

# Southend-on-Sea Borough Council

Agenda  
Item

Report of the Corporate Director of Place  
To  
Development Control Committee  
On  
3<sup>rd</sup> June 2015

## Report(s) on Planning Applications

### A Part 1 Agenda Item

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<b>Reference:</b>	<b>14/01462/FULM</b>
<b>Ward:</b>	<b>Kursaal</b>
<b>Proposal:</b>	<b>Demolish existing building and erect 282 self-contained flats in six blocks (comprising: one 14 storey block, one 9 storey block, one 5/6 storey blocks, one 4/6 storey block, two 2/4 storey block), erect 2717sqm of commercial floorspace (A1, A3 and D2 uses), layout 318 underground parking spaces, landscaping, cycle/motorcycle/refuse storage, formation of vehicular access from Southchurch Avenue and Pleasant Road</b>
<b>Address:</b>	<b>Marine Plaza Land between Southchurch Avenue and Pleasant Road fronting Marine Parade, Southend-On-Sea</b>
<b>Applicant:</b>	<b>Goldfield Developments Limited</b>
<b>Agent:</b>	<b>Christopher Wickham Associates</b>
<b>Consultation Expiry:</b>	<b>24<sup>th</sup> February 2015</b>
<b>Expiry Date:</b>	<b>June 11<sup>th</sup> 2015</b>
<b>Case Officer:</b>	<b>Charlotte Galforg</b>
<b>Plan Nos:</b>	<b>PL001, PL002, PL003, PL004, PL101C, PL102C, PL103A, PL104A, PL105A, PL106A, PL107A, PL108A, PL109A, PL110A, PL111A, PL112A, PL113A, PL114A, PL115A, PL116A, PL117A, PL201A, PL202A, PL203A, PL204A, PL205A, PL206A, PL207A, PL208A, PL209A, PL210A, PL25A, PL26A.</b>
<b>Recommendation:</b>	<b>Delegate to the Head of Planning and Transport or the Group Manager 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).</b>



## Current Position

- i) *The application was deferred from development Control Committee on March 4<sup>th</sup> 2015 to allow for further information regarding parking, and social infrastructure.*
- ii) Following the March deferral, and Members comments regarding parking, the applicants have revisited their on site car parking layout for the development and have revised the plans to accommodate an additional 10 spaces as follows:
- Two lower levels of parking providing 328 car parking spaces comprising:
  - 282 residential car parking spaces plus
  - 20 dedicated residential visitor parking spaces.
  - 10 operational commercial parking spaces
  - 16 dedicated disabled parking spaces

It should be noted that 16 of the 282 residential parking spaces can readily be converted into disabled parking space if required. It should also be noted that in order to accommodate the additional parking provision the amount of cycle parking has been reduced to 356 spaces. This remains an acceptable level of cycle parking to serve the development.

- iii) In addition, capacity and duration surveys of town centre car parks and some on street parking areas have been carried out. The surveys were carried out between 7am and 7pm on three days (detailed below). Bank Holiday Monday was considered unsuitable for survey because of the “Shake Down” event taking place which generates significant numbers of motorcyclists visiting the town and would have unnaturally skewed the results. Survey dates were:
- Good Friday, 3rd April 2015
  - Saturday, 18th April 2015
  - Wednesday 22nd April 2015
- iv) Results for Saturday 18<sup>th</sup> and Wednesday 22<sup>nd</sup> April are awaited and will be reported in the Supplementary Agenda, but results for Good Friday (when it is expected that demand would be highest) have been submitted and the results show that, parking capacity from 7am slowly decreased until demand peaked at 2pm at 74% occupancy. This is consistent with the position set out in the Local Transport Plan which is based on an earlier survey, these results show that at this peak time there is spare parking capacity within the central area centre of 26%.

- v) As anticipated the results also show that Fairheads Green car park was over capacity on good Friday, but only between 12:00 and 3:15. On street, Alexandra Street, York Road and Eastern Esplanade were at capacity at 13.30 – 16.45, 11.45 – 15.00 and 13.00 – 16.45 respectively. However, the remaining car parks and on street parking did not reach full capacity and indeed there was still capacity available in other car parks including Western Esplanade on-street and Seaway car park.
- vi) These results suggest that an improved Variable Messaging Sign (VMS) scheme would benefit the town in order to direct drivers in to car parks with spare capacity and to make better use of the town centre car parks. As noted below the applicant has already agreed to contribute to improvements of VMS signage.
- vii) With regard to the existing temporary car parking on the application site, it is noted that while this makes a contribution to sea front car parking at present, this is a private car park and ultimately under the control of the applicant. Its use can cease at any time. The Good Friday Survey findings are attached as Appendix 1 to this report.
- viii) In light of the above and as set out in paragraph 4.65 onwards of the main report no highways objections are raised to the development, subject to the S.106 provisions and conditions.
- ix) At the Committee in March the impact of the development on local police services and health provision was questioned. It should be noted that Section 106 contributions cannot be used to fund revenue expenditure, for example pay police officers' salaries. Following the Committee meeting in March the NHS was consulted regarding the application. The consultation response identifies surgeries within the town centre and their current capacity. The evidence submitted by the NHS demonstrates that the nearby surgery in Northumberland Avenue has adequate capacity to meet the demands of occupiers of the development. The NHS therefore does not seek any S.106 contributions. As set out in section 8 of the report the fire service has also been consulted in respect of the application has raised no objections. The police services architectural liaison officer was consulted on the application and raised no objection.
- x) The original Committee report (amended to incorporate the March supplementary agenda details and additional neighbour/consultation responses) is set out below.

# 1 The Proposal

## 1.1 The application proposals comprise the following:

Demolition of all existing buildings on site, including dwellings within Southchurch Avenue.

The redevelopment of the site to provide 6 blocks of between 2 and 14 storeys (above podium level) comprising 282 residential units, and 2717 sqm m of commercial floorspace over two levels (podium and street level) for A1, A3 and D2 uses. Flexibility is sought in relation to the precise mix of commercial uses but indicative floor areas under each category are included on the application form as follows:

- A1 shops 687sqm
- A3 Restaurants and cafes 1081sqm
- D2 Assembly and Leisure 949 sqm

The development will comprise a total of 16 floors. The ground level slopes considerably across the site, allowing parking and commercial uses to be provided towards the southern part of the site. The bottom floor, i.e. the lower ground floor will be occupied by commercial space along the southern edge of the site, with vehicle parking over the remaining floor area. The upper ground floor will be occupied by a small residential area on the west side of the site and vehicle parking over the remainder of that level. Above the upper ground floor is the "podium" level which will be occupied by commercial space along the southern edge of the site and residential to the north. The podium level will also include the landscaping and public space and will be where the majority of servicing of the development will take place. The remaining floors above the podium will be occupied by residential units.

- A residential mix is proposed as follows: as of 5no. studios, 123no. one bedroom flats, 129no. two bedroom flats, and 25no. three bedroom flats;
- Affordable housing in the form of 84 units (30% overall provision) comprising 58 units for affordable rent and 26 units for intermediate rent (70/30 split). Within this affordable provision, 37% of the units would be one bedroom, 33% would be two bedroom, and 30% would be three bedroom;
- Two lower levels of parking providing 328 car parking spaces comprising: 282 residential car parking spaces plus 20 dedicated residential visitor parking spaces, 10 operational commercial parking spaces, 16 dedicated disabled parking spaces.
- 356 cycle parking spaces.

- Private and public amenity space in the form of residential balconies and private terraces (approx. 4095 sqm), shared private amenity space (1142.7 sqm), semi-public space (1511.4 sqm) and public space (2200.1 sqm);
- Residential vehicular access will be achieved from Southchurch Avenue from a new two way junction on Southchurch Avenue approx. 125m north of the existing signals junction. The existing northbound bus stop will be relocated to the south and the existing taxi rank relocated to Eastern Esplanade. The proposed access will include a right hand turn ghost island and traffic would be held off the main carriageway so as not to compromise highway capacity. The current two lane southbound approach will be extended northwards. This access will also give access to the commercial staff parking spaces. The existing CCTV camera will be relocated.
- Access to the podium level for delivery and service vehicles will be from a single, one-way entry only ramp off of Pleasant Road. In order to exit the podium level vehicles will travel down a second ramp which will link with the car park access on Southchurch Avenue. To avoid service vehicles travelling through the existing residential streets it is proposed that the existing “no entry” restriction at the southern end of Pleasant Road together with the short section of one way are revoked, thus allowing all vehicles to turn left or right from Marine Parade into Pleasant Road.
- The potential, through a Masterplan approach, for the integration of the scheme with the later development of the third party land to the south-west of the application plot, currently occupied by Happidrome, Rockery and a fish and chip bar.

1.2 Due to its scale, nature and location the development is considered to constitute Environmental Impact Assessment (EIA) development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (EIA Regulations), and therefore an EIA has been submitted in support of the application. The documents examines: socio economic issues, visual impact and townscape, ecology and nature conservation, transport and traffic, air quality, noise and vibration, hydrology flood risk and drainage, ground conditions and contamination, archaeology and cultural heritage and microclimate.

1.3 The applicant has also submitted the following supporting documents:  
 Design and Access Statement, including recycling and waste proposals, landscape proposals, lighting proposals and public art strategy;  
 A Transport Assessment, Residential Travel Plan, Commercial Travel Plan;  
 Retail and Commercial Uses Assessment;  
 Daylight, Sunlight and Overshadowing report and internal Daylight Assessment;  
 Energy and Sustainability Statements.  
 Planning Statement



- 1.4 Revised plans and information were submitted in January 2015, responding to officer's comments and those of consultees. This submission included Addenda to the Design and Access statement and Environmental Impact Assessment (in particular in response to Flood Risk Issues) and revised highways work details.

## **2 Site and Surroundings**

- 2.1 The application site, which has an area of 1.1036 hectares, is located on the Seafront at the junction of Marine Parade and Southchurch Avenue. It includes a western frontage onto Pleasant Road. A large proportion of the site comprises open land that is used, without the benefit of planning permission, for car parking. The Marine Parade frontage includes buildings used as a fast food outlet, amusement arcades and a public house. The Pleasant Road frontage is occupied by a former sweet factory, and there is a short terrace of four houses on the north-eastern corner of the site fronting onto Southchurch Avenue. Three of these houses are derelict. Existing buildings on the site range between one and three storeys in height. There are a number of mature trees on the site.
- 2.2 The site is located within the established commercial central Seafront area, albeit with two, three and four storey residential properties predominating to the north. This part of the eastern central seafront includes two and three storey buildings of varying age and design, including the listed Hope Hotel. The grade II listed Kursaal entertainment complex and the associated Kursaal Conservation Area are situated opposite the site on the east side of Southchurch Avenue. Bourgee Restaurant adjoins the Kursaal to the south and is a locally listed building. Ground levels rise across the site towards the north and north-west. On the south (seaward) side of Marine Parade, the land is relatively open comprising the main landscaped promenade and a public car park and small ancillary buildings. The sites frontage onto Marine Parade stretches 115m and typically the sites depth is approximately 120m.
- 2.3 The junction of Marine Parade and Southchurch Avenue is traffic-light controlled. The southern end of Pleasant Road is one way northbound and Marine Parade has been subject to environmental improvements, as part of the 'City Beach' programme, providing a vehicular and pedestrian shared surface. Pleasant Road is a relatively narrow road serving the neighbouring residential area to the north; it is one way within the southernmost part. Access is prohibited from Marine Parade into Pleasant Road. Marine Parade/Eastern Esplanade and Southchurch Avenue form part of the main road pattern and are both principle urban distributors.
- 2.4 The site lies partially within the Central Seafront Area and partially within a Visitor Accommodation Area as defined within the Borough Local Plan (BLP). The site lies within Flood zones 2 and 3 and within the Southend Airport Safeguard Zone. It is adjacent to the Kursaal Conservation Area and to the Kursaal Grade II Listed Building. There are also a number of Locally Listed buildings within the vicinity of the site along the Marine Parade frontage. To the south of the site lies the estuary which is a SSSI, SPA, RAMSAR site and SINC.

2.5 Within the Core Strategy 2007 the site also lies within the Seafront Area. Within the Southend Central Area Action Plan (SCAAP) boundary, the site is within the Seafront Area and allocated as a potential development site, Proposals site CS6b.

### **3 Planning Considerations**

3.1 The main planning considerations are the principle of redevelopment of the site for the uses proposed; impact on the character of the area, the adjacent Listed Buildings and Conservation Area; detailed design, traffic generation, parking and highways issues, impact on surrounding occupiers, living conditions for future occupiers, ecology and nature conservation, trees, archaeology, flood risk and drainage, contamination, microclimate, sustainability, and developer contributions.

### **4 Appraisal**

#### **Principle of development**

**NPPF, DPD1 (Core Strategy) Policies, KP1; KP2; CP1, CP2, CP6, CP8; BLP Policies; E1, E5, H5, H7, L1, L2, S5.**

4.1 One of the Core Planning Principles of the NPPF is to “encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”

The proposed development meets this requirement.

4.2 The application site lies within the Seafront Area within the Core Strategy. Although the primary focus for regeneration is the town centre and central area, appropriate regeneration and growth will also be focussed in the Seafront area, “in order to enhance the Seafront’s role as a successful leisure and tourist attraction and place to live, and make the best use of the River Thames, subject to the safeguarding of the biodiversity importance of the foreshore” Policy KP1

4.2 With regard to employment generating development, policy seeks to deliver a distribution of investment and development reflecting national, regional, sub regional and local policy and based on an approach which inter alia seeks to “maximise the role of the Town Centre as a catalyst in the town’s regeneration through the implementation of a town centre renewal package with emphasis on refocusing of retail opportunities, a major expansion of town centre housing and an expansion of the town’s leisure and cultural provision, including the renaissance of the sea frontage.”

The proposed development meets this requirement.

4.3 Policy KP2 of the Core Strategy states that “All new development, including transport infrastructure, should contribute to economic, social, physical and environmental regeneration in a sustainable way throughout the Thames Gateway Area, and to the regeneration of Southend’s primary role within Thames Gateway as a cultural and intellectual hub and a higher education centre of excellence. This must be achieved in ways which: (inter alia)

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

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

4.4 Policy CP1 sets out how and where jobs should be provided and 750 jobs within the seafront area are sought by 2021. However it should be noted that policy CP1 also states *“Development proposals involving employment must contribute to the creation and retention of a wide range of jobs, educational and re-skilling opportunities. Employment generating development should be located using a sequential approach in accordance with the spatial priorities and roles set out in Policies KP1 and CP2. Offices, retailing, leisure and other uses generating large numbers of people should be focused in the town centre. Industrial and distribution uses will be supported on existing and identified industrial/employment sites, where this would increase employment densities and/or reinforce their role in regeneration.”*

- 4.5 Policy CP1 also confirms that *“in order to promote economic regeneration, development will be expected to: inter alia:*
- *enhance the town’s role as a cultural and intellectual hub, a higher education centre of excellence, visitor destination and cultural centre;*
  - *support the town’s regional potential to develop as a Hotel and Conference Resort with high quality hotels, casinos and broad-based leisure and tourism facilities;*
  - *contribute to the regeneration and development of existing and proposed employment sites; the Town Centre and Seafront; existing industrial areas and other Priority Urban Areas;*
  - *improve the vitality and viability of Southend town centre, the district centres of Leigh and Westcliff and smaller local centres”*

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

- 4.6 Policy CP2 of the Core Strategy relates to Town Centre and Retail Development. It states that *“Southend Town Centre will remain the first preference for all forms of retail development and for other town centre uses attracting large numbers of people”*. The policy sets out the hierarchical preference for provision of retail development and concludes that:

*“Any proposal not in accordance with the above hierarchy and sequential preferences will be required to demonstrate that:*

- *there is a need for the proposed development, and in particular that it would contribute to meeting the development needs and objectives set out in this policy or, where it seeks to demonstrate other need to be met, it would not prejudice the achievement of those needs and objectives, or the wider strategic objectives of this Core Strategy;*
- *it would not prejudice the role of Southend Town Centre as a regional centre and, in all its functions, as the key driver of regeneration in the Borough and its urban renaissance*
- *a sequential approach and test has been rigorously followed in the selection of the site, in accordance with national planning policy and the sequential preferences set out in this policy; and*
- *there are no unacceptable impacts on any other existing centres.*

This issue is explored further at paragraphs 4.15-4.18 below.

- 4.7 Policy CP8 of the Core Strategy states that some 1,100 new dwellings can be accommodated within the Seafront area, within the plan Period and requires that 80% of residential development should be on previously developed land. The proposals are in accordance with this aspiration.

4.8 Borough Local Plan Policy L1 seeks to encourage proposals to provide new visitor attractions or improve existing tourist facilities, where they enhance the resort's ability to attract and cater for visitors, increase local employment opportunities and provide for environmental improvements and Policy L2 deals specifically with the Central Seafront Area and seeks to promote new leisure facilities to improve its environment for visitors. It is considered that the proposals accord with these policies.

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

*“to deliver strategic development sites in accordance with planning policy and guidance, ensure that new development is supported by appropriate infrastructure and services, and minimises and mitigates against flood risk; protect and enhance the distinctive historic and natural environment; creating a high quality Central Seafront gateway which provide a seamless connection between the seafront, Pier Hill and the Town Centre; delivery of a high quality mix use development with a focus on retail, culture and leisure on Seaway Car Park / Marine Parade which successfully links with open space and green corridors via St. John’s Church and the Town Centre with the Central Seafront; a high quality and seamless extension to the ‘City Beach’ Scheme along Eastern Esplanade; improve transport, legibility, accessibility and connectivity by all modes of travel but fundamentally reduce the impact of the road and parking as a barrier to movement within the entire Central Seafront Area; provide a high quality and sustainable environment with well-designed buildings, structures and spaces; to promote, rebalance and enhance culture, leisure and tourism in the Central Seafront area and foreshore in accordance with designations (SSSI, Ramsar and SPA); delivering of a public art, urban greening and lighting strategy for the central seafront area, including a dedicated creative lighting scheme for the Pier; provide a clean, safe, friendly, well managed and well maintained Central Seafront Area in the daytime and at night to attract a wider range of visitors”.*

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

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

*The specific approach for Marine Parade is set out within Proposal Area Policy CS6b which states:*

*“The Council will pursue with private sector partners and private landowners and developers the redevelopment of this area for high quality mixed use development, including the provision of (inter alia):*

- *leisure, cultural and tourism attractions including restaurants, digital gallery destination space and quality hotel offer together with new housing and re-provision of car parking.*

4.11 The specific approach for Marine Parade is set out within Proposal Area Policy CS6b which states:

*“The Council will pursue with private sector partners and private landowners and developers the redevelopment of this area for high quality mixed use development, including the provision of (inter alia):*

- *leisure, cultural and tourism attractions including restaurants, digital gallery destination space and quality hotel offer together with new housing and re-provision of car parking”.*

4.12 The applicant has submitted a Retail and Commercial Uses Assessment with the application, this assesses not only the uses that are proposed and their impact on the town centre, but also explains why other uses weren’t considered suitable on the site.

4.13 The report explains that the commercial space has the potential for both restaurant and commercial leisure uses, but also for retailing or complimentary service uses such as beauty salon or coffee shop. Also the space could be used for leisure or tourist related uses such as gallery, dance studio, yoga centre, nursery or children’s soft play space.

- 4.14 The report states that the applicant did consider inclusion of a hotel within the development. However, this was discounted because the scheme configuration and design does not lend itself to a hotel use, which would have taken a substantial amount of space out of the site, would have had significantly greater parking requirements and would not have provided sufficient return compared to total building cost. In addition the applicant states that the current market demand is for budget hotels and not a higher quality hotel. A budget hotel operation would not fulfil the Councils' policy for high end hotels and furthermore, it is noted that there a number of existing budget hotels already operating in the vicinity of the site and this would therefore lessen its attractiveness to potential operators.
- 4.15 With regard to the impact of the development on existing town centre uses, the applicant has carried out a sequential test in accordance with the NPPF requirements. The report concludes that the evidence base demonstrates there is a potential for additional floorspace within the town centre/seafront area and that this evidence base also highlights the importance for improving linkages between the seafront and the retail area.
- 4.16 With regard to the retail need to the applicant concludes that there is a very significant level of quantitative retail floorspace need and also highlights the need for a qualitative improvement in the existing retail offer. They have also carried out their own assessment of the existing A3 offer and consider that there is a shortfall in food and beverage offer, with gaps and deficiencies particularly for family and fine dining. They consider that the quality of the units being provided within Marine Plaza would be attractive to these types of operators. Examination of spending potential within the area and operator demand also demonstrates that there is future capacity for growth in this sector.
- 4.17 The Marine Plaza site, although outside the town centre shopping boundary falls within the Southend Central Area covered by the SCAAP and which specifically allocates the site for mixed use including leisure and restaurants. The applicant has demonstrated that the level of retail development that is proposed has a potential for only a very low impact on the turnover of the existing centre and that the proposals would not significantly impact upon the vitality of viability of the town centre. Therefore, the proposals are considered acceptable in this regard and to accord with Policy CP2.
- 4.18 To conclude, the regeneration of this site is anticipated within the local planning policy and the emerging action plan. The site is brownfield, but currently underused and does not benefit the seafront at this point or the wider area. The proposed development will have the potential to regenerate not only this site but also to spark regeneration of the wider area. The proposed commercial floorspace has the potential to yield approximately 100 operational jobs once completed and occupied and in addition the construction phase will provide direct and indirect employment (estimated to be about 50 further jobs). The applicant states that the residents of the apartments have the potential to generate a significant localised spending boost and income and the development will have the potential to improve the leisure and tourism offer of the seafront area.

Although the proposal does include a substantial amount of housing, much of the residential space is at higher level and to the rear of the site away from the commercial frontages which is acceptable in the context of the size, topography and location of the site. Therefore no objection is raised on principle to the redevelopment of the site as proposed.

#### *Housing Mix*

- 4.19 To create balanced and sustainable communities in the long term, it is important that future housing delivery meets the needs of households that demand private market housing and also those who require access to affordable housing. Providing dwellings of different types (including tenure) and sizes will help to promote social inclusion by meeting the needs of people with a variety of different lifestyles and incomes. A range of dwelling types will provide greater choice for people seeking to live and work in Southend and will therefore also support economic growth. The Council therefore seeks to ensure that all residential development provides a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing, to reflect the borough's housing need and housing demand.
- 4.20 The application proposes a residential mix of 5no. studios, 123no. one bedroom apartments, 129no. two bedroom apartments, and 25no. three bedroom apartments. Whilst this mix contains a larger proportion of 1 and 2 bed properties than would ideally be provided, the inclusion of 3 bed apartments/maisonettes is welcomed. Given the nature and location of this development, on balance no objection is raised to the proposed housing mix.
- 4.21 Residential development proposals will be expected to contribute to local housing needs, including affordable housing. All residential developments of 50 dwellings or more will be expected to provide not less than 30% of the total number of units on site as affordable housing.
- 4.22 Affordable housing is proposed in the form of 84 units (30% overall provision) comprising 58 units (69%) for affordable rent and 26 units (31%) for intermediate rent. Within this affordable provision, 37% of the units would be one bedroom, 33% would be two bedroom, and 30% would be three bedroom. This amount and mix of affordable housing is considered to be acceptable.

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

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

- 4.23 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.



4.24 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.”*

4.25 Policy CP4 of the Core Strategy states *“Development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend”* and *“promoting sustainable development of the highest quality and encouraging innovation and excellence in design to create places of distinction and a sense of place”*.

The need for good design is reiterated in policies C11 and H5 of the BLP and Policies KP2 and CP4 of the Core Strategy, the Design and Townscape Guide and emerging policy SCAAP policy CS2.

4.26 This application site is identified in the Southend Central Masterplan (2007) as being suitable for a new landmark building and outline approval was granted in 2007 for a building rising to 16 storeys which formed part of a large mixed use redevelopment scheme. The proposed development includes frontage buildings that rise up to 16 storey equivalent. The emerging SCAAP (proposed submission version (2011)) also states that new landmark buildings in the Central Seafront Area will be acceptable in locations where they would ‘create well designed ‘gateways’ to mark, frame and enhance the main approaches of the central seafront area’. The principle of a tall building on this site is therefore established.

4.27 It is acknowledged that this is a modern building in a prominent location. What is of importance therefore, with this current proposal, is ensuring that the form of the proposal and the quality of the design is befitting of a new landmark for the seafront.

4.28 Emerging SCAAP Policy CS6 set out detailed design/layout criteria for the site. Emerging SCAAP Policies PR1, PR2, PR3, PR4, PR5 refer to the public realm and landmark buildings.

4.29 Policy PR5 of the SCAAP states that:

The Council will support and encourage the creation of new landmarks in the areas identified within Appendix 2 of the SCAAP (this site is included), where development proposals can demonstrate:

*a. design, detailing and use of materials are of exceptional quality and interest;*

*b. the location would provide a focal point for an existing vista/sight line or generate a new one; and*

*c. the proposals do not adversely affect the amenity of local residents.*

*The site also falls within the Policy Area CS6b where the following are sought (inter alia):*

- *Creation of a 'Southend Balcony' approach – a new public space combined with new active frontage on the seaward side of the Royals and 'Spanish Steps' approach as part of major development proposals on Eastern Esplanade and Seaway Car Park;*
- *Remodelling of urban form to create a new link to Marine Parade designed around the Spanish Steps concept of the stepped public urban space;*
- *Enhance the quality of public spaces around the Kursaal conservation area.*

4.30 With regard to tall building design the Design and Townscape Guide (2009) states that the Council will assess applications against the CABE Tall Building Criteria for Evaluation which identifies the following key areas for consideration:

- *The relationship to context including form, massing and layout, streetscape*
- *The effect of the historic context which should consider the relationship with the Kursaal*
- *The architectural quality of the buildings including appearance and design detailing, materials, interaction with the streetscape*
- *The contribution to public space and facilities including provision of new public spaces, landscaping, public art, creation of a 'sense of place'*
- *The relationship to transport infrastructure*
- *The sustainable design and construction*
- *The effect on the local environment including microclimate and shadowing, night time appearance, neighbours*
- *The contribution made to the permeability of the site including connectivity with the surrounding area, views and legibility*
- *The provisions of a well-designed environment for the proposed residents including internal layout and amenity space*
- *The credibility of the design including confidence in the quality of the proposal.*

The design of the application is therefore assessed in these respects.

### *Relationship to context*

- 4.31 The site and its surroundings are described in details at paras 2.0 above onwards. The commercial seafront frontage itself is typically 3-4 storeys for the most part and it is bounded at each end by much larger buildings. To the east the new Premier Inn is 5 storeys with a wide form and similarly the significant mass of the Park Inn to the west sits on an elevated position on Pier Hill and rises a full 9 storeys across site. These buildings are significantly taller than those in the central section but here it also important to note that a large scale development has also been approved at Esplanade House adjacent to the Premier Inn site, which includes a 12 storey tower and that a significant redevelopment proposal is likely to come forward for Seaways Car Park this change in skyline over recent and coming years is the start of the regeneration of the central seafront and, whilst a significant increase in scale may not be appropriate on all sites, a few new landmarks should serve to stimulate investment and renewal in this area building on the success of the city beach public realm proposals.
- 4.32 In response to this context consideration has been given to the form and massing of the development to ensure that the relationship between the new development and the surrounding townscape, including the grade II listed Kursaal and the more domestic scaled residential area to the north are respected. In contrast to the previously approved scheme, which had a greater overall massing and a more singular form, the architects have chosen to break the massing into a series of individual blocks sitting on top of a podium. The podium will enable the commercial street frontage to be continuous at ground floor and should reduce the perceived massing of the proposal for pedestrians.
- 4.33 The heights of the blocks above vary greatly and provide a staggered transition between the existing more domestic townscapes at the northern end of the site and the more substantial frontage along the seafront, culminating in a feature tower in the south east corner. The Design and Access Statement claims that locating the tower at this junction is more legible in townscape terms and would create a synergy between the new building and the Kursaal dome forming a gateway to the seafront and that this is a better approach than locating the tower elsewhere on the site where there would be a greater competition between the two landmarks. It is also claimed that a landmark at this end of the site would draw footfall to the eastern helping to regenerate the business furthest away from the town centre including the Kursaal itself. This argument is considered to be valid provided the tower is well deigned has a positive relationship with the Kursaal itself.
- 4.34 To ensure that views of the Kursaal dome are maintained and that the Kursaal remains a prominent landmark in the seafront townscape, the feature tower has been set back significantly and a thorough assessment of the views has been undertaken as part of the Environmental Impact Assessment. This has demonstrates that from key viewpoints the Kursaal dome remains visible and offers reassurance that the proposal will work together with the Kursaal in creating a new landmark gateway for the seafront rather than obscuring it in the

streetscape.

