1 The existing building is an early c20 2 storey workshop with an enclosed and covered yard to the front and single storey extension to the rear. It is located to the rear of 75 Cranleigh Drive in the area between Cranleigh Drive and Station Road. It therefore has no street frontage but is visible to the surrounding properties and any proposal will impact on the outlook from these properties.

The proposal is for a 2 storey extension to the front and a general remodelling of the building into a 2 bed house. The extension to the front encompasses the existing triangular shaped yard and extends two storeys with an angled roof creating a triangular addition to the frontage.

There is no objection in principle to a modern remodelling of the existing building and an addition on the north side. It is pleasing to see that since pre app the design has been significantly refined including a remodelled roof to the extension and additional fenestration to break up its massing. This has given the north elevation in particular much more structure and interest including generous overhang to the shaped roof, deep reveals and feature window surrounds. This has now created a much more cohesive scheme and subject to materials and detailing is considered to be of an acceptable design.

Internally the room sizes look reasonable and the amenity space useable.

The plans also show that the parking area is via a turntable. It is unclear how this will appear visually and details should be conditioned. It is unclear whether it will be possible to include any landscaping to the front but this would be beneficial to the scheme.

Sustainability

No information has been provided regarding the sustainability of the proposal. Policy KP2 requires all development to be sustainable and include 10% renewables. Provision for this should be made in the design **[Officer Comment: The only new development proposed relates to the first floor front extension, in light of this policy KP2 is not relevant in this instance].**

Traffic and Transportation

- 6.2 The applicant proposes to use a turntable to the immediate west of the site to enable ease of access. The proposal will improve the access arrangements for the site that doesn't currently benefit from off street parking. Two parking spaces are proposed in accordance with policy DM15 of the Development Management Document. Therefore no highway objection is raised.

Leigh Town Council

- 6.3 Backland development and would be overdevelopment and lack of amenity space **[Officer Comment: 62sqm of amenity space is proposed, which is considered sufficient for potential future occupiers].**

Public Consultation

- 6.4 A site notice displayed on the 29th July 2015 and 27 neighbours notified of the proposal. Four letters of support have been received stating:
- The building itself appears dilapidated and unsafe and this development will enhance this predominately residential area.
 - The area is an eyesore, overgrown and encourages antisocial behaviour.

Ward Councillors

- 6.6 Councillor Crystall has requested this application be dealt with by Development Control Committee.

7 Relevant Planning History

- 7.1 Pre application advice: 15/00095/PREAPF- To change use of existing building from general industrial (B2) to residential (Class C3).

8 Recommendation

Members are recommended to:

8 Recommendation

8.1 REFUSE PLANNING PERMISSION subject to the following reason:

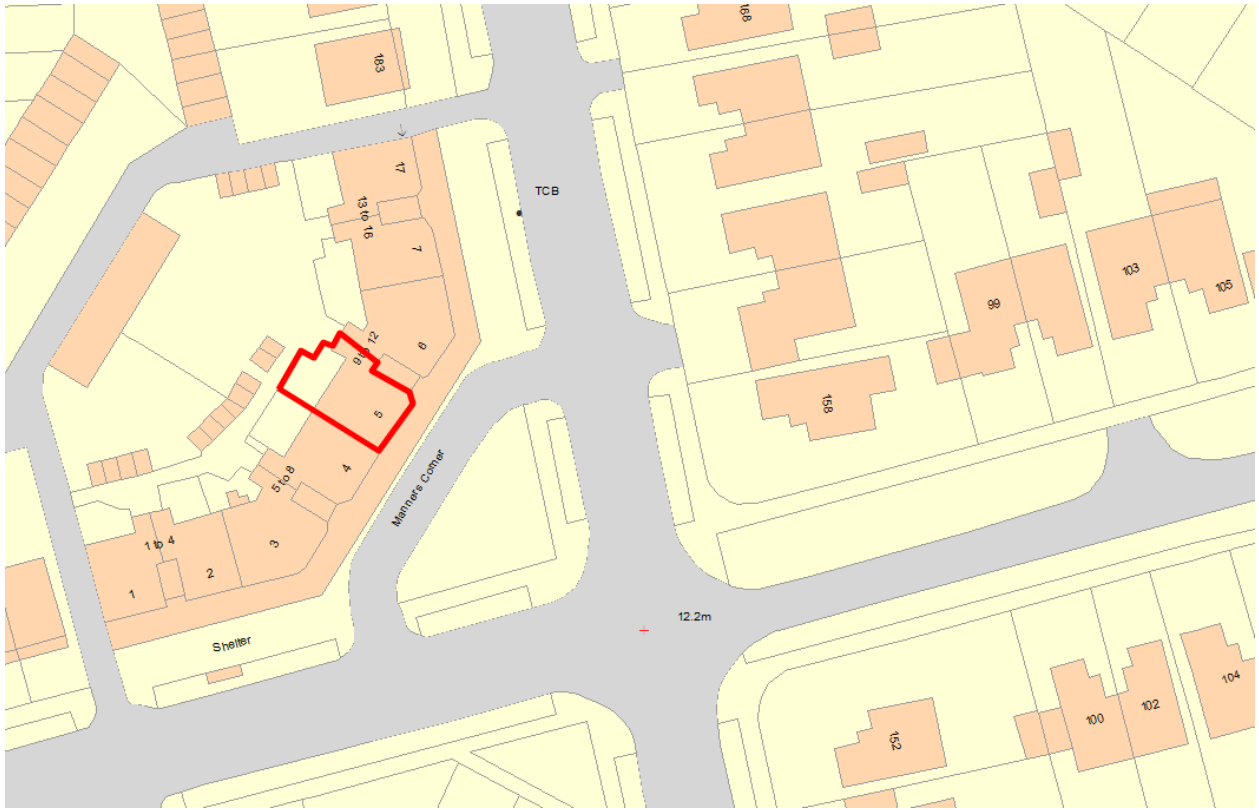
- 1 The proposed first floor front extension by reason of its depth and siting will result in a loss of light and an undue sense of enclosure to the detriment of the residential amenities of the occupiers at No. 75 Cranleigh Drive contrary to the NPPF, Policies KP2 and CP4 of the Core Strategy DPD1, policy DM1 of Development Management Document DPD2, and advice contained within the Design and Townscape Guide (SPD1).**

Informative

- 1 Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.**

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:	15/01112/FUL
Ward:	St Laurence
Proposal:	Application for change of use from Florist Shop (Class A1) to Hot Food Takeaway (Class A5) and Install Extract Ducting To Rear Roof (Amended Proposal)
Address:	Dereks Florist, 5 Manners Corner, Manners Way, Southend-On-Sea, Essex, SS2 6QR
Applicant:	Mrs Tamanna Begum
Agent:	Daryl McCarthy
Consultation Expiry:	19.08.2015
Expiry Date:	31.08.2015
Case Officer:	Janine Rowley
Plan Nos:	Location Plan; Proposed Plans and Elevations
Recommendation:	REFUSE PLANNING PERMISSION



1 The Proposal

1.1 Planning permission is sought to change the use from a florist (A1) to a hot food takeaway class (A5) together with the installation of extract ducting to the rear roof. No changes are proposed to the shopfront.

1.2 It should be noted this application has been resubmitted following the refusal of application 15/00568/FUL to change the use from A1 to A3/A5. The application was refused on the following reasons:

1. *“The proposed change of use, by reason of opening hours and intensification of use would be to the detriment of adjoining residential amenity. It has not been satisfactorily demonstrated that the proposal would preserve the amenities of the locality and would not give rise to adverse impacts to surrounding dwellings in terms of noise disturbance, traffic or other related activity. The proposed change of use is therefore considered to be contrary to National Planning Policy Framework, emerging policy DM1 of the Development Management DPD2, Core Strategy DPD1 Policies KP2, CP3 and CP4, Southend-on-Sea Borough Local Plan S5, T8 and T11 and the Design & Townscape Guide, 2009”.*
2. *“The proposed development by reason of unsatisfactory provision of parking will cause additional on street parking in an area of parking stress to the detriment highway safety and the local highway network contrary to guidance contained within the NPPF, Policy DM15 of Development Management DPD2, Policy CP3 of the DPD1 (Core Strategy), Policies T8 and T11 of the Borough Local Plan and the Design and Townscape Guide (SPD1)”.*
3. *“Insufficient information has been submitted to demonstrate that the extract/ventilation equipment would be acceptable in terms of amenity to nearby residential occupiers. Notwithstanding the reason above, the proposal fails to demonstrate that waste storage facilities could be successfully accommodated within the site. The proposal would be contrary to Core Strategy Policy KP2 and CP4, Policies S5, E5, C11 and U2 of the Southend on Sea Borough Local Plan and guidance contained within the National Planning Policy Framework”.*

1.3 The main changes include:

- The proposed change of use only refers to Class A5 (Hot food takeaway);
- Refuse store proposed within the existing service yard;
- Opening hours reduced;
- Supporting information submitted on the plant equipment to be installed to the rear elevation

2 Site and Surroundings

- 2.1 The site is located within Manners Corner, Manners Way. Manners Court is a locally listed building. The existing shopping parade includes a mix of A1, A2 uses and a single A3 use. The streetscene surrounding the parade of commercial units is residential. To the rear of the site is a communal garden serving the existing flats above.
- 2.2 The site is not specifically allocated within Core Strategy nor the Development Management.

3 Planning Considerations

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

4 Appraisal

Principle of Development

National Planning Policy Framework 2012, DPD1 Core Strategy Policies KP2, CP4 and CP8, DPD2 Development Management policy DM13.

- 4.1 The site is located in an isolated shopping frontage not identified within the Core Strategy nor the Development Management Document. Proposals involving the loss of retail uses will be considered on their individual merits. Where the existing use is providing for the shopping needs of the local community its loss will not normally be permitted. All uses permitted will be required to retain the shop front, prevent serious adverse effects on the environment or amenity and extraction equipment will normally be refused in order to safeguard residential amenities.
- 4.2 In light of the above, the existing use as a florist does not provide for a local shopping need and no policies are in place to safeguard such a use in this location. Subject to the material planning considerations discussed in detail below no objection is raised in principle of the proposed use.

Design and Impact on the Character of the Area:

National Planning Policy Framework 2012, DPD1 Core Strategy Policies KP2 and CP4, DPD2 Development Management policy DM1 and SPD1

- 4.3 It should be noted that good design is fundamentally important to new development and this is reflected in the NPPF as well as policies KP2 and CP4 of the Core Strategy DPD1, policy DM1 of the Development Management DPD2 and the Design and Townscape Guide.

- 4.4 No alterations are proposed to the front elevation, which is welcomed given that the existing building is locally listed. Any signage will be subject to a separate application. To the rear the extract ducting is proposed to be installed to the flat roof extension. Whilst the extract ducting will be visible on the rear elevation, it is of a limited size and not harm the overall appearance and character of the locally listed building taking into account existing extract ducting serving the existing takeaway at no. 6 Manners Corner.