- 4.35 The EIA also shows that the proposal will appear subservient to the massing of the Park Inn when viewed from the Pier Hill Lift Tower and will relate well to the height of the Park Inn when viewed from the end of the Pier. These views also highlight the slimmer profile of the development in comparison to the Park Inn which is in an elevated position and has a long elevation facing the seafront.
- 4.36 To the north the site adjoins traditional terraced housing on both street frontages (Southchurch Avenue and Pleasant Road). In Pleasant Road the building drops to its lowest point (2 storeys) and references the height of the adjacent terrace which is considered to be a positive reference. In Southchurch Avenue there is a small jump in scale between the development and the adjacent housing but this is a much wider road of mixed character and a key route to the seafront and it is considered that the small change in scale at this point would help to mark the start of the central seafront area and would not be inappropriate in townscape terms.
- 4.37 To the front of the site the other blocks surrounding the main tower are a significant step down so as not to compete with its landmark status and to provide the stepped transition in scale across the site. It is noted that the south west corner of the site is not included within the detailed proposals but that a masterplan has been completed for this area to demonstrate how it can be developed in the future to complement the proposed design. This includes an indicative design and massing for another lower block on this corner which references the design of blocks A and F on this frontage but provides a transition between the scale of these blocks and the adjacent townscape to the west. The scheme also safeguards the access to a possible car park extension under the building in this area. This masterplan offers reassurance that it will be possible in the future to provide a comprehensive redevelopment of this street block.
- 4.38 On balance it is therefore considered that the approach taken by the architects to the scale and massing of the development will provide the seafront with a new gateway landmark whilst also being responsive to the local context and is considered to be a justified approach to the redevelopment of the site.
- 4.39 The footprint of the building varies greatly over the site as it responds to the scheme design, but how it interacts with the neighbouring buildings is a key consideration. The decision to build tight up to the existing building on Marine Parade (third party land) is considered to be the correct approach as it will avoid any negative space being created between the buildings and enable a continuous commercial frontage to be achieved in line with local character. The staggered building line on this frontage adds interest to the streetscene and would not be out of character with the irregular building line at this end of Marine Parade. Along the other frontages in Southchurch Avenue and Pleasant Road the building footprint is simpler. In Southchurch Avenue the building line reflects the consistent frontage of the existing properties adjacent to the site and this works well. In Pleasant Road the proposal is set back to allow space for an access ramp but the street has a staggered building line so this would not be out of character.

4.40 The quality of the street frontages at ground and at podium level is crucial in determining the successful integration of the building into the townscape and are a key consideration for any tall building. The decision to continue the commercial frontage of the 'golden mile' at ground level and create an additional level of commercial floorspace at first floor is compatible with local character and should work well and should create a lively frontage to Marine Parade. Furthermore this commercial frontage wraps around the corner into Southchurch Avenue and this should improve the environment at the junction and respond well to the commercial frontage of the Kursaal. The setting back of the taller elements on this side should help to create a comfortable more pedestrian scaled frontage to the development at street level and one which references the form of the surrounding townscape.

*Relationship to historic context*

4.41 As mentioned above, the grade II listed Kursaal building, which is an existing seafront landmark, is located directly east of the site and the main tower in this location has been positioned to enable key views of this building to be maintained. In addition to these issues of scale and form, the proposal has also sought to respect the historic context of the Kursaal in its detailed design of the Southchurch Avenue frontage in particular and in its choice of materials. At ground floor on this frontage the development contains the car park access and the podium exit ramp, which it is noted can only be located on this street. Concerns were raised at pre application stage regarding the impact that these inactive uses may have on the listed building, however, the architect has responded to this concern by carefully detailing this frontage to reference the rhythm of the arcading of the Kursaal in the design of the plinth and providing bespoke designed the car park ventilation screens and access gates of a decorative form picking up on the lattice pattern found on the balconies above. At the upper levels and at either end the proposal has maintained a well articulated and active frontage to the development including a number of residential entrances at the northern end and a continuation of the shopfront at the southern end. It is considered that the attention to detail in this frontage has overcome the initial concerns raised regarding this frontage and that the proposed design should ensure a well detailed pedestrian friendly frontage which responds positively to the character of the Kursaal.

4.42 With regard to the choice of materials the Design and Access Statement states that a deliberate decision was made to contrast the materials of the Kursaal in the design of the towers by choosing a simple white palette. This will help to highlight the red brick and decorative stonework of the Kursaal helping to maintain its landmark status in the streetscene and this is considered to be appropriate in this instance. Given the size and nature of the site it would be impossible (even if it were desirable) to mimic or replicate the Kursaal and its design.

4.43 It is therefore, considered that the proposal has been designed so as to take great care to ensure a positive response to the historic character of the Kursaal and the associated Kursaal Conservation Area.

### *Architectural quality*

- 4.44 The architectural quality of the proposal is of paramount importance in ensuring that a development of this scale, which is so prominent and exposed, makes a positive addition to the townscape and to the regeneration of the area. This includes ensuring that the architectural style and detailing of the buildings are well considered, that the scheme is cohesive but has sufficient interest that the materials are high quality and that public frontages are appropriately detailed.
- 4.45 With regard to the architectural language of the blocks, the architects have chosen to differentiate between those that face directly onto the livelier commercial seafront and those to the rear of the site adjacent to the existing residential areas, but to have a family of architectural elements, such as balconies, fenestration, entrance language and materials running through the development to ensure that it appears cohesive. The front blocks are bolder in their detailing and are characterised by a strong horizontal layering of balconies picking up on the seaside vernacular and the horizontal references found in the 'golden mile' and the long balconies of the Park Inn. This is also expressed in the overhanging 'diving board' features of the terraces above the shopfronts which will add drama to the frontage at street level and again references the strong canopies features seen on the arcade buildings to the west of the site. The length of the balconies are broken up by recessed glazed sections with an etched lattice pattern which add a richness and interest to the elevations and enables more extensive views for the occupants. This motif is referenced in other elements of the scheme including the balustrade and shutters and screen to the car park which helps to tie the development together as a complete scheme.
- 4.46 The blocks to the rear are 'quieter' in their architectural language which relates to the more domestic character of the side streets but remain well detailed. Recessed balconies and large windows and a subtle change in materials and texture add articulation to the frontages and help to distinguish them from the more lively blocks at the front of the development. The central blocks provide the transition between these two styles incorporating elements of both in their design. This approach adds interest and variety to the scheme but enables it to remain cohesive in its design approach. It also helps to distinguish the more public areas and spaces to the front of the site from the more private residential areas to the rear and is considered to work well.
- 4.47 At the lower levels there is also a consistency in the design of the shopfronts and in the entrances to the blocks themselves and this also unites the development with a common language. It is noted that the shopfronts, which are shown to be a simple glazed design with recessed columns, are to be fitted by the individual occupiers. Further information was submitted in relating to these elements in January 2015; it is proposed that retail signage be located on a recessed fascia behind fully glazed shopfronts. This is considered to be a good way of ensuring a high quality consistent façade to the retail units and this approach is considered acceptable. However it will remain necessary to ensure that the consistency in the design detail found across the rest of the scheme is maintained in this area and it is therefore suggested that the applicant be required by condition to produce a design code for the shopfronts and which can be passed to tenants in due course.

A consistent approach has also been adopted for the entrances to the blocks which appear to be prominently located and generously scaled and this will also improve the legibility of the scheme.

4.48 Revisions were made to the scheme in January 2015 and have resulted various changes as follows:

- Alterations to the detailing of blocks A-F including a 200mm increase in balcony depth, the removal of Juliette balconies to enable the glazed waling system to read as a continuous façade and refinement of the balcony profile. It is considered that these amendments to the detailing of blocks A and F have resulted in a more refined and sculptural form as the balconies now appear to float on the façade. These changes will make the tower more distinctive and are therefore welcomed.

- The detailing of the car park screens has been developed and now has a more organic form. This ensures that it is more robust whilst also having a richer form. There is no objection to either design of screens as it is considered that they both enrich the development. It is noted that the revised design will be more robust and this may be beneficial in terms of maintenance. It will also better obscure views of the cars and plant from the pedestrians and this is also considered to be a positive.

- The external staircase on the junction of Marine Parade and Southchurch Avenue has been stepped and refined in its materials. It is considered that the amendments to the external staircase have improved this key corner of the development by reducing the bulk of the retaining wall and adding texture and richness to the corner.

- The balustrade to Southchurch Avenue has been amended from solid to a railing. This has the benefit of reducing the height and scale of the retaining wall for pedestrians and improving the visual connection with activities at the podium level and is welcomed. The rhythm of the Kursaal colonnade is picked up in the column detail and aligned lighting poles and this is considered to be a positive reference to the historic building.

4.49 The design of the public art feature which comprises groupings of small canopies referred to by the applicant as “clouds”, in the public areas should add colour and drama to the development and should help to link the public spaces at both levels drawing pedestrians into the heart of the scheme. The design of the canopies plays on the seaside parasol theme and should relate well to the wider seaside character.

4.50 Significant information has been provided regarding the proposed materials, which are high quality and complementary but the schedule is not exhaustive so full details of these will be conditioned.

4.51 Overall the styling and detailing of the proposal including design of features such as balconies, the quality of materials, the entrances and the public art and landscaping are all well considered and will make the difference between a mediocre development and a high quality one. Features such as the etched glass lattice detailing which is picked up in the balconies, the podium balustrades and the car park gates and screens will make the proposal distinctive and enrich the design. The proposed public art canopy features will also contribute to the unique and special character of the development by linking the public areas with a common theme and one appropriate to a seaside location. These elements demonstrate the attention to detail in this scheme which raises it to a higher level of quality befitting of a new landmark building.

*Contribution to public space and facilities*

4.52 Two significant public spaces will be created as part the development proposal – at ground level a public space is proposed at the front of the site enhancing the setting of the retail units at this level and improving the setting of the junction and the Kursaal and building on the city beach enhancements. A wide feature staircase leading from this area connects it to a new podium public space at first floor level which includes terraces overlooking the estuary and a central area providing street frontages to the residential blocks. The area towards the back of the podium is proposed as a semi- private space for the residents.

4.53 The podium layout has arisen from the need to protect the residential units from the risk of flooding, for the creation of a workable service route for the rear blocks and to screen the large area of car parking that is required for the development but by making a feature of it these constraints are not apparent in the design and the podium appears as a townscape feature in its own right. It will be a destination for visitors providing a meeting and viewing area, as a backdrop to the upper level commercial units and as a route through the development. The subtle demarcation of the podium's vehicular route ensures that this area appears as a pedestrian space rather than a service road and this will be crucial in ensuring a high quality townscape at this level. The soft planting at the northern end helps to delineate the more public area at the front from the more private forecourt area to the rear blocks whilst still providing an attractive setting for the buildings. It is considered that there is scope for some soft landscaping to the front of the podium to add softening to this area but the architect has chosen instead to use this area for part of the public art installation. This will add height, drama and intrigue to the area and help to unite the three main public areas adjacent to the main steps and improving the accessibility of the spaces. The decision to make this glazed at the upper level will make it appear as a design feature rather than an 'add on' and better integrate it into the development.



- 4.54 At ground level the design approach adopted at city beach is to be continued onto the forecourt which will ensure a seamless integration with the wider seafront at this level. The decision to wrap the paving into Southchurch Avenue will help to improve the visual impact of the junction and the setting of the Kursaal. Small details such as a raised table to the lower vehicular access are also welcomed in ensuring pedestrian priority in this area. There is no space for landscaping on the pavement at the southern end of Southchurch Avenue but the architect has provided some significant tree planting and landscaping on this elevation at podium level which will introduce some greenery into the streetscene. There is further tree planting at the northern end of this frontage.
- 4.55 On the Pleasant Road frontage there is a significant amount of planting at street level and to the sides of the podium ramp and this will make an important contribution to the attractiveness of this route for pedestrians and the general streetscene. Landscaping has also been used to good effect to soften the boundaries between the proposal and the third party land in this area and will help the development to appear more complete in the interim. The indicative landscaping plan for these areas offers reassurance that the podium, street frontages and amenity areas will be well designed and softened but a detailed scheme will be the subject of conditions.
- 4.56 The Design and Access Statement goes into some detail regarding the external lighting of the proposal and this is welcomed as it will ensure that the development comes makes a positive contribution to the character of the seafront at night and plays its role in the seafront illuminations. The lighting to the undersides of the main front balconies, the podium overhang, the steps and the public art feature will be particularly important in this respect.

*Relationship to transport infrastructure*

- 4.57 This site is within the central area which is well served by public transport but it is not considered that this criteria impacts on the detailed design of this proposal.

*Sustainable design and construction*

- 4.58 The scheme is to be built to BREEAM “very good” and code for sustainable homes “level 3” and includes various commitments to sustainable design and construction including responsible sourced materials, high levels of insulation, drying space and home office provision, energy monitors for all units, enhanced biodiversity including green and brown roofs and a commitment to meet lifetime homes standards. A proportion of the development is specifically adapted for wheelchairs. Overall, it is considered that the applicant has adopted good sustainable design and construction principles.

*Effect on the local environment*

- 4.59 Information has been provided on the impact on the local microclimate around the blocks especially on the podium which explains how generation of down drafts and wind will be mitigated. This is expanded below.

- 4.60 All public areas are well overlooked by the residential units and this should provide high levels of natural surveillance. As mentioned above a comprehensive lighting scheme is proposed which should ensure that the proposal feels safe to walk around at night as well as being an artistic feature of the development.

*Contribution to the permeability of the site*

- 4.61 The podium design concept connects into the surrounding street network in 5 different places and this has dramatically increased the permeability of the site and combined with a high quality landscaping scheme, should help to encourage pedestrian activity to and through the site. It is noted that the podium also enables service and emergency access into the centre of the development.

- 4.62 In addition to the physical connections the layout and form of the development also opens up views of the seafront and surrounding streets from the central podium space and this should help to make the scheme legible and assist navigation. It is therefore considered that the proposal has improved the permeability of the site both in the physical and visual sense.

*Credibility of the Design*

- 4.63 This proposal has been designed to a high level of detail to ensure that the challenges of the site and the local context have been well considered and addressed. The proposal includes a number of areas of detail, such as the unique lattice design theme and the public art installation which will make the scheme distinctive and create a sense of place befitting of a new landmark building. This reassurance of quality is in the most part due to the appointment of an experienced and well regarded architectural practice who have built many developments of this scale and who provide confidence in the delivery of a high quality landmark building for this site.

- 4.64 To conclude, the development is considered to meet the current Policy requirements and those of the emerging SCAAP, it would also comply with the CABE Tall Building Criteria for Evaluation. It is considered that the development represents an exciting opportunity to regenerate this open brownfield site into a landmark development for Southend, which would uplift this Central Seafront Area.

**Traffic and Transport**

**Planning Policies: NPPF; DPD1 (Core Strategy) policies: KP1, KP2, KP3, CP3; BLP Policies; T1, T8, T10, T11, T12, T13, T14.**

- 4.65 The site is set in a sustainable location. It is located within walking distance of Southend Central station which connects with London Fenchurch Street, and is adjacent to cycle routes and bus routes. The site is within ready walking distance of the town centre and its associated amenities and is also located close to the A13 and A127, Southend to London arterial roads. Highway works have recently been completed along Marine Parade as part of the "City Beach/Better Southend project which sought to make the highway around the site more pedestrian and cyclist friendly.

4.66 Permission was granted on this site in 2006 for a scheme comprising 126 residential units, a 100 bed hotel, 7,500m<sup>2</sup> casino, a 2,500m<sup>2</sup> nightclub and 2,000m<sup>2</sup> of restaurants. That permission is a material consideration when assessing the current development. The 2006 development included provision of 650 car parking spaces.

4.67 The current proposal includes 2,717m<sup>2</sup> of commercial floorspace and 282 residential units. It includes 328 car parking spaces comprising:

- 282 residential car parking spaces plus
- 20 dedicated residential visitor parking spaces.
- 10 operational commercial parking spaces
- 16 dedicated disabled parking spaces

Parking spaces would be provided on the lower ground floor and upper ground floor.

4.68 It should be noted that the site as existing is used for car parking (without the benefit of planning permission) which impacts upon the surrounding highway.

4.69 The scheme is accompanied by a Traffic Assessment; both Residential and Commercial Travel Plans, a draft Waste Management Plan and a draft Car Park Management Plan. Following deferral at a previous planning committee a car park capacity/usage survey was also undertaken (see covering report)

4.70 The scheme includes alterations to the highway as described at para 1.1 of this report.

#### *Traffic Generation*

4.71 Trip Generation has been assessed using the recognised TRICS database and using the towns VISSIM model. The modelling assessed the impact of the development together with other nearby development. This methodology was agreed with Council officers.

4.72 Following the modelling work, highways works were identified as being necessary to the highway around the site as set out at para 1.1 of this report. Provided these highways works are carried out, the modelling demonstrates that the development would have only a marginal impact on junction performance during AM and PM peak times. It should be noted that the highways network has the capacity to accommodate any queues into the site within the right turn ghost island and hence traffic movements along Southchurch Avenue will not be obstructed.

- 4.73 Whilst it is recognised that during seasonal peaks the highways around the site can become congested, it is considered that by the use of judicious signage as described below, additional traffic can be directed away from the seafront and into the underutilised town centre car parks. As the capacity report identified the capacity of the car parks in the town centre is, even at busy times, 74%. The site is currently being used as a public surface car park which operates on Sundays and bank holidays and attracts a number of trips on the transport network during weekends, and which will not be present following development. The planning status of the car parking is unclear as it may be unlawful in planning terms and further work needs to be done to establish the position. Taking the above factors into account, on balance, the impact of the development at busy times is not likely to be of such significance as to seriously affect the operation of the highway in comparison to the situation as it exists currently.
- 4.74 It is noted that there will also be an impact on the surrounding highway for construction traffic and this needs to be controlled appropriately therefore a condition requiring a construction traffic strategy will be required.

#### *Car Parking*

- 4.75 Residential - The development is policy compliant with regard to residential parking provision. The scheme includes 100% parking to serve the residential units, plus 20 visitor parking spaces. This provision is in accordance with EPOA standards for accessible sites.
- 4.76 It should be noted that the emerging DM DPD includes revised parking standards for residential properties in accordance with the revised EPOA standards 2009, however the DM recognises that town centres have good public transport options and have services and facilities within walking distance, making sustainable travel choices a realistic alternative for many people. The car parking requirement for dwellings within the area covered by the SCAAP therefore remains at 1 space per dwelling. Thus the development is considered to be in accordance with the existing and emerging parking standards.
- 4.77 Commercial– parking standards for commercial development are maxima standards within the current and emerging policy. The applicants state that it is their intention to provide only “operational” commercial parking spaces. This is because:
- national and local policy seeks to encourage travel by sustainable modes of transport and maximum parking would undermine this objective,
  - a lower level of car parking is appropriate in this accessible area,
  - the proposed commercial uses will not generate a demand for additional parking on the basis they will attract “linked trips” undertaken by local residents, persons already within the town centre who have parked elsewhere or those who have travelled specifically to the seafront and therefore will have again parked elsewhere.

- The site lies within a highly sustainable location with excellent public transport availability and thus the development is capable of supporting a lower provision of car parking;
- As stated in the Local Transport Plan (2011 – 2016), Southend town centre has a higher than average number of parking spaces for a town of this size and on average the maximum occupancy throughout the day for all car parks is about 70% of available capacity. This has been corroborated by a survey carried out in April which shows that car parks were at about 74% available capacity during busy periods.

Officers concur with these views.

- 4.78 There is, as stated, capacity within town centre car parks to accommodate in excess of the levels of parking demand which would be associated with the proposals. The applicant has agreed to make a contribution for signage which it is intended would be used to adapt existing directional and VSM signage to alert drivers before such time as the seafront is reaching capacity, and to direct them to other car parks within the town so as to make them aware of alternatives. This information could include details of walking times to the seafront area. Officers are satisfied that this is a satisfactory solution and that the proposed level of overall parking is sufficient to meet the needs of the development.
- 4.79 It should also be noted that the travel plans have been submitted for both the commercial and residential elements of the development. These plans set out a number of initiatives and measures which will be implemented with a view to reducing reliance on the private car and maximising the used of sustainable transport modes. Implementation of these Travel Plans will be a requirement of the S106 Agreement.
- 4.80 The applicants have shown 356 cycle parking spaces to be provided to serve the development. This will be provided in various locations within the site close to the properties which it will serve and will be covered and secure in accordance with policy. Motor cycle parking is also provided. This is welcomed.

#### *Access and Servicing*

- 4.81 The main pedestrian access to the development is Marine Parade, this includes feature steps plus a lift for less able pedestrians. Southchurch Avenue provides a secondary route with access via stairs and a ramp which connect street level up to the Terrace and courtyard levels. The Pleasant Road footpath is proposed to be widened and will include entrances to the flats on this frontage. The Pleasant Road and Southchurch Road ramps are shared surfaces and will encourage pedestrian access through the site.
- 4.82 All accesses and vehicular paths through the site have been checked to determine that they will operate in practice as have the parking areas and all will function properly.

- 4.83 *Servicing* – Service access to the site will be routed in a one way route taken from Pleasant Road (the current one way section will be reversed to allow service access into the site), through the site and will exit onto via the ramp onto Southchurch Avenue. This access will facilitate waste collection, and emergency and delivery access. The public realm is also accessible to those with mobility issues, with ramps and or level accesses.
- 4.84 Commercial waste is centralised for the Marine Parade level, within a dedicated commercial waste store room in the basement, accessible via entrance doors in the eastern podium wall. The upper level Block F and Block A commercial units have independent and dedicated commercial waste rooms, accessed off the internal vehicular route. Residential Communal refuse and recycling stores are discretely located near the front entrances of the Blocks. Refuse stores can be accessed within the maximum carrying distances and the proposed waste stores have been designed with adequate storage to serve the development.
- 4.85 A Waste Management Strategy will be required by condition, covering both residential, commercial and public space refuse management. This will include management of waste containers within the stores, emptying and maintaining of public litter bins within the site demise, and will facilitate the smooth-running of waste and recycling collections by Council operatives. In due course and prior to occupation a detailed assessment of the developments waste collection requirements will be made and any monitored throughout the life of the development.
- 4.86 Servicing and waste facilities to serve the development are therefore considered acceptable.
- 4.87 Taking all these factors into account proposed development complies with policies T8, T11, T12 and T13 of the BLP and CP3 of the Core Strategy.

*Developer Contributions for Highways works*

- 4.88 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”.
- 4.89 As noted above at para 1.1 various highways works are proposed to address the impact of the development on surrounding highways and these will need to be subject to a S106 Agreement and Traffic Regulation Order (including potential relocation of the existing CCTV camera). It is also recommended that the arrangements are monitored following implementation and any appropriate remedial action undertaken at the expense of the developer.

- 4.90 Further contributions/provisions are sought for the following:
- Pedestrian signage to and from the development (£40k)
  - Changes to signal timings at Southchurch Avenue/Eastern Esplanade (£2k)
  - 4 x AVL display signs and associated works (£36k)
  - 2 x raised borders and 2 x bus shelters (£16k)
  - 1 x new layout for taxi rank (£1k)
  - Traffic Regulations Order to cover all advertisement amendments and new orders (£10k)
  - Relocation of SPECS traffic speed system £30k

4.91 The applicant has agreed to these contributions.

**Impact on amenity of adjacent occupiers and future occupiers of the development**

**Planning Policies: NPPF, Core Strategy policy CP4, BLP policies H5, H7, E5, U2. Design and Townscape Guide SPD1**

4.92 Policies H5 of the BLP and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. Residents are currently facing a mostly undeveloped site, therefore the proposed development will undoubtedly have a greater impact. However, the key point is to consider whether the impact of the development will result in material harm to those occupiers.

*Outlook, sunlight and daylight and overlooking.*

4.93 The scheme has been designed taking into account the impact on the living conditions of neighbouring residential occupiers. The proposal incorporates buildings (Blocks C, D & E) of a lower height along the sensitive northern and western boundaries of the site and provides appropriate separation distances to the boundaries of neighbouring residential plots in Pleasant Road, Albion Villas and Southchurch Avenue.

4.94 The application is accompanied by a Daylight, Sunlight & Overshadowing Report which assesses the impact of the scheme on the living conditions of neighbouring and nearby residential occupiers having regard to a recognised methodology (BRE Guidance). In respect of daylight, the overall impact of the proposal on levels of daylight in adjacent properties is demonstrated not to be detrimental.

4.95 In relation to sunlight, the assessment indicates that the windows of existing properties surrounding the site are predicted to receive sufficient sunlight in accordance with BRE Guidance. The scheme's impact on sunlight levels in neighbouring properties is not considered to be detrimental.

4.96 The proposal's potential for overshadowing of adjoining amenity spaces has also been assessed, in line with BRE guidelines. The closest amenity spaces have been assessed. One of these gardens falls marginally below the BRE guidelines, however, all others meet the BRE guidelines. On balance it is not considered that the impact is so great as to warrant raising an objection to the development on that basis.

4.97 It is concluded that the proposed development will not, therefore, have a significant impact on surrounding buildings and amenity spaces in terms of daylight, sunlight and overshadowing.

*Overlooking*

4.98 The development has been designed to include the highest block, which will have the greatest impact, at the south of the site, furthest away from the most affected occupiers. The blocks have been placed, either to replicate existing relationships with surrounding development, such as to the north adjacent to Pleasant mews and Southchurch Avenue, or are sited sufficiently distant from residential properties to prevent undue overlooking.

4.99 There will be overlooking of properties in Southchurch Avenue but this is a situation that commonly occurs across streets and is not considered to result in material harm, particularly taking into account the width of Southchurch Avenue.

*Noise and disturbance*

4.100 The applicant has submitted a noise impact assessment with the application, as part of the EIA, which examines not only the impact on surrounding development but also future occupiers of the development. The applicant has assessed the noise impact on residents from the development, including any ventilation/extraction etc. and construction noise and considered what mitigation measures are required.

4.101 The noise and disturbance emanating from the residential uses of the site will be relatively low and similar to those generally expected within a residential area. The proposed uses would not give rise to disturbance to surrounding occupiers.

4.102 Traffic noise from servicing etc. will be contained within the site and again will not give rise to harm to surrounding occupiers. Noise from ventilation ducting etc. will be controlled through the use of suitable conditions, (car park ventilation details have been shown on the submitted plans) and in any case the commercial uses on the site are located well away from the surrounding residential uses and are not anticipated to give rise to material harm.

4.103 Construction noise will be mitigated by use of hoardings around the development, carrying out construction in accordance with best practice and limiting the permitted hours of construction.



### *Lighting*

- 4.104 The development will be externally lit. Details of the lighting can be controlled by condition to ensure that the light source is directed away from surrounding residential occupiers and is not excessively bright and will not therefore cause detrimental intrusion of light.

### *Impact on future occupiers*

- 4.105 It is also necessary to consider whether the development will result in an acceptable environment for future occupiers of the flats.

### *Size and layout of units*

- 4.106 It is the Council's aim to deliver good quality housing, ensuring that new developments contribute to a suitable and sustainable living environment now and for future generations. To achieve this, it is necessary to ensure that new housing developments provide the highest quality internal environment that will contribute to a good quality of life and meet the requirements of all the Borough's residents. Minimum space standards are intended to encourage provision of enough space in dwellings to ensure that they can be used flexibly by residents, according to their needs, and that sufficient storage can be integrated.
- 4.107 The DM DPD includes minimum indicative residential space standards and the development exceeds these standards for all units.

### *Overlooking*

- 4.108 As noted above it is not considered that there will be undue levels of overlooking between the development and existing properties surrounding the site. With regard to the relationship between buildings within the site, there will be a degree of overlooking between the units which front onto the public spaces, as would be expected in any similar street. However with the exception of the frontage blocks all units also have a more secluded side which will not be publically overlooked. The higher blocks to the front of the site will be open to view on all sides, however given their height and their location apart from other buildings; it is not considered that occupiers will be overlooked. Balconies to the development have been carefully designed to both give maximum views out of the development towards the seafront, but also to avoid unacceptable degrees of overlooking between units. Balcony screens are proposed to be installed on some units.

### *Amenity Space*

- 4.109 Private outdoor space is an important amenity asset and provides adults and children with external, secure recreational areas. It is considered that this space must be useable and functional to cater for the needs of the intended occupants. All new residential units will be expected to have direct access to an area of private amenity space.

4.110 All of the above ground floor has access to balconies, the majority of which are generous in size. The larger of the units at ground floor (including the duplex units) also have access to small private garden areas. In addition the development includes generous areas of private communal open space (over 1000sqm) to serve the residential development, sited to the north of the site and well separated from the commercial/public uses. The site is also close to the seafront and its beaches. Taking all these factors into account the development is considered to be well provided with amenity space.

*Noise*

4.111 The noise assessment submitted with the application, examines the impact on future occupiers of the development. Traffic noise levels surrounding the development are high and there will be service vehicles travelling through it. Mitigation measures will be necessary to achieve a suitable noise environment for occupiers, and acoustic glazing will be required to the new flats. The developer has submitted information to demonstrate that with suitable acoustic glazing in place, noise levels for occupiers of the units facing both into and out of the development will be at an acceptable level. Details of the glazing specification will be controlled by the use of suitable conditions

4.112 It should be noted that some of the balconies serving the development will experience high levels of noise. Whilst design features and potential parapet screening will help, the impact cannot be entirely mitigated. However, given that they are good levels of communal amenity space within the development, and that the site is adjacent to the seafront and its beaches, it is considered that the development will still result in a satisfactory level of amenity space for occupiers and no objections are raised on that basis.

*Ventilation and extract ducting*

4.113 Any mechanical extraction, ventilation or air conditioning plant, particularly that serving the residential and commercial units, would need to be carefully located and designed in order to prevent statutory noise or odour nuisance. A fully detailed specification for the ventilation strategy will be developed at construction phase of the development and details for the commercial element will be based to an extent on the occupiers of the commercial units. However the development has been designed to include space for such equipment, including ventilation points for the car park. Each of the commercial units will be heated and cooled using high efficiency VRF heat pumps. These will be centrally located within the lower ground floor plant room. Officers are satisfied that the details of the mechanical extraction, ventilation or air conditioning plant can be satisfactorily incorporated into the development and can therefore controlled by the use of a suitable condition.

## Sustainable Construction

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

- 4.114 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...”*

- 4.115 The applicants have submitted Sustainability and Energy Statements in support of their application. These set out how the energy needs of the development might be met and looks at all the possible options.
- 4.116 The residential part of the development will achieved Code for Sustainable Homes level 3 and the Commercial element will achieve BREEAM very good.
- 4.117 The applicant has explored a number of renewable energy options for the site and conclude that photovoltaics (lying flat) are the most suitable renewable technology for the dwellings and Air Source Heat Pumps (ASHP) most suitable for the commercial units. The energy calculations submitted indicate that in order to achieve a policy complaint scheme, 432 solar PV panels are required. The applicant has submitted a roof plan to show that this can be accommodated within the development. This will reduce emissions by 10%, which would be in line with the requirements of KP2. The development will also encourage energy reduction during operation of the development by other means such as high performance glazing, efficient lighting etc.
- 4.118 In accordance with policy the proposals incorporate a Sustainable Drainage system (SuDs) to manage water runoff from buildings and areas of hardstanding.
- 4.119 The proposed sustainability measures are generally considered to be acceptable and subject to an appropriate condition, the development is therefore considered to meet the requirements of policy KP2.

## Ecology

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

- 4.120 The application site is close to an area which forms part of the Benfleet and Southend Marshes SPA and Ramsar site. The location of the proposal in relation to this European and Ramsar site means that the application must be determined in accordance with the requirements of the Habitat Regulations in particular Regulation 61 and in relation to the Wildlife and Countryside Act 1981 (as amended). Consideration of the application must also take into account the impact of the development on protected species. Natural England, the Environment Agency, RSPB and Essex Wildlife Trust have all been consulted regarding the application.
- 4.121 Natural England has no objection to the proposed development subject to the inclusion of their recommended conditions (which are included within Section 11) and the proposal being carried out in strict accordance with the details of the application. The reason for this view is that subject to the inclusion of the recommended conditions, Natural England consider that the proposed development, either alone or in combination with other plans or projects, would not be likely to have a significant effect on the Benfleet and Southend Marshes SPA and Ramsar site
- 4.122 Officers have carried out an assessment of the application under the Habitats Regulations 2010 and in particular Regulation 61. The Habitats Regulations require a two-step process. Firstly consideration needs to be given as to whether the development is likely to have a significant effect and if it does, the next step is to make an appropriate assessment.
- 4.123 As required by the regulations the applicant has provided such information as the authority reasonably requires for the purposes of the assessment or to enable them to determine whether an appropriate assessment is required. An ecological scoping survey has been carried out in relation to the site and surrounding area. Separate Bat surveys have been carried out and it is concluded that the site is not of importance to bats. No other notable species were found on the site. The submitted report recommends a number of mitigation measures in relation to the development such as the type of lighting to be used, incorporation of features to encourage biodiversity, etc. These mitigation measures will be required to be carried out by virtue of suitable conditions.
- 4.124 The authority has consulted the appropriate nature conservation bodies and has had regard to the representations of those bodies.

- 4.125 Both the applicant's ecologist and Natural England have assessed the impact of the development and concluded that it would not be likely to have a significant impact on the Benfleet and Southend Marshes SPA and Ramsar site. No adverse comments have been received either from Essex Wildlife Trust or the Councils Parks officers in relation to the application and taking into account the information submitted with the application and the opinions of the general public as set out in the representations received it is not considered necessary to make an appropriate assessment.
- 4.126 Given the nature of the seafront being well lit and crowded, and containing other development close to the protected area, it is considered that the impact of the construction works associated with the development, will not be significant in relation to the impact upon the protected sites and wintering birds and indeed Natural England has not raised concerns in relation to construction issues subject to appropriate conditions being imposed. Conditions will be imposed to mitigate the impacts of the development.
- 4.127 Provided the appropriate mitigation measures are proposed and the recommended conditions are imposed, it is considered that the development would have an acceptable impact in relation to ecology and would not have a significant environmental impact.

#### **Flood risk and drainage**

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

- 4.128 The southern part of the site lies within Flood Zones 2 and 3. Therefore a Flood Risk Assessment was required and was submitted with the application, and the Local Authority is required to carry out a sequential test. A detailed Flood Evacuation Plan has also been submitted with the application.
- 4.129 Initially the Environment Agency raised objections to the development, and considered that further information in relation to flood risk and drainage was required to be submitted. This has now been done. The applicant has updated the FRA and amended the development to address protection against a 1 in 200 year flood level. The drainage strategy has been based on a pre-development runoff rate agreed with Anglian Water. The proposed flood management strategy for the upper and lower car park levels has been amended to protect these areas rather than allow them to flood and all sleeping accommodation is now set above the design flood level. Alterations include, changes to the car park to provide an automatic flood barrier, and revisions to car park layout to ensure continuity to the car park flood defence line. Three attenuation tanks are now provided below Block C, the gardens of Block E and below the ramp to the east of the site. Levels to the western part of the site have been revised to ensure that the habitable rooms to the lower ground units are at acceptable levels; this has been done by raising the lower ground level of Block E.

4.130 With reference to Flood risk vulnerability, the proposed uses within the development would be classified as follows:

- 'Buildings used for dwelling houses' would be classified as a 'More Vulnerable' use; and,
- Buildings used for shops; financial, professional and other services; restaurants, cafes and hot food takeaways; offices; general industry, storage and distribution; non-residential institutions not included in the 'More Vulnerable' class; and assembly and leisure would be classified as a 'Less Vulnerable' use.

4.131 The Central Seafront Area is at risk of flooding from tidal and surface water flooding according to the Environment Agency maps. The southern part of the site where the lower ground floor commercial units are to be located would lie within Flood Zone 3b. The residential accommodation will be located at a level above the current 0.1% (1 in 1,000) AEP tidal flood level and therefore would lie within Flood Zone 1.

*Sequential Test*

4.132 To assist in reducing the risk of flooding, a Stage 1 & 2 Strategic Flood Risk Assessment for Southend has been prepared and agreed by the Environment Agency. This reviews the delineation of flood risk and provides detailed flood zone maps for further reference, after initially consulting the EA flood zone maps. It makes recommendations for future development based on the probability and consequence of flooding and promotes future sustainability within areas that are at risk from flooding. It will enable the Council to undertake the Sequential Test in line with the Government's flood risk and development policy as set out in the NPPF and the assessment of development proposals in the Central Seafront Area.

4.133 Development is only permissible in areas at risk of flooding in exceptional circumstances where it can be demonstrated that there are no reasonably available sites in areas of lower risk, and that the development provides wider sustainability benefits that outweigh the risk of flooding as in the Seafront regeneration area. Nevertheless it is recognised that such development should incorporate mitigation/management measures to minimise risk to life and property should flooding occur.

4.134 An agreement was made between the Council, the Government Office and the Environment Agency that the Sequential Test need only be applied within the Area Action Plan (AAP) boundaries specific to the development proposed in the AAP. The SCAAP includes the Seafront area proposed for regeneration. For the purposes of this AAP alone, the Sequential Test for the Central Seafront Area should only be compared to other sites in the wider Seafront regeneration area and not the entire SCAAP boundary.

4.135 The proposed development is within the Central Seafront Area that has been identified as a site for regeneration and as location to provide significant amounts of housing for the Borough and development leading to job creation. Given the scale and amount of the development proposed it is considered that there are no other comparable sites within the Central Seafront Area that would be capable of accommodating this development. It is therefore, considered that the sequential test has been passed.

*Exception Test*

4.136 The Exception Test is defined at Paragraph 102 of the NPPF and is in two parts:

4.137 *Part one*

The first part of the Exception Test requires that the development must demonstrate wider sustainability benefits to the community that outweigh flood risk, informed by a SFRA where one has been prepared.

4.138 It is considered that the regeneration of the sea front is in accordance with the objectives of Core Strategy Policies KP1 and KP2, saved Policies L1 and L2 and SCAAP Policy CS2 and that this demonstrate the wider sustainability benefits that will be provided to the community and that outweigh flood risk.

4.139 It is therefore, considered that the first part of the Exception Test is passed.

4.140 *Part two*

Through the preparation of a site-specific flood risk assessment, the second part of the Exception Test must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

4.141 It is considered that the information provided within the applicant's FRA , coupled with the mitigation measures set out at in that report demonstrate that the development will be safe from flooding throughout its lifetime.

*Off-site flood risk*

4.142 It is also necessary to ensure that the development will not result in increased flooding elsewhere, and it is recognised that the area in which the site is located is particularly vulnerable in this respect and has suffered from severe flooding recently. The revised submissions in respect of flood risk have now incorporated additional elements within the development to prevent surface water runoff from site, including brown and green roofs and the provisions of sub surface water tanks with controlled outlets to limit the total discharge form the site to the limit set by Anglian Water. Officers are now satisfied that, subject to confirmation that the water tanks are adequately size and detailed (which is currently being assessed) the development would not increase off site flood risk.

4.143 It should be noted that the Environment Agency has removed their initial objection to the development and that Anglian Water is also satisfied that the development will have no detrimental impact.

4.144 The impact of the development is therefore considered to meet the requirements of the NPPF and will not have an adverse impact in relation to increased flood risk.

**Developer contributions.**

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

4.145 The Core Strategy Police KP3 requires that:

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

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

*This includes provisions such as; a. roads , sewers, servicing facilities and car parking; b. improvements to cycling, walking and passenger transport facilities and services; c. off-site flood protection or mitigation measures, including sustainable drainage systems (SUDS); d. affordable housing; e. educational facilities; f. open space, ‘green grid’, recreational, sport or other community development and environmental enhancements, including the provision of public art where appropriate; g. any other works, measures or actions required as a consequence of the proposed development; and h. appropriate on-going maintenance requirements.”*

4.146 *Affordable Housing* - Affordable housing is proposed in the form of 84 units (30% overall provision) comprising 58 units (69%) for affordable rent and 26 units (31%) for intermediate rent. Within this affordable provision, 37% of the units would be one bedroom, 33% would be two bedrooms, and 30% would be three bedrooms. This provision is considered to meet with the Councils policy requirements and is considered acceptable.

4.147 *Education* - This application falls within the Porters Grange Primary catchment area. All schools in the East and West Central areas of Southend are oversubscribed and a programme of expansions is currently underway. All other schools in the area are full with no space to expand. Any additional accommodation in the area will therefore create a further need over and above that currently being planned. Therefore a contribution of £160,333.82 is sought towards future expansion. The developer has agreed to make this contribution.

4.148 *Highways improvements* – Highways improvements and contributions are required as set out at paragraphs 4.88-4.91 of this report.



- 4.149 *Public Art* - The applicants have proposed Public Art in the form of canopies which would be dotted throughout the public areas of the development. These would provide shelter and seating for those using the development. The detail of the canopies is currently only developed to basic design stage. The success of the shelters will lay in the refinement of the final details of the design. In principle the public art proposal is welcomed and should be a positive aspect of the scheme. It is considered important that the artist / designer be involved throughout the process to ensure that a high quality product is realised. The opportunity to extend the reach of the public art outside the scheme boundaries into the city beach project should be considered as this would be to the benefit of both the scheme and the wider public realm. The details of the public art and the strategy behind it are detailed in the submitted Design and Access Statement. The final details of the scheme can be controlled as part of the S106 Agreement and should include a maintenance agreement.
- 4.150 The development would result in the loss of several mature trees across the site. Trees of this size and visual impact will not be able to be replaced within the development, therefore it is considered that the contributions should be made to allow tree planting to be carried out off site. A sum of £10k has been requested. Discussions with the applicant in relation to this matter are still on-going.
- 4.151 Following the referral in March officers made enquiries in respect of the NHs which is explained in the supporting report.
- 4.152 The contributions proposed are considered to meet the tests set out in the CIL Regulations 2010. Without the contributions that are set out above the development could not be considered acceptable. Therefore if the S106 agreement is not completed within the relevant timescale the application should be refused. An option to this effect is included within the recommendation in Section 11.

#### **Other Considerations**

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

- 4.153 *Airport* – because of the height of the development it is essential that the buildings do not adversely affect the airports safeguarding zone. The airport have raised no objections to the development but have noted that further consultation may be required if cranes etc. are to be used during development. An informative to this effect has been added.
- 4.154 *Archaeology* – There are no known archaeological remains on the site, however it is possible that archaeological remains could survive within undisturbed areas of the site. It therefore is proposed that an archaeological watching brief be undertaken to record any archaeological remains that may be present.

- 4.155 *Decontamination*- The site is classed as being potentially contaminated land. A Geotechnical report has been provided which was undertaken in 2004/2005. This indicates remedial work is required. It also states that further intrusive investigation is required and that the risk assessment will need to be revisited to allow accurate assessment of risks following further investigation to allow suitable mitigation measures to be selected. Further investigation will be required following the demolition of existing buildings on the site in particular the location of the former factory off Pleasant Road. A suitable updated investigation assessment and report of the findings is required to be submitted following demolition before development can commence. This will be controlled by condition.
- 4.156 *Microclimate* – The proposed development has been tested for the effects of the tall buildings on the wind around the development. In one of the areas of the podium, the results were found to be unsatisfactory, however this impact can be satisfactorily mitigated by the use of suitable landscaping, tree planting and the location of appropriate street furniture and the details of balustrades adjacent to this area. Therefore no objections are raised.

### **Community Infrastructure Levy Regulations**

- 4.157 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 14/01462/FULM

### **Conclusion**

- 4.158 The scheme is a well-designed, carefully considered proposal which will deliver a sustainable, high density, residential led mixed use scheme. It will provide a high quality commercial offer to the seafront. Well designed, with high quality new homes and a range of new job opportunities adding vitality to the Central Seafront area and with the potential to kick start regeneration in the area.
- 4.159 Being highly visible, it will form a new gateway into the area, whilst respecting and acknowledging the local context, local views and neighbouring listed building and conservation areas and as such will greatly complement and enhance the area providing real regeneration benefits. The development proposals present an opportunity to realise long standing ambitions to regenerate this important site on Southend's seafront. The architectural expression and elevational treatment has been developed in response to the unique quality of this site and will create an identifiable character to the scheme which is distinctive and visually interesting.

- 4.160 Traffic generated by the development can be accommodated within the existing highways network and parking is provided at a level to meet the needs to the development. Highways works will be carried out to mitigate any impacts and improvements to traffic signage will help direct traffic away from the seafront at busy times.
- 4.161 The scheme will not have a materially adverse impact on surrounding occupiers and provides an good living environment for future occupiers of the development.
- 4.162 The scheme will be protected from flooding and will not result in offsite flooding within the wider area.
- 4.163 Officers are therefore, of the view that the development complies with the NPPF, Core Strategy, Borough Local Plan and Design and Townscape Guide and that Planning Permission should be granted.

## **5 Planning Policy Summary**

- 5.1 NPPF - National Planning Policy Framework: Achieving sustainable development, Core Planning Principles, Policies: 1. Building a strong, competitive economy; 2. Ensuring the vitality of town centres; 4. Promoting sustainable transport, 6. Delivering a wide choice of high quality homes; 7. Requiring good design; 8. Promoting healthy communities; 10. Meeting the challenge of climate change, flooding and coastal change; 11. Conserving and enhancing the natural environment. 12. Conserving and enhancing the historic environment.
- 5.2 DPD1 (Core Strategy) Policies- Key Policies, KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP1 (Employment Generating Development); CP2 (Town Centre and Retail Development); CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure); CP8 (Dwelling Provision).
- 5.3 BLP Policies; C2 (Historic Buildings), C4 (Conservation Areas) C7 (Shop and Commercial Frontages and Fascias), C8 (Advertisements) C11 (New Buildings, Extensions and Alterations, C13 (Street Furniture), C14 (Trees, Planted Areas and Landscaping), C16 (Foreshore Views), E1 (Employment Promotion), E5 (Non-Residential Uses Located Close to Housing), H5 (Residential Design and Layout Considerations), H7 (Formation of Self-Contained Flats), L1 (Facilities For Tourism), L2 (Central Seafront Area), L10 (Seafront Visitor Parking), S1 (New Shopping Developments), S5 (Non Retail Uses; T1 (Priorities), T7 (Seafront Access), T8 (Traffic Management and Highway Safety), T11 (Parking Standards), T12 (Servicing Facilities); T13 (Cycling and Walking), T14 (Public Transport), U1 (Infrastructure Provision), U2 (Pollution Control), U5 (Access and Safety in the Built Environment).
- 5.4 Supplementary Planning Document 1: Design & Townscape Guide (2009).
- 5.5 Supplementary Planning Document 2: Planning Obligations (2010)
- 5.6 EPOA adopted Vehicle Parking Standards 2001.
- 5.7 Southend Central Area Action Plan (Consultation document)
- 5.8 Development Management DPD (Consultation document)

## 6 Representation Summary

- 6.1 **Anglian Water** – original plans – no objection subject to conditions and informatives relating to: drainage strategy to be agreed, foul water strategy to be agreed, surface water management strategy to be agreed

Revised details and response to EA comments: Connection has been agreed to the existing 300mm surface water sewer within South Church Ave, at a maximum of 22l/s. This is in accordance with our surface water policy. The former roof area of the site is 1789sqm, which for a 1 in 1 year return equates to 22l/s 50mm/hr rainfall.

This is on the proviso that the current site connected previously. They need to present their evidence at connection stage, prior to this rate being confirmed. If they cannot provide the existing onsite info then it would be assessed as greenfield, which would be a maximum of 5l/s.

We would therefore be satisfied, that if it does already connect (and we suspect at a much greater rate) then this discharge rate would not increase flooding.

Connection to both manholes 9151 and 0251 at the maximum overall 22l/s is acceptable as these sewers eventually join together. However this would be at 22l/s overall, not 22l/s per connection point.

The applicant has confirmed that : 'We confirm that the maximum surface water runoff discharge rate from the proposed development irrespective of the point, or points, of connection will be 22 l/s. Details of the surface water drainage system serving the existing site will be provided and if it is shown that the existing areas of hardstanding are not connected to the public sewer then the maximum runoff rate from the development will be reduced to the greenfield runoff rate of 5l/s.'  
**[Officer comment]: This issue will therefore be clarified at connection stage and this matter is therefore considered to have been addressed satisfactorily.**

- 6.2 **The Curator Central Museum** – no comments

- 6.3 **Natural England** - Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Benfleet and Southend Marshes Special Protection Area (SPA) which is a European site. The site is also listed as Benfleet and Southend Marshes Ramsar site and also notified at a national level as Benfleet and Southend Marshes Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

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

No objection – European site (SPA)

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

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

the proposal is not necessary for the management of the European site, and

that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment

No objection – with conditions (SSSI)

This application is in close proximity to Benfleet and Southend Marshes Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

As stated in the ES at 6.1.54, Natural England recognises that Marine Plaza is located within a large urban setting and the adjacent section of designated foreshore is already subject to considerable disturbance from human activity. In conclusion, our outstanding concerns relate to the potential indirect effects such as construction/demolition noise, surface water drainage and exterior lighting.

Each of these issues can be addressed through appropriate planning conditions relating to; noise disturbance and hydrological impacts.

Conditions

Noise Disturbance

The ES (6.1.142-144) suggests a number of mitigation measures to avoid potential impacts on the nearby foreshore (thereby avoiding the trigger of likely significant effect on the SPA). In our view the avoidance of piling works during critical winter months (November to February inclusive, around high tide) is appropriate. Alternatively, an experienced ornithologist can be employed to advise on the presence of key qualifying bird species present within a distance of 240m across the foreshore (the 70dB predicted limit) and to monitor if disturbance responses are elicited by waterfowl within the same distance, at which point the piling works would be temporarily halted.

We welcome the use of augured piling to reduce the likelihood of disturbance. Reference is also made to heightened sensitivity during prolonged periods of freezing weather (ES 6.1.139). This is a commonly used planning condition based on the JNCC wildfowling restrictions ([web-link](#)).

#### Hydrological Impacts

The ES (6.1.169-172 and Chapter 10) includes a number of safeguards to avoid pollution incidents potentially affecting the foreshore. These mitigation measures should be adopted through suitably worded planning conditions.

For avoidance of doubt Natural England considers that potential adverse effects from visual disturbance, recreational disturbance, air quality and light pollution are of minimal significance and do not need to be considered further through planning conditions. We welcome the proposal that new residents will be made aware of the sensitivities of the foreshore and promotion of alternative open green space through interpretation panels and new owner packs.

The above planning conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which Benfleet and Southend Marshes SSSI/SPA/Ramsar site is notified.

#### Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

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

#### Biodiversity enhancements

This application acknowledges opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats, the installation of bird nest boxes, a wildlife-friendly planting scheme and green roofs. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

**[Officer comment: conditions as requested in the above consultation response have been added. Mitigations measures are detailed in the ES submitted by the applicant. ]**

- 6.4 **RSPB** – no comments
- 6.5 **Essex Wildlife Trust** – no comments
- 6.6 **The Southend Society** – no comments
- 6.7 **EDF Energy** – no comments
- 6.8 **Fire Brigade** – Access for Fire Service purposes is considered satisfactory, seek informatives re Building Regulations, Water Supplies and Sprinkler Systems
- 6.9 **Police Architectural Liaison Officer** - no comments
- 6.10 **The Airport Director** – No safeguarding objections. If a crane or piling rig is needed to construct the proposed development, this will need to be safeguarded separately and dependant on location may need to be restricted in height and may require coordination with the Airport Authority
- 6.11 **Environment Agency** - We refer to the email from SLR and additional information received on 2 February 2015.
- Having reviewed the revised Flood Risk Assessment (FRA) and additional information submitted we are satisfied that it provides sufficient detail to fully assess the flood risk arising from the proposed development.
- Please note that is subject to confirmation from Anglian Water that they accept surface water discharge at a rate of 22 l/s to manhole 9151 located to the west of the site on Pleasant Road. This is in addition to manhole 0251 to the north east on Southchurch Avenue. This must be resolved before planning permission is granted, or there will be a risk that scheme is not viable. If Anglian Water are happy with the additional discharge point, we ask that the following conditions be appended to any planning permission granted. We elaborate on our position in the technical appendix. [Officer note – revise comments from Anglian Water are awaited and will be reported]
- Seek Conditions relating to: submission of a surface water drainage scheme, scheme to be implemented in accordance with submitted FRA and mitigation measures; water run off rate; feasibility of SuDs, maintenance, flood response plan.
- 6.12 **Parks** - Of the trees highlighted on the Site Location Plan none would warrant preserving as TPO trees so retention is not recommended. They are all self-sown trees located right on the boundaries of the site. The larger ones have only become mature trees due to neglect at not removing them when they were saplings. The trees are one ash and five sycamores.
- 6.13 **Asset Management** – no comments.
- 6.14 **Building Control** – no comments.

6.15 **Design** – [Original Plans] This site is identified in the Southend Central Masterplan (2007) as being suitable for a new landmark building and outline approval was granted in 2007 for a building rising to 16 storeys which formed part of a large mixed use redevelopment scheme. The emerging SCAAP (proposed submission version (2011)) also states that new landmark buildings in the Central Seafront Area would be acceptable in locations where they would ‘create well designed ‘gateways’ to mark, frame and enhance the main approaches of the central seafront area’. The principle of a tall building on this site is therefore established. What is of importance with this current proposal is ensuring that the form of the proposal and the quality of the design is befitting of a new landmark for the seafront.

#### Relationship to context

The proposal site is a large mostly vacant piece of land located on the junction of Marine Parade and Southchurch Avenue within Southend’s central seafront area. It is bounded to the east and west by the commercial frontage of the seafront – the ‘Golden Mile’. Adjacent to the east, across the junction of Southchurch Avenue is the grade II listed Kursaal building and the locally listed former PH (now Bourgee restaurant) which form part of The Kursaal Conservation Area. To the north the site abuts the start of Southend’s general residential area of 2-3 storey mainly traditional terraced housing. This includes Pleasant Road on the west side of the site which is a relatively modest residential street and Southchurch Avenue to the east which is a wider road and a key access route to the seafront and has a more varied mostly residential character.

The commercial seafront frontage itself is typically 3-4 storeys for the most part and it is bounded at each end by much larger buildings. To the east the Premier Inn currently under construction will be 5 storeys with a wide form and similarly the significant mass of the Park Inn to the west sits on an elevated position on Pier Hill and rises a full 9 storeys across site. These buildings are significantly taller than those in the central section but here it also important to note that a large scale development has also been approved at Esplanade House adjacent to the Premier Inn site which includes a 12 storey tower and significant redevelopment proposal is likely to come forward for Seaways Car Park which will be visible above the existing buildings in Marine Parade. This change in skyline over recent and coming years is the start of the regeneration of the central seafront and, whilst a significant increase in scale may not be appropriate on all sites, a few new landmarks should serve to stimulate investment and renewal in this area building on the success of the city beach public realm proposals.

In response to this context the architects have taken great consideration over the form and massing of the development to ensure that the relationship between the new development and the surrounding townscape, including the grade II listed Kursaal and the more domestic scaled residential area to the north are respected. In contrast to the previously approved scheme, which had a greater overall massing and a more singular form, the architects have chosen to break the massing into a series of individual blocks sitting on top of a podium.



The podium will enable the commercial street frontage to be continuous at ground floor and should reduce the perceived massing of the proposal for pedestrians.

The heights of the blocks above vary greatly and provide a staggered transition between the existing more domestic townscapes at the northern end of the site and the more substantial frontage along the seafront, culminating in a feature tower in the south east corner. The Design and Access Statement claims that locating the tower at this junction is more legible in townscape terms and would create a synergy between the new building and the Kursaal dome forming a gateway to the seafront and that this is a better approach than locating the tower elsewhere on the site where there would be a greater competition between the two landmarks. It is also claimed that a landmark at this end of the site would draw footfall to the eastern helping to regenerate the business furthest away from the town centre including the Kursaal itself. This argument is considered to be valid provided the tower is well designed has a positive relationship with the Kursaal itself.

To ensure that views of the Kursaal dome are maintained and that the Kursaal remains a prominent landmark in the seafront townscape the feature tower has been set back significantly and a thorough assessment of the views has been undertaken as part of the Environmental Impact Assessment. This has demonstrated that from key viewpoints the Kursaal dome remains visible and offers reassurance that the proposal will work together with the Kursaal in creating a new landmark gateway for the seafront rather than obscuring it in the streetscape.

The environmental Impact Assessment also shows that the proposal will appear subservient to the massing of the Park Inn when viewed from the Pier Hill Lift Tower and will relate well to the height of the Park Inn when viewed from the end of the Pier. These views also highlight the slimmer profile of the development in comparison to the Park Inn which is in an elevated position and has a long elevation facing the seafront.

To the north the side adjoins traditional terraced housing on both street frontages (Southchurch Avenue and Pleasant Road). In Pleasant Road the building drops to its lowest point (2 storeys) and references the height of the adjacent terrace which is considered to be a positive reference. In Southchurch Avenue there is a small jump in scale between the development and the adjacent housing but this is a much wider road of mixed character and a key route to the seafront and it is considered that the small change in scale at this point would help to mark the start of the central seafront area and would not be inappropriate in townscape terms.

To the front of the site the other blocks surrounding the main tower are a significant step down so as not to compete with its landmark status and to provide the stepped transition in scale across the site. It is noted that the south west corner of the site is not included within the detailed proposals but that a masterplan has been completed for this area to demonstrate how it can be developed in the future to complement the proposed design.

This includes an indicative design and massing for another lower block on this corner which references the design of blocks A and F on this frontage but provides a transition between the scale of these blocks and the adjacent townscape to the west. The scheme also safeguards the access to a possible car park extension under the building in this area. This masterplan offers reassurance that it will be possible in the future to provide a comprehensive redevelopment of this street block. On balance it is therefore considered that the approach taken by the architects to the scale and massing of the development will provide the seafront with a new gateway landmark whilst also being responsive to the local context and is considered to be a justified approach to the redevelopment of the site.

The footprint of the building varies greatly over the site as it responds to the scheme design but how it interacts with the neighbouring buildings will be a key consideration. The decision to build tight up to the existing building on Marine Parade (third party land) is considered to be the correct approach as it will avoid any negative space being created between the buildings and enable a continuous commercial frontage to be achieved in line with local character. The staggered building line on this frontage adds interest to the streetscene and would not be out of character with the irregular building line at this end of Marine Parade. Along the other frontages in Southchurch Avenue and Pleasant Road the building footprint is simpler. In Southchurch Avenue the building line reflects the consistent frontage of the existing properties adjacent to the site and this works well. In Pleasant Road the proposal is set back to allow space for an access ramp but the street has a staggered building line so this would not be out of character.

The quality of the street frontages at ground and at podium level will be key in determining the successful integration of the building into the townscape and are a key consideration for any tall building. The decision to continue the commercial frontage of the 'golden mile' at ground level and create an additional level of commercial floorspace at first floor is compatible with local character and should work well and should create a lively frontage to Marine Parade. It is pleasing to see that this commercial frontage wraps around the corner into Southchurch Avenue and this should improve the environment at the junction and respond well to the commercial frontage of the Kursaal. The setting back of the taller elements on this side should help to create a comfortable more pedestrian scaled frontage to the development at street level and one which references the form of the surrounding townscape.

#### Relationship to historic context

As mentioned above the grade II listed Kursaal building, which is an existing seafront landmark, is located directly east of the site and the main tower in this location has been positioned to enable key views of this building to be maintained. In addition to these issues of scale and form the proposal has also sought to respect the historic context of the Kursaal in its detailed design of the Southchurch Avenue frontage in particular and in its choice of materials.

At ground floor on this frontage the development contains the car park access and the podium exit ramp, which it is noted can only be located on this street, but concerns were raised at pre app regarding the impact that these inactive uses may have on the listed building. The architect has responded to this concern by carefully detailing this frontage to reference the rhythm of the arcading of the Kursaal in the design of the plinth and providing bespoke designed the car park ventilation screens and access gates of a decorative form picking up on the lattice pattern found on the balconies above. At the upper levels and at either end the proposal has maintained a well-articulated and active frontage to the development including a number of residential entrances at the northern end and a continuation of the shopfront at the southern end. It is considered that the attention to detail in this frontage has overcome the initial concerns raised regarding this frontage and that the proposed design should ensure a well detailed pedestrian friendly frontage which responds positively to the character of the Kursaal.