Traffic and parking

National Planning Policy Framework 2012, DPD1 Core Strategy Policies KP2 and CP3 DPD1, DPD2 Development Management DPD2 policy DM15 and SPD1

- 4.5 The existing use as A1 at 80sqm does not benefit from off street parking currently. The proposed change of use will also have 80sqm of floorspace for A5, including 4 full time members of staff and 2 part time members of staff.
- 4.6 Policy DM15 of DPD2 states that 1 space per 20m² is required for A5 uses. As stated above the existing site does not benefit from off street parking and at least 6 spaces would be required for the existing A1 retail use in accordance with policy DM15 of DPD2. The proposed A5 use would require a minimum 4 parking spaces. In light of the above, given that the existing site does not benefit from off street parking and this proposal would reduce the level of parking as per policy DM15 from 6 to 4 no objection is raised. The proposal has therefore overcome reason 02 of 15/00568/FUL (which included a number of covers and a greater parking requirement).

Refuse Storage

- 4.7 A designated refuse store is now proposed within the service yard. Given the use now proposed A5, there is sufficient space to accommodate the refuse within the site. A condition could be imposed to ensure a full waste management plan is provided.

Impact on Residential Amenity:

NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Development Management Policy DM1, SPD 1 (Design & Townscape Guide (2009)

- 4.8 The application site has residential properties above and commercial units to the ground floor east and west. Residential properties surround Manners Corner to the east and west.

- 4.9 In terms of impact on residential amenity, the existing retail unit does not have a restriction on opening hours. The proposed opening hours of the A5 use are as follows:
- 1130-2100 Monday to Thursday;
 - 1130-2100 Saturday;
 - At no times on a Sunday or Bank Holidays.
- 4.10 It is noted no. 4 Manners Corner includes a convenience store open between 8am-9pm and the takeaway at no. 7 Manners Corner (Fish & Go) opens between 11.30-1400 and 1630-2130 Monday-Thursday and 1130-1430 and 1630-2200 Friday and Saturday but at no time on Sundays. The proposed closing time of the takeaway will be in line with the existing convenience store at no. 4 Manners Corner and will close at 2100 compared to 2130 and 2200 at Fish & Go no. 7 Manners Corner together with not opening at any times on Sunday or Bank Holidays. Taking into account the proposed change of use and opening hours, these will not have harmful impact amenities of local residents, therefore addressing reason 01 of 15/00568/FUL.
- 4.11 The applicant has provided further details of the siting of the extract ducting to be installed to the rear elevation. Whilst the details submitted provide further information on the extraction system and fan to be installed, the information does not clearly demonstrate the proposal will not have an adverse impact on the amenities of nearby residential occupiers. As per the previous application it is not considered acceptable to impose a condition as the application has failed to demonstrate that the extract ducting will not result in harmful impact on the residential amenities of properties above the site in Manners Court, being located so close to them. The proposal has therefore not overcome reason 03 of 15/00568/FUL.
- 4.12 It has not been satisfactorily demonstrated that the proposal would preserve the amenities of the locality and would not give rise to adverse impacts to surrounding residential properties.

Community Infrastructure Levy (CIL) Charging Schedule.

- 4.13 The proposal will not result in the creation of any new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework
- 5.2 Core Strategy DPD (adopted December 2007) Policies KP2 (Spatial Strategy), CP4 (Development Principles) and CP8 (Dwelling Provision)

- 5.3 Development Management DPD2 emerging policy DM1 (Design Quality), DM13 (Shopping and Centre Management outside of the Town Centre), DM15 (Sustainable Transport Management).
- 5.4 Design and Townscape Guide SPD (adopted December 2009)
- 5.5 Community Infrastructure Charging Schedule.

6 Representation Summary

Design and Regeneration

- 6.1 This is an attractive locally listed building but the application proposes no changes to the shopfront therefore there are no objections to this proposal. It will be important to ensure, however, that any new signage is respectful of the building.

Highway Authority

- 6.2 There are no highway objections to this proposal whilst no parking has been provided for the change of use however this is no different to other establishments in close proximity. Off street parking is available locally and it is considered that the proposal will not have a detrimental impact upon the public highway.

Environmental Health

- 6.3 The proposal has the potential for odour and nuisance to residents from plant and equipment and deliveries. Whilst there is a fish and chip shop the mechanical ventilation extract stack has a very powerful motor to send fume above the two storeys of flats above. This can of course be a source of noise nuisance if not properly installed. Therefore, is a need for a suitable ventilation extract system to the approval of the Local Authority and no details have been submitted at this time in the form of an acoustic report to ensure the amenities of neighbours are safeguarded. From the limited information submitted it appears to be advocating discharge on the top of a ground floor flat roof using a limited filtration system. This department normally expects an Indian restaurant to discharge at least one meter above the ridge of the property or utilise plant such as electrostatic precipitation/odour neutralisation (plus filtration) if the discharge point is lower.

Plant and Exhaust Systems

The rating level of noise for all plant (including but not exclusively the ventilation, refrigeration and air conditioning equipment)determined by the procedures in BS:4142:1997, should be at least 5dB(A) below the background noise with no tonal elements. The L_{A90} to be determined according to the guidance in BS:4142 at 3.5m from ground floor facades and 1m from all facades above ground floor level to residential premises.

The equipment shall not be installed before an acoustic assessment has been undertaken and the proposed installation is designed to be capable of meeting the above criteria. The assessment should be carried out by a suitably qualified and experienced acoustic consultant who would normally be a member of the Institute of Acoustics. The equipment shall be maintained in good working order thereafter. The plant must not have distinctive tonal or impulsive characteristics.

Deliveries:

All deliveries and collections to be between:07:00-19:00 hrs. Monday to Friday; and08:00-13:00 hrs. Saturday; with no deliveries on Sundays or Bank Holidays.

Public Consultation

6.4 A site notice displayed on the 29.07.2015 and 33 neighbours notified of the proposal. At the time of writing this report 7 letters of objection have been received stating:

- The proposal will devalue surrounding properties **[Officer Comment: Not a material planning consideration];**
- Disturbance to car parking problems;
- Traffic is already heavy due to the shops and there is not enough parking for the residents and will be even worse with this proposal;
- Increased noise from customers in the evening and opening and shutting of cars;
- Increased noise and odours from the smell of food to the rear given that it is located to the back of the building and over the garden area serving the flats;
- Vibration and noise from vents and extractors out the back will harm residents;
- Home insurance will increase due to the increased fire risk **[Officer Comment: Not a material planning consideration];**
- Another food outlet not needed in this location;
- Litter/Rubbish is already dropped in the area and another takeaway would add to this;
- Matching opening hours of the existing takeaway is no basis for granting this proposal;
- Still results in the intensification of a use in the vicinity of the area;

- Main road to the airport and no parking due to double yellow lines

Any additional letters of representation will be reported within the supplementary report.

- 6.4 Councillor Flewitt and Councillor Buckley have requested this application be dealt with by Development Control Committee.

7 Relevant Planning History

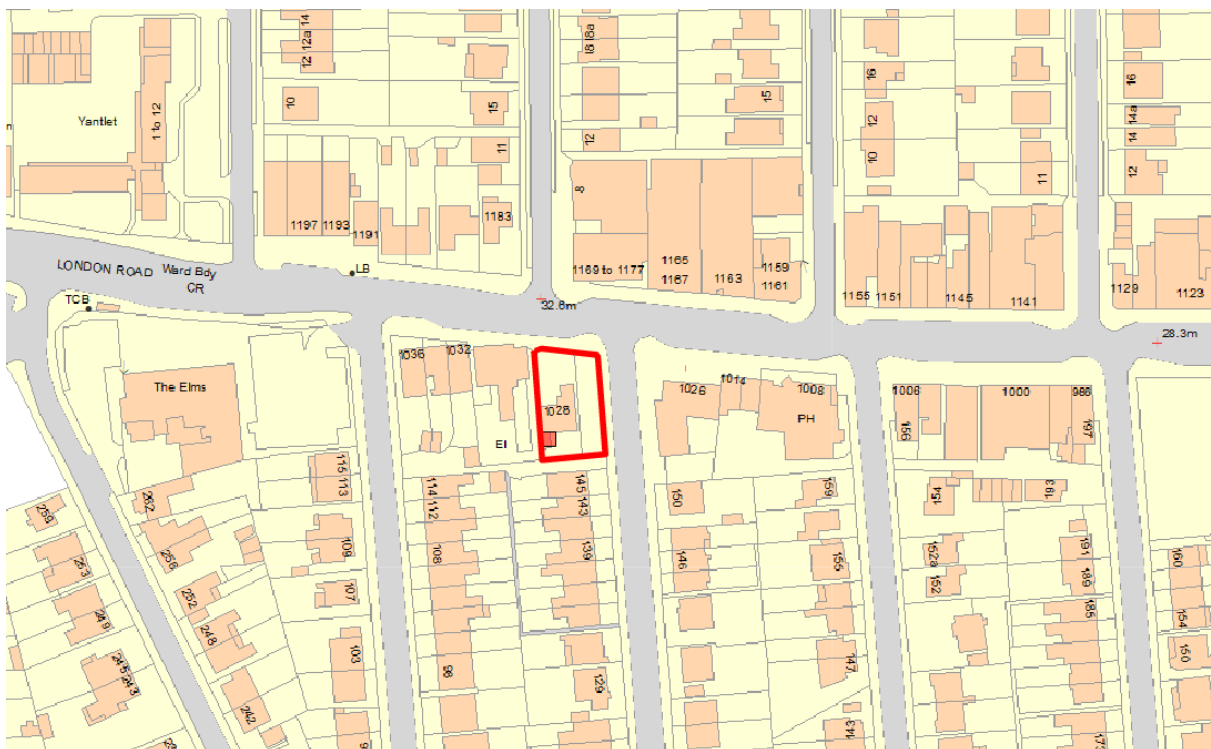
- 7.1 Application for change of use from florist shop (Class A1) to mixed use hot food restaurant/takeaway (Classes A3/A5) and installation of extract ducting to rear roof-Refused (15/00568/FUL).