With regard to the choice of materials the Design and Access Statement states that a deliberate decision was made to contrast the materials of the Kursaal in the design of the towers by choosing a simple white palette. This will help to highlight the red brick and decorative stonework of the Kursaal helping to maintain its landmark status in the streetscene and this is considered to be appropriate in this instance.

It is therefore considered that the proposal has taken great care to ensure a positive response to the historic character of the Kursaal and the associated Kursaal Conservation Area.

#### Architectural quality

The architectural quality of the proposal is of paramount importance in ensuring that a development of this scale, which is so prominent and exposed, makes a positive addition to the townscape and to the regeneration of the area. This includes ensuring that the architectural style and detailing of the buildings are well considered, that the scheme is cohesive but has sufficient interest that the materials are high quality and that public frontages are appropriately detailed.

With regard to the architectural language of the blocks the architects have chosen differentiate between those that face directly onto the livelier commercial seafront and those to the rear of the site adjacent to the existing residential areas but to have a family of architectural elements, such as balconies, fenestration, entrance language and materials running through the development to ensure that it appears cohesive. The front blocks are bolder in their detailing and are characterised by a strong horizontal layering of balconies picking up on the seaside vernacular and the horizontal references found in the 'golden mile' and the long balconies of the Park Inn. This is also expressed in the overhanging 'diving board' features of the terraces above the shopfronts which will add drama to the frontage at street level and again references the strong canopies features seen on the arcade buildings to the west of the site. The length of the balconies are broken up by recessed glazed sections with an etched lattice pattern which add a richness and interest to the elevations and enables more extensive views for the occupants. This motif is referenced in other elements of the scheme

including the balustrade and shutters and screen to the car park which helps to tie the development together as a complete scheme.

The blocks to the rear are 'quieter' in their architectural language which relates to the more domestic character of the side streets but remain well detailed. Recessed balconies and large windows and a subtle change in materials and texture add articulation to the frontages and help to distinguish them from the more lively blocks at the front of the development. The central blocks provide the transition between these two styles incorporating elements of both in their design. This approach adds interest and variety to the scheme but enables it to remain cohesive in its design approach. It also helps to distinguish the more public areas and spaces to the front of the site from the more private residential areas to the rear and is considered to work well.

At the lower levels there is also a consistency in the design of the shopfronts and in the entrances to the blocks themselves and this also unites the development with a common language. It is noted that it is intended for the shopfronts, which are shown to be a simple glazed design with recessed columns, are to be fitted by the individual occupiers and it will therefore be necessary to ensure that the consistency in the design detail found across the rest of the scheme is maintained in this area and it is therefore suggested that the applicant be required by condition to produce a design code for the shopfronts and which can be passed to tenants in due course. This should cover shopfront design components (glazing, doors etc.), signage locations and form, shuttering, lighting and materials. It also may be prudent to restrict the use of vinyl in these areas to ensure an active frontage is maintained. It is pleasing to see a consistent approach has also been adopted for the entrances to the blocks which appear to be prominently located and generously scaled and this will also improve the legibility of the scheme and is welcomed.

The design of the public art feature which comprises groupings or 'clouds' of small canopies in the public areas should add colour and drama to the development and should help to link the public spaces at both levels drawing pedestrians into the heart of the scheme. The design of the canopies plays on the seaside parasol theme and should relate well to the wider seaside character. Details of this element including lighting and materials should be conditioned.

Significant information has been provided regarding the proposed materials, which appear to be high quality and complementary but the schedule is not exhaustive so full details of these will need to be conditioned.

Overall the styling and detailing of the proposal including design of features such as balconies, the quality of materials, the entrances and the public art and landscaping are all well considered and will make the difference between a mediocre development and a high quality one. Features such as the etched glass lattice detailing which is picked up in the balconies, the podium balustrades and the car park gates and screens will make the proposal distinctive and enrich the design. The proposed public art canopy features will also contribute to the unique and special character of the development by linking the public areas with a common theme and one which has a fun seaside character.

These elements demonstrate the attention to detail in this scheme which raises it to a higher level of quality befitting of a new landmark building.

#### Contribution to public space and facilities

Two significant public spaces will be created as part the development proposal – at ground level a public space is proposed at the front of the site enhancing the setting of the retail units at this level and improving the setting of the junction and the Kursaal and building on the city beach enhancements. A wide feature staircase leading from this area connects it to a new podium public space at first floor level which includes terraces overlooking the estuary and a central area providing street frontages to the residential blocks. The area towards the back of the podium is proposed as a semi private space for the residents.

The podium layout has arisen from the need to protect the residential units from the risk of flooding, for the creation of a workable service route for the rear blocks and to screen the large area of car parking that is required for the development but by making a feature of it these constraints are not apparent in the design and the podium appears as a townscape feature in its own right and will be a destination for visitors as a meeting and viewing area, as a backdrop to the upper commercial units and as a route through the development. The subtle demarcation of the podium's vehicular route ensures that this area appears as a pedestrian space rather than a service road and this will be crucial in ensuring a high quality townscape at this level. The soft planting at the northern end helps to delineate the more public area at the front from the more private forecourt area to the rear blocks whilst still providing an attractive setting for the buildings. It is considered that there would be scope for some soft landscaping to the front of the podium to add softening to this area but the architect has chosen instead to use this area for part of the public art installation and, whilst this will not provide softening, it will add height, drama and intrigue to the area and help to unite the three main public adjacent to the main steps and this should improve the accessibility of the spaces. The decision to make this glazed at the upper level will make it appear as a design feature rather than an 'add on' and better integrate it into the development.

At ground level it is pleasing to see that the design approach adopted at city beach is to be continued onto the forecourt as this should ensure a seamless integration with the wider seafront at this level. The decision to wrap the paving into Southchurch Avenue is also welcomed and will help to improve the visual impact of the junction and the setting of the Kursaal. Small details such as a raised table to the lower vehicular access are also welcomed in ensuring pedestrian priority in this area. It is a shame that there is no space for landscaping on the pavement at the southern end of Southchurch Avenue but the architect has managed to provide some significant tree planting and landscaping on this elevation at podium level so this will provide some greenery in the streetscene and is welcomed. The tree planting at the northern end of this frontage is also welcomed.

On the Pleasant Road frontage it is pleasing to see that there is a significant amount of planting to the street and to the sides of the podium ramp and this will make an important contribution to the attractiveness of this route for pedestrians and in the general streetscene. Landscaping has also been used to good effect to soften the boundaries between the proposal and the 3rd party land in this area and will help the development to appear more complete in the interim. There is some concern that the boundary walls at the northern end of Pleasant Road are a little tall but it is considered that details of this element could be conditioned to ensure that it is appropriate for the streetscene. The indicative landscaping plan for these areas is useful and offers some reassurance that the podium, street frontages and amenity areas will be well designed and softened but a detailed scheme should be conditioned.

The Design and Access Statement goes into some detail regarding the external lighting of the proposal and this is welcomed as it will ensure that the development comes makes a positive contribution to the character of the seafront at night and plays its role in the seafront illuminations. The lighting to the undersides of the main front balconies, the podium overhang, the steps and the public art feature will be particularly important in this respect.

#### Relationship to transport infrastructure

This site is within the central area which is well served by public transport but it is not considered that this criteria impacts on the detailed design of this proposal and will therefore be assessed by the Councils Highways Officer.

#### Sustainable design and construction

The scheme is to be built to breem very good and code for sustainable homes level 3 and includes various commitments to sustainable design and construction including responsible sourced materials, high levels of insulation, drying space and home office provision, energy monitors for all units, enhanced biodiversity including green and brown roofs and a commitment to meet lifetime homes standards and this is welcomed.

The requirement for 10% renewables will be met by a combination of solar pvs for the residential units and air source heat pumps for the retail units and this is considered to be acceptable in principle although the location of the ASHP also needs to be clarified as it is important to ensure that these are hidden from public view.

Overall it is considered that the applicant has demonstrated a good commitment to sustainable design and construction.

#### Effect on the local environment

The form of the development which proposes fairly slender blocks to the south of the site separated by wide spaces should ensure that sunlight penetrates into the heart of the central podium area and to the flats at the rear of the site which face onto this space. The predicted daylight analysis carried out on the proposed units found that even the vast majority of worst affected rooms received good levels of daylight with only a handful achieving moderate daylighting levels and this is considered to be within acceptable levels. A similar analysis was carried out on windows to the neighbouring buildings and here too the affected windows is very minimal.

No information has been provided on the impact on the local microclimate around the blocks especially on the podium which could be subject to down drafts and wind, however, it is considered that the articulation of the taller blocks and the proposed canopies should provide some protection in this respect and the public amenity spaces are orientated where they will achieve high levels on sunlight.

All public areas are well overlooked by the residential units and this should provide high levels of natural surveillance. As mentioned above a comprehensive lighting scheme is proposed which should ensure that the proposal feels safe to walk around at night as well as being a artistic feature of the development.

It is noted that the ground level amenity areas are to the north side of blocks C and E and this will therefore lead to some shadowing particular to those areas closest to the building, however, these areas serve the larger units which also have their own private roof/south facing terraces. It is therefore considered that the units with the most shaded rear garden areas would have an alternative option which would not be overshadowed. An analysis of the impact of the proposal on the overshadowing of neighbouring amenity areas has also been assessed and found to be low.

The specific impact on the neighbours will be looked at in greater detail in another section of the committee report.

#### Contribution to the permeability of the site

The podium design concept connects into the surrounding street network in 5 different places and this has dramatically increased the permeability of the site and this, combined with a high quality landscaping scheme, should help to encourage pedestrian activity to and through the site. It is noted that the podium also enables service and emergency access into the centre of the development, but to ensure that this is not generally abused it will be necessary to have some sort of management regime in place to prevent inappropriate vehicular access.

In addition to the physical connections the layout and form of the development also opens up views of the seafront and surrounding streets from the central podium space and this should help to make the scheme legible and assist navigation. It is therefore considered that the proposal has improved the permeability of the site both in the physical and visual sense.

Provision of a well designed environment for the proposed residents

It is pleasing to see a mix of unit sizes and types and this should create a well-balanced community. In the main the units are relatively compact but workable layouts and space provision and the commitment to lifetime homes standards is welcomed and should ensure that the units are flexible enough to respond to the changing needs of the residents. It is noted that the upper levels of the front blocks have more generous floorspace and this will offer some variety within the scheme. The inclusion of some 3 bed units with dedicated private amenity areas will also enable families to be accommodated and this is welcomed.

Generally for a town centre/ seafront development the amenity space provision is good, each property has a useable balcony additional communal space, which will be accessible to all residents, has been provided at ground level behind blocks C and D/E. The amenity provision is also supplemented by a generous communal roof terrace to block B. It is noted that the front blocks are furthest from the proposal communal garden areas but this is offset to some extent by the inclusion of generally larger balconies for these units.

As noted above an indicative landscaping scheme has been provided for the amenity areas which gives an indication of the extent of soft landscaping and the location of the 2 play areas but it is considered that a more detailed scheme should be conditioned to ensure that, as well as providing an attractive outlook for the residents, the amenity areas are well planned to provide the most useable space.

#### Credibility of the Design

This proposal has been designed to a high level of detail to ensure that the challenges of the site and the local context have been well considered and addressed. The proposal includes a number of areas of detail, such as the unique lattice design theme and the public art installation which will make the scheme distinctive and create a sense of place befitting of a new landmark building. This reassurance of quality is in the most part due to the appointment of an experienced and well regarded architectural practice who have built many developments of this scale and who provide confidence in the delivery of a high quality landmark building for this site. It is the quality of the detailing which will determine ultimately how successful this proposal will be in the townscape.

#### (Revised Plans)

##### 1. Inclusion of flood attenuation tanks and flood barriers –

There is no objection to these although it is considered that details of the barriers should be conditioned to ensure that it is well concealed from public views.

##### 2. Alternations to the detailing of blocks A-F including a 200mm increase in balcony depth, the removal of Juliette balconies to enable the glazed waling system to read as a continuous façade and refinement of the balcony profile.

It is considered that these amendments to the detailing of blocks A and F have resulted in a more refined and sculptural form as the balconies now appear to float on the façade. These changes will make the tower more distinctive and are therefore welcomed.



It is noted that the powder coated privacy screens are proposed. Details of these should be conditioned.

3. The detailing of the car park screens has been developed and now has a more organic form. This ensures that it is more robust whilst also having a richer form.

There is no objection to either design of screens as it is considered that they both enrich the development. It is noted that the revised design will be more robust and this may be beneficial in terms of maintenance. It will also better obscure views of the cars and plant from the pedestrians and this is also considered to be a positive. Lighting schemes for this feature should be considered as part of the overall lighting strategy.

4. The external staircase on the junction of Marine Parade and Southchurch Avenue has been stepped and refined in its materials.

It is considered that the amendments to the external staircase have improved this key corner of the development by reducing the bulk of the retaining wall and adding texture and richness to the corner.

5. Balustrade to Southchurch Avenue has been amended from solid to a railing

The proposal to change the balustrade at podium level on Southchurch Road from solid to open has the benefit of reducing the height and scale of the retaining wall for pedestrians and improving the visual connection with activities at the podium level and is welcomed. The rhythm of the Kursaal colonnade is picked up in the column detail and aligned lighting poles and this is considered to be a positive reference to the historic building.

6. Ventilation for Air source heat pumps explained.

These will be located below block A and will vent through screens to Southchurch Avenue and through the planter at podium level. Both these proposals for ventilation seem feasible and should not have a detrimental visual impact on the proposal. This aspect is therefore considered to be acceptable.

7. Car Park Management explained

Details of any barriers to the car park entrances will need to be agreed.

8. Further information regarding retail signage

It is proposed that retail signage be located on a recessed fascia behind fully glazed shopfronts. This is considered to be a good way of ensuring a high quality consistent façade to the retail units and this approach is considered acceptable. There will still need to be controls over how each sign is designed - e.g. individual letters, materials, size of letters etc.. this should be controlled by way of a design code for this aspect which should be conditioned.

9. Further details regarding materials

The additional information specifies the brick colours and locations and this is helpful in understanding how the brick colours work with each other, within the development as a whole and relate to surrounding buildings. As shown on the plans the proposed main façade materials appear well considered and of a high quality. It would be helpful to have samples of the materials submitted either before determination or as a condition.

10. Further details regarding public art

In principle the public art proposal is welcomed and should be a positive aspect of the scheme. It is considered important that the artist / designer be involved throughout the process to ensure that a high quality product is realised. The opportunity to extend the reach of the public art outside the scheme boundaries into the city beach project should be considered as this would be to the benefit of both the scheme and the wider public realm.

8.13 **Economic Regeneration** – no comments

8.14 **Education** - This application falls within the Porters Grange Primary catchment area. All schools in the East and West Central areas of Southend are oversubscribed and a programme of expansions is currently underway at Porters Grange Primary School, The Greenways Federation of Schools, Hamstel Infant & Junior Schools, Bournemouth Park Primary School, Sacred Heart Catholic Primary School, St Helen's Catholic Primary School and St Mary's Prittlewell C of E Primary School. All other schools in the area are full with no space to expand. Any additional accommodation in the area will create a further need over and above that currently being planned. Futures College, the local secondary school, has spaces and there is also Post-16 provision available at this school or the local FE colleges. Total contribution sought £160,333.82

8.15 **Environmental Health** - Additional information relating to the proposed development has been submitted by the applicant, which has now been reviewed

Noise - A further noise assessment has been carried out and submitted addressing a number of issues which were previously raised. I am satisfied that the noise has been addressed in terms of the mitigation likely to be required for typical facades from various noise sources, in terms of glazing and ventilation.

External noise has also been addressed with likely noise levels to balconies and communal areas.

It does appear that the final construction of the development in terms of glazing and ventilation is yet to be determined and so I feel it is important to ensure that once details of these are known, they should be submitted for approval. This has been addressed by condition 1 below.

With regards to delivery noise it appears that any impact from deliveries has been taken into account in the mitigation and internal levels would be met with the suggested glazing closed. With respect to delivery times, this has been addressed by condition 2 below

Construction - During the demolition and construction phase noise and vibration issues may arise which could lead to the hours of work being restricted. It has been detailed that these activities are likely to be regulated by a Section 61 agreement under the Control of Pollution Act 1974. Full details of the works and the method by which they are to be carried out must be detailed including the proposed steps to be taken to minimise noise resulting from the works. The developer should also consider control measures detailed in Best Practice Guidance "The control of dust and emissions from construction and demolition"

Plant - Any mechanical extraction, ventilation or air conditioning plant, particularly that serving the residential and commercial units, would need to be carefully located and designed in order to prevent statutory noise or odour nuisance. I assume that much of this type of plant would be the subject of separate applications, particularly in respect of the commercial units once their end use is known.

External lighting - No details on external lighting for the development have been submitted. External lighting shall be directed, sited and screened so as not to cause detrimental intrusion of light into residential property

Contaminated Land - The site is classed as being potentially contaminated land. A Geotechnical report has been provided which was undertaken in 2004/2005. This indicates remedial work is required. It also states that further intrusive investigation is required and that the risk assessment will need to be revisited to allow accurate assessment of risks following further investigation to allow suitable mitigation measures to be selected.

Further investigation will be required following the demolition of existing buildings on the site in particular the location of the former factory off Pleasant Road. A suitable updated investigation assessment and report of the findings is required to be submitted following demolition before development can commence.

It is recommended that no development shall be commenced until:~

- a. final details of the contamination remediation scheme have been submitted to, and approved by, the Local Planning Authority.
- b. prior to the first occupation of the development hereby permitted (or, should the approved scheme provide for remediation and development to be phased, the occupation of the relevant phase of the development the approved remediation scheme shall be fully implemented.
- c. a Certificate shall be provided to the Local Planning Authority by a suitably qualified or otherwise competent person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

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

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

Other - Potential flood risk to the underground car park to be addressed following recent flooding to the area.

Recommended conditions relating to: Final glazing and ventilation details for the scheme are to be submitted to, and approved; deliveries and collections times, Extraction and ventilation equipment details, plant noise, external lighting, decontamination, construction hours, no burning of waste material on the site.

Recommended informatives relating to: other regulatory frameworks, demolition and construction activities, dust control, enclosed car parking areas, Food Safety and Hygiene (England) Regulations, control of odour and noise, licensing

8.16 **Pier and Foreshore** - no comments received.

8.17 **Highways** - Transport Modelling

Atkins was commissioned to carry out micro-simulation VISSIM modelling to assess the impact on the transport network of the Marine Plaza development. The traffic model assessed the AM (07:00-10:00) and PM (16:00-19:00) peak periods of a weekday. These times were considered the peak for this type of development as the majority of the parking is for residential use and only 10 commercial parking spaces are provided.

The VISSIM modelling indicates there will be an increase in traffic on the network due to the development, however during the AM peak the network is predicted to operate within capacity. During the PM peak there is predicted to be longer delays on the network due to the development, however the modelling has been based on a worst case scenario and all trips to the development have been included as new trips. The impact would be less if full consideration was given to pass-by trips, which is 20% of all the trips for a development of this size and type.

A busy Saturday/Sunday/bank holiday has not been modelled as the highway network is generally saturated during these periods (i.e. all junctions and links are operating over capacity). It is also likely that during these periods, the residents of the development will change their transport habits in terms of access and egress. The site is currently being used as a public surface car park which operates on Sundays and bank holidays and attracts a number of trips on the transport network during weekends, which will not be present following development. On balance, the impact at busy times is likely to be minimal in comparison with the traffic already on the network.

In order for the impact of the development traffic to be mitigated a number of changes to the highway are required. The lane flare heading towards the Southchurch Avenue/Marine Parade junction is to be extended upstream. The taxi rank located on the west side of Southchurch Avenue is to be moved onto Eastern Esplanade and the northbound bus stop on Southchurch Avenue is to be relocated south of the development access to prevent blocking of the development access when a bus has stopped.

Contributions Sought:

- Pedestrian signage to and from the development
- Electric vehicle charging post for two parking spaces – the Council can assist in seeking a grant funding contribution for this
- Traffic signal adjustments at the Marine Parade/Southchurch Avenue junction
- Provision of Real Time Passenger Information for bus services adjacent to the development
- Cost of amendments, changes to traffic regulation orders, signal timings etc.

The developer needs to provide a car park management plan to include details of how the residential parking will be monitored for use by residents. The car park management plan will also need to provide details on how service vehicles only will be allowed to enter the site from Pleasant Road, other vehicles should not be able to enter the site from this Road – a barrier control may be required

With the above changes to the highway the CCTV camera located on the west side of Southchurch Avenue will need to be relocated. The pedestrian island will also need to be moved.

Officers would recommend no right turn out of the car park onto Southchurch Avenue to prevent vehicles from exiting the site and waiting in the road to turn right causing congestion for northbound vehicles. A traffic regulation and a sign will need to be installed to prevent this manoeuvre.

The applicant will be required to enter into a Section 278 agreement to carry out all relevant highway works, and will be required to fund at their cost the relocation of the SPECS traffic speed monitoring equipment and all traffic regulation changes or new orders.

The cycle parking needs to be secure. There are only 8 motorcycle spaces proposed, there needs to be more provided.

The Council would require a contribution for the adjustments of the traffic signal timings.

Revised submissions have been made and Officers have no highways objections to the proposals.

Discussions have been on-going between highways officers and the applicant with regard to the contributions for bus stops. The applicants have stated that: The contribution requested for the bus shelters seems reasonable. However, with regard to the associated works comprising raised borders, which Glanvilles assume refers to bus stop kerbing, it would probably be far easier for these specific works to be carried out by the highways contractor at the same time as all other kerbing installations. Similarly all lining works associated with the development will probably be done on a day rate given the small amount required and hence, it might be possible for the bus stop lining works to be done at the same time. Glanvilles envisage a future co-ordination issue. when the highway works are finally constructed although this would not be insurmountable. It is suggested that the contribution is reduced to £10,000, thus just contributing towards the cost of the bus shelters.

Officers and accept the above comments and accept the offer of £10,000 for the bus shelters. It should be noted that officers will need to formally agree the detail of the raised kerbs, height, location, length and signing and lining required for each site with their contractor to ensure the works are carried out as required.

8.18 **Coastal Engineer** - (Revised plans and details) The revised details proposed for this development appear, in principle, to satisfy the previous issues of concern namely safety of the underground car park and the sustainable drainage of the entire site. The developer is now indicating:-

- A self-raising floodgate to protect the entrance to the sub-surface car parking areas, and the structures of these areas being constructed to be watertight, up to above the 1 in 100 flood level.
- Brown and green roofs to be provided to the building blocks
- Attenuation by use of sub-surface storage tanks with controlled outlets to limit the total discharge from the site to the limit set by Anglian Water.

Subject to agreement from URS, the Council's surface water flooding management specialist, that the SuDS details are adequately sized and detailed, and agreement on the structural design and method of operation of the car park flood gate, all of which can be conditioned, there are no objections.

8.19 **Housing** - Department for People welcomes the provision of Affordable Housing mentioned within this application. The Department for People would require that affordable housing units meet Homes & Community Agency (HCA) design standards and sustainable home code level 4 for affordable housing, which was adopted by the HCA in 2008, and which all Registered Providers (RP) would require section 106 affordable units to compile to, which is a requirement for RP's under the governments Affordable Homes Programme Framework 2011-2015.

Department for People would require a tenure mix in line with the emerging Development Management DPD guideline of a split of 60/40 (affordable Housing and intermediate housing).

8.20 **NHS** – No objection. **[Officer comment: Information submitted with the consultation response demonstrates that the Practice, Northumberland Avenue has significant capacity to accept new patients. This is one of the closest practices to the application site and could accommodate the total demand resulting from the development.]**

**Essex Fire Service** – should permission be granted the Fire Service should be contacted to ascertain whether additional fire hydrants are required

## **9.0 Public Consultation**

9.1 Site notices posted and 235 neighbours notified. Press notice published.

9.2 21 letters of *objection* received, ( one of those letters is on behalf of 3 residents and 3 are from the same person, 2 are from the same address), raising the following issues:

- Development too tall, out of character of the area.
- Building heights are excessive. 5 of 6 maximum are acceptable.
- Inappropriate design for the area, unimaginative, ugly.
- Unacceptable colour.
- Unacceptable density of development.
- Impact on light and space.
- Loss of trees and habitat.
- Overshadowing.
- Overlooking of previously private areas.
- Overbearing.
- Bulk and massing and resultant impact on the Kursaal Listed Building.
- Flooding, the development would add to that.
- Further flooding will add to erosion and subsidence of buildings.
- Sewage system cannot handle the development.
- Skyline.
- Traffic congestion.
- Access not safe from Southchurch Avenue.
- Lack of Parking for the development.
- Additional parking stress in the area.
- Lack of turning/loading within the development.
- Loss of the main car parking space for the area. The site has been used as a car park for years.

- Do not need any more commercial space on the seafront, many empty buildings already.
- No residences on the Golden Mile, they are likely to conflict with existing entertainment uses if residents complain about disturbance.
- Quality of life and health - noise, stress and pollution from construction works.
- Concern regarding the impact on the structural integrity of 18 Pleasant Road which adjoins the Rock factory.
- Impact on the limited local infrastructure, schools, doctors etc.
- Education contribution insufficient
- Will it become another Kursaal estate with increased levels of crime.
- A move away from the traditional seaside resort character of Southend.
- Jobs created will be low paid.
- There are alternative, better uses for the site.
- No need for more flats.
- Views of the sea should be retained.
- Object to the development which will result in healthy developer profit in return for a single floor of potential public space for the town.
- Worries that a supermarket is approved on the seafront and hope this doesn't herald a radical change of purpose in the long term for this area

One letter has been received on behalf Stockvale Limited, raising no objections to the proposals but making observations. The letter acknowledges the Council's aspiration for regeneration and growth in the tourist industry by means of residential intensification and would like to see this continue. They will be progressing proposals to bring forward the Sealife Centre and Adventure Island for a change of use and will seek a similar approach with 10 -12 storeys buildings. They also note that the application seeks to attract quality eateries which they consider is an interesting proposition as McDonald were unable to maintain a seafront presence. **[Office comment: Each application will be considered on its merits in accordance with policy].**

One letter has been received on behalf of Southend Seafront Traders Association commenting as follows (in summary)

- Its members do not object to the development.
- Pleased to see further development on the sea front.
- However concern regarding the shortage of seafront car parking spaces during busy periods. The development will add to pressure on parking spaces particular taking into account the loss of the existing 200 space car park on site.



- **[Officer Comment: the existing car park referred to does not have permission and the planning status is unclear. The Council has undertaken a survey of car parks in the town centre referred to in the supporting report]**
- Insufficient car parking to serve the development **[The development meets Council standards]**

9.3 16 Letters of *support* in respect of the following issues:

- An amazing project to really put Southend on the map.
- Great opportunity to regenerate/uplift a rundown area, will bring a new lease of life to the seafront.
- The scale of the development shows significant confidence in Southend.
- The plans are crucial to continuing the resurgence of Southend.
- A wonderful opportunity for the seafront and its traders.
- The development will complement the seafront improvements that have already taken place.
- Beneficial to the local economy.
- Will provide local employment.
- At present the site is an eyesore.
- Good for residents and tourists

9.4 **Southend Business Partnership** – support the application as it will bring vibrancy and job opportunities to an area of Southend that has for many years been in need of major regeneration.

## 10.0 Relevant Planning History

10.1 2006 – Outline permission granted to demolish existing buildings, erect 4, 6 and 16 storey buildings comprising 100 bedroom hotel, casino, 126 dwellings, leisure and entertainment facilities, restaurants, bistros and bars with associated basement parking (650 spaces), servicing area, amenity open space and form access off Southchurch Avenue (Outline) 05/01155/OUT. The reserved matters application was never submitted and this permission has therefore expired. The above planning consent related to a somewhat larger site including land at the corner of Marine Parade and Pleasant Road, which is omitted from the current application site.

10.2 2010 - Request for Screening Opinion to Redevelop site to include 4-8 storeys in height and including a 10 - 14 storey building, providing 350 residential units, up to 6,000 square metres of commercial use floorspace comprising shops(A1), financial services(A2), restaurants/cafes(A3), offices(B1) and leisure(D2) and associated car and cycle parking, landscaping and services. Concluded that an Environmental Assessment is required.