8 Recommendation

Members REFUSE PLANNING PERMISSION subject to the following reasons:

- 1 Insufficient information has been submitted to demonstrate that the extract/ventilation equipment would be acceptable in terms of amenity to nearby residential occupiers. The proposal fails to demonstrate that it would not have an adverse impact of the amenities of adjoining occupants and would be contrary to Core Strategy DPD1 Policy KP2 and CP4, Development Management Document DPD2 Policy DM1 and guidance contained within the National Planning Policy Framework.**

Reference:	15/01008/FUL
Ward:	Leigh
Proposal:	Demolish existing dwelling house, erect three storey building comprising seven self-contained flats with balconies at first and second floor, layout parking, bin and cycle stores and form new vehicular crossover onto Leigh Hall Road (Amended Proposal)
Address:	1028 London Road, Leigh-on-Sea, Essex, SS9 3ND
Applicant:	Mr Jonathan Simon
Agent:	APS Designs Ltd
Consultation Expiry:	11/08/15
Expiry Date:	04/09/15
Case Officer:	Ian Harrison
Plan Nos:	01, 02, 03, 04, 05, 06 and 07.
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 Permission is sought to demolish an existing dwelling and erect a three storey building containing seven self-contained flats. The internal areas of the proposed flats are fully set out below.
- 1.2 The proposed building would be approximately 'L' shaped, measuring a maximum of 13.7 metres wide and 10 metres deep at the front and 27 metres long at the East side elevation, with the rear element measuring between 7.5 and 8.9 metres deep. The main roof of the building would be built to a ridge height of 9.8 metres and an eaves height of 5.7 metres, with a cross wing at the front part of the building with matching heights, a full gable frontage and a hipped gable with a dormer to the rear. At the South end of the building would be two full height, two storey gable ended features, one on the East elevation which would not project and one on the West elevation that would project by 1.4 metres.
- 1.3 The proposed building would feature balconies to the north and east elevations at the respective frontages of the site. One flat would be served by a South facing balcony on the rear elevation of the front part of the proposed building and a Juliet balcony would be provided at second floor level on the South facing elevation at the South boundary of the site.
- 1.4 Materials to be used in the construction of the building include render, red brick, timber cladding, louvered panels, and red roof tiles.
- 1.5 Vehicular access is proposed from Leigh Hall Road via an undercroft access. A new vehicle crossover will be installed to facilitate this. Seven parking spaces would be provided to serve the proposed development. Pedestrian access to the flats is via entrance doors at the Leigh Hall Road frontage and to the garden area at the South West of the site.
- 1.6 The proposed garden area would measure 80 square metres. To the South would be a 12.5 square metre bin store and a cycle store for seven bicycles. Landscaping areas would be provided to the Leigh Hall Road frontage of the site.
- 1.7 This application follows the refusal of application 15/00486/FUL which proposed a development that was largely the same as the development proposed by this application, but with a retail/office unit at ground floor instead of the seventh flat that is proposed by this application. One less parking space was also proposed compared to the current scheme. That application was refused for the following reason:

“The proposed development would see the loss of a bungalow at the application site and inadequate provision of dwellings that would comply with Lifetime Home standards. The proposal is therefore contrary to the NPPF and policy DM3 of the Council’s Emerging Development Management DPD.”

- 1.8 That application followed the refusal of applications 14/02035/FUL and 14/00887/FUL.

2 Site and Surroundings

- 2.1 The application site currently contains a detached bungalow located on the corner of Leigh Hall Road and London Road which benefits from a large area of hardstanding to the front. Vehicle access is currently provided off London Road.
- 2.2 The rear (south) of the site is located to the side of a two storey end of terrace property. This part of Leigh Hall Road southwards is residential in character. Adjoining the site to the west is a two storey building containing a restaurant at ground floor with residential above. On the opposite corner is a two storey building and car showroom. Within the London Road frontages of street blocks to either side are mixed use commercial properties of varying designs, generally two storeys in height.

3 Planning Considerations

- 3.1 The main considerations in the determination of this application are the principle of the development, design and impact on the streetscene, impact on residential amenity of neighbouring residents, the standard of accommodation for future occupiers, traffic and highways issues and sustainability, and whether the previous reasons for refusal have been addressed.

4 Appraisal

Principle of Development

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4, CP8; Development Management DPD Policies DM1, DM3, DM7, DM8 and DM15 and the Design and Townscape Guide SPD1 (2009)

- 4.1 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework Sections 56 and 64, Core Strategy DPD Policies KP2, CP4 and CP8. Amongst the core planning principles of the NPPF include 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”

Paragraph 56 of the NPPF states; *“the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* Paragraph 64 of the NPPF states; *“that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*

4.2 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development. Policy CP8 requires that development proposals contribute to local housing needs.

4.3 Policy DM3 states that:

“The conversion or redevelopment of single storey dwellings (bungalows) will generally be resisted. Exceptions will be considered where the proposal:

- (i) Does not create an unacceptable juxtaposition within the streetscene that would harm the character and appearance of the area; and*
- (ii) Will not result in a net loss of housing accommodation suitable for the needs of Southend’s older residents having regard to the Lifetime Homes Standards.”*

The previous application included no units that would comply with lifetime home standards and therefore it was considered that the loss of a bungalow should be resisted by the Local Planning Authority.

4.5 The applicant has addressed this matter by proposing the provision of a ground floor residential unit that would comply with the requirements of the Lifetime Homes Standards. Subject to this being secured by an appropriate condition, it is considered that the proposed development would see the provision of an equal number of residential units that could be occupied by ‘Southend’s older residents.’ The proposal therefore accords with that aspect of the abovementioned policy and the previous basis for the refusal of the application has been satisfactorily overcome.

4.6 The previous proposals at this site have included a retail or office use within the proposed development. It is considered that there is no policy requirement to provide either of these uses at the application site and the proposed development would not represent a net loss of office or retail floorspace. It is therefore considered that the removal of retail and office floorspace from the proposed development of this site should not be found objectionable.

Design and Impact on the Character of the Area

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

- 4.7 This section of London Road has a varied character, and is generally mixed use including commercial units at ground floor with some residential above. There is no consistent style of the buildings which vary in age in size. The buildings are generally two storey, some with flat roofs. The existing bungalow appears somewhat at odds with the commercial character of the London Road frontage. In contrast the northern section of Leigh Hall Road has a much more consistent character. It is a residential street and consists predominately of two storey mainly Edwardian terraced housing with double height bay windows as the defining characteristic. The properties are located on a consistent building line set back from the pavement behind small front gardens. Most of the buildings have simple gabled roofs running side to side with small projecting gables above the bays.
- 4.8 The proposal consists of demolishing the existing bungalow and the erection of a three storey block of flats with the third storey being provided in the roofspace of the proposed building. The footprint of the proposed building covers the majority of the site and has extensive frontages to both London Road and Leigh Hall Road.
- 4.9 In determining application 15/00486/FUL, no objection was raised by the Local Planning Authority to the layout, scale or appearance of the proposed development and therefore, as the development proposed by this application is largely identical to the previously proposed development, it is considered that it would be unreasonable to act inconsistently and object to this application on those grounds. The alterations that have occurred to the proposed development do not cause the development to have a materially different character to the previously proposed development that was considered visually acceptable.

- 4.11 With regard to where buildings of an increased height are proposed, the Design and Townscape Guide states that *“where larger buildings are considered appropriate, they can be designed in such a way so as they do not appear over dominant in the wider streetscene. For example:*
- *The impact may be significantly reduced by the introduction of setbacks at upper levels. This makes the upper storeys less visible from the street and can reduce the perception of scale.*
 - *Stepping the upper storeys away from the side flanks is also a recognised way of smoothing the transition between adjacent building of different sizes*
 - *Careful detailing of the elevations can also lessen the scale of a larger development. For example, introducing some form of layering such as balconies or breaks in the building line can be effective. Greater transparency at upper floors can also lessen the impact.*
 - *Articulating a frontage with strong vertical rhythms in can also help break up long facades.*
- 4.12 The proposed built form would project forward of the Leigh Hall Road building line by 1.9 metres, but would be positioned to reflect the staggered building line between the restaurant to the West and the car dealership to the East. It has previously been determined by the Local Planning Authority that the position of the building in relation to the building lines of the adjacent properties is acceptable and it is considered that this remains the case.
- 4.13 The proposed building would measure 9.8 metres tall and planning records for properties within Leigh Hall Road indicate that those properties measure approximately 8.7 metres tall. It is therefore the case that the building would be approximately 1.1 metre taller than the dwellings of Leigh Hall Road. However, it is not uncommon for the properties that are built at the junction of London Road and subservient side roads to be taller than the properties within the side roads. Examples of this exist at the junctions of London Road and Elm Road, Blenheim Crescent and Cricketfield Grove and as such it is considered that this approach to the development of the application site is not out-of-keeping with the grain and character of development within the surrounding area. Given the variety of building heights that exist within the surrounding area, it is considered that the increased height of the proposed development relative to the properties of Leigh Hall Road would not cause the development to be harmful to the general character of the area.
- 4.14 For these reasons, noting that the similar development proposal was not found unacceptable on the grounds of the scale, layout or appearance of the development, it is considered that the development proposed by this application should also not be found unacceptable.

Impact on Residential Amenity.

National Planning Policy Framework, Policy CP4 of the Core Strategy, Development Management DPD Policy DM1 and Design and Townscape Guide.

- 4.15 The proposed building extends along the entire length of the site to the Leigh Hall Road frontage. To the south of the site is No. 145 Leigh Hall Road which contains a two storey semi-detached dwelling. There is a driveway access extending along the side of No. 145 separating the side wall of the proposed building from the side wall of No. 145 by 4.7m. The proposed building would not project beyond the rear of No. 145 however the front building line would project 1.9 metres forward of the front building line of No. 145. Given the separation distance and that the proposed building would not project beyond the rear building line of No. 145 it is not considered that the proposed building would result in a loss of light, outlook or an undue sense of enclosure to this property. The proposed building would not project beyond a notional 45 degree angle taken from the front windows of this dwelling and as such there would not be loss of light to these windows.
- 4.16 The north facing side wall of No. 145 does not contain any windows. Whilst the South elevation of the proposed building would contain three windows and the West facing elevation would also feature a number of windows, it is considered that the potential to overlook the neighbouring properties would be much less than would normally be possible from a terrace of properties, particularly as the rear wing would be positioned forward of the neighbouring building which would enable the existing building to obscure views of the private amenity space of the neighbouring property. It is also noted that there is already a view into the rear garden of No. 145 from the first floor windows of the adjoining terrace properties to the South, and from the properties to the rear fronting Dawlish Drive. Whilst there is limited detail provided in relation to the treatment of the ground floor southern wall to the car park area, this could be controlled by way of a condition to limit potential noise and disturbance issues. It is also noted that there is an existing driveway access along this boundary.
- 4.17 With regard to the property to the west of the site at No. 1030 London Road, this contains a restaurant at ground floor with a flat above. There are ground floor windows within the side elevation of this building however these are obscure glazed and as such are not protected windows. The building line of the proposed building is positioned away from the West boundary and as such this would provide a sufficient degree of separation to this property to avoid loss of light or outlook or result in an undue sense of enclosure to this property. Windows are proposed at upper floors within the West facing elevations however it is noted that the area to the rear of No. 1030 London Road is in use as a yard area in association with the ground floor restaurant use and not as a private amenity area. It is therefore not considered reasonable to raise an objection on the basis of loss of privacy to the occupants of the first floor flat.

Standard of Accommodation:

National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy, Development Management DPD Policies DM1, DM3 and DM8 and the Design and Townscape Guide.

- 4.18 Development Management Development Plan Document policy DM8 sets out minimum standards for residential accommodation. Minimum dwelling and room sizes are set out as per the below table:

Policy Table 4: Indicative Residential Space Standards

- (a) 1 bedroom (2 bed spaces) 45 square metres
- (b) 2 bedroom (3 bed spaces) 57 square metres
- (c) 2 bedroom (4 bed spaces) 67 square metres
- (d) 3 bedrooms (5 bed spaces) 75 square metres

The following is also prescribed:

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

4.19 The proposed flats would be built to the following dimensions:

Flat	Policy Requirement for Unit Size (Square Metres)	Total Floorspace (Square metres)	Policy Requirement for Bedroom Size (Square Metres)	Bedroom Sizes (Square metres)
1	75	100	12 and 7	27, 12.9 and 8.9
2	57	57	12 and 7	10.7 and 9.3
3	57	56	12 and 7	13.4 and 7.2
4	45	45.5	12 and 7	12.5
5	57	57.6	12 and 7	12.1 and 9.1
6	75	102.2	12 and 7	19, 17 and 12.2
7	75	91.7	12 and 7	17.3, 12.5 and 12.2

4.20 On the basis of the proposed plans showing the number of bed spaces, the units would be of an acceptable size. And the bedrooms sizes would also comply with the abovementioned standards. With regard to amenity space, a garden area is proposed to provide amenity space for the flats that would have an area of 80sqm. This would equate to approximately 11.4sqm per flat which would be sufficient. Flats 2, 3, 4 and 5 would also be served by balconies. Bedrooms and main living areas are served by windows to provide adequate natural light and outlook and refuse and cycle storage facilities are provided.

Highways and Transport Issues:

National Planning Policy Framework, Policy KP2, CP4 and CP8 of the Core Strategy, Development Management DPD Policies DM1, DM3 and DM15 and the Design and Townscape Guide.

4.21 Vehicular access to the site is proposed off Leigh Hall Road. Policy DM15 states that each flat should be served by one parking space. This standard has been met by the proposed development.

4.22 Cycle parking and waste stores are proposed at the South West corner of the application site. This would be accessible to future occupants and would be within close proximity to the highway. It is therefore considered that the proposed storage facilities at the site are appropriate in terms of accessibility. However, it is considered that details of the cycle store and refuse store should be secured by condition.

Sustainability

Core Strategy Policies KP2, CP4 and CP8, Development Management DPD Policy DM2 and SPD1

- 4.23 Policy KP2 of the DPD1 and the SPD1 require that 10% of the energy needs of a new development should come from on-site renewable resources, and also promotes the minimisation of consumption of resources. The proposed plans show the area of flat roof would accommodate PV panels. No details have been submitted to demonstrate this would provide 10% of the energy needs, it is considered this could be required by condition were permission granted.

Community Infrastructure Levy

- 4.24 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. The proposed development will result in a net increase in gross internal area of 471 square metres (taking into account a deduction of 116 square metres for existing 'in-use' floorspace that is being demolished). The CIL chargeable rate for residential units in this location is £60 per square metre. Therefore, this equates to £28,260.
- 4.25 Notwithstanding the submissions of the applicant, the existing building is shown to measure 116 square metres, the outbuildings that are shown on the submitted plans are considered to be 'garden stores' rather than garages that count towards the existing floor space and the proposed building has been calculated to have a Gross Internal Area of 587 square metres.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework
- 5.2 DPD1 Core Strategy Policies CP4 (Environment & Urban Renaissance) and KP2 (Development Principles), CP8 (Dwelling Provision)
- 5.3 Development Management DPD Policies DM1, DM2, DM3, DM7, DM8 and DM15
- 5.4 Community Infrastructure Levy Charging Schedule
- 5.5 Design & Townscape Guide 2009 (SPD1).
- 5.6 EPOA Parking Standards 2001

6 Representation Summary

Design & Regeneration

6.1 No comments received.

Traffic & Highways Network

6.2 The Highway Authority have stated that their comments with respect to application 15/00486/FUL remain applicable. At that time it was stated that *“there are no highway objections to this proposal, the parking is below the DM15 policy however the site does benefit from being in sustainable location with regard to public transport with good links in close proximity. Cycle storage and refuse storage has been provided and is acceptable.”* **(Officer Note – the proposed development does include adequate parking to comply with the parking standards)**

Leigh-on-Sea Town Council

6.3 Leigh Town Council have objected to the application on the grounds that the proposal includes more flats than the previously refused scheme and there would be fewer parking spaces provided. The flats would be served by inadequate amenity space and would cause the loss of a bungalow.

London Southend Airport

6.4 No objection unless a crane or piling rig is required to be used in the construction of the proposed building.

Public Consultation

6.5 Site notice displayed and neighbours notified

Two letters of objection have been received which object on the following grounds:

- The proposed development is very similar to the previous proposal that was rejected.
- The scale of the proposed building would be too dominant of Leigh Hall Road and its residential character.
- Seven parking spaces is inadequate and parking provision is a particular problem in this location.
- The site should not be considered to be a sustainable location.
- This part of Leigh should not be the subject of so many apartment block developments and the existing bungalow should not be sacrificed.
- The building is described as two storeys where it should be described as three storeys **(Officer Note – This has been corrected and neighbours re-notified accordingly)**

- The three storey form of the building is not in-keeping with the two and single storey scale of other buildings within the surrounding area.
- The poor condition of the existing site has been caused by a long period of vacancy, but this should not affect the assessment of the application.
- The refuse store should not be found acceptable in the shown location as its use would cause noise and odour and access to this facility would cause disturbance and vibration that may damage the adjacent property.
- The proposed development, in addition to all other developments that have occurred in the surrounding area, is posing a significant strain on health, education and other such community infrastructure. **(Officer Note – Please see Paragraph 4.24 with respect to this matter).**

6.6 This application has been called in to the Development Control Committee by Councillor Crystal.

7 Relevant Planning History

7.1 Applications 14/00887/FUL and 14/02035/FUL proposed similar redevelopments of the site. Both applications were refused for the reasons that are discussed above. Application 14/02035/FUL was refused for the following reason

“The proposal by reason of its layout and detailed design would result in a dominant, incongruous development that is out of keeping with and detrimental to the character and appearance of the locality contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies C11, H5 and H7 of the Southend on Sea Borough Local Plan and the Design and Townscape Guide.”

7.2 Application 15/00486/FUL proposed a development that was largely the same as the development proposed by this application, but with a retail/office unit at ground floor instead of the seventh flat that is proposed by this application. One less parking space would have been provided than the current scheme. That application was refused for the following reason:

“The proposed development would see the loss of a bungalow at the application site and inadequate provision of dwellings that would comply with Lifetime Home standards. The proposal is therefore contrary to the NPPF and policy DM3 of the Council’s Emerging Development Management DPD.”

It was however determined that the reasons for refusal in the 2014 applications had been adequately addressed.

8 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

- 02 The development shall be carried out in accordance with the approved plans: 01, 02, 03, 04, 05, 06 and 07.**

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

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

Reason: To safeguard character and appearance of surrounding area in accordance with Policy DM1 of the Development Management DPD and KP2 and CP4 of the Core Strategy.

- 04 The development shall not be occupied until 7 car parking and 7 cycle parking spaces have been provided on hardstandings within the curtilage of the site, together with properly constructed vehicular accesses to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently retained thereafter for the parking of occupiers of and visitors to the development.**

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policies DM15 of the Council's Development Management DPD and CP3 of the Core Strategy DPD1.

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

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

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

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy DM1 of the Development Management DPD and Policy CP4 of the Core Strategy DPD1

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

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy DM1 of the Council's Development Management DPD and Policy CP4 of the Core Strategy DPD1

- 07 A scheme detailing how at least 10% of the total energy needs of the dwellinghouses will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first occupation of the dwellinghouse. This provision shall be made for the lifetime of the development.**

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (DPD1).

- 08 Prior to the commencement of the development hereby approved, details of the siting and appearance of the cycle and refuse store shall be submitted to and agreed in writing by the Local Planning Authority. The proposed development shall then be carried out in accordance with the approved details and the refuse and cycle store shall be provided prior to the occupation of any flats at the site.**

Reason: In order to protect the character and visual amenities of the area and the environment for residents in accordance with policy DM1 of the Council's Development Management DPD and Policies KP2 and CP4 of the Core Strategy DPD1.

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

Informative

Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a CIL Liability Notice for the applicant's attention and any other person who has an interest in the land. This contains details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at www.southend.gov.uk/cil .

Reference:	15/01024/FUL
Ward:	West Leigh
Proposal:	Demolish existing dwelling and erect two semi-detached dwellings, layout parking to front and amenity space to the rear (Amended Proposal)
Address:	34 Percy Road, Leigh-On-Sea, Essex, SS9 2LA
Applicant:	Mrs H Collins
Agent:	Knight Gratrix Architects
Consultation Expiry:	04.08.2015
Expiry Date:	03.09.2015
Case Officer:	Janine Rowley
Plan Nos:	010B; 011B; 012B; 013B
Recommendation:	REFUSE PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought to demolish the existing single storey bungalow and erect 2 semi-detached 3 bed dwellings, with parking to the front and amenity space to the rear.
- 1.2 The dwellings proposed would be set over two floors and each dwelling is 8.1m wide x 8.6m-10.3m deep x 6.9m-8.5m high. Each house would include 127sqm of habitable floorspace made up of:
 - Ground floor entrance hall: living room, kitchen/diner/wc-66sqm
 - First floor: three bedrooms, bathroom, ensuite bathroom-60sqm
- 1.3 The existing bungalow is of a traditional design and the proposal is for a two storey contemporary design with gable projections.
- 1.4 Two parking spaces per dwelling is proposed accessed from Percy Road. A small planting area is proposed to the front. To the rear an amenity area of approximately 55sqm per dwelling is proposed.
- 1.5 It should be noted that this application has been resubmitted following the refusal of application 15/00086/FUL for the erection of two semi-detached dwellinghouses. The application was refused for the following reasons:
 1. *“The proposed development by reason of its excessive scale, height, bulk, mass, detailed design and materials and limited outdoor space would appear incongruous and out of keeping within the streetscene to the detriment of the appearance and character and appearance of the area and represent overdevelopment of the site contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Core Strategy; Policies C11 and H5 the Borough Local Plan and advice contained within the adopted Design and Townscape Guide (SPD1)”.*
 2. *“The proposed development due to its height, bulk and position in relation to neighbouring properties would result in an overbearing dominant form and result loss of privacy through unmitigated overlooking contrary to the National Planning Policy Framework, Policy CP4 of the Core Strategy, Policies C11, H5 of the Southend on Sea Borough Local Plan and the Design and Townscape Guide”.*
 3. *“The development does not provide sufficient off-street car parking space for the occupants of the new dwelling(s) and would lead to an increase in demand for on-street parking to the detriment of highway efficiency and safety, contrary to Policies CP3 of the Core Strategy; policies T8 and T11 of the Borough Local Plan; EPOA Parking Standards and advice contained within the Design and Townscape Guide SPD1 and the National Planning Policy Framework (NPPF)”.*

1.6 The main amendments include:

- Reduction from 4 to 3 bedrooms;
- 2 parking spaces per dwelling;
- Reduction from 3 floors to 2 floors;
- Depth reduced from 11.2m to 8.6m-10.2m;
- Height reduced from 11.1m to 6.9m-8.5m;
- Design altered

2 Site and Surroundings

2.1 The existing property is a single storey bungalow located on the eastern side of Percy Road. The streetscene is mixed, consisting of bungalows, chalets and two storey semi-detached houses of various designs. To the north of the site is a chalet type dwellinghouse. To the south of the site adjoins the rear garden of properties in Westcliff Drive. Opposite the site are a number of larger semi-detached houses. It is noted that there are a few other single bungalows in the street interspersed in between the two storey properties.