10.3 2010 – Request for a Scoping opinion to redevelop site to include 4-8 storeys in height, including a 10 - 14 storey building, providing 350 residential units, up to 6,000 sqm of commercial use floorspace comprising shops(A1), financial services(A2), restaurants/cafes(A3), offices(B1) and leisure(D2) and associated car and cycle parking, landscaping and services. 10/02053/RSO

2014 – Request for a Scoping Opinion to redevelop site comprising of 3-13 storeys in height providing 290 residential units, 3000 sqm of commercial floor space comprising of shops (A1) financial services (A2), restaurants/cafe (A3), drinking establishment (A4), offices (B1), leisure (D2) and amusement arcade (sui-generis), layout cycle and car parking spaces and landscaping 14/00097/RSO

## 11.0 Recommendation

**Members are recommended to:**

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

- **84 units of affordable housing (30% overall provision) comprising 58 units (69%) for affordable rent and 26 units (31%) for intermediate rent. Within this affordable provision, 37% of the units would be one bedroom, 33% would be two bedroom, and 30% would be three bedroom.**
- **Education contribution - £160,333.82**
- **Public art contribution/provision - as set out in the submitted design and access statement and in addition to include a maintenance agreement or as otherwise agreed to a value of up to 1% of development costs.**
- **A contribution of £10k for off-site tree planting.**
- **Highways works to include but not limited to the following:**
  - **Provision of Travel Packs for residents.**
  - **Residential Travel Plan.**
  - **Commercial Travel Plan.**
  - **a new two way junction on Southchurch Avenue approx. 125m north of the existing signals junction.**
  - **Relocate the existing northbound bus stop to the south and the existing taxi rank relocated to Eastern Esplanade.**
  - **The existing CCTV camera will be relocated.**

- **Revocation of the existing no entry restriction at the southern end of Pleasant Road together with the short section of one way to allowing all vehicles to turn left or right from Marine Parade into Pleasant Road.**
- **Contribution for pedestrian signage to and from the development (£40k).**
- **Contribution for changes to signal timings at Southchurch Avenue/Eastern Esplanade (£2k).**
- **Contribution for 4 x AVL display signs and associated works (£36k).**
- **Contribution for 2 x bus shelters (£10k.)**
- **Contribution for 1 x new layout for taxi rank (£1k).**
- **Traffic Regulations Order to cover all advertisement amendments and new orders (£10k)**
- **Relocation of SPECS traffic speed system (£30k)**
- **Detail of the raised kerbs, height, location, length and signing and lining required for each site to be agreed and agreed details to be carried out by the applicant's contractor at their expense.**
- **A £25k contribution for signage to direct drivers away from the seafront at times when car parking there is reaching full capacity.**

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

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

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

**02 No development shall take place until samples of the materials to be used on all the external elevations, including balconies, fenestration, and on any screen/boundary walls and fences, and on any external access way, driveway, forecourt or parking area, steps and podium 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, the adjacent listed and locally listed buildings and the Kursaal Conservation of the area in accordance with Policies C2, C4 and C11 of the BLP and KP2 and CP4 of the BLP**

**03** The development shall not be occupied until 328 parking spaces have been provided on hardstandings within the curtilage of the site, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently retained thereafter for the parking of occupiers, staff and visitors to the development.

**Reason:** To ensure that adequate car parking is provided and retained to serve the development in accordance with Policies T11 of the BLP and CP3 of the Core Strategy DPD1.

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

**Reason:** to ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies T8, T12, and C11 of the BLP and KP2 and CP3 of the Core Strategy DPD1.

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

**Reason:** to ensure that the car parking is satisfactorily managed in the interests of traffic management and highway safety in accordance with Policies T8, T11 and T12 of the BLP and KP2 and CP3 of the Core Strategy DPD1.

**06** Prior to first occupation of the development 356 cycle parking spaces shall be provided within secure covered parking stores, the details of which shall have previously been submitted to and agreed by the LPA. The agreed cycle parking spaces shall be permanently retained for the cycle parking of occupiers, staff and visitors to the property.

**Reason:** In order to ensure that sufficient and satisfactory cycle parking is available to meet the needs of occupiers and users of the development in accordance with Policy T13 of the BLP and KP2 and CP3 of the Core Strategy DPD1.

**07** Prior to commencement of development "Construction Traffic Management Plan, including but not limited to: details of routing, signage, scheduling of deliveries, construction hours, on site recycling measures, use of local labour, shall be submitted to and agreed by the Local Planning Authority, construction shall be carried out in accordance with the approved details.

**Reason:** to ensure that the construction is satisfactorily managed in the interests of traffic management and highway safety and to protect the amenities of surrounding occupiers in accordance with Policies H5, T8, T11, T12 and U2 of the BLP and KP2 and CP3 of the Core Strategy DPD1.

- 08** Prior to commencement of development details of acoustic insulation to the residential units against road traffic noise, including both building elements and ventilation arrangements including purge ventilation to comply with the building regulations shall be submitted to and approved by the LPA. The development shall be carried out in accordance with the approved details.

**Reason:** In order to protect the amenities of future occupiers from undue noise and disturbance, in accordance with Policies H5 and of the BLP and CP4 of the Core Strategy DPD1.

- 09** The residential development shall not be occupied until extract ventilation, filtration and deodorising equipment and laundry extract ducts have been installed in accordance with a scheme including details of the predicted acoustic performance of the system, ducting runs and of discharge points, which shall have previously been submitted to and approved by the local planning authority. The equipment as installed shall be retained in good working order at all times thereafter.

**Reason:** In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and visual amenities of the area in accordance with policies S5, C2, C4 and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.

- 10** The commercial development shall not be occupied until extract ventilation, filtration and deodorising equipment and laundry extract ducts have been installed in accordance with a scheme including details of the predicted acoustic performance of the system, ducting runs and of discharge points, which shall have previously been submitted to and approved by the local planning authority. The equipment as installed shall be retained in good working order at all times thereafter.

**Reason:** In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and visual amenities of the area in accordance with policies S5, C2, C4 and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.

- 11** With reference to BS4142, the noise rating level arising from all plant and extraction/ventilation equipment should be at least 5dB(A) below the prevailing background at 3.5 metres from the ground floor façades and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character.

**Reason:** In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and visual amenities of the area in accordance with policies S5, C2, C4 and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.

- 12 All deliveries and collections shall take place between: 07:00-19:00hrs Monday to Friday; and 08:00-13:00hrs Saturday; with no deliveries on Sundays or Bank Holidays.**

**Reason: In order to protect the amenities of occupiers of the development surrounding occupiers in accordance with policies S5, H5 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.**

**13 Decontamination**

**1. Site Characterisation**

**No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:**

**(i) a survey of the extent, scale and nature of contamination;**

**(ii) an assessment of the potential risks to:**

- human health,**
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,**
- adjoining land,**
- ground waters and surface waters,**
- ecological systems,**
- archaeological sites and ancient monuments;**

**2. Submission of Remediation Scheme**

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

**3. Implementation of Approved Remediation Scheme**

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

#### **4. Reporting of Unexpected Contamination**

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

**An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2.**

**The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3.**

#### **5. Long Term Monitoring and Maintenance**

**No development shall take place until a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must both be submitted to and approved in writing by the Local Planning Authority.**

**Following completion of the measures identified in that scheme and when**

**The remediation scheme is complete, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be submitted to the Local Planning Authority.**

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

- 14 No development shall take place until full details of both hard and soft landscape works 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.)

This shall include details of 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 details of measures to enhance biodiversity within the site.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy C14 of the Borough Local Plan and Policy CP4 of the Core Strategy DPD1

- 15 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 carried out as approved.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy C14 of the Borough Local Plan and Policy CP4 of the Core Strategy DPD1

- 16 Prior to first occupation of the development renewable energy measures set out in the Energy Statement by Xc02 energy dated February 2015 and plan ref 3202 PL117B shall be implemented and shall be permanently retained thereafter.

Reason: To ensure the development maximises the use of renewable and recycled energy, water and other resources, in accordance with Policy KP2 of the Core Strategy DPD1

- 17 Prior to commencement of development a design code for the shopfronts of the commercial units shall be submitted to and approved by the LPA, the code shall include details of but shall not be limited to, glazing, doors, signage locations and form, shuttering, lighting and materials. The development shall be carried out in accordance with the approved details.

Reason: In order to protect the character and visual amenities of the area in accordance with policies S5, C2, C4 and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.

- 18 Prior to installation of any shopfront, details of the design and materials, glazing, doors, signage locations and form and lighting, shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.



**Reason: In order to protect the character and visual amenities of the area in accordance with policies S5, C2, C4 and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.**

- 19 No obscure glazing installed shall be installed and no graphics or obscured film shall be applied to the A1/A3/A4/D2 units unless otherwise agreed in writing with the Local Planning Authority**

**Reason: In order to retain the open character of the elevation in the interests of the character and visual amenity of the area in accordance with policies C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.**

- 20 Prior to installation details of any shutters to the commercial units shall be submitted to and approved by the Local Planning Authority. The shutters shall be installed and retained in accordance with the approved details.**

**Reason: In order to protect the character and visual amenities of the area in accordance with policies S5, C2, C4 and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.**

- 21 Prior to commencement of development details of the balconies to the internal elevations of the development shall be submitted to and approved by the Local Planning Authority, the development shall be carried out in accordance with the approved details.**

**Reason: In order to protect the character and visual amenities of the area in accordance with policies C2, C4, and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.**

- 22 Prior to commencement of development details of balcony privacy screens shall be submitted to and approved by the Local Planning Authority, the development shall be carried out in accordance with the approved details.**

**Reason: In order to protect the character and visual amenities of the area in accordance with policies C2, C4, and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.**

- 23 Prior to commencement of development details of the balustrade to the podium shall be submitted to and approved by the Local Planning Authority, the development shall be carried out in accordance with the approved details.**

**Reason: In order to protect the character and visual amenities of the area in accordance with policies C2, C4, and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.**

- 24 Prior to commencement of development details of the design and materials of the car park gates and screen shall be submitted to and approved by the Local Planning Authority, the development shall be carried out in accordance with the approved details.**

**Reason: In order to protect the character and visual amenities of the area in accordance with policies C2, C4, and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.**

- 25 Prior to first occupation of the development details of the control mechanism for the podium vehicular access shall be submitted to and approved by the Local Planning Authority the development shall be carried out in accordance with the approved details.**

**Reason: In order to protect the character and visual amenities of the area in accordance with policies C2, C4, and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.**

- 26 Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any order revoking and re-enacting that Order with or without modification, no advertisement shall be displayed on the building without the prior written consents of the Local Planning Authority.**

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

- 27 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification, no structures such as canopies, fences, loggias, trellises or satellite or radio antennae are allowed to be installed within the development or on the buildings unless otherwise agreed in writing by the local planning authority.**

**Reason: In order to protect the character and visual amenities of the development and the adjacent listed and locally listed buildings and the Kursaal Conservation Area in accordance with policies C2, C4, and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.**

- 28 Prior to installation of any external lighting to the building; details of the external lighting of the building, including direction, siting, and hours of illumination and an assessment using the Institution of Lighting Engineers Guidance Note for the Reduction of Obtrusive Light, shall be submitted to and approved by the LPA and the development shall be carried out in strict accordance with the approved lighting scheme. No additional external lighting shall be installed on the building without the prior approval of the LPA.**

**Reason: In the interest of the visual amenities and character of the area, adjacent listed and locally listed buildings and the Kursaal Conservation Area and to protect the amenities of surrounding occupiers and to protect to adjacent SSSI in accordance with policies H5, C2, C4 and C11 and Policies KP2 and CP4 of the Core Strategy DPD1.**

**29** The delivery and refuse collection hours to the premises shall be restricted to between 7am and 7pm and Monday to Friday; 8am – 1pm Saturday and not at all on Sundays or Bank Holidays.

**Reason:** In order to the protect the amenities of surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy DPD1

**30** The permitted hours for noise beyond the site boundary due to construction and demolition site works including loading and unloading are Monday to Friday 7.30 a.m. to 6.00 p.m. and Saturday 8.00 a.m. to 1.00 p.m. and not at all on Sundays or Bank Holidays. Noise from construction site activity shall not occur beyond the site boundary at any other time.

**Reason:** In order to the protect the amenities of surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy DPD1

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

**Reason:** In order to the protect the amenities of surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy DPD1

**32** The mitigation measures with regard demolition, earthworks, construction and trackout of the Construction phase of the development, set out at section 8.6 of the Environmental Statement dated submitted September 2014 shall be implemented during development.

**Reason:** To minimise the environmental impact of the development and that demolition, construction, earthworks and trackout is satisfactorily managed in the interests of traffic management and highway safety and to protect the amenities of surrounding occupiers in accordance with Policies H5, T8, T11, T12 and U2 of the BLP and KP2 and CP3 of the Core Strategy DPD1

**33** The mitigation measures with regard to piling, lighting, storage and movement of materials, drainage, and tree and scrub clearance set out at section 6.1142 to 6.1220 of the Environmental Statement dated submitted September 2014 shall be implemented during development.

**Reason:** To minimise the environmental impact of the development and to minimise the risk of harm to a protected species in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy U2

**34** The mitigation measures in relation to Construction Noise and Construction Vibration set out at section 9.5 of the Environmental Statement dated submitted September 2014 shall be implemented during development.

**Reason:** To minimise the environmental impact of the development and that Construction is satisfactorily managed to protect the amenities of surrounding occupiers in accordance with Policies H5, and U2 of the BLP and KP2 and CP3 of the Core Strategy DPD1

**35 The Commercial floorspace hereby approved can only be used as A1 shops A3 Restaurants and cafes, or D2 Assembly and Leisure and for no other purpose including any within Classes A, B1, C3 or D1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force).**

**Reason: Planning permission for unrestricted use within Classes A, B1, C3 or D1 cannot be granted in this case because the development it would fail to comply with DPD1 (Core Strategy) 2007 policy KP1, CP1 and CP2, Borough Local Plan 1994 policies L1, L2, S1 and S5.**

**36 A maximum of 687sqm of commercial floorspace hereby approved shall be used for A1 retail use unless otherwise agreed in writing with the Local Planning Authority.**

**Reason: Planning permission for unrestricted retail cannot be granted in this case because the development it would fail to comply with DPD1 (Core Strategy) 2007 policy KP1, CP1 and CP2, Borough Local Plan 1994 policies L1, L2, S1 and S5.**

**37 No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.**

**Reason: To prevent environmental and amenity problems arising from flooding in accordance with Policy KP2 and CP4 of the Core Strategy 2007**

**38 Development shall not commence until a surface water drainage scheme in line with that detailed in the revised Flood Risk Assessment undertaken by SLR Consulting Limited, referenced 407.04361.00002 and dated January 2015, and Indicative Drainage Layout drawing no 003, dated January 2013, is submitted to and approved in writing by the local planning authority. The scheme shall be implemented before the development is completed in accordance with the approved details. The scheme shall:**

**Fully investigate the feasibility of infiltration SuDS as a preference and provide evidence to establish if the principles of any infiltration based surface water drainage strategy are achievable across the site, based on the ground conditions. Infiltration or soakaway tests should be provided which fully adhere to BRE365 guidance to demonstrate this. Infiltration features should be included where infiltration rates allow.**

**Provide drainage plans and drawings showing the proposed locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate that the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features. In addition, full design details, including cross sections of any proposed infiltration or attenuation features will be required.**

**Provide attenuation storage to cater for the 1 in 100 year critical duration rainfall event including allowance for climate change over the lifetime of the development without causing nuisance or damage. Calculations should be provided to demonstrate the functionality of each drainage feature.**

**Provide calculations of the piped network performance in the 1 in 30 year rainfall event to show no above ground flooding, and in the 1 in 100 year rainfall event including climate change to provide details of the volumes of flooding from each pipe, if any.**

**Provide sufficient information to demonstrate that people and property will be kept safe from flooding, with consideration given to exceedance flows and overland flow routing from on and off site sources, in accordance with CIRIA C635.**

**Provide details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the proposed development. Detail who will maintain each element of the surface water system for the lifetime of the development by submission of a maintenance schedule.**

**Fully investigate the impacts of tide locking on the site and model a surcharge outfall scenario if required.**

**Discharge to Anglian Water sewer shall be at the maximum agreed rate of 22l/s.**

**Provide confirmation that Anglian Water accepts the surface water discharge proposed to both manhole 0251 and 9151 detailed in the Indicative Drainage Layout Drawing referenced 003, dated January 2015.**

**The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.**

**Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with Policy KP2 and CP4 of the Core Strategy 2007.**

- 39** The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by SLR Consulting Limited referenced 407.04361.00002, dated January 2015 and the following mitigation measures detailed within the FRA:

**Finished ground floor levels of the residential development are set no lower than 6.05 meters above Ordnance Datum (AOD).**

**Finished first floor levels of the residential unit/Podium level are set no lower than 8.4 meters above Ordnance Datum (AOD).**

**The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.**

**Reason: To prevent environmental and amenity problems arising from flooding in accordance with Policy KP2 and CP4 of the Core Strategy 2007**

- 40** Prior to commencement of development details of the structural design, appearance and method of operation to the car park flood gate shall be submitted to and approved by the Local Planning Authority, the development shall be implemented in accordance with the approved details and permanently maintained thereafter.

**Reason: In the interests of visual amenity and to prevent environmental and amenity problems arising from flooding in accordance with Policy KP2 and CP4 of the Core Strategy 2007.**

- 41** Prior to commencement of development a Flood Response Plan should be submitted and approved by the Local Planning Authority. The approved plan shall be implemented in the event of flooding.

**Reason: To protect the amenities and safety of future occupiers in accordance with Policy KP2 and CP4 of the Core Strategy 2007.**

42 a) No development shall take place until a written scheme of investigation for a programme of archaeological work has been submitted to and approved in writing by the local planning authority. This must include details of the suitably qualified person or organisation that will carry out the archaeological work.

(b) The archaeological work and development must then be carried out in accordance with the approved scheme. A written report of the investigation and findings must be produced, showing that the archaeological work and development has been carried out in accordance with the approved scheme. Copies of the written report

of the investigation and findings must be sent to Southend Borough Council, Essex County Council and English Heritage.

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

Reason: To avoid damage to archaeological remains on site as set out in DPD1 (Core Strategy) policy KP2 and CP4, Borough Local Plan 1994 policy C1, and SPD1 (Design and Townscape Guide).

43 43. Unless otherwise agreed in writing the development hereby permitted shall be carried out in accordance with the following approved plans: PL101C, PL102C, PL103A, PL104A, PL105A, PL106A, PL107A, PL108A, PL109A, PL110A, PL111A, PL112A, PL113A, PL114A, PL115A, PL116A, PL117B, PL201A, PL202A, PL203A, PL204A, PL205A, PL206A, PL207A, PL208A, PL209A, PL210A, PL25A, PL26A.

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

#### Informatives

1 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.

2 The developer should also consider control measures detailed in Best Practice Guidance “The control of dust and emissions from construction and demolition”.  
[http://www.london.gov.uk/thelondonplan/guides/bpg/bpg\\_04.jsp](http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp)

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

- 4** The applicant is reminded that this permission does not bestow compliance with the Food Safety and Hygiene (England) Regulations 2013 or any other provision so enacted, such as those located within the Food Safety Act 1990. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215005.
- 5** For further guidance on the control of odour and noise from ventilation systems you are advised to have regard to – Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by DEFRA. This can be downloaded free from [www.DEFRA.Gov.UK](http://www.DEFRA.Gov.UK)
- 6** Please note that if you require a crane or piling rig to construct the proposed development, this will need to be safeguarded separately and dependent on the location may be reinstatement in height and may also require full co coordination with the Airport Authority
- 7** The applicant is reminded that this permission does not bestow compliance with the Licensing Act 2003. Applicants should contact the Council's Licensing Team for more advice on 01702 215005.
- 8** Water Supplies – the applicant or architect is reminded that additional water supplies for fire fighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service Headquarters tel 01376 576342.
- 9** There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire and Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk of life, business continuity and limit the impact of fire on the environment and local economy. Even where not required under Building Regulation's guidance, ECFRS would strongly recommend a risk base approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We would also encourage developers to use them to allow design freedom, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the regulations are met.
- 10** If a crane or piling rig is needed to construct the proposed development, this will need to be safeguarded separately and dependant on location may need to be restricted in height and may require coordination with the Airport Authority. Any crane applications should be directed to [sam.petrie@stobartair.com](mailto:sam.petrie@stobartair.com)
- 11** Details of the shopfronts and advertisements to the commercial buildings should follow the approved Design Code for these elements.
- 12** Hard landscaping materials to the Marine Parade, Southchurch Avenue and Pleasant road frontages of the development shall match those of the existing City Beach scheme.



- 13 An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.
- 14 Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.
- 15 Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.
- 16 The Flood Response Plan (FRP) shall include details of what should be done in the event of surface water flooding.

c) In the event that the planning obligation referred to in part (a) above has not been completed by June 11th 2015 the Head of planning and Transport or Group Manager (Planning & Building Control) be authorised to refuse planning permission for the application on the grounds that the development will not :- i) provide for improvements to the public highway and the public realm within the vicinity of the site; ii) provide an effective means of enforcing/delivering a Travel Plan; iii) provide for a satisfactory provision of public art and iv) provide for a satisfactory method of servicing the development vi) provide for affordable housing or education accommodation to serve the needs of local residents. As such, the proposal would not make a satisfactory contribution towards the quality of the built environment within the vicinity of the site, would traffic congestion and be to the detriment of highway safety and is likely to place increased pressure on public services and infrastructure to the detriment of the general amenities of the area, contrary to Policies KP2, KP3, CP3, CP4 and CP6 of the Core Strategy, Policies C2, C4, C11, C14, H5, U1, T8 and T13 of the Borough Local Plan, and the Design and Townscape Guide (2009).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

<b>Reference:</b>	<b>15/00468/FULM</b>
<b>Ward:</b>	<b>Victoria</b>
<b>Proposal:</b>	<b>Erect two part three/part four storey blocks comprising 50 2 bedroom flats, layout 50 car parking spaces, cycle store, bin store and form hard and soft landscaping.</b>
<b>Address:</b>	<b>Texsol Builders Merchants Ltd Kenway Southend-On-Sea</b>
<b>Applicant:</b>	<b>(David Godden) Hollybrook Homes</b>
<b>Agent:</b>	<b>(David Godden) Hollybrook Homes</b>
<b>Consultation Expiry:</b>	<b>2<sup>nd</sup> June 2015</b>
<b>Expiry Date:</b>	<b>8<sup>th</sup> July 2015</b>
<b>Case Officer:</b>	<b>Charlotte Galforg</b>
<b>Plan Nos:</b>	<b>14246_PA 10A; 14246_PA 11A; 14246_PA 12A; 14246_PA 13A 14246_PA 14A; 14246_PA 15A; 14246_PA 16A; 14246_PA 17A; 14246_PA 18A; 14246_PA 20A; 14246_PA 22A.</b>
<b>Recommendation:</b>	<b>Delegate to the Head of Planning and Transport or the Group Manager Planning to GRANT PLANNING PERMISSION subject to completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (As Amended).</b>



## 1 The Proposal

1.1 The details are summarised as follows:

Site Area	0.43 hectares
Height	4 storeys
No. of units	50 self-contained flats all 2 bedroom (4 person) units All units would be affordable, comprising 50% rented and 50% shared ownership
Car parking	50 car parking spaces (including 4 for disabled persons)
Cycle parking	50 cycle parking spaces
Motor cycle parking	0 spaces
Amenity space:	(including balconies and terraces (min size 7 sqm), incidental landscaping and communal gardens 2053 sqm (av 41m <sup>2</sup> per dwelling)

1.2 This application proposes the erection of two, four storey blocks of 50, 2 bed flats. Each block would contain 25 units. Surface car parking is proposed to serve the development in three separate areas, including some undercroft parking. The car parking areas are accessed independently via 5 separate vehicular accesses from Kenway (two of which would service the disabled parking spaces only).

1.3 The applicant states that the development is to be developed by Hollybrook for Estuary Housing Association as 100% Affordable Housing and has been designed to meet their specific requirements. The development would meet Lifetimes Homes standards and Building for Life standards.

1.4 The proposed buildings would be divided into 2 blocks and would be 4 storeys in height, with the third floor set back from the edge of the building, except in central sections in each block. Units would vary in size between 69.1sqm and 75.2 sqm.

The ground to second floors would be constructed in yellow facing bricks, with a contrasting red/brown brick used to provide articulation to the four stair enclosures. The third floor which is set back would be clad in a boarded material.

- 1.5 Communal garden space is proposed around the site, with a children's play area located at the northern edge. Terraces and balconies are also proposed.
- 1.6 The applicants state that habitable rooms within the development which are affected by railway noise will be protected by the use of good quality windows and doors with carefully specified glass. A "whole house" ventilation system will provide required ventilation without requiring windows to be opened.
- 1.7 The floodlights from the railway were raised as an issue during consideration of the previous applications on site. Due to the lights being outside of the applicant's land no change to the light source is possible. Therefore in order to mitigate any impact from the floodlights on residential amenity, a design solution is proposed; this solution comprising provision for the convenient installation of roller blinds with the window and door opening to bed rooms and living rooms which face the railway sidings.
- 1.8 The scheme will provide 10% energy from on site renewables in the form of photovoltaic panels located on the roof.
- 1.9 The application includes draft Heads of Terms, which propose the following by use of a Unilateral Undertaking:
  - 100% Affordable Housing (50% Shared Ownership and 50% rented).
  - Public realm contribution £12,600 to upgrade to public footpath adjacent to the site.
  - Contribution to improve footpaths around the sites including replacement of bollards and lighting improvements.
  - S106 Monitoring Fee (4% of monetary contribution plus/or £750 per non-monetary contribution Head of Term is charged with the fee being capped at a maximum of £10,000
- 1.10 The applicants have undertaken pre application discussions with officers and subsequently made a number of changes to the design of the development prior to submission, further changes have been made during the course of the application process.
- 1.11 It should be noted that the applicant has submitted details of materials etc together with details of their anticipated building program and is seeking to avoid pre commencement conditions as far as possible. Where appropriate the conditions have been worded to reflect this aspiration.
- 1.12 The applicants have submitted a covering letter /planning statement, design and access statement (DAS), Transport Assessment, Noise Assessment; External Lighting Assessment, Employment and Economic Report, Geotechnical and

Environmental Report, Historic Environment Assessment, Construction Management Plan, Daylight Statement, Energy Statement in support of the application.

- 1.13 Permission was previously granted on the site for redevelopment of the site to provide a mixed use development comprising 45 residential units, B1 office space, access and 62 parking spaces (ref 11/00231/FULM). This permission has now expired.

## **2.0 Site and Surroundings**

- 2.1 The site lies to the north of the designated Town Centre and south of Prittlewell railway station. The site is currently vacant and was last in use in 2006 as a builder's merchant operated by Nicholls and Clarke Ltd who currently own the site. The site is a narrow strip of land orientated in a north-south alignment and enjoys significant frontages in excess of 170m in length to the Prittlewell Path link along Kenway road and the main railway link into Southend. There is on street car parking available on the highway alongside the site.
- 2.2 The site is bounded to the west by Network Rail railway sidings which adjoin the main railway link from Southend Victoria to London Liverpool Street. It is bounded to the east by Kenway which provides access to existing residential developments to the north, east and south. A bus depot is located directly south of the site, with industrial properties beyond. The north and east of the site is characterised by residential properties with several industrial sites beyond. There are four storey flats to the east (the former Kenway Works site is directly opposite to the east which has recently been redeveloped to provide 126 flats) and semi-detached houses to the north and south. Vale works lies to the south east of the site, this is in use as a motor garage.
- 2.3 The site is currently vacant and has been cleared of all former buildings and structures. The former use of the site comprised a builder's merchants with open area storage of materials and skips. It is enclosed by wire fencing and bounded by a mix of small trees and shrubs.
- 2.4 The site is allocated as employment land covered by Policy E4 within the Borough Local Plan and is shown as being part of a gateway neighbourhood within the draft Southend Central Area Action Plan (SCAAP).

### 3.0 Planning Considerations

- 3.1 The main issues when considering this application are: the loss of the existing employment site and the principle of a residential use on the site; design and the impact on the character of the area; archaeology, traffic and transport issues, impact on the amenities of existing and future occupiers, decontamination, sustainable development and developer contributions.

### 4.0 Appraisal

#### Principle of development

**Planning Policy: NPPF; DPD1 (Core Strategy) Policies, KP1; KP2; CP1, CP8, BLP Policies; H7, E4, E5,U10, DMDPD policies DM3, DM10, DM11.**

- 4.1 The site is allocated within the Borough Local Plan (BLP) as E4 employment land. The site is shown as being part of a “gateway neighbourhood” within the consultation draft of the SCAAP.

- 4.2 Policy E4 states:

*“Permission will not be granted for proposals involving the loss of industrial, warehousing or other business uses on land identified for such uses on the Proposals Map. Elsewhere permission will only be granted where this would bring clear benefits to the town in terms of jobs created or facilities provided; would result in the relocation or extinguishment of a use which is incompatible with the amenity or proper development of the surrounding area; or where it can clearly be demonstrated that the premises are no longer suitable for industrial or warehouse use. The use or development of industrial or warehousing premises (or land allocated for such uses) for retail purposes of any kind will not normally be permitted”.*

- 4.3 Policy CP1 of the Core Strategy sets out the Councils requirement to provide additional employment within the Borough and states: *“Development proposals involving employment must contribute to the creation and retention of a wide range of jobs, educational and re-skilling opportunities. Permission will not normally be granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal will contribute to the objective for job-led regeneration in other ways, including significant enhancement of the environment, amenity and condition of the local area”.*

- 4.4 The DMDPD is at an advanced stage and is due to be adopted in July. In accordance with the NPPF weight can be given to this document. At para 6.12 states that:

*“To create a strong, responsive and competitive economy, whilst supporting sustainable economic growth in line with the Core Strategy, policies need to be flexible whilst ensuring that the needs of the community are met. To this end, the Borough Council will seek to retain Class B uses at employment sites, whilst at the same time acknowledge that it may not always be appropriate to retain units which are persistently vacant and where there is no prospect of them coming into Class B use in the long term. In these circumstances the Borough Council recognises that other non-Class B uses may be appropriate where they are deliverable, and do not significantly undermine overall future employment supply based on identified need.”*

It is noted that the application site is now excluded from the adjacent Employment Area within the DMDPD policies map. This supersedes its allocation within the BLP.

- 4.5 The DM continues in Para 6.28:

*“Outside the Employment Areas an appraisal will be required in order to satisfy the loss of employment floorspace and/ or employment land in instances where planning permission is required.”*

The applicant has submitted an Employment and Economic report with the application. It states that the site has been marketed for 8 years with no demand for commercial uses on the site. Where there has been recent interest in the site, this has been to develop without the previously approved B1 use. The applicant also states that the development of a scheme with non-active facades at ground floor and potentially being the subject of vandalism and anti-social behavior would be a disbenefit to the scheme.