3 Planning Considerations

3.1 The main considerations in relation to this application are the principle of the development, design and impact on character of the area, traffic and transportation issues and impact on residential amenity and sustainable construction and whether the proposal has overcome the previous reasons for refusal of application 15/00086/FUL.

4 Appraisal

Principle of Development

National Planning Policy Framework, Core Strategy Policies KP2, CP1, CP4 and CP8, Development Management DPD2 emerging policy DM1, DM3, and Borough Local Plan Policies H5, C11

4.1 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework Sections 56 and 64, Core Strategy DPD1 Policies KP2, CP4 and CP8. The core planning principles of the NPPF the need 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”

Paragraph 56 of the NPPF states; *“the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*

Paragraph 64 of the NPPF states; *“that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*

- 4.2 The existing site is a small bungalow located on the east side of Percy Road. The streetscene is characterised by predominantly two storey properties. It is considered that a two storey dwelling in this location would not break the continuity of the streetscene to the north and south and the existing bungalow appears at odds currently and as such, is considered acceptable in principle.
- 4.3 Policy DM3 (4) quotes that “The conversion or redevelopment of single storey dwellings (bungalows) will generally be resisted. Exceptions will be considered where the proposal:
- (i) “Does not create an unacceptable juxtaposition within the streetscene that would harm the character and appearance of the area; and*
 - (ii) Will not result in a net loss of housing accommodation suitable for the needs of Southend’s older residents having regard to the Lifetime Homes Standards.”*
- 4.4 As noted above the proposed two storey dwellings are considered acceptable in principle, given that the prevailing character of the area is for two storey houses. The applicant has submitted details whereby drawing 014 demonstrate that the proposal will provide appropriate for the needs of the older residents and thus complies with Lifetime Homes criteria C3 to C15 and therefore satisfies Policy DM3 (4) of the Development Management DPD2.

**Design and Impact on the Street Scene
National Planning Policy Framework, Core Strategy Policies KP2 and CP4,
Development Management DPD2 emerging policy DM1 and DM3, , Borough
Local Plan Policies C11, H5 and the Design and Townscape Guide (SPD1)**

- 4.5 The National Planning Policy Framework requires new development to reinforce local distinctiveness. Policy KP2 and CP4 of the Core Strategy, Policy DM1 and DM3 and the Design and Townscape Guide advocate the need for any new development to respect the character of the area and complement the local character.
- 4.6 The existing property is a single storey bungalow 9.2m wide x 7.9m-10.4m deep x 6.4m high, with a pitched roof. A single storey garage is located to the southern boundary of the site and the existing property has an amenity area of 161sqm for a two bedroom property.

- 4.7 The proposal design has a pair of feature bays to the front of the properties with very tall pitched gables which project forward at roof level. These are flanked by smaller gabled features to the sides. Whilst this provides a transition scale to the neighbours to the sides it is considered that the very steep pitch, the forward projection and the grouping of the two central gables will create an over dominant form in the streetscene. In principle there is no objection to a modern design and it is considered that the inclusion of a bay feature will add articulation and interest to the proposal and help to reference the wider streetscene but the form of these and the resultant roof form has resulted in a proposal which will appear over tall and out of place in this modest streetscene. The proposal, by reason of its design and scale would appear out of keeping and result in an over-dominant form of development within the streetscene and unacceptable in this location, which is characterised by two storey dwellinghouses. The proposal is therefore contrary to the National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy DPD1, Policy DM1 of the Development Management Document DPD2 and the Design and Townscape Guide.
- 4.8 The proposed development has been laid out in line with the building line to the north. The proposed depth does not impact on the design, however, in this case, where the site is so narrow there would be a trade-off between amenity space and accommodation and this needs to be carefully balanced as well as any potential overlooking concerns for the properties to the rear. The frontage has been designed to accommodate the required 2 parking spaces and enable some landscaping and this is welcomed although this area would be improved with additional landscaping to the edges and appropriate boundaries treatments to the front and side boundaries where they face the street to provide appropriate enclosure.
- 4.9 There are concerns in relation to the detailed design of the proposal. The general roof form has impacted on the overall scale of the development and the flat roofed linking sections will appear rather weak and unresolved in the streetscene. In addition it is considered that, whilst the feature framing to the gable running around the building would be an interesting feature, it appears top heavy and would not achieve an elegant profile required to make this a positive addition to the scheme. There is also a concern with the amount of blank brickwork to the side of the door which appears out of proportion with the building and streetscene generally and the token timber cladding to the projecting window above which is rather out of place.
- 4.10 In terms of materials, the plans proposed to have new walls in face brickwork with smooth render finish. Timber cladding is proposed to the window surrounds and slate/shingle cladding to the front. The roof will be a new pitched roof tile and fibreglass flat roof to the projecting bay window. With regard to the materials, the use of red brick and red/brown tile is a cohesive characteristic of the street and it is therefore considered that the proposed materials would appear incongruous in the streetscene in this location.

4.11 In light of the above, the proposed development by reason of its design, materials, scale, appearance and massing fails to provide a positive addition to the streetscene resulting in a form of development out of keeping with the character and appearance of the surrounding area contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy DPD1 and policy DM1 of the Development Management Document DPD2 and the Design and Townscape Guide. The proposal has therefore not addressed reason 01 of application 15/00086/FUL.

Living Conditions for Future Occupiers

National Planning Policy Framework 2012, Development Management Policy DM8

4.12 Policy DM8 of the Development Management DPD2 requires such a development to provide at least 95sqm internal floor space. The proposed dwellings would have 3 large bedrooms (6 bed spaces) and associated living areas and 126sqm of internal floor space. The following is also prescribed including:

- Storage cupboard with minimum floor area of 1.5m² for 3 person dwelling;
- Suitable space for provision of a washing machine, drying clothes & waste bins;
- Minimum floor areas for bedrooms to be no less than 7m² for a single bedroom, and 12m² for a double/twin bedroom;
- Suitable cycle storage with convenient access to the street frontage;
- Provision of non-recyclable waste storage facilities; and,
- Refuse stores to be located to limit nuisance caused by noise and smells and should be provided with a means of cleaning.

The habitable rooms would be served by sufficient windows which would provide acceptable light and outlook.

4.13 One of the core planning principles of the NPPF is that the planning system should *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*.

4.14 Whilst the Council’s Design and Townscape Guide states:

“Outdoor space significantly enhances the quality of life for residents and an attractive useable garden area is an essential element of any new residential development”.

4.15 The existing 2 bedroom bungalow has an amenity area to the east and south equating to 161sqm. The proposed 3 bedroom dwellings will have between 55sqm-57sqm of useable amenity space, which is small but considered sufficient.

Traffic and Transportation

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4, CP3; policy DM15 of the DPD2 (Development Management Document) and the Design and Townscape Guide SPD1.

- 4.16 The proposed development will provide two spaces per dwelling complying with policy DM15 of the Development Management Document DPD2. The proposal has overcome reason 03 of application 15/00086/FUL.

Impact on residential amenity

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11, H5 and the Design and Townscape Guide SPD1.

- 4.17 The pair of semi-detached dwellinghouses will be set approximately 1m from the boundary to the north and south. The proposed dwelling nearest to no. 32 Percy Road to the north will project beyond the rear wall but complies with the notional 45 degree rule. The two storey element of the dwelling has been reduced and it is not considered the development will result in loss of light nor will it be overbearing to the amenities of existing occupiers at no. 32. Overlooking from flank windows can be dealt with by condition with obscure glazing to mitigate against any overlooking or loss of privacy.
- 4.18 The overall height of the development of the development to the rear is 6.8m-8.3m, which has been reduced from the previously refused application and is set 6.8m-7.1m from the rear boundary and a further 15m-17m to the rear of nos. 39 and 41 Westleigh Avenue respectively. The proposed development due to its height and position in relation to 39 and 41 Westleigh Avenue would still result in loss of privacy through unmitigated overlooking of the private amenity space and dwelling. Furthermore, the proposal would be overbearing on the amenities of nos. 39 and 41 Westleigh Avenue given the overall scale of the development proposed is two storeys. The proposal is therefore contrary to the provisions of Policy CP4 of the Core Strategy, Policy DM1 of the Development Management Document and the Design and Townscape Guide. The proposal has therefore not addressed reason 02 of application 15/00086/FUL.
- 4.19 In terms of impact on the amenities of existing occupiers at nos. 43 and 47 Westcliff Drive, the nearest dwellinghouse proposed is set 1m of the boundary to the south and a separation distance of between 18m-21m to the rear elevations, which is considered sufficient to mitigate against any material harm in terms of overlooking, loss of privacy whereby windows to the flank elevation can be dealt with by condition to obscure glazed.

- 4.20 In relation to the dwellings to the west of the site directly opposite the proposals site, there is a 21m separation distance between the development and nos. 35, 37 and 39 Percy Road. The two storey dwellinghouses would not result in a perceived overlooking compared to the previously refused application 15/00086/FUL, which had three storeys.

Sustainable Construction

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

- 4.21 Policy KP2 of the DPD1 and the SPD1 require that 10% of the energy needs of a new development should come from on-site renewable resources, and also promotes the minimisation of consumption of resources. Emerging policy DM2 advocates the need to ensure the delivery of sustainable development whereby all development proposals should contribute to minimising energy demand and carbon dioxide emissions in accordance with the energy hierarchy and details of new dwellings should be a Code for Sustainable Homes Level 3 or achieve BREEAM 'very good'. Given the type of the development proposed a condition can be imposed to ensure full details are submitted to the Council and details of sustainable urban drainage systems will also be imposed to ensure the development is water efficient.

Community Infrastructure Levy (CIL) Charging Schedule.

- 4.22 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 may also be CIL liable.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework
- 5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance)
- 5.3 Development Plan Document 2: Development Management Document Policies DM1 (Design Quality), DM3 (The Efficient and effective use of land)
- 5.4 SPD1 Design & Townscape Guide 2009
- 5.5 Waste Management Guide
- 5.6 Community Infrastructure Levy (CIL) Charging Schedule

6 Representation Summary

Design and Regeneration

- 6.1 Percy Road is a mixed street of bungalows, chalets and two storey semi-detached and detached houses of various designs and ages. There is no consistent style or form of property although the buildings generally on a consistent building line with generous frontages. The most cohesive characteristic of the street is the materials which include red brick, white render and red/brown tile and there is also some unity on the roof forms, particularly of the larger properties which tend to have a slope front to back with a ridge running side to side although there is variation in the actual roof form.

The proposal site contains a small bungalow which is set on a relatively wide but narrow plot. To the north is a recently constructed chalet, to the south the site adjoins the rear garden of properties in Westcliff Drive. Opposite the site there are a number of larger semi-detached houses. It is noted that there are a few other single bungalows in the street that are interspersed in between the taller houses.

The proposal seeks to demolish the existing bungalow and erect a pair of 2 storey semi-detached houses. Given the mixed character of the street and the width of the plot it would be difficult to argue that the redevelopment of the site for a pair of two storey houses would be out of character in the streetscene but it is important to ensure that the proposal is of an appropriate scale in the streetscene as there are a number of smaller properties in the mix. This does not mean that it should be under scaled but it should look to respond to the scale of other two storey houses in the streetscene.

The proposal design has a pair of feature bays to the front of the properties with very tall pitched gables which project forward at roof level. These are flanked by smaller gabled features to the sides. Whilst this may provide a transition scale to the neighbours to the sides it is considered that the very steep pitch, the forward projection and the grouping of the two central gables will create an over dominant form in the streetscene. The only point of reference on the drawings is the neighbour to the north which is maybe a little under scaled in comparison with the houses opposite but the proposal measures 1.7m taller (1.5m from the raised ground level of the adjacent site) than this in the streetscene and it is considered that this will appear over scaled in this context. In principle there is no objection to a modern design and it is considered that the inclusion of a bay feature will add articulation and interest to the proposal and help to reference the wider streetscene but the form of these and the resultant roof form has resulted in a proposal which will appear over tall and out of place in this modest streetscene. As noted above the character is for the ridges to run side to side rather than front to back and it may be that an alternative roof form would work better in this location. This could be combined with a modern gabled top to the bay if desired. There is no objection to the lower section of the bay or its splayed orientation.

In terms of the positioning of the scheme the proposed building line is considered reasonable given the character of the street for generous frontages, and the separation distance to the neighbour of 1m is also acceptable. The proposed depth does not impact on the design, however, in this case, where the site is so narrow so there will be a trade-off between amenity space and accommodation and this needs to be carefully balanced as well as any potential overlooking concerns for the properties to the rear. The frontage has been designed to accommodate the required 2 parking spaces and enable some landscaping and this is welcomed although this area would be improved with additional landscaping to the edges and appropriate boundaries treatments to the front and side boundaries where they face the street to provide appropriate enclosure. The character is for low walls in this location.

There are however also some concerns with regard to detailed design of the proposal. As noted above it is considered that the general roof form of the development has impacted on the scale of the proposal but it is also considered that the flat roofed linking sections will appear rather weak and unresolved in the streetscene. In addition it is considered that, whilst the feature framing to the gable running around the building would be an interesting feature, at 0.5m thick it would appear to heavy and would not achieve an elegant profile required to make this a positive addition to the scheme. (It is noted that this type of feature has been constructed at 134 Glendale Gardens around the corner to this site but here it is only 300mm wide and this seems to be on the maximum width for this type of feature – slightly narrower would be better). It is also unclear what this would be constructed of and how this would relate to the porch roof. There is also a concern with the amount of blank brickwork to the side of the door which appears out of proportion with the building and streetscene generally and the token timber cladding to the projecting window above which is rather out of place.

To the rear the interrelationship between the floors also seems a little weak and it is considered that this elevation could be more cohesive in its approach to footprint and fenestration.

In terms of accommodation the rooms seem to be of a reasonable size and layout, but as mentioned above the depth of the site has impacted on the amount of amenity space which is still rather small for a family sized house. This may be why a bungalow was built on this plot in the first place rather than 2 houses as occurs opposite. (It is noted that the other small garden in the street at 22 is also a bungalow.)

With regard to the materials, as noted above, the use of red brick and red/brown tile is a cohesive characteristic of the street and it is therefore considered that the proposed slate and yellow brick would appear out of place in this location. It would be possible to achieve a modern design which incorporates at least some materials which are more characteristic of the street.

Conclusion

Whilst there is no objection in principle to a pair of modest semi-detached houses on this site and this proposal is slightly better than the previously refused scheme it is still considered that the proposal is overscaled in relation to the wider streetscene and there are a number of detailed design issues which need to be reviewed. As it stands this proposal is therefore still considered to be of an unacceptable design.

Sustainability

It should also be noted that any acceptable proposal will be required to provide 10% on site renewables and these will need to be integrated into the design.

Traffic and Transportation

- 6.2 No objection as the proposal complies with policy DM15 of the Development Management Document.

Leigh Town Council

- 6.3 Objection, the proposal is considerably higher than the house to the north, but there are only gardens to the south so it would be over-dominant and incongruous in the streetscene.

It would also be out of character with and detrimental to the streetscene, in terms of height, mass, design and materials.

The side windows would overlook the houses and gardens in Westcliff Drive, which is lower than Percy Road.

Public Consultation

6.4 A site notice displayed on the 14th July 2015 and 12 neighbours notified and 14 letters of representation received:

- Loss of privacy;
- Loss of light;
- Overlooking;
- Out of keeping with the surrounding area;
- Overdevelopment of the site;
- Dominates the street;
- Too high;
- Too close to surrounding boundaries;
- Loss of a bungalow;
- Inadequate parking/access;
- Over bearing;
- Design out of keeping;
- Two semi-detached houses for this small plot is overdevelopment;
- A single family home would be much more appropriate;
- No. 34 is not particularly deep and the proposed two houses given their overall size would be unreasonable.
- The current garden is very small and the bulk of the garden to the side of the property, the garden space proposed seems very small for the size of the dwellings;
- Design and materials of the proposed houses very imposing and dominating;
- Windows will result in overlooking;
- Current bungalow provides a light and airy aspect, which will be diminished;

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

7 Relevant Planning History

7.1 Demolish existing dwelling and erect two semi-detached dwellings, layout parking to front and amenity space to the rear- Refused (15/00086/FUL.

8 Recommendation

8.1 Members are recommended to REFUSE PLANNING PERMISSION for the following reasons:

- 1 The proposed development by reason of its scale, bulk, mass, detailed design and materials would appear incongruous and out of keeping within the streetscene to the detriment of the appearance and character and appearance of the area and represent overdevelopment of the site contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Core Strategy; Policy DM1 of the Development Management Document DPD2 and advice contained within the adopted Design and Townscape Guide (SPD1).**

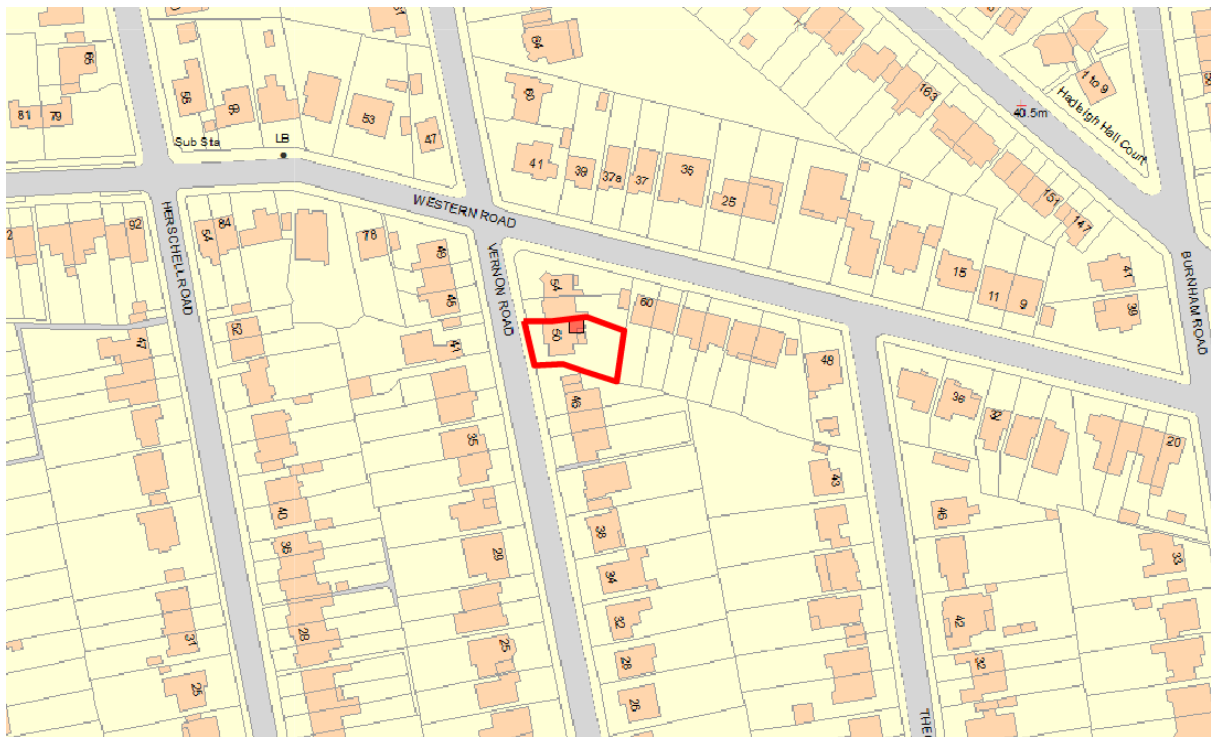
- 2 The proposed development due to its height and position in relation to neighbouring properties nos. 39 and 41 Westleigh Avenue would result in an overbearing dominant form and result loss of privacy through unmitigated overlooking contrary to the National Planning Policy Framework, Policy CP4 of the Core Strategy, Policy DM1 of the Development Management Document and the Design and Townscape Guide.**

Informative

- 1 Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.

Reference:	15/00869/FULH
Ward:	West Leigh
Proposal:	Demolish existing garage, erect single storey rear extension and two storey side extension.
Address:	50 Vernon Road, Leigh-On-Sea, Essex, SS9 2NG
Applicant:	Mr & Mrs Smith
Agent:	Trudys Architectural Consultants
Consultation Expiry:	30/07/15
Expiry Date:	03/09/15
Case Officer:	Ian Harrison
Plan Nos:	13/13/A, 13/13/B, 13/13/C and Location Plan.
Recommendation:	REFUSE Planning Permission



1 The Proposal

- 1.1 The application seeks permission for the erection of a part two storey, part single storey side extension following the demolition of the existing garage.
- 1.2 The main part of the existing dwelling measures 7.8 metres deep and 6.5 metres wide with an eaves height of 5.4 metres and a ridge height of 8.3 metres. At the side of the dwelling is a single storey attached garage with a flat roof that is built to a height of 2.6 metres. At the rear is a single storey extension that projects by 3 metres and matches the width of the existing dwelling.
- 1.3 The first part of the two storey side extension would measure 4.1 metres wide and 7.8 metres deep with the roof built to an eaves and ridge height that would match the existing dwelling. The front elevation would feature a bay to match the existing dwelling. The second part of the side extension would project by a further 2.9 metres and be 6.3 metres deep, with eaves at a height to match the dwelling and a ridge height of 7.6 metres. In front of the two storey part of the extension would be a single storey forward projection that would measure 1.5 metres deep and 3 metres wide.
- 1.4 A single storey rear extension is proposed at the rear of the side extension that would measure 3 metres deep and match the width of the two parts of the side extension. The roof would match the existing single storey rear projection.