- 4.6 The proposed development would physically regenerate the area and presents an opportunity for improvement. The area surrounding the development is now predominantly housing and the use proposed fits into this setting. Further down towards Grainger Road the area becomes predominantly employment land and industrial land and the Council would look to retain employment land to the south of this proposal if this application site is given over to residential use. The proposed scheme would also provide much needed affordable housing. Taking all these factors into account no objections is raised to the use of this site for residential development.

### *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. Providing dwellings of different types (including tenure) and sizes will help to promote social inclusion by meeting the needs of people with a variety of different lifestyles and incomes. A range of dwelling types will provide greater choice for people seeking to live and work in Southend and will therefore also support economic growth. The Council therefore seeks to ensure that all residential development provides a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing, to reflect the borough's housing need and housing demand.
- 4.8 The application proposes 100% 2 bed, four person units which would be for a mix of affordable rent and shared ownership units. The proposals do not therefore comply with the dwelling mix as set out above. The applicants have submitted supporting evidence from Estuary Housing (a registered provider). This states that "the scheme has been designed to target an identified need with the Southend Housing market... the proposal to provide 2 bed 4 person units was[sic] in line with both the preferences of the Housing Management and Housing Sales teams within Estuary... this is because:
- *There is a shortage of 2 bed affordable units within the borough;*
  - *Those residents occupying larger 3 bed plus units have a preference in many cases to downsize to smaller units due to the impact of the bedroom tax;*
  - *The provision of 2 bed units would allow those currently underoccupying to move thereby freeing up larger units.*
  - *There is a general trend towards smaller householders [sic] forming following the breakdown of relationships.*
  - *Single applicants or couples usually have a preference for an additional bedroom.... So as not to outgrow the property in the medium term.*
  - *Single applicants wish to have an additional bedroom in order to rent out a room to reduce running costs*
  - *There is a greater demand for two beds whether it is a house or apartment."*

The Council's Housing team support the application as submitted.

- 4.9 Taking into account the above, on balance, no objections are raised to the unit sizes or the tenure mix.

### **Design and Impact on the Character of the Area**

**Planning Policies: NPPF, DPD1 (Core Strategy) policies KP2, KP3, CP4, BLP policies; C11, C14, H5, H7, DMDPD policy DM1; SPD1 Design and Townscape Guide.**



- 4.10 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.
- 4.11 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.”*
- 4.12 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”.*
- 4.13 The need for good design is reiterated in policies C11 and H5 of the BLP and Policies KP2 and CP4 of the Core Strategy, the Design and Townscape Guide and emerging policy SCAAP policy CS2.

*The scale and detailed design of the development*

- 4.14 The area has a mixed character, with residential development opposite the site and to the north and a more industrial character to the south. The residential development opposite the site extends up to 4 storeys, as does a fairly recent flatted development at the southern end of Bircham Road. There is smaller scale, two storey housing to the north and south of the site, however this is viewed more directly in association with development in the north arm of Kenway and within Vale Avenue.
- 4.15 The proposed scale of 4 storeys broken up into two blocks with a set back on the upper storey is broadly similar to the block opposite which provides the principle context for the site and is therefore considered to be acceptable in principle in this location.
- 4.16 However for a scheme of this scale the articulation, fenestration, materials and detailing of the elevations are very important to ensure that the proposal does not appear over bearing and makes a positive contribution to the streetscene. It is considered that the stepping and articulation in the footprint helps to break up the massing of the blocks and this format is welcomed.
- 4.17 Concerns were raised at pre application stage regarding the lack of interest on the elevations of the main bulk of the building generally and there is some improvement of this aspect of the scheme. In particular the increased glazing to the entrance cores, the better articulation of the corners and the proposed brick banding features are all considered to be positive amendments to the scheme.

During the course of the application further revisions have taken place including, additional glazing added to stair cores, larger windows added at upper floor level, materials amended to a lighter cladding at roof level and lighter brick, brick details on the building amended, public art motifs have been increased in size, materials used for doors and curtain walling to entrances have been amended and additional planting has replaced railing to the front and has been added to the rear, glass canopies have been introduced and balcony details have been changed.

- 4.18 The most significant concern raised at pre application stage was the detailing of the 3rd storey. Glazing has been added to this and the materials have been altered reducing its impact. Whilst it would be preferred that the level of transparency was increased and further glazing added the applicant has stated this is not possible due to the furniture layout requirements of the Housing Association. Therefore, on balance the design of the main buildings is considered acceptable.
- 4.19 At ground level the positioning the buildings, which have a similar setback to the flats opposite is considered to be appropriate and the pedestrian entrances are prominent and provide a focal point for the blocks. It is noted that the detailing, screening and in some instances placement of the bin and bike stores has improved since pre application discussions and these details are also now considered acceptable.

#### *Layout and landscaping*

- 4.20 The applicant has submitted a landscaping scheme with the development and is seeking that this is approved at application state rather than agreed by condition. Informal play equipment has been added to the largest amenity space and access to this has been improved since pre application discussion. This is welcomed. In addition the landscaping and boundary treatments throughout the scheme generally have improved and are now more permeable around the car parks and where they can be seen from the street. This will help to provide a more attractive outlook for the flats, mitigate the visual impact of the parking areas and make a positive contribution to the streetscene. The shrub boundary treatment to the street frontage is particularly welcomed as it mirrors the attractive landscaped boundary treatment of the flats opposite and will help to ensure an attractive and cohesive street frontage is achieved. The proposed public art radio motifs to the railing at the northern end of the site should add local interest to this frontage. The landscaping scheme as submitted is considered acceptable.

#### *Materials*

- 4.21 Two brick colours are suggested for the main section of the building. The majority of the building will be a buff brick to respond to the streetscene opposite. This is considered to be the correct approach to take and the chosen brick appears to be a reasonable match.

- 4.22 With regard to the 3rd storey material is now proposed to be light grey claddings which will help the storey appear more light weight subservient. This material is considered to be acceptable.
- 4.23 It is noted that aluminium doors and upvc windows are proposed. It is important that these elements correspond with each other and with the proposed glazing to the cores. It is also considered that the quality of these will be a defining feature of the scheme. The details of the fenestration have been amended during the course of the application and these will be grey aluminium which is considered acceptable.
- 4.24 An image of the proposed balconies has been provided and they are proposed as galvanised and painted black. This is considered acceptable.
- 4.25 Following pre application discussions the car parking areas have been upgraded from tarmac to block paving the proposed materials for this element and the patios/paths are considered to be acceptable as are the proposed boundary railings and fence.
- 4.26 To conclude, currently the detailed design and detail of materials for the development are considered acceptable and is considered to accord with BLP, Core Strategy and DMDPD policy and is contrary to the advice of the SPD 1 Design and Townscape Guide.

### **Archaeology**

- 4.27 This is an area of archaeological potential which has been confirmed by the presence of Romans and Iron Age finds from near the old stadium to the south of the site and other post medieval and medieval finds towards Prittlewell, the earliest settlement in the area which is just to the north west. OS maps show that there was at one point a small quarry located in the southern section of the site but the northern section remains relatively untouched by development. This suggests a moderate archaeological potential for the undisturbed northern part of the site and therefore a written scheme of investigation and a programme of archaeological monitoring during ground works is required, particularly for the northern part of the site, and this can be addressed via a suitable condition.

## Traffic and Transport

**Planning Policies: NPPF; DPD1 (Core Strategy) policies: KP1, KP2, KP3, CP3; BLP Policies; T1, T8, T11, T12, T13, T14; DMDPD Policy 15.**

- 4.28 The site is considered to be 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 relatively close to the A13 and A127, Southend to London arterial roads. The applicants have submitted evidence to suggest that the proposed residential development is likely to generate a nominal level of trips which is unlikely to result in any detriment to the local highway or local transport network. The application would also generate less traffic than the previously agreed scheme on the site. Also taking account of the previous use of the site, officers agree with this interpretation and therefore no objections are raised in terms of the impact of the development on the surrounding highways network.
- 4.29 The scheme is accompanied by a Traffic Assessment.

### *Traffic Generation*

- 4.30 The applicant has submitted evidence to suggest that the proposed residential development is likely to generate a nominal level of trips which is unlikely to result in any detriment to the local highway or local transport network. The application would also generate less traffic than the previously agreed scheme on the site. Also taking account of the previous use of the site, 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*

- 4.31 50 surface level car parking spaces would be provided. The development is policy compliant with regard to residential parking provision. The scheme includes 100% parking to serve the residential units (1 space per unit). This provision is in accordance with EPOA standards for accessible sites. This number includes 4 spaces for disabled occupiers.
- 4.32 It should be noted that the emerging DM DPD includes revised parking standards for residential properties in accordance with the revised EPOA standards 2009, however the DM recognises that the area covered by the SCAAP has good public transport options and has services and facilities within walking distance, making sustainable travel choices a realistic alternative for many people. The car parking requirement for dwellings within the area covered by the SCAAP therefore remains at 1 space per dwelling. Thus the development is considered to be in accordance with the existing and emerging parking standards.

4.33 50 cycle parking spaces are proposed. This is considered to be acceptable.

*Access and Servicing*

4.34 The pedestrian and vehicular accesses to the development are from Kenway. No objections are raised to the additional crossovers that are proposed as they are sufficiently separate to protect pedestrian safety. Residential waste can be collected on street from Kenway and refuse storage is provided in four storage areas within the Councils guidelines. This is considered acceptable in principle however a waste management plan is required to finalise these details.

*Developer Contributions for Highways works*

4.35 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”.

4.36 It is considered that this proposal will place additional burden on existing cycleways and also increase the number of people walking within the vicinity of the site. As such it is considered reasonable and necessary that the developer makes financial contributions to allow the improvement of this infrastructure.

4.37 The applicants have been requested to make a contribution to facilitate improvements to Prittlewell Path which runs adjacent to the site and links it to Short Street and the town centre. The applicant has made an offer of £11,408 to fund improvements, in line with officer’s costing’s for the works. This estimate includes removal and replacement of some existing bollards on street in the vicinity of the site which are unfriendly to cyclists. The application relies on occupiers making use of alternative forms of transport and therefore this contribution is considered to be reasonable and necessary.

4.38 The applicants have also been requested to upgrade the highway to the front of the site, both in order to improve the highway and the appearance of the area. The Council would like to co-operate with the applicant to achieve an improvement. To this end, the applicant has agreed to make a contribution of £12,600. This will pay for footway surfacing only, leaving the Council to pay for the kerb work and footpath reconstruction, which is considered to be reasonable. The cost does not include the cost of the new vehicle crossings which the developer should apply for by means of the normal process.

4.39 In light of the fact that the fact that the development is relying on the accessibility of the site and its residents making use of sustainable forms or transport to justify the amount of car parking provision it is considered that residents of the development should be provided with Travel packs.

- 4.40 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 T8 and T11 of the BLP and 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: BLP policies C11, C14, C15, H5, H7, E5, T8, U2 ; DMDPD policy DM1, DM8.**

*Activity*

- 4.41 Policies H5 of the BLP, CP4 of the Core Strategy and DM of the DMDPD refer to the impact of development on surrounding occupiers. The adjacent buildings are now mainly either residential or vacant. In terms of the activity associated with the proposed development, the use will no doubt generate a noticeable level of activity compared to the existing vacant site; however given that the last use of the site (as a builders merchant) 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 significantly less commercial traffic associated with the proposed development. There were no limitations on the hours of the builder's merchant use.

*Outlook, sunlight and daylight and overlooking.*

- 4.42 The application proposes the erection of 4 storey buildings. These would be located opposite relatively newly built four storey blocks of flats along Kenway.
- 4.43 The applicants have submitted evidence to demonstrate that the development would not result in a loss of light to occupiers of the flats opposite, and have set the fourth floor back in order to respect this relationship. Officers are therefore satisfied that the development would not result in a material loss of sunlight or daylight to the existing flats.
- 4.45 At its closest point, the new development is sited some 15m away from the front elevation of the existing Kenway flats. It is not unreasonable to expect a degree of overlooking between the front elevations of dwellings. This situation is reflected in most streets throughout the borough and no objections are raised on this basis.
- 4.46 The development will alter the view from the Kenway flats, which currently look over an open site towards the railway line. However, the loss of view is not a planning consideration. The development is considered to be designed in such a way and sufficiently distant from the Kenway flats to ensure that a loss of outlook and therefore a loss of amenity will not occur to existing residents.

### *Impact on future occupiers*

- 4.47 It is also necessary to consider whether the development will result in an acceptable environment for future occupiers of the flats.

### *General Living Standards*

- 4.48 The development is divided into 2 blocks. Each block has 2 communal entrances serving 4 floors. The stairs serve either 2 or 3 flats on each floor. Each core has direct access to the communal landscaped areas. Most of the flats are dual aspect, though some are not. All of the flats have private terraces or balconies which are a minimum of 7 sqm each. Wherever possible these have been located away from the railway line. The apartments all meet DM standards with regard to size and meet Lifetime Home standards.

### *Noise*

- 4.49 The site is located in an area with mixed character. To the north and east are now residential properties, but to the south lies a bus garage and industrial properties and to the west is the Southend to Liverpool street railway line. The railway sidings lie immediately adjacent to the site boundary and are at a similar level. During pre-application discussions officers raised concerns with the applicants that the noise levels experienced by future occupiers might be excessive. It is clear that it is not possible to control the noise at source and therefore, the only option is to mitigate against noise as part of the development itself. This was a significant issue with respect to the earlier development on site, which was specifically designed so as to mitigate against railway and bus depot noise and included wintergardens to the rear.
- 4.50 The applicant has produced a noise and vibration assessment and acoustic assessment in accordance with LPA requirements to take into account the combined railway and bus depot noise. Most flats are dual aspect with the majority of those facing on the sidings having a dual aspect to the railway and side elevation, the others having a dual aspect to Kenway and the side elevation, and a further 12 units to Kenway and the railway.
- 4.51 The noise assessment demonstrates that noise levels from the railway sidings and bus depot would have a significant adverse effect on occupiers without mitigation measures being installed. The applicants intend to insulate the building facades against noise and to use specific glazing units to reduce noise transmission. Windows will need to be kept closed to prevent occupiers from excessive noise, however the development has been designed with a whole ventilation system approach whereby the dwellings are satisfactorily ventilated even with windows closed and the flats sealed. It is considered that the detail of this could be accommodated and secured by way of condition.

- 4.52 Subject the imposition of detailed conditions EH officers raise no objections to the proposals

*Floodlighting*

- 4.53 The railway sidings are lit by large floodlights mounted on high poles. The applicants have submitted an "External Lighting Environmental Assessment" with their application to establish current site conditions. The assessment shows that the large floodlights mounted on the poles would impact on the development on the ground first and second floor levels on the railway side of the development. The floodlights are outside the applicants control and therefore the only solution to this issue is through design. The applicants have responded to this issue by proposing that living rooms and bedrooms should allow for the convenient installation of internal blinds within window and door reveals in addition to the more usual curtain batten. Therefore residents could install both blinds and curtains. To reduce any potential effects of light spillage. The specification of any such solution could be agreed and secured by way of conditions.

*Amenity space*

- 4.54 Amenity space needs to be considered both in terms of quantity and quality. Some of the ground floor units benefit from external amenity areas All remaining units benefit from balconies of at least 7sqm in size.
- 4.55 The external landscape design comprises a mixture of external spaces which include: a variety of communal gardens/landscaped areas a children's play area with benches and play equipment, pathways; and pockets of soft landscaping to provide screening adjacent to the main entrance concentrated around cycle shelters and to provide screening to the playground area. Some new tree planting is proposed within the site together with additional hedging lining Kenway boundary and the footpath adjacent the western boundary.
- 4.56 Although it is accepted that the amenity areas will experience some high level noise from the railway and bus depot, it is considered that the amount of provision, combined with the variety and quality of the space provided will be acceptable and the children's play area is particularly welcomed.

*Decontamination*

- 4.57 Given the past use of the site and its proximity to the railway, there is potential for site contamination. A geoenvironmental report has been submitted with the application and this identifies that the site is contaminated and if untreated could represent a risk to human health. However mitigation measures are also outlined. It is considered that this matter can be satisfactorily addressed by the use of a suitable condition.



## Sustainable Construction

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

- 4.58 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...”
- 4.59 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.
- 4.60 The sustainability aspect of the development has been application stage and proposals are set out in the energy statement. 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 10.4% of the energy requirements of the scheme which is consistent with the requirements of policy KP2. It is considered that the is scope to include sustainable urban drainage into the development and this will be controlled by condition.

### *Ecology*

- 4.61 The site has been vacant for some time and over that period landscaping on the site has become more established. Some of this will be retained as part of the development. 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.**

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

4.62 The Core Strategy Police 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”.

#### *Public Art*

4.63 The applicant has stated that they will include public art provision within their development site. They have researched the history of the site and designed a series of circular motives that represent the classic circular Bakelite radio that was manufactured in Southend at the ECKO site. They propose 5 circular motives within the railings at the northern end of the site together additional motives on the bin stores and an information plaque. This is considered acceptable and can be controlled by condition.

#### *Public Realm Improvements*

4.64 Given the scale, location and details of the proposals, it is considered that, if approved, the application should include as part of the S106 Agreement a sum for the enhancement of the public realm. The applicants have agreed to fund works to the public footpath external to the application which would be upgraded to reflect the residential environment that will be created within the street. Such work is considered reasonable and necessary and will actually enhance the context of the development, so will benefit the developers.

#### *Highways improvements*

4.65 The detail of proposed contributions in relation to highways improvements is set out in para 1.9 above.

#### *Affordable Housing*

4.66 The applicants have agreed to 100% affordable housing provision as set out in para 1.9 above. This will be controlled as part of the S106 Agreement. As such Education contributions are not sought.

4.67 Without the contributions that are set out above the development could not be considered acceptable. Therefore if the S106 agreement is not completed within the relevant timescale the application should be refused. An option to this effect is included within the recommendation in section 10.

## **Other Considerations**

**DPD1 (Core Strategy) policies KP1, KP2, KP3, CP4, CP6; BLP policies; C11, H5, H7.**

### *Impact on railway*

- 4.68 The application lies adjacent to the railway. The applicants have been in pre application discussions with Network Rail and designed the development to take account of Network Rail's requirements and needs. A summary of these are set out within Network Rail's consultation response in Para 8.1.

### *Flooding*

- 4.69 The site lies within Flood Zone 1 and is therefore not liable to flooding. The site is mostly harsurfaced 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.

## **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 15/00468/FULM.

## **6.0 Conclusion**

- 6.1 There is no objection in principle to the residential development on this site and the development would provide welcome affordable housing. The scale and design of the development is now considered to be acceptable. 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. The development will be constructed in a sustainable manner. The development will not have an adverse impact on the operation of the adjacent railway.

6.2 The development would due to its location adjacent to the railway and bus depot, experience high levels of noise and would also experience light intrusion from adjacent floodlighting. The applicants have now demonstrated that they can address these impacts by a combination of building design, fenestration detail, sealed units, use of a whole house ventilation system and installation of blinds. This combination of mitigation measures is not ideal and it would be preferred if all units could open their windows at all times without experiencing undue noise or disturbance, however that is not possible in this location. If this site is to be developed for residential purposes then the mitigation measures outlined in this report, are necessary to protect residential amenity. On balance, it is considered that in order to support development of this vacant site, the proposed development together with the various mitigation measures that are proposed are acceptable.

## **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 BLP Policies; C11 (New Buildings, Extensions and Alterations), C14 (Trees, Planted Areas and Landscaping), H5 (Residential Design and Layout Considerations), H7 (The Formation of Self-Contained Flats); E4 (Industry and Warehousing); E5 (Non-Residential Uses Located Close to Housing), U1 (Infrastructure Provision), U2 Pollution Control; T1 (Priorities), T8 (Traffic Management and Highway Safety), T11 (Parking Standards), T12 (Servicing Facilities), T13 (Cycling and Walking); T14 Public Transport.

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

7.5 Supplementary Planning Document 1: Design & Townscape Guide (2009).

7.6 Supplementary Planning Document 2: Planning Obligations (2010)

7.7 Southend Central Area Action Plan Consultation draft 2010

7.8 EPOA adopted Vehicle Parking Standards 2001.

## 8.0 Representation Summary

8.1 **Network Rail** – Raises no objections but sets out parameters for the developer that the proposal should not: encroach onto Network Rail land, affect the safety, operation or integrity of the company's railway and its infrastructure, undermine its support zone, damage the company's infrastructure, place additional load on cuttings, adversely affect any railway land or structure, over-sail or encroach upon the air-space of any Network Rail land cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future. Informatives will be added to any consent relating to: future maintenance, drainage, plant and materials, scaffolding, piling, fencing, lighting, noise and vibration, landscaping, and vehicle incursion.

8.2 **The Curator Central Museum** – No comment received - but previously requested a programme of archeological monitoring during groundwork's and stated "The discovery of a late Iron Age pedestal urn from this location suggest an area of archeological potential. Also the presence of Roman and Iron Age finds from near old stadium site to the south east suggest a high archaeological potential for any previously undisturbed land in this area. It is not possible at this state to know what impact the building of the railway and sidings had on the survival of any archeology in this area".

8.3 **Fire Brigade (Southend)** – Fire Service Access is considered acceptable. More detailed observations on access and facilities for Fire Service will be considered at Building Regulation consultation stage.

8.4 **Police Architectural Liaison Officer** - No comments

8.5 **Design and Regeneration** – Amended Plans:

- Introduction of additional floor to ceiling heights on Kenway elevation: This appears to be the elongation of 2 windows on each block at the penthouse level only. This is welcomed but relatively minor, it is still maintained that greater transparency to the top floor would make this element appear more lightweight and more of a feature rather than a rather bulky/solid addition. It was also envisaged that this taller shaped window be replicated further on the elevation generally at the lower levels as well as the upper one. This would add further interest to the streetscene.
- It is noted that there are a couple of instances where the top floor windows miss align with the lower floors, it would improve the scheme if this was corrected. **[Officer comment – the applicant has stated this is not possible due to the Housing Association's requirements]** Overall a slight improvement but would be better if this change were more extensive.
- All windows and doors to be aluminium: This is welcomed no further objections

- Substitution of dark top floor cladding for light grey colour – moonstone: This is a significant improvement no further objections.
- Substitution of feature red brick for lighter grey brick - tradesman antique grey: This appears to be an improvement
- Extension of public art scheme to bin stores - This will help to tie the building and the amenity space together and achieve a more cohesive scheme and is welcomed although consideration should be given to making the motifs larger on the bin stores to better fill the space. **(now agreed by the applicant)**
- Balconies to be painted black - This is an improvement on galvanised and is accepted
- Introduction of glass canopies to entrances - These are welcomed and the design appears to be appropriate (it is noted that it does not appear on the elevations but is on the 3d perspectives.)
- Provision of parapet wall and roof overhang details both to the aluminium clad - No objections
- Minor internal changes - No objections
- Energy Statement - No further comments
- Notes - Some materials still unclear **[Officer comment – the applicant has now agreed all the materials as set out below]**
  - front doors and curtain walling to entrance cores should be grey aluminium[
  - doors to brick refuse stores should be timber of a finish to match the timber refuse stores
  - Undersides of the balconies should be white or black, the materials for this are unspecified and might be worth clarifying? Will it be painted/powder coated black metal as rest of balcony?

8.6 **Highways** – Highway Impact - The previous use of the site was a building merchants site which would have generated a relatively small impact on the local highway network. The applicant has used the nationally recognised TRICS database software to assess the highway impact of the previous use of the site, the consented scheme in 2011 and the proposed development. The site had planning permission 2011, for 45 residential units and a commercial element, this would have a predicted 138 vehicle movements daily. The proposed scheme generates 96 vehicle movements daily, this is an increase when compared to the Builders Merchants but a reduction of 42 vehicle movements when compared to the previously consented scheme. Therefore it is considered that the proposal will not have a detrimental impact on the surrounding highway network.

Parking - 50 car parking spaces have been provided for the residential element which includes 4 disabled bays this provision accords with current policy standards. 50 secure cycle parking spaces have also been provided which is considered acceptable. The site benefits from being in an extremely sustainable location with public transport links in close proximity as well as local cycle routes. It is also required that the developer provide all residents with travel packs.

Servicing - Refuse capacity is considered acceptable for the site, one refuse store will be accessed via kerbside collection the other store is to be located outside of current collection guidance, the applicant will need to demonstrate that a refuse freighter can enter maneuver within the site and leave in a forward gear. Should this not be accommodated the applicant would need to either relocate the refuse store or make alternative arrangements on the day of collection. The construction of the access way should be suitable to accommodate a refuse freighter.

Contributions - £11,408 to facilitate improvements to Prittlewell path cycleways/footway link which include lighting, the removal of bollards and any alterations needed to existing traffic regulation orders. £12,600 to improve the resurfacing of section of the cycleways/footway.

Given the above information and that contained within the Transport Statement it is not considered that the proposal will have a detrimental impact upon the public highway therefore no highway objections are raised.

8.7 **Education** - As a 100% social with the housing association we would not ask for education contributions.

8.8 **Housing** – Strategic Housing Officers welcomes the provision of 100% Affordable Housing mentioned within this application. The developer’s proposal of a 50/50 split between Rented and Shared Ownership would be contrary to the Council normal requirement from a development, Strategic Housing Officers Would normally request a split of 60/40 (60% rented, 40% intermediate housing) as indicated in the Development Management DPD 2014.

However after discussions with the Resisted Provider working with this Developer to bring the development forward, Strategic Housing Officers would support the proposed 50/50 split. This decision is based on assessing the Registered Provider’s provision of housing for 2014/15 which indicated an oversupply of affordable rented accommodation and also taking into account the tenure mix of the local area.

Strategic Housing Officers would require the affordable housing units to meet Homes & Community Agency (HCA) design standards and sustainable home code level 4 for affordable housing or relative requirement of the HCA for Affordable Housing, which all Registered Providers (RP) would require affordable units to compile as requirement under the government’s current Affordable Homes Programme Framework.

- 8.9 **Waste Management** - Proposed number of waste storage bins should be sufficient for proposed development; Proposed bin store locations – We require confirmation that contractors vehicles can access the service road/car park to service bin stores, sweep path analysis. We also require that undertakings and confirmation from the developer that any service road/car park is constructed to a standard sufficient to accommodate the contractor's vehicles without any potential damage to the service road/car park construction. General observation: Kenway is heavily parked on the proposed development side of the road, it would be useful to clarify if there could be loading/unloading bay next to the bin stores that are not adjacent to service roads/car parks.
- 8.10 **Parks** – no comments
- 8.11 **Structural Engineer** – the proposed foundation may undermine the railway line. A part wall agreement with Network Rail will be required.
- 8.12 **Environmental Health** – The proposed flats are immediately adjacent to the railway sidings to the west which are in use 24 hours a day 7 days a week and the bus depot to the south which commences operations at approximately 4am and continues till late at night.

#### Noise

Building - There are concerns about the suitability of the location for residential use due to noise from the railway sidings and the bus depot. A comprehensive noise assessment has been carried out by the applicant's acoustic consultant and noise mitigation measures have been proposed including a whole house ventilation system, acoustic insulation and operating the building with windows closed to exclude external noise.

The assessment shows high noise levels arising from the train sidings activities, train power units and bus depot activities. The noise sources have been considered individually and shown to exceed the day and night time background levels by between +13dB(A) to +23dB(A) which results in a significant adverse impact to the future occupiers of the development. Therefore in order to achieve the internal ambient noise levels set out in British Standard 8233:2014 a number of mitigation measures are required.

At the detailed design stage appropriate mitigation must be given to ensure that cumulative noise levels in accordance with BS4142:2014 meet relevant internal noise criteria in accordance with BS8233:2014, along with tonal and impulsive penalties where necessary. At that time further information would need to be submitted detailing compliance with the above and should include but not be limited to final glazing, façade insulation and ventilation details for approval.



Amenity Noise Levels - It is predicted within the noise assessment that amenity noise levels will exceed the WHO guidance of 55dB(A) by more than 5dB(A) and be above the background level in accordance with BS4142 during the day by between +13dB(A) to +18dB(A). It is stated that in BS8233:2014 where amenity space near to strategic transport networks exceed relevant criterion, this should not present a constraint to the granting of planning permission. It should be noted however that there is a requirement for the development to be designed to achieve the lowest practicable noise levels possible.

Taking the above into account, it is recommended that any detailed design advice should include mitigation along the boundary of the site with the railway line and the bus depot, such as screening, to keep noise to a minimum for possible communal amenity space. The report details that in mitigation landscaping and fencing will be installed however no potential noise reduction levels have been supplied.

Plant - It is proposed that MVHR will be installed across the site and so windows will not have to be opened for rapid cooling. Internal noise levels have been referred to in the noise report. External noise sources / or plant rooms associated with this system will also need to be assessed where relevant in accordance with BS4142:2014 for day and night periods and compared with the background levels stated in the report. Appropriate mitigation should then be recommended as necessary.

Any mechanical extraction, ventilation or air conditioning plant would need to be carefully located and designed in order to prevent statutory noise nuisance. 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 façades of the nearest noise sensitive property with no tonal or impulsive character.

Construction - During the construction phase noise and vibration issues may arise which could lead to the hours of work being restricted. A construction management plan has been submitted and it details various measures and actions to be carried out to keep disruption to a minimum. These shall be implemented during the development phase. The developer should also consider control measures detailed in Best Practice Guidance "The control of dust and emissions from construction and demolition".

Lighting - An External Lighting Impact Assessment has been submitted as part of the application, this assesses the existing floodlighting to the railway and its effect on future occupiers of the development. The report concludes in order to mitigate the potential adverse effects of the floodlights internal blinds should be fitted within windows and door reveals of the living rooms and bedrooms.

Some information detailing the proposed external lighting for the development has been submitted. External lighting shall be directed, sited and screened so as not to cause detrimental intrusion of light into residential property.