2 Site and Surroundings

- 2.1 The site is located to the East of Vernon Road. The site contains a two storey detached dwelling that is described above.
- 2.2 The site is not the subject of any site specific planning policies.

3 Planning Considerations

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

4 Appraisal

Principle of Development

National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Development Management DPD Policy DM1 and SPD1

- 4.1 This proposal is considered in the context of the National Planning Policy Framework 2012 and Core Strategy Policies KP2 and CP4. Also of relevance are Borough Local Plan Policies relating to design. These policies and guidance support extensions to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building. Subject to detailed considerations, the proposed extension to the dwelling is considered to be acceptable in principle.

Design and Impact on the Character of the Area:

National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Development Management DPD Policy DM1 and SPD1

- 4.2 In the Council's Development Management DPD, policy DM1 states that development should "add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features."
- 4.3 Paragraph 351 of SPD1 states that "*Many properties in the Borough have the capacity to extend to the side. However, side extensions can easily become overbearing and dominate the original property*" It goes on to state that "*side extensions should be designed to appear subservient to the parent building. This can generally be achieved by ensuring the extension is set back behind the existing building frontage line and that its design, in particular the roof, is fully integrated with the existing property. Poorly designed side extensions will detrimentally affect the proportions and character of the existing property and so extreme care should be taken to ensure the original design qualities are preserved. Setbacks can also alleviate the difficulty of keying new materials (particularly brickwork) into old and disguises slight variations.*"

- 4.4 The proposed side extension is not subservient to the existing dwelling in terms of its height or width. The overall width of the extensions would exceed the width of the existing dwelling and the first 4 metres of the extension would match the height and depth of the existing dwelling. Reducing the depth of the last 3 metres of the extension enables that part of the extension to be subservient, but this does not address the majority of the extension. The issue with 'keying new materials' referred to in paragraph 351 of SPD1 would be an issue as the first part of the extension which would continue from the existing roof without any degree of differentiation and there would inevitably be a contrast between the existing and proposed materials. It is therefore considered that the extension would fail to comply with the abovementioned design guidance, with the resultant development featuring poorly integrated materials and being of a mass and bulk that would significantly increase the width and massing of the dwelling at the site.
- 4.5 The resultant dwelling would be significantly wider than the other properties within the street-scene and it is therefore considered that the mass of the extended dwelling would be at odds with the character of the surrounding area, thereby conflicting with the content of the abovementioned policies and design guidance. The majority of the surrounding area features detached or semi-detached dwellings but the existing dwelling forms one of three sets of three terraced dwellings. This application would have the effect of making the terrace appear as a terrace of four and therefore the width of the built form would be at odds with the rhythm of development in the street. It is also noted that the extensions would be visible from Western Road and have the effect of filling an existing gap between 50 and 46 Vernon Road. It is therefore considered that the scale of the development would have a significant impact on the character of the application site and the surrounding area.
- 4.6 Parts of the extension are considered to be visually appropriate such as the proposed bay feature, the use of matching materials and the proportions of the single storey projections. However, for the reasons set out above it is considered that the side extension cannot be found acceptable as the proposed extension is not subservient to the host dwelling, would appear as an incongruous addition to the existing dwelling that would cause harm to the character and appearance of the existing dwelling and the surrounding area.

Impact on Residential Amenity:

NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Development Management DPD Policy DM1 and SPD 1 (Design & Townscape Guide (2009))

- 4.7 Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties. Policy DM1 of the Development Management DPD also states that development should “Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”
- 4.9 The proposed extensions would be built towards the neighbouring property of 46 Vernon Road. The submitted plan states that the building would be 1 metre from the boundary that is shared with that property, however measurements taken from the submitted plans would suggest that the separation distance would be approximately 0.5 metres. That neighbouring dwelling features an attached double garage at the side of the property and no windows in the first floor side elevation of the dwellinghouse. The extension would therefore have no impact on the light, privacy or outlook of that property and its occupants. The extensions would be positioned forward of the rear building line of the neighbouring property and therefore have no impact on the windows in the rear elevation of that dwelling.
- 4.10 The attached property of 52 Vernon Road is positioned to the North of the existing dwelling and the extensions would be to the South. Therefore, due to the position of the extensions, the residential property to the North would not be materially affected by the proposed development.
- 4.11 The proposed extensions would be visible from the rear elevation of 60 Western Road which is located to the East of the site and orientated to face South-South West. Due to the separation distances of 11 metres from the single storey rear extension to the boundary that is shared with that property and 14 metres to the rear elevation of that dwelling and the orientation of the neighbouring dwelling, it is considered that the extensions would not cause a significant loss of light, privacy or outlook within that property.
- 4.12 No other properties would be materially affected by the proposed development.

Community Infrastructure Levy

- 4.13 The proposed development represents a net increase in the floorspace of the dwelling by more than 100 square metres. It is therefore the case that the development 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 may also be CIL liable.

5 Conclusion

- 5.1 The principle of residential development can be supported and it is considered that the proposed extension would not cause harm to the amenities of neighbouring residents. However, it is considered that the side extension would fail to be sufficiently subservient and would therefore be an incongruous addition to the existing dwelling that would cause material visual harm. The proposal is therefore considered to be contrary to the content of the Council's Design and Townscape Guide SPD and policy DM1 of the Development Management DPD.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework

Core Strategy DPD (adopted December 2007) Policies KP2 (Spatial Strategy) and CP4 (Development Principles)

Development Management DPD Policy DM1 (Design Quality)

Design and Townscape Guide SPD (adopted December 2009)

CIL Charging Schedule.

7 Representation Summary

Public Consultation

- 7.1 Six neighbouring properties have been notified of the application. One letter of objection has been received which objects on the grounds that the development will double the size of the existing dwelling. As the dwelling has been extended recently it is considered that there should be no need to extend the dwelling again. It is also considered that the extensions would cause a loss of light and privacy to the garden area of 60 Western Road and harm to the streetscene.
- 7.2 The application has been called-in to the Development Control Committee by Councillor Evans.

Leigh Town Council

- 7.2 No objection has been raised to the proposed development.

8 Relevant Planning History

- 8.1 A certificate of lawfulness for a single storey extension was granted under the terms of application 14/00480/CLP.

9 Recommendation

REFUSE PLANNING PERMISSION for the following reasons:

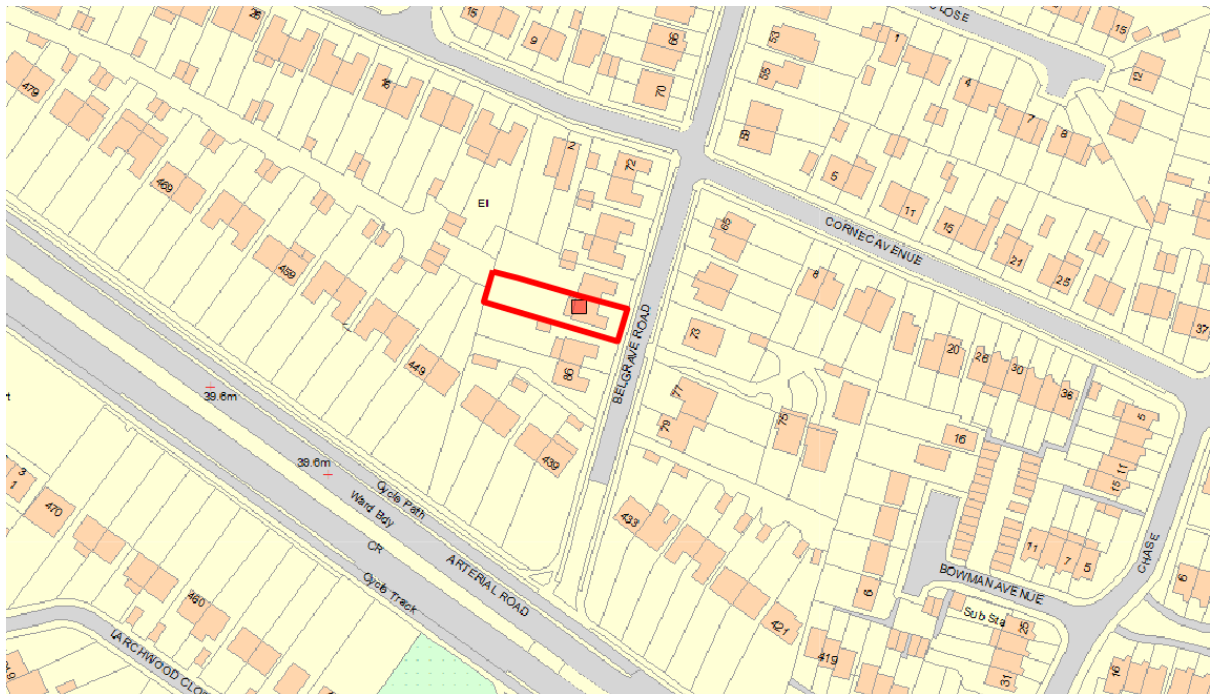
- 1 The proposed development due to the unsatisfactory design and insubordinate scale of the two storey side extension would represent an incongruous and visually harmful addition that would be detrimental to the character and appearance of the existing dwelling and the streetscene, contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, Development Management DPD Policy DM1 and advice contained within the adopted Design and Townscape Guide (SPD1).**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.

Informative

Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application might also be CIL liable.

Reference:	15/01081/FULH
Ward:	Eastwood Park
Proposal:	Form hipped to gable roof, erect rear roof extension and front dormer to form habitable accommodation in the roof (Amended Proposal)
Address:	82 Belgrave Road, Eastwood, Essex, SS9 5EL
Applicant:	Mrs M Daley
Agent:	Mr Alex Collinson
Consultation Expiry:	29 th July 2015
Expiry Date:	25 th August 2015
Case Officer:	Anna Tastsoglou
Plan Nos:	2550/2/36 (amended)
Recommendation:	REFUSE PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought to enlarge the roof from a hipped to gable, erect a first floor rear extension and a flat roof dormer to the front elevation (amended proposal). Materials to be used would include standard doors and double glazed windows, roof tiles, flat roof to the proposed front dormer and the extension would be finished in render to match existing.
- 1.2 The proposed dormer to the front would be 3.25m wide, 2m high and would project out from the existing roof at its deepest point by 1.9 metres. The first floor extension would be 5.6m wide, with a maximum projection from the roof slope of 7.1 metres. The maximum height would be 5.9 metres, while the height to the eaves would be 4.4 metres. The proposed extension to the roof space would accommodate two bedrooms and a bathroom.
- 1.3 A design and access statement has been submitted to support the proposal, referring also to extensions of both adjacent properties to the north and south and property No. 37 Belgrave Road.
- 1.4 It appears that the applicant has not submitted an existing and proposed north side elevation. It is also noted that there are discrepancies between the elevations. Although a half-hip roof is shown in the rear elevation this is not shown in the side elevation. However, the above do not impact on design-making and hence, the application can be progress on the basis of the submitted plans.
- 1.5 Amendments from the previously refused application include the following:
 - The width of the proposed front dormer has been reduced.
 - The eaves height of the proposed rear extension has been dropped by 800mm.
- 1.6 This application is to be dealt with by Development Control Committee as the applicant is a member of the staff at Southend-on-sea Borough Council.