Contaminated Land - The site is classed as being potentially contaminated land. A Geotechnical and Geoenvironmental Report has been provided which outlines that remediation works are required. It is therefore recommended that the Geotechnical and Geoenvironmental Recommendations are implemented.

The following information is also required:~

- a. final details of the contamination remediation scheme have been submitted to, and approved by, the Local Planning Authority.
- b. prior to the first occupation of the development the approved remediation scheme shall be fully implemented.
- c. a Certificate shall be provided to the Local Planning Authority by a suitably qualified or otherwise competent person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Air Quality - An Air Quality Assessment has been submitted which assesses the significance of the effects of the proposed development on Air Quality. The significance has been determined as negligible. A number of mitigation measures have been detailed which shall be implemented.

As previously outlined construction activities have the potential to generate fugitive dust emissions. Mitigation measures shall also be put in place to control emissions on site and to minimise effects on adjacent residential premises.

Energy - As the building will have to operate with windows closed to exclude external noise it will be necessary for the building to be provided with adequate means of ventilation to ensure that the building does not suffer excess heat gain during summer time particularly in heat waves.

An energy statement has been submitted which outlines that the building will have a low risk of overheating, due to the installation of whole house ventilation with heat recovery.

Conditions recommended relating to :

1. Final glazing, acoustic insulation and ventilation details to be submitted to, and approved by, the Local Planning Authority prior to installation.
2. Specifications and acoustic properties of the fencing
3. Mechanical extraction, ventilation or air conditioning.
4. Delivery times
5. Construction management plan.
6. Construction hours.
7. No burning of waste material on the site.
8. External Lighting
9. Decontamination: a) Submission of Remediation Scheme b) Implementation

c) Reporting of Unexpected Contamination, d) Long Term Monitoring and Maintenance, A monitoring and maintenance scheme

10. Signs

## **9.0 Public Consultation**

Site notices posted, press notice advertised, 139 neighbours notified - 2 letters of objection have been received relating to the following issues:

- too many flats in the area already
- over dense development in the area
- recently re-laid roads will be cut into
- insufficient parking for the development
- disturbance during development

## **10.0 Relevant Planning History**

10.1 July 2010 - The Council confirmed that the development does not constitute EIA development. Application reference 10/01122/RSE.

10.2 December 2010 – application withdrawn to - Erect 2 four storey blocks of 45 self-contained flats with roof terrace; B1 office space at ground floor in block 1; parking at basement and ground level for 56 cars, cycle and refuse store, children's play area and associated landscaping 10/01775/FULM.

10.3 2011 – Permission granted to redevelop site to provide a mixed use development comprising 45 residential units, B1 office space, access and 62 parking spaces. 11/00231/FULM

## 11.0 Recommendation

Members are recommended to:

a) **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:

- **100% Affordable Housing**
- **Public realm contribution To be used by the Council to upgrade the public footpath adjacent to the Site (which would cost approximately £12,600)**
- **To improve footpaths (including Footpath 152) within the vicinity of the Site including the removal and replacement of bollards and lighting improvements) works (£11,408)**

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: 14246\_PA 10A; 14246\_PA 11A; 14246\_PA 12A; 14246\_PA 13A 14246\_PA 14A; 14246\_PA 15A; 14246\_PA 16A; 14246\_PA 17A; 14246\_PA 18A; 14246\_PA 20A; 14246\_PA 22A except where superseded by email dated 15.05.15 from D. Godden in which case the development should be carried out in accordance with the details set out in that email.**

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

**03. The development shall be carried out in accordance with the schedule of materials Rev A submitted on 14.05.15, except where detail is superseded by the email dated 15.05.15 from D. Godden in which case the development should be carried out in accordance with the details set out in that email.**

**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, Borough Local Plan 1994 policy H5 and C11, DMDPD policy DM1 and SPD1 (Design and Townscape Guide).**

**04. No dwelling shall be occupied until 50 parking spaces to serve the development 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, Borough Local Plan 1994 policy T8 and T11, DMDPD policy DM15 and SPD1 (Design and Townscape Guide).**

**05. No part of the development shall be occupied until space has been laid out within the site for 50 Bicycles in cycle stores in accordance with plans ref 1426\_PA18A , 1426\_PA18A, except where detail is superseded by the email dated 15.05.15 from D. Godden in which case the development should be carried out in accordance with the details set out in that email, 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, Borough Local Plan 1994 policy C11, T8 and T11, DMDPD policy DM15 and SPD1 (Design and Townscape Guide).**

**06. With the exception of the acoustic fence, the hard landscaping and boundary treatment, including the play equipment and seating shown on plans ref 14246\_PA15 A shall be implemented prior to first occupation of the development except where superseded by email dated 15.05.15 from D. Godden in which case it shall be implemented in accordance with those details. The soft landscaping shown on plans ref 14246\_PA15 A shall be implemented within or before the first season prior to first occupation of the development.**

**Reason: To ensure that the development is satisfactory in terms of its appearance and that it makes a positive contribution to the local environment and biodiversity in accordance with DPD1 (Core Strategy) policy KP2 and CP4, Borough Local Plan 1994 policy C11 and C14, DMDPD DM2 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 before occupation of the development or any phase of the development, whichever is the sooner, 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 East of England Plan 2008 policy ENV1 and ENV7, DPD1 (Core Strategy) policy KP2 and CP4, Borough Local Plan 1994 policy C11 and C14, 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 C11 and H5 of the Borough Local Plan and policy CP4 of the Core Strategy DPD1.**

**09. With the exception of demolition, grubbing up of foundations and site clearance no development shall take place until details of a sustainable drainage system to serve the development shall be submitted to and approved by the Local Planning Authority and no building hereby permitted shall be occupied until the sustainable drainage system for the site 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 revised Energy Statement by BBS received on 14.05.15 and shown on plan 1426\_PA13A shall be implemented during development and brought into use on first occupation of the development unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with, 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.

**Reason:** To protect the amenities of the occupiers from undue noise and disturbance in order to protect their amenities in accordance with East of England Plan 2008 policy ENV7, DPD1 (Core Strategy) policies KP2 and CP4, and SPD1 (Design and Townscape Guide) and Policy H5 of the Borough Local Plan.

**12.** Final glazing, acoustic insulation and ventilation details for the scheme shall be submitted to and approved by, the Local Planning Authority prior to installation. Glazing and ventilation should be selected with relevant acoustic properties as outlined in the Noise Assessment dated 9th March 2015. Appropriate mitigation must be given to ensure that cumulative noise levels in accordance with BS4142:2014 meet relevant internal noise criteria in accordance with BS8233:2014, along with tonal and impulsive penalties where necessary. The development shall be carried out in accordance with the approved details.

**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 H5 of the Borough Local Plan, Policy DM1 and DM7 of the DMDPD and SPD1 (Design and Townscape Guide).

**13.** Details of the final specifications and acoustic properties of the fencing to be provided to the amenity area shall be submitted to and approved by, the Local Planning Authority prior to installation. The fence shall be installed in accordance with the approved details prior to first occupation of the development.

**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 H5 of the Borough Local Plan, Policy DM1 and DM7 of the DMDPD and SPD1 (Design and Townscape Guide).**

**14. 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 H5 of the Borough Local Plan, Policy DM1 and DM7 of the DMDPD and SPD1 (Design and Townscape Guide).**

**15. 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 H5 of the Borough Local Plan, Policy DM1 and DM7 of the DMDPD and SPD1 (Design and Townscape Guide).**

**16. Construction of the development shall be undertaken in accordance with the details set out in the construction management plan dated 17th March 2015.**

**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).**

**17. 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).**



**18. 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).**

**19. The mitigation measures set out in the External Lighting Impact Assessment dated 20th February 2015 (i.e. that internal blinds should be fitted within windows and door reveals of the living rooms and bedrooms) shall be implemented prior to first occupation of the development.**

**Reason: To protect the amenities of future occupiers from light pollution 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).**

**20. 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).**

**21. Decontamination:**

**a) Submission of Remediation Scheme**

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

**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 10a. 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 10b.

**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.

**22.** Prior to first occupation of the development signs shall be displayed in the entrance foyers to the flats stating that “This building has been designed to operate with windows closed to protect the occupiers against noise from external sources”. In addition prospective occupiers shall be advised that the building has been designed to operate with windows closed to protect occupiers against noise from external sources.

**Reason:** In order to ensure that future occupiers are aware of how the building functions and to protect their amenities in accordance with policies KP2 and CP4, and SPD1 (Design and Townscape Guide) and Policy H5 of the Borough Local Plan.

**23. (a) No development shall take place until a written scheme of investigation for a programme of archaeological work has been submitted to and approved in writing by the local planning authority. This must include details of the suitably qualified person or organisation that will carry out the archaeological work.**

**(b) The archaeological work and development must then be carried out in accordance with the approved scheme. A written report of the investigation and findings must be produced, showing that the archaeological work and development has been carried out in accordance with the approved scheme. Copies of the written report of the investigation and findings must be sent to Southend Borough Council, Essex County Council and English Heritage.**

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

**Reason: To avoid damage to archaeological remains on site as set out in NPPF Core Strategy) policy KP2 and CP4, Borough Local Plan 1994 policy C1, and SPD1 (Design and Townscape Guide).**

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

**Reason: to ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies T8, T12, and C11 of the BLP and KP2 and CP3 of the Core Strategy DPD1.**

**25. "Welcome packs" as detailed on page 11 of the Transport submitted with the application and dated March 2015 shall be provided to each new resident on occupation of the development, the "Welcome Pack" should also provide information about walking and cycling routes to the Development, public transport (including current timetables, details on car sharing, taxis, community transport and school transport). All reasonable endeavours should be made to ensure that the Travel Packs are passed on to future tenants/home owners.**

**Reason: In order to ensure that occupiers are fully aware of sustainable means of transport within the are and how to access them in accordance with Policy T13 of the BLP and KP2 , CP3 of the Core Strategy DPD1 and policy DM15 of the DMDPD.**

**26. Prior to first occupation of the development a scheme of public art shall be installed in accordance with plan 14246\_PA22\_RevA and updated in the email dated 15.05.15 from D. Godden.**

**Reason: To secure the provision of public art and in the interests of visual amenity in accordance with DPD1 (Core Strategy) policy KP2 and CP4, DMDPD policy DM1 and SPD1 (Design and Townscape Guide).**

**c) In the event that the planning obligation referred to in part (a) above has not been completed by 8<sup>th</sup> July 2015 the Head of planning and Transport or Group Manager (Planning & Building Control) be authorised to refuse planning permission for the application on the grounds that the development will not :-  
i) provide for improvements to the public highway and the public realm within the vicinity of the site; ii) provide for affordable housing to serve the needs of local residents. As such, the proposal would not make a satisfactory contribution towards the quality of the built environment within the vicinity of the site, would traffic congestion and be to the detriment of highway safety and is likely to place increased pressure on public services and infrastructure to the detriment of the general amenities of the area, contrary to Policies KP2, KP3, CP3, CP4 and CP8 of the Core Strategy, Policies C11, C14, H5, U1, T8 and T13 of the Borough Local Plan, and the Design and Townscape Guide (2009).**

#### **Informatives**

**01 The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not:**

- encroach onto Network Rail land**
- affect the safety, operation or integrity of the company's railway and its infrastructure**
- undermine its support zone**
- damage the company's infrastructure**
- place additional load on cuttings**
- adversely affect any railway land or structure**
- over-sail or encroach upon the air-space of any Network Rail land**
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future**

**02 The development must ensure that any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. The reason for the 2m (3m for overhead lines and third rail) stand-off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from the Network Rail Asset Protection Engineer, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.**

**03. No Storm/surface water or effluent should be discharged from the site or operations on the site into Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 – 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.**

**04. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.**

**05. Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.**

**06. Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.**

**07. In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.**

**08. Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.**

**09. The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which holds relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.**

10. Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

**Permitted:** Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrs Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatat “Zebrina”

**Not Permitted:** Alder (Alnus Glutinosa), Aspen – Popular (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).

11. Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

12. As the site is adjacent to Network Rail's operational railway infrastructure, Network Rail strongly recommends the developer contacts [AssetProtectionAnglia@networkrail.co.uk](mailto:AssetProtectionAnglia@networkrail.co.uk) prior to any works commencing on site. Network Rail strongly recommends the developer agrees an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from the website at [www.networkrail.co.uk/asp/1538.aspx](http://www.networkrail.co.uk/asp/1538.aspx).

13. When you carry out the work, you must avoid taking, damaging or destroying the nest of any wild bird while it is being built or used, and avoid taking or destroying the egg of any wild bird. These would be offences (with certain exceptions) under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000

**14 Following occupation of the development, if within three months Network Rail or a Train Operating Company has identified that lighting from the development is interfering with signal sighting, alteration/mitigation will be required to remove the conflict**

**15 Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing.**

**16 Lists of trees that are permitted and those that are not permitted by Network Rail provided below and these should be added to any tree planting conditions:**

**Permitted:**

**Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatat "Zebrina"**

**Not Permitted:**

**Alder (Alnus Glutinosa), Aspen – Poplar (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).**

**17. This permission is governed by a Unilateral Undertaking from the applicant under Section 106 of the Town and Country Planning Act 1990/S106 Agreement. The Undertaking/S016 relates to Affordable Housing; highways works, public realm improvement contribution, S106 Monitoring Fee.**



<b>Reference:</b>	14/01965/OUTM
<b>Ward:</b>	Blenheim Park
<b>Proposal:</b>	Demolish existing building and erect two blocks part 2, part 3, part 4 storey comprising of 38 flats, 1 commercial unit on ground floor lay out parking, refuse and cycle stores (Outline Application) (Amended Proposal)
<b>Address:</b>	939 - 953 London Road, Leigh-on-Sea, Southend-on-Sea SS9 3LQ
<b>Applicant:</b>	EMEX International
<b>Agent:</b>	Third Dimension Architectural Group Ltd.
<b>Consultation Expiry:</b>	03.04.2015
<b>Expiry Date:</b>	11.06.2015
<b>Case Officer:</b>	Janine Rowley
<b>Plan Nos:</b>	100; 104; 101b; 102a; 103a
<b>Recommendation:</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>



## 1 The Proposal

- 1.1 This application seeks outline planning permission to demolish the existing building and erect two blocks part 2, part 3, part 4 storey comprising of 38 flats, 1 commercial unit on ground floor lay out parking, refuse and cycle stores. The scale of the building fronting London Road and Darlington Grove is some 41m wide x 34m deep x 12m high and the proposed two storey building to the rear of the site fronting Darlington Grove is 18m wide x 14.3m-17m deep x 8m high.
- 1.2 The matters sought for consideration include access, layout and scale whereby landscaping and appearance are reserved for future consideration. Further reserved matters submissions for the appearance and landscaping would be required prior to carrying out any works should outline permission be granted.
- 1.3 The indicative details provided indicate the development parameters on which the application should be determined (i.e. maximum building height, likely unit sizes, level of car parking etc.). Any future reserved matters applications submitted would have to be within these parameters.
- 1.4 The details are summarised as follows:
- |              |   |
|--------------|---|
| Site Area    | 2.5sqm  |
| Units        | 38 flats (7no 1 bed, 29no 2bed and 2no 3 bed) plus 655.8sqm of D2 Assembly and Leisure Floorspace |
| Parking      | 54 spaces (4 disability spaces) (10 cycle spaces)   |
| Height (max) | Part 2, 3, 4 storeys (8m rising to 12m)   |
- 1.6 The proposed development includes 655.8sqm of D2 floorspace (Assembly and Leisure) at ground floor level. The plans indicate this would be a flexible space, and could be occupied as one large unit, or up to eight smaller units. The commercial space would have its own refuse store and whilst the car parking spaces have not been designated specifically to the commercial use this could be dealt with by a car parking management strategy.
- 1.7 At ground, first, second, third and fourth floor level a mix of 1, 2 and 3 bedroom flats are proposed. The indicative details show these to range between 40sqm to 81sqm internally. The amenity space includes 10 of the 38 flats having a private balcony and the amenity area to the rear of the site will include a communal landscaped area equating to 406sqm and a play area equating to 342sqm equating to approximately 19sqm per flat for amenity space.

- 1.8 The building would front onto London Road and be set in line with 937 London Road to the east although the development does including various forward projections nearer to the junction of London Road and Darlinghurst Grove. The scale of the building would be 3 storey adjacent to no. 937 London Road rising to 4 storey at the junction with Darlinghurst Grove stepping down to a three storey building to the north.
- 1.9 Parking is indicated at basement level at the rear of the building fronting London Road accessed via Darlinghurst Grove.
- 1.10 It should be noted this application has been amended following the withdrawal of application 13/01137/OUTM. The main amendments are as follows:
- Two storey building fronting Darlinghurst Grove has been changed to a part two storey and three storey flat roof building. The overall height has been reduced from 9.8m to 8m;
  - The extent of the fourth floor facing Darlinghurst Grove has been reduced by 10m.

## **2 Site and Surroundings**

- 2.1 The site is a parcel of land comprising 0.25ha (2500m<sup>2</sup>) on the northern side of London Road within Leigh on Sea. The site is 0.6 miles north east from the centre of Leigh on Sea and 1.6 miles west from the main centre of Southend on Sea. London Road is a major transport route running east-west to the frontage of the site. The land uses to the west of the site along London Road are mixed, with a predominance of commercial uses at ground floor level. Immediately to the east along London Road there are self-contained flats and the character is more residential in nature in this section of London Road before reaching Chalkwell Park. To the north and south of the site behind London Road, the character is distinctly low scale residential.
- 2.2 The existing building is two storeys with a part pitched and part flat roof and is currently occupied by an unauthorised car wash and valeting business. The site slopes down from London Road. The general character of this part of London Road is two storey buildings with the exceptions being part of the adjacent flat block which is 3 storeys and a residential flat development to the east of the site north of London Road which is also 3 storeys. The scale of development to the south of the site is domestic in scale and comprises a mix of houses and bungalows.

## **3 Planning Considerations**

- 3.1 The main considerations in the determination of this application are in relation to the principle of development, design, impact on the street scene, residential amenity, parking implications, sustainability and planning contributions.

## 4 Appraisal

### Principle of Development

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

- 4.1 Development Management DPD2 has been found 'sound' by a planning inspector (18th March 2015). Given that DPD2 has been found sound policies now carry significant weight in the determination of planning applications. This is supported by paragraph 216 of the NPPF which states that; *"the more advance the preparation of the emerging plan the greater the weight that may be given."*
- 4.2 The proposal seeks to demolish the existing buildings and comprehensively redevelop the site. Historically the site has been used as a car dealership for vehicles sales and repair and more recently car sales with workshop and gym to the rear of the site. The existing buildings are of no particular architectural merit and while not derelict, they make no significant contribution to the public realm in the locality. The proposed mixture of land uses with commercial/leisure at ground floor/basement and residential across the site, typifies the character of the area and accords with central Government guidance with respect to encouraging mixed use development and making the best use of urban land.
- 4.3 Policy DM7 of the emerging Development states that all residential development is expected to provide a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing on appropriate sites, to reflect the Borough's housing need and housing demand. The Council seek to promote a mix of dwellings types and sizes as detailed below:

Dwelling size:	1-bed	2-bed	3-bed	4-bed
No bedrooms				
Proportion of dwellings	9%	22%	49%*	20%*
*/** address the under supply of family accommodation that has been identified in the SHMA.				

- 4.4 The proposed mix will include 7 x 1-bed units, 29 x 2-bed units and 2 x 3-bed units, which fails to comply with the emerging Development Management policy DM7 and would therefore not provide a development to reflect the Borough's housing need and housing demand.

## **Design and impact on the character of the area**

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

- 4.5 The building line along London Road mirrors that of the existing building and as such is accepted. The architectural style applied varies across the site given the setting of the various buildings and their context within the public realm. The building which fronts London Road is of a contemporary nature and no objections are raised to this approach per se. This building draws context from the immediately adjacent properties to the east which are both flat roofed. In terms of the scale, massing and bulk, the building steps up to 4 storeys from the adjacent 3 storey element of the adjoining building, which has not been previously objected to under application 07/01793/FULM and the overall height has been reduced from 12.9m to 12m. No objection is raised to the overall scale of a part 3 and 4 storey building in this location as per the previous application 07/01793/FULM. The overall massing and bulk alters from the previous application in 2007, fourth floor has been reduced from the previously withdrawn application 13/01137/OUTM and it now appears subservient with sufficient set back. The overall scale, massing and bulk of the fourth storey is therefore considered acceptable in principle.
- 4.6 With regards to the flat block fronting Darlington Grove, the overall height and scale of the development has been reduced from the previously withdrawn application and is set down from no. 26 Darlington Grove to the east of the site. Following the omission of the pitched roof and reduction in height the form appears similar to the existing domestic scale dwellings to the north and west of the site. The scale of the flatted block is therefore considered in keeping with the streetscene of Darlington Grove.
- 4.7 Whilst appearance has been reserved as a future consideration, an indicative design has been shown on the plans for both the London Road development and Darlington Grove proposal also. The detailing of the London Road development is considered to be of poor design quality. Overall the proposal lacks interest and articulation and would not be considered acceptable with any reserved matters submission. The corner feature is considered to be the only area of the building which has any merit in design terms although, which could also be better detailed. The general window design is particularly weak and bland. The inclusion of some Juliette balconies and minimal stepping does not provide enough interest or relief to the massing of the proposal. The design of the block to the rear is also of poor design. This element of the proposal fails to relate to the existing dwellinghouses along Darlington Grove nor have a positive relationship with the main block. The streetscene in this location is characterised by two storey bay windows and there is a need for any development to relate more contextually to the area in terms of its appearance and form. If permission is granted, an informative should be added with regards to 'appearance'.

- 4.8 With respect to the layout, the development fronting London Road is 'L' shaped. The proposed layout would be set on roughly the same building line with 937 London Road to the east. The parking will be provided at basement level accessed via Darlinghurst Grove and the communal amenity area serving the flats will be situated to the north east of the site. An area of 418sqm for both play area and a landscaped area is proposed equating to 19sqm per unit together with 10 flats having private balconies to the upper floors. The provision of amenity space proposed on balance is considered sufficient for potential future occupiers. Landscaping details have been reserved for future consideration and therefore do not form part of this submission. The general layout of the site would respond well to its context.

### **Standard of Accommodation for Future Occupiers**

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

4.9 Policy DM8 of the Development Management DPD2 requires specific internal standards set out in the table below against the proposed development.

Unit	No. of bedrooms	Internal floorspace (sqm)	Bed spaces	Policy DM8 requirements (sqm)
1	3	93	4	75
2	1	53	2	45
3	2	82	4	67
4	2	82	4	67
5	2	56	3	57
6	2	94	4	67
7	1	53	2	45
8	2	81	4	67
9	2	57	3	57
10	2	57	3	57
11	2	57	3	57
12	2	71	3	57
13	2	77	4	67
14	2	58	3	57
15	1	54	2	45
16	2	57	3	57
17	2	57	3	57
18	1	39	2	45
19	2	67	3	57
20	2	62	3	57
21	1	54	2	45
22	2	80	4	67
23	2	57	3	57
24	2	58	3	57
25	2	56	3	57
26	2	65	3	57
27	2	77	4	67
28	2	57	3	57
29	2	54	2	57
30	2	56	3	57
31	1	40	2	45
32	2	57	3	57
33	2	62	3	57
34	2	68	3	57
35	2	64	4	67
36	2	70	4	67
37	3	79	5	75
38	2	64	3	57

4.10 Policy DM8 states the following:

*Flats*

- One bedroom (2 bed spaces) require at least 45sqm;
- Two bedroom (3 bed spaces) require at least 57sqm;
- Two bedroom (4 bed spaces) require at least 67sqm;
- Three bedroom (5 bed spaces) require at least 75sqm.

In light of the above, flats 5, 18, 25, 29, 30 and 31 fall short of the emerging standards. In particular flats 18, 29 and 31, which will provide an unacceptable living environment for future occupiers given their limited sizes as highlighted above contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, emerging policy DM8 of the Development Management, policies H5 and C11 of the Borough Local Plan and advice contained within the Design and Townscape Guide SPD1. All of the flats proposed have sufficient circulation space, outlook and balconies.

The following is also prescribed including:

- Storage cupboard with minimum floor area of 1.5m<sup>2</sup> 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 7m<sup>2</sup> for a single bedroom, and 12m<sup>2</sup> 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 proposal also accords with the emerging standards. The habitable rooms would be served by sufficient windows which would provide acceptable light and outlook. The dwelling would have an amenity area of 59sqm, which is considered sufficient amenity space for potential future occupiers and more useable space compared to the previously refused proposal.

4.11 The position and size of refuse stores and cycle stores are shown on the plans. A residential bin store, commercial bin store and cycle store can be adequately accommodated to the rear of the building and at basement level, and accessed from Darlington Grove.

4.12 The residential entrance is shown off Darlington Grove and clearly separate from the commercial premises accessed from London Road, which is preferred.



## Traffic and transportation

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

- 4.13 Policy T11 of the BLP states that *“In considering planning applications for development (including changes of use) the Borough Council will require the provision of off-street car parking spaces.”* The EPOA Vehicle Parking Standards state that a maximum parking provision of 1.5 spaces per dwelling should be applied to urban locations that are accessible by public transport. Emerging Development Management DPD2 policy DM15, which supersedes EPOA Vehicle Parking Standards, requires at least one parking space per 2 bedroom plus flat outside of the town centre.
- 4.14 Policy DM15 of the emerging Development Management DPD2 states that 1 space per 1-2 bedroom plus is required per flat borough wide. The proposed parking provision includes 58 parking spaces of which the applicant states 4 spaces are to be allocated for the commercial premises and the remainder of the 54 spaces for residential units. In light of the car parking provision proposed, an appropriate condition could be imposed to ensure 38 parking spaces are allocated to the residential units (1 per flat), which would be policy compliant with emerging DM15 of the Development Management and the remainder 20 parking spaces would be available for the commercial premises which would be suitable provision taking into account the location of the site along London Road. The vehicular access is proposed from Darlinghurst Grove and this is acceptable in principle. Servicing arrangements for commercial units are proposed on street within London Road through the provision of a new loading bay.
- 4.15 Cycle provision can be dealt with by condition including a car parking management strategy and details of the cycle storage. Furthermore, on street parking is already available in the areas serving the existing commercial premises along London Road together with a number of traffic regulation orders in place and double yellow lines are located on either side of London Road to the development boundary.
- 4.16 In terms of servicing, there are currently restrictions in place on London Road to the front of the site. A traffic regulation order maybe sought to ensure a loading restriction is imposed on site and this could be required by condition. Furthermore, There are a number of existing vehicular crossings which are to be reinstated to footway at the developer's expense.
- 4.17 Subject to the above, the proposal is considered to comply with the relevant highways policy and no objections have been raised by the Council's Highway Officer.

## Impact on residential amenity

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

- 4.18 There are a number of residential properties immediately surrounding the site which will be affected by the proposed development. The north elevation of the block fronting London Road contains a number of openings and these would look out directly across the site and have a separation of some 44m from the boundary with no.24 Darlington Grove. The proposed part three storey/four storey element facing Darlington Grove will be sited 23m away from the boundary to the east with the rear of properties of Fillebrook Avenue including a further 14.1m to the rear boundary of the existing properties of Fillebrook Avenue. The proposed scheme differs from that of the 2007 application whereby the main block only previously fronted London Road, whereas this proposal now extends down Darlington Grove and has a more significant view of properties to the rear of the site in Fillebrook Avenue. It is considered that 23m separation distance to the eastern boundary with the proposed part 3 and 4 storey building will still result in significant overlooking and loss of privacy to the detriment of amenities enjoyed by existing occupiers in Fillebrook Avenue, with particular reference to the positioning of the openings and the rooms in which are served i.e. living rooms, kitchens and bedrooms.
- 4.19 The main block adjoins no. 937 London Road to the east and whilst it is acknowledged the development adjoining has been kept to three storeys in height including a flat roof, the proposal will still give rise to harm of the existing amenities of occupiers on the second floor of 937 London Road, whereby the proposed balcony serving flat no. 32 will give rise to direct overlooking and loss of privacy. Furthermore, whilst privacy screens could be dealt with by condition this would exacerbate the overall bulk and scale that would have a harmful impact on the amenities of existing occupiers at no. 937 London Road in terms of being overbearing and loss of light.
- 4.20 With regard to the orientation and siting of the flat block in Darlington Grove, this building will have a direct view to the east and west. The building complies with the notional 45 degree rule taken from the nearest property to the north of no. 24 Darlington Grove. The separation distance between the development and eastern boundary ranges from 17m-20m. Given the development is now three storey in height, and living accommodation to the rear includes bedrooms and living room areas, it will cause undue loss of privacy for the residents within Fillebrook Ave. With regard to the relationship with the properties opposite in Darlington Grove and notwithstanding the comments made regarding its design and impact within the public realm, it is not considered that the flat block would be materially harmful to the outlook from those dwellings opposite as there would be a separation of some 20m between them. There would also be no material loss of privacy, given the front elevation is within the public realm.

## **Use of On Site Renewable Energy Resources**

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

- 4.21 Paragraph 97 of the NPPF states that local authorities should promote energy from renewable sources. Policy KP2 of the Core Strategy states that all new development proposals should demonstrate how they will maximise the use of renewable and recycle energy, water and other resources. Emerging policy DM2 advocates the need to ensure the delivery of sustainable development whereby all development proposals should contribute to minimising energy demand and carbon dioxide emissions in accordance with the energy hierarchy.
- 4.22 No details of renewable energy accompany this application. However, a condition can be imposed to ensure full details are submitted and agreed with the local planning authority if this application is deemed acceptable to ensure the proposal complies with the National Planning Policy Framework 2012, emerging Development Management policy DM2, Core Strategy Policy KP2, and advice contained within the Design & Townscape Guide SPD1.
- 4.23 Details of Sustainable Urban Drainage systems will also be required by condition to ensure suitable drainage is provided and permeable paving to mitigate surface water run-off.

### **Planning Obligations**

**National Planning Policy Framework; DPD1 (Core Strategy) policies KP3, CP4 and CP8; SPD2 (Planning Obligations), Draft CIL Charging Schedule**

- 4.24 The Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010 and under regulation 122 planning obligations must meet the following statutory tests;
- 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.
- 4.25 Policy CP8 of the core strategy requires 20% affordable housing to be provided within the development. The applicant is willing to make this provision. This will consist of eight units.
- 4.26 Education contributions of £58,591.74 is sought towards possible expansions of Darlington Primary Catchment and the Belfairs Academy Secondary Catchment areas as all schools in the Western side of the Borough.

## **Other Issues**

- 4.27 Landscaping is a reserved matter, and full details would be required at the reserved matters stage and any proposal will be required to be in accordance with Policy C14 of the Borough Local Plan.
- 4.28 It is noted from the historical land uses at the site that there is the potential for contaminants to be present, however no objections have been raised by the Environment Agency subject to relevant conditions in relation to a contamination study being carried out prior to development.

## **Summary**

- 4.29 The principle of the development of this site is acceptable; however the proposed development by reason of its dwelling mix, poor internal layout for flats and overall height will result in overlooking and loss of privacy to the amenities enjoyed by existing residents in Fillebrook Avenue to the east and 937 London Road. The proposal is therefore, considered to be contrary to the development plan.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework
- 5.2 Development Plan Document 2: Development Management emerging policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, size and type), DM8 (Residential Standards), DM10 (Employment Sectors), DM14 (Environmental Management), DM15 (Sustainable Transport Management)
- 5.3 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources) CP3 (Transport and Accessibility) CP4 (The Environment and Urban Renaissance), and CP8 (Housing).
- 5.4 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), C14 (Trees and Landscaping), H5 (Residential Design and Layout Considerations), H7 (Self-contained Flats), T11 (Parking Standards), U2 (Pollution Control)
- 5.5 SPD1 Design & Townscape Guide 2009
- 5.6 SPD2 Planning Obligations 2010
- 5.7 EPOA Parking Standards 2001
- 5.8 Waste Management Guide

## 6 Representation Summary

### Design and Regeneration

- 6.1 The site is set on the corner of London Road, a main route into the town with many commercial buildings and Darlinghurst Grove a more traditional residential street. At present there is a 2 storey car showroom on the site which is set back behind the car display area. To the east on London Road the site abuts a narrow 3 storey flat roofed building and then a wider but lower two storey flat roofed residential block. In the vicinity of the site on London Road is a mix of mostly commercial uses but also some residential houses and flats. These are generally two storeys with a pitched roof although it is noted that there is a new flatted block of 3 storeys in the adjacent street block.

Darlinghurst Grove is a mixed residential street containing houses and bungalows of generally traditional designs.

It is noted that this is a RM application and is only seeking approval for access, scale and layout although an indicative design and basic landscaping proposal has been provided. These issues are considered in turn.

#### Access

There is no objection to a proposed vehicular access from Darlinghurst Grove, and in design terms, this would be much preferred in principle to an access from London Road. The intention for basement parking is not part of the character of the area and will need to be carefully detailed. It appears that a gate is shown but this is unclear. There is a concern how this will appear in the streetscene and how it will be integrated with the overall design. It is also noted that there is an odd projecting detail on the sw corner of the small block. It is assumed that this somehow relates to the access but seems rather awkward and out of place.

#### Scale

There is no objection in principle to the redevelopment of this site for a mixed use with commercial to the ground floor and residential above. It is considered that there is scope to increase the scale of the existing building and three storeys rising to more subservient fourth floor at the corner would be acceptable in principle. The splitting of the site to enable a transition block to be built on Darlinghurst Grove will also help to break up the scale and massing of the development on the side street and help to integrate it into the streetscene. The increased set back and reduced length of the top floor has made this element appear more subservient in scale and this will help to better integrate the proposal into the streetscene and is welcomed.

Overall the massing of the proposal is not objected to in broad terms, however, this is interrelated to design and layout discussed below where concerns are raised. For a scheme of this size the indicative design is required to demonstrate that a high quality development can be achieved that is compatible with the proposed scale and layout/amount of accommodation. As it stands this has not been achieved and it may be that amendments to the design required to achieve a better quality proposal may have knock on effects for the scale and layout.

#### Layout

It is noted that although the building line to London Road is consistent, in Darlington Grove it is noticeably forward of the adjacent houses and this will make the proposal appear over prominent in the streetscene at this point. The character on this street is for fairly deep frontages and this should be respected at least on the lower building which is seeking to provide a transition between the domestic scale of Darlington Grove and the more dominant scale of London Road.

38 flats are proposed with 58 parking spaces. The flats are mostly 2 bed units but include 2 x 3 bed units and 2 x 1 bed units. The flats are modest in size and there are some irregular layouts. The 2 bed units seem to meet the emerging DM standards however the 1 bed units are noted as 40m<sup>2</sup> which is short of the standard of 45m<sup>2</sup>. The size of the 3 bed units is unspecified but these too seem tight particularly on living space. App 1 (6 people) should be at least 85m<sup>2</sup> and App 6 (5 people) should be at least 75m<sup>2</sup>. (these should be checked). It seems that there may be a few too many units proposed. A greater mix of units would also make for a more balanced development.

In principle the scale of the proposed amenity area is acceptable however it is noted that it is above the basement parking area so it will need to be demonstrated that it will be possible to achieve good levels of planting in this location so that the area does not appear too austere. The indicative layout show trees to the perimeter and these would be welcomed however it is unclear whether they are all achievable given the proximity of the car park particularly at the northern end.

It is noted that there are a few areas of private amenity. These are welcomed in principle and can add to the quality of the development but as proposed there are a couple of balconies which are extremely small and a private terrace which overlooks the main bin store (and has no access door). More useable balconies would be welcomed in terms of amenity provision but would also help add much needed interest to the elevations.

## Indicative Design

This proposal is only outline and is not seeking approval for detailed design but an indicative design has been shown to give an idea of how the scale and layout of the building, which approval is sought for, can be achieved. Although it is noted that the top floor has been reduced in size and the roof to the lower block amended, generally the indicative design remains very similar to the previously refused design and again significant concerns are raised with respect to this area. As noted previously, with the exception of the projecting corner (floors 1 and 2) which contain recessed balconies and a curved profile, the remaining scheme is very bland in its design and this does not demonstrate that a high quality building of this scale and layout can be achieved on this site. Particular concern is raised regarding the following issues:

- Bland fenestration and limited articulation of the building which does not help to break up the horizontal massing and scale of the development – this could be improved with projecting and recessed balconies, greater stepping that has a more positive relationship with the ground floor, more interesting window shapes, projections and placements
- Detailing of top floor – although the scale of this element has improved it is lacking in interest and appears rather unconnected - it should be much more lightweight and more transparent, it should have a consistent roof detail that had a positive relationship to lower floors
- Materials - the materials seem rather disjointed and could be better considered. Timber or horizontal boarding would not be considered appropriate for a building of this scale however render, brick and other forms of modern cladding may be acceptable. High quality fenestration and balconies will also be required.
- Relationship between the ground and upper floors – there does not seem to be any positive references between the commercial unit and the upper floors? This should be reconsidered to achieve a more cohesive scheme.
- Detailing of entrance - the detailing of the residential entrance is lacking in presence and does not provide a focus for the development. This should be addressed.
- Design of lower block – this is rather uninspiring, the front doors appear out of place and the fenestration too uniform. Again projections and balconies should be considered. This should be a smaller version of the main block which references the scale and building line of the adjacent houses.

Overall whilst the principle and massing of this proposal is broadly acceptable the detail has not demonstrated that a high quality scheme for this number of units can be achieved.

## Sustainability

This proposal will be required to provide 10% renewables and details of this should be provided in the RM application.

## **Traffic and Transportation**

- 6.2 The previous use of the site was a car dealership and a gym. The existing uses would have generated a significant amount of vehicle movements throughout the day. The car dealership has the potential to have up to 20 cars displayed on the forecourt of the site with further storage within the site.

A total of 58 car parking spaces have been provided for the development which include 4 commercial spaces and 4 disabled spaces.

38 flats will have 100% parking provision in accordance with the emerging policy DM15. Whilst the applicant has suggested only 4 spaces will be allocated to the commercial premises, a condition could be imposed to ensure the 20 remaining spaces can be used for visitors and members of staff of the commercial premises.

On street parking is available within the area which already serves other commercial offers. A traffic regulation order will be required to accommodate a loading restriction the timing of this will need to be conditioned before occupation of the commercial element; £3000 would be required to facilitate this. The developer will also be required to reinstate any un-used existing vehicle crossovers and also provide a loading bay for the commercial element. A section 278 agreement will be required to carry out any highway improvements. Design of the proposed highway works should also be conditioned.

Darlinghurst Grove already has a number of traffic regulations orders in place. Double yellow lines are located on both sides of the road from London Road to the development boundary. This will prevent parking near the development and also assist with visibility sightlines when exiting the proposal.

Waste storage has not been shown on the plans provided for the residential and commercial element of the proposal this should be conditioned along with a waste management strategy.

Future residents should be provided travel packs information can be found on the ideas in motion website to assist with this.

Given the above information it is not considered an objection can be raised on highway grounds.

## **Affordable Housing**

- 6.3 20% of the units are required to be for affordable housing.



## **Education**

- 6.4 A total contribution of £58,591.74 is required. This application falls within the Darlington Primary Catchment and the Belfairs Academy Secondary Catchment areas. All schools in the Western side of the Borough are full and Darlington is currently expanding to accommodate extra demand due to a sustained increase in the area birth rate. Plans are in the feasibility stage for future possible expansions at the local secondary schools. Any additional buildings within this area of the town will further increase the need for places and an education contribution is requested to assist with this.

## **Parks and Trees**

- 6.5 No comments received.

## **Environmental Health**

- 6.6 The application site has been identified as having accommodated a potentially contaminating use. The application site is located directly adjacent to noise sensitive premises.

## **Anglian Water**

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

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

Surface Water Disposal-The preferred method of surface water disposal would be to a sustainable drainage system (SUDS) with connection to sewer seen as the last option.

### **Trade Effluent**

Informative requested stating that *trade effluent discharge consent must be agreed with Anglian Water and to be in place prior to trade activity taking place.*

## **Environment Agency**

- 6.8 Considering the previous use as a car showroom/garage has the potential to cause or may have caused contamination of controlled waters and the developer should therefore address this in accordance with the NPPF with the formal submission of a preliminary risk assessment.

Consider that the development should incorporate principles of sustainable construction and design.

## **Essex and Suffolk Water**

- 6.9 No objection to the redevelopment of the site subject to compliance with the water board.

## **Essex County Fire & Rescue**

- 6.10 The access arrangement should be in accordance with the details contained in approved document building Regulation B5. The development shall be carried out in accordance with the building control requirements and liaise with the Fire Service. Water supplies shall be provided together with sprinkler systems during the building control stage.

## **London Southend Airport**

- 6.11 No objections.

## **Public Consultation**

- 6.12 Site notice displayed on the 13.03.2015 and 47 neighbours notified of the proposal. 17 letters of objection received stating:

- Need for houses not flats.
- Already a number of flatted developments in walking distance at Cricketfield for Estuary housing and another towards Chalkwell next to Lindisfarne garden centre and a further block at Chalkwell Park which is out of character with the area.
- Overdevelopment of the site.
- Design out of character with local residential properties.
- Not in keeping with the surrounding area.
- Overscaled.
- There is insufficient parking provision.
- Harmful impact on the highway network given that the site is already at a very busy junction with Darlinghurst Grove.
- Not enough provision for refuse storage given the level of residential properties proposed and commercial premises.

- Increased use of the junction will increase the risk of causing obstructions to the fire service and danger to life.
- Reduction in privacy.
- Impact on local drainage.
- Public safety.
- The development will do little servicing the community and much to do with the developer maximising profits.
- Recessed entrances to the extent shown create a crime and disorder issue.
- Amenity area to the rear of the site appears to be unusable.
- Fenestration poor design.
- Substantial landscaping required along the street frontage.
- Over density of the site.
- Number of schools in walking distance whereby children walking will be affected in terms of highway related issues.
- Existing community facilities are already stretched and this proposal will have an adverse impact.
- It is not clear the impact of the commercial premises will have on the surrounding area.
- Mass, bulk and height of the flats.
- Noise pollution.
- Environmental pollution.
- No assessment on contamination.
- Large excavation works will affect nearby trees.
- The proposal will have an adverse impact on the existing 50 students at Tiffany's Theatre College in terms of safety related issues on the highway.
- The commercial development could open 24 hours and it is not clear where the staff will park **[Officer Comment: 20 parking spaces are available for the proposed commercial premises, which is considered sufficient in this location for potential visitors and members of staff].**

One letter of support has been received stating;

- The development will be a huge improvement to the unsightly property that exists with multiple "Dell Boy" car traders that come and go.
- An additional 38 properties in the vicinity with underground parking would accommodate an influx of people wishing to reside in Leigh-on-Sea.

## **7 Relevant Planning History**

- 7.1 Demolish existing building and erect two blocks part 2, part 3, part 4 storey comprising of 38 flats, 1 commercial unit on ground floor lay out parking, refuse and cycle stores (outline application)- Withdrawn (13/01137/OUTM)
- 7.2 Demolish existing buildings, erect 4 storey block comprising of mixed uses to basement and ground floor levels (1440m2 retail class A1 and leisure class D2) and 16 self-contained flats with balconies on upper floors, erect one 3 storey block of 7 flats and erect one two storey dwellinghouse fronting Darlinghurst Grove, lay out 33 car parking spaces, cycle stores and refuse stores, lay out landscaping and amenity area including raised deck and new vehicular access onto Darlinghurst Grove- Refused (07/01793/FULM)

## **8 Recommendation**

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

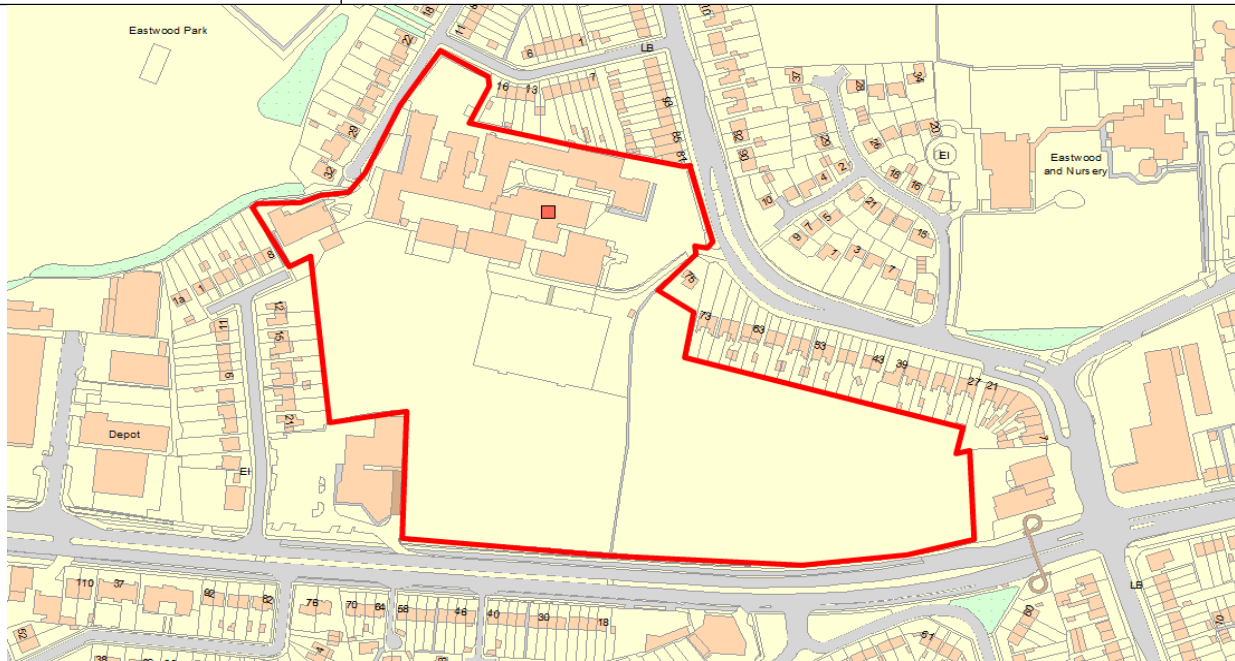
- 1 The proposed development due to its height, bulk and position in relation to properties to the east in Fillebrook Avenue and 937 London Road would result in loss of privacy through unmitigated overlooking contrary to the provisions of the NPPF, Policy CP4 of the Core Strategy, Policies C11, H5 and H7 of the Southend on Sea Borough Local Plan and the Design and Townscape Guide.**
- 2 The proposal, by reason of the dwelling mix, which is predominately 2 bed units, and the limited internal size of some of the units, would result in cramped living conditions and fail to contribute towards a mixed a balanced community. This is contrary to the NPPF, emerging policy DM7 and DM8 of the Development Management DPD2, policies KP2 and CP4 of the Core Strategy, and saved policies H5 and C11 of the Borough Local Plan.**
- 3 In the absence of a signed legal agreement securing a contribution towards affordable housing contrary to the NPPF, policies KP2, CP3, CP6 and CP8 of DPD1 (Core Strategy).**

## **Informative**

- 1 The Council intends to adopt a CIL in July 2015. Should the application be the subject of an appeal it may be CIL liable if the appeal were allowed.**

**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.**

<b>Reference:</b>	15/00445/FULM
<b>Ward:</b>	Eastwood Park
<b>Proposal:</b>	Demolish existing two storey technology block, erect two storey science block to rear with glazed link to main building including regarding and alterations to the existing playing field to provide external pitches
<b>Address:</b>	The Eastwood Academy, Rayleigh Road, Eastwood, Essex SS9 5UU
<b>Agent</b>	The Eastwood Academy
<b>Applicant:</b>	The Eastwood Academy
<b>Consultation Expiry:</b>	29.04.2015
<b>Expiry Date:</b>	18.05.2015
<b>Case Officer:</b>	Janine Rowley
<b>Plan Nos:</b>	14.189/09; 14.189/08 Revision D; 14.189/04 Revision A; 14.189/05; 14.189/02 Revision A; 14.189/03 Revision A; 14.189/06; 14.189/07
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## **1 The Proposal**

- 1.1 Planning permission is sought to demolish an existing two storey technology block (945sqm) and erect two storey science block to rear with glazed link to main building (2180sqm) a difference of 1235sqm. The application also includes the resiting of the hammer throwing cage, which will be relocated to the southern half of the playing field.
- 1.2 The proposed building is 32m wide x 49m x deep x 6.9m-8.6m high. The proposed internal floorspace would include 16 additional classrooms with two design and technology classrooms, 4 science laboratories to the ground floor with associated plant room and break-out space. To the first floor 4 science laboratories together with two home economics classrooms and two and graphic classrooms together with ancillary office accommodation.
- 1.3 The statement accompanying this application states that the proposal is essentially needed due to the current condition of the existing technology building that includes 7 classrooms that is no longer viable to maintain.

The new extension will enable the school to expand on secondary school places. The proposal will include an additional 160 spaces for students. Currently there are 840 pupil places available and the intention is to phase the additional pupil spaces by 32 annually from 2016-2020 together with 7 additional members of staff.

- 1.4 A travel plan, design and access statement and planning statement have been submitted as supporting information for this development.

## **2 Site and Surroundings**

- 2.1 The Eastwood Academy site is accessed off Rayleigh Road. The site is laid out with the school campus buildings located towards the northern side of the site with its associated sports facilities and playing fields to the south of the site, adjoining the A127 Southend Arterial. The wider site extends from behind the Kent Elms Health Centre and library along Rayleigh Road to the east, where the athletics track and facilities are located, towards the residential properties along Hazelwood Grove, Priory Wood Close and Fairfield car dealership in the west.
- 2.2 The application site currently lies to the north-west of the site on the margins of the playing field to the west of the existing MUGA other than a hammer throwing cage, the site does not appear to be used for sporting activity due to the site levels varying.

- 2.3 The existing science block is located toward the western site boundary adjacent Priory Wood Close. The nearest residential dwellings to the proposed new block are located over 30m to the west of the proposed site along Hazelwood Grove.
- 2.4 The site does not fall within any environmental sensitive area, such as site of Special Scientific Interest, Special Protection Areas or international conservation sites.

### **3 Planning Considerations**

- 3.1 The main considerations in relation to this application are the principle of the development and loss of a playing field, design and impact on the character of the area, traffic and transportation, impact on residential amenity and flood risk.

### **4 Appraisal**

#### **Principle of Development**

**National Planning Policy Framework, DPD1 (Core Strategy) policies KP2, CP4, CP6; DPD2 (Development Management) emerging policy DM1, BLP policies C11, U7, U8, T11, C15, T8 and the Design and Townscape Guide SPD1 (2009)**

- 4.1 Policy CP6 of the Core Strategy advocates the need to improve educational facilities to ensure that the needs of the local community are met. Policy U7 of the Borough Local Plan states that subject to the maintenance of satisfactory environmental conditions and residential amenities, the Borough Council will support the improvement or extension of existing public and private education establishments and will encourage the use of their facilities for community purposes where this would meet identified requirements. Policy DM1 of the emerging Development Management requires any new development to respect and enhance the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, layout, proportions, materials and overall townscape. The proposed development will enable a replacement of a dilapidated technology building and replaced with a contemporary building providing extra internal floorspace for pupils at the existing school and future expansion.
- 4.2 Policy C15 of the Borough Local Plan states the Council will normally refuse permission for proposals involving complete or partial loss of school playing fields. The proposed building will be sited on an existing part of the playing field. However, the existing playing field as identified by Sport England due to the gradient falls outside of Sport England's recommendations for sport pitches and as a result the Academy's use of this area for formal sport is currently limited and no pitches are marked out at present. To address the existing constraint the site appraisal carried out by TGMS Limited TGMS09.22.1 16.03.2015 proposes to cut and fill works to a substantial part of the remaining playing field to create a playing field that could accommodate a 9v9 football pitch with gradients that would meet Sport England's recommendations. The benefit to the Academy (and potentially community users) of implementing the improved field drainage would be that an acceptable quality football pitch would be created which would help deliver the PE curriculum. While there would be a significant reduction in



the amount of playing field space provided due to the siting of the science block, the benefits of reconstructing the remaining playing field to substantially improve its quality would offset this. Sport England are satisfied that the potential sports development benefits of the proposals would outweigh the detriment caused by the impact on the playing field subject to appropriate conditions relating to the playing field enhancement, playing field enhancement works phasing and hammer cage relocation.

- 4.3 In light of the above, the principle of extending the existing school and the proposed development will not have a detrimental impact on the provision of open space on the site and therefore is considered acceptable subject to other material planning considerations discussed below.

### **Design and Impact on the Character of the Area**

**National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4; DPD2 (Development Management) emerging policy DM1, Borough Local Plan policies C11, U7 and Design and Townscape Guide SPD1.**

- 4.4 The existing school buildings are two storey and single storey including red brick and cream render and timber cladding. The new building has a simple, contemporary form and appears well sited and scaled to the existing buildings. The proposal will make a positive contribution to the school. The overall appearance includes interest from the level of glazing and signage, brise soleil features together with the variety of materials including cladding panels, brick, and render blockwork. Details of landscaping will be dealt with by condition. Whilst no preserved trees are located in the vicinity of the site of the new building an arboricultural report will be required to ensure the amenity of nearby trees will be preserved during construction of the development.
- 4.5 The re-siting of the hammer throwing cage will not result in any material harm to the character and appearance of the area.
- 46 In light of the above, the proposed development subject to conditions is considered to relate satisfactorily to the character and appearance of the existing school buildings and will provide a positive addition. The proposal is therefore considered in accordance with the NPPF, emerging policy DM1 of the Development Management, policies KP2 and CP4 of the Core Strategy, policy C11 of the Borough Local Plan and the Design and Townscape Guide.

## Traffic and transportation

**National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4, CP3; DPD2 (Development Management) DM15, BLP policies T8, T11, T13; EPOA Parking Standards and the Design and Townscape Guide SPD1.**

- 4.7 Development Management DPD2 has been found sound by the Planning Inspectorate. It is therefore, considered these policies although not yet adopted, should carry significant weight in the determination of planning applications. This is supported by paragraph 216 of the NPPF which states that; *“the more advance the preparation of the emerging plan the greater the weight that may be given.”* The emerging policy DM15 of the Development Management Plan requires 1 space per 15 pupils is required. The existing site includes 112 parking spaces and 20 cycles’ spaces for 840 pupils and 83 members of staff. Therefore currently, 56 spaces are required, which are successfully accommodated on site. The proposal will result in an additional 160 extra pupils and 7 members of staff and therefore in accordance with policy DM15 of the emerging Development Plan the required parking provision is 67 parking spaces, which can be successfully accommodated on site given there is a surplus of 45 spaces. Furthermore, the 1 space per 5 staff and 1 space per 3 pupils is required for cycle provision at primary and secondary schools in line with the emerging DM15 of the Development Management. Currently there are 16 cycle spaces available for members of staff and 108 cycle spaces for pupils. The extra 7 members of staff will require 2 extra cycles spaces and 53 extra spaces are required for the additional 160 extra pupils. The extra cycle provision can be dealt with by condition.
- 4.8 The travel plan submitted details a number of measures aimed at reducing reliance on the car to reach the school encouraging sustainable transport in the form of walking, cycling and use of public transport together with car sharing. Subject to an appropriate condition relating to an adopted travel plan and the parking provision provided the Councils Highway Officer has raised no objection to the proposal.
- 4.9 A number of actions encourages sustainable transport in the form of walking, cycling and use of public transport together with car sharing, can be encouraged and monitored effectively by the travel plan and on balance the proposal is considered acceptable and subject to condition.

## Impact on residential amenity

**National Planning Policy Framework; DPD1 (Core Strategy) Policies KP2 and CP4; Development Management DPD2 emerging policy DM2, Borough Local Plan Policies C11, H5 and the Design and Townscape Guide SPD1 (2009).**

- 4.10 The new building is sited 64m away from the boundary to the west with properties along Hazelwood Grove and Priory Wood Close and 128m to the nearest boundary to the south. Whilst the height of the building is 8.6m high there is considered sufficient distance to mitigate against any potential harm in terms of being overbearing, loss of privacy and overlooking.

- 4.11 In terms of potential for disturbance, whilst the number of traffic movements is likely to increase with additional pupils and the numbers of pedestrians accessing the site via Rayleigh Road, on balance taking into account the hours the school operates it is not considered the proposed development will have an adverse impact on residential amenity, taking into account the parking restrictions surrounding the site and drop off is confined to the existing front car park. Furthermore, there are no restrictions of the opening hours of the school as no conditions were imposed on the school when originally constructed in terms of hours of use. The academy does provide community facilities including access to the swimming pool, pitches, running track, gymnasium, dance studios, hall and theatre but it is not considered this proposal will adversely affect the amenities of existing occupiers given the additional pupils will mainly be confined to school opening hours between Monday and Friday.
- 4.12 In light of the above, the proposal is considered to satisfy Policy CP4 of the Core Strategy and Policy H5 of the Southend on Sea Borough Local Plan.

### **Sustainability**

#### **National Planning Policy Framework; DPD1 (Core Strategy) policy KP2; DPD2 (Development Management) emerging policy DM2.**

- 4.13 Paragraph 97 of the NPPF states that local authorities should promote energy from renewable sources. Policy KP2 of the Core Strategy states that all new development proposals should demonstrate how they will maximise the use of renewable and recycle energy, water and other resources. Emerging policy DM2 advocates the need to ensure the delivery of sustainable development whereby all development proposals should contribute to minimising energy demand and carbon dioxide emissions in accordance with the energy hierarchy.
- 4.14 The applicant has confirmed that solar panels will be installed on the roof slope, which are welcomed however, no exact details i.e. calculations have been provided. Details of BREEAM 'very good' will also be required to be submitted but can be dealt with by condition. Any condition imposed will ensure the proposal complies with the National Planning Policy Framework 2012, emerging Development Management policy DM2, Core Strategy Policy KP2, and advice contained within the Design & Townscape Guide SPD1.

Details of Sustainable Urban Drainage systems will also be required by condition to ensure suitable drainage is provided and permeable paving to increase surface water run-off.

## **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), CP6**

(Community Infrastructure), CP3 (Traffic and Highways).

- 5.3 Emerging Development Management Plan policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM15 (Sustainable Transport Management)
- 5.4 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations, T8 (Traffic Management and Highway Safety), T11 (Parking Standards), T13 (Cycling and Walking), E5 (Non Residential Uses Close to Housing), U8 (Provision of new education facilities), C15 (Retention of open spaces), C14 (Trees, planted areas and landscaping), U7 (Existing Education Facilities).
- 5.5 SPD1 Design & Townscape Guide 2009.
- 5.6 EPOA Vehicle Parking Standards (2001).

## 6 Representation Summary

### Design and Regeneration

- 6.1 There are no significant objections to this proposal which appears to be generally well sited and scaled and should make a positive contribution to the school There are just a couple of suggested design tweaks which it is considered would enhance the design detail.

#### East Elevation

- The northern section of the east elevation will be the first view of the new block when approached from the entrance to the school and at the upper level this seems to be slightly lacking in interest, it is suggested that this area would benefit from little more glazing and larger signage. Consideration should be given to glazing or coloured panels