2 Site and Surroundings

- 2.1 The application site relates to a semi-detached bungalow located on the western side on Belgrave Road, south of Cornec Avenue. The property has an average size rear garden, relative to the area. The front curtilage is partly hard landscaped and provides two off street parking spaces. The dwelling has an existing single storey flat roof rear extension. The semi-detached property to the north has an existing pitched roof modest dormer to the front elevation. Both neighbouring properties to the north and south have gabled roof extension to the rear.
- 2.2 Belgrave Road is residential in character. The western side of the road consist predominantly of semi-detached bungalows while the eastern of two storey dwelling houses. The bungalows to the west are of similar form, size and design.

3 Planning Considerations

- 3.1 The key considerations in relation to this application are the principle of the development, design and impact on the character of the area, any traffic and transport issues and impact on residential amenity.

4 Appraisal

Principle of Development

NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Development Management DPD Policy DM1.

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

Design and Impact on the Character of the Area

NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Development Management DPD Policy DM1; SPD 1 (Design & Townscape Guide (2009))

- 4.2 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in the Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management DPD. The Design and Townscape Guide (SPD1) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 4.3 Paragraph 56 of the NPPF states that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*
- 4.4 Policy DM1 of the Development Management DPD states that all development should *“add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features”*.
- 4.5 According to Policy KP2 of Core Strategy (CS) new development should *“respect the character and scale of the existing neighbourhood where appropriate”*. Policy CP4 of CS requires that development proposals should *“maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”*.

- 4.6 Paragraph 370 of The Design and Townscape Guide (SPD1) states that *“In some cases it may be possible to increase the roofspace and remove the need for a side dormer by changing a hipped roof to a gable end. This type of development can be more acceptable than a side dormer provided it is not out of character with the streetscene or leads to an unbalanced street block or pair of semis i.e. It is more appropriate for the a detached or end of terrace property than only one of a matching pair of semi’s which would be considered unacceptable.”*
- 4.7 Paragraph 366 of The Design and Townscape Guide (SPD1) advises that *“proposals for additional roof accommodation within existing properties must respect the style, scale and form of the existing roof design and the character of the wider townscape. Dormer windows, where appropriate, should appear incidental in the roof slope (i.e. set in from both side walls, set well below the ridgeline and well above the eaves). Large box style dormers should be avoided, especially where they have public impact, as they appear bulky and unsightly. Smaller individual dormers are preferred.”* It is also added that *“where dormers to the front would disrupt the overall balance of the property or the wider streetscene they also will be considered unacceptable”* (Paragraph 368).
- 4.8 The property forms part of a pair of semi-detached properties within a neat run of semi-detached bungalows to the west side of the road. However, the adjacent semi-detached property to the north has been previously enlarged its roof to a gabled and therefore, the proposed hip to gable roof would not unbalance the pair of semi-detached properties.
- 4.9 The proposed development includes the erection of a flat roof front dormer. Although the width of the proposed front dormer has been reduced in size from the previously refused proposal, it is still not considered to comply with the advice contained in the SPD1. The proposed dormer would not appear incidental to the roof slope and it would also not be in keeping with the design, in particular the roof design of the existing dwelling. Furthermore, the proposed dormer window would be of similar width to the main ground floor window and also not in line with the ground floor windows. This is considered to exacerbate the harmful impact of the development. Although a dormer to the front elevation would be acceptable in principle, given the existing front dormers within the streetscene, the proposal as it has been submitted would appear dominant and detrimental to the appearance of the dwelling and the wider streetscene.
- 4.10 Paragraph 348 of The Design and Townscape Guide (SPD1) quotes that *“whether or not there are any public views, the design of the rear extensions is still important and every effort should be made to integrate them with the character of the parent building, particularly in terms of scale, materials and the relationship with existing fenestration and roof form.”*

- 4.11 The proposed first floor rear extension would have a half-hipped roof and it would extend above the existing ground floor rear extension. Although the eaves height has been reduced from the previously refused application, the size of the extension would appear overlarge in relation to the limited size of the existing bungalow. Moreover, the extension is in effect a two storey extension to a bungalow and in addition the proposed roof design would not integrate with the design of the original roof. Whilst the proposed finishing materials would match the original dwelling, the design, size and scale of the proposed development would not be in keeping with the existing dwelling or the wider area.

Traffic and Transport Issues

NPPF; Development Management DPD Policy DM15

- 4.12 Policy DM15 of the Development Management DPD requires that all development should meet the minimum off-street parking standards. Therefore, for a four bedroom dwelling outside Southend Central area, the provision of two parking spaces is required.
- 4.13 The development would increase the number of bedrooms from two to four. However, the application site benefits from having two off-street parking spaces available to its front curtilage. Therefore, no objection is raised with regard to parking spaces provision.

Impact on Residential Amenity

NPPF; Development Management DPD Policy DM1; SPD 1 (Design & Townscape Guide (2009))

- 4.14 The Design and Townscape Guide (SPD1) at paragraph 343 states that *“extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.”* Policy DM1 of the emerging Development Management DPD requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities *“having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”*
- 4.15 The proposed rear extension would be sited 800mm off the northern boundary. As noted above the adjacent dwelling to the north has an existing rear extension of similar depth to the existing single storey rear extension of the application site. The neighbouring property to the north has been also extended at first floor providing a gable roof to the rear. Therefore, it is not considered that the proposed first floor extension would have any detrimental impact on the amenities of the neighbours of No. 80 Belgrave Road, by way of overshadowing or domination. Furthermore, the development would not extend beyond the rearmost wall of the neighbouring property to the north and as such, it is not considered to result in any unacceptable loss of light.

- 4.16 The proposed enlarged roof and first floor rear extension would be located 2.5 metres off the shared boundary with property No. 84 Belgrave Road and 5 metres from its north flank elevation. From photos taken during the site visit and from Council's mapping system, it appears that the adjacent property to the south has an existing rearward projection similar to that of No. 80 Belgrave Road. Therefore, similar to the reasons above, the proposed development is not considered to result in overshadowing or overbearing impact. With regard to the window to the south flank elevation, would be window to a bathroom. Hence, should permission be granted, these windows would be conditioned to be glazed in obscure glass.
- 4.17 The proposed dormer to the front of the dwelling would not result in any greater impact on residential amenity of the neighbouring properties, as its separation distance from the opposite properties is considered capable of against overlooking. Moreover, it would not result in loss of light to the habitable rooms of the existing or the neighbouring properties to the south and north.
- 4.19 The window at first floor would be sited 21 metres away from the rear boundary of the application site. This is considered an acceptable distance of separation to prevent any harm in terms of overlooking or overshadowing.

Community Infrastructure Levy

CIL Charging Schedule 2015

- 4.15 The new floor space created by the proposal would be less than 100m². Therefore, the proposed development is not CIL liable.

Other matters

- 4.20 The applicant has submitted a photo of property No. 37 Belgrade Road, referring to the existing front flat roof dormer window. This dormer window appears to be historic, prior to the adoption of the Core strategy, SPD1 and DMDPD, and there is no recent record in the Council's databases. Furthermore, it is noted that its application is assessed on its own merits.

5 Conclusion

- 5.1 Whilst there is no objection to the principle of extending the existing dwelling, the proposed development, by reason of the size and design of the proposed first floor rear extension and dormer to the front, is considered to be contrary to the provision of the Development Plan.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (2012) : Section 7 (Requiring Good design)
- 6.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (Environment & Urban Renaissance)

- 6.3 Southend-on-Sea Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), T8 (Traffic Management and Highway Safety), and T11 (Parking Standards).
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 6.5 Essex Planning Officers Association (EPOA) adopted Vehicle Parking Standards (2001).
- 6.6 Development Management DPD (revised proposed submission), March 2014: DM1 (Design Quality), DM15 (Sustainable Transport Management)

7 Representation Summary

Public Consultation

- 7.1 Five neighbours were consulted and one letter of objection has been received, as follows:
- Overlooking of the neighbouring rear garden.
 - Loss of privacy
 - The proposed front dormer would not be in keeping with the streetscene.
 - Discrepancies between the rear and side elevations.

8 Relevant Planning History

- 8.1 95/0020 - Erect single storey rear extension and detached store/workshop. Planning permission granted.
- 8.2 15/00562/FULH - Form hipped to gable roof, erect rear roof extension and front dormer to form habitable accommodation in the roof. Planning permission refused for the following reasons:
- *The first floor rear extension, by reason of its size, unsatisfactory design and failure to integrate with the existing building, would be detrimental to the appearance of the existing dwelling and the character of the area and contrary to the NPPF, Policies C11 and H5 of the Borough Local Plan and KP2 and CP4 of the Core Strategy and advice contained within the adopted Design and Townscape Guide (SPD1).*
 - *The proposed dormer to the front elevation of the dwelling due to its size and overall design would result in a overscaled and incongruous features which would be detrimental to and out of keeping with the character and appearance of the existing building and the character and appearance of the locality contrary to guidance contained within the NPPF, Policies KP2 and CP4 of the Core Strategy, Policies C11 and H5 of the Borough Local Plan and the Design and Townscape Guide, 2009 (SPD1).*

9 Recommendation

REFUSE PERMISSION for the following reasons:

- 01 The first floor rear extension, by reason of its size, unsatisfactory design and failure to integrate with the existing building, would be detrimental to the appearance of the existing dwelling and the character of the area and contrary to the NPPF, Policy DM1 of the Development Management DPD and KP2 and CP4 of the Core Strategy and advice contained within the adopted Design and Townscape Guide (SPD1).**
- 02 The proposed dormer to the front elevation of the dwelling due to its size and overall design would result in an incongruous feature which would be detrimental to and out of keeping with the character and appearance of the existing building and the character and appearance of the locality contrary to guidance contained within the NPPF, Policies KP2 and CP4 of the Core Strategy, Policy DM1 of the Development Management DPD and the Design and Townscape Guide, 2009 (SPD1).**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application and therefore, the proposal is not considered to be sustainable development. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Informative

- 1 You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.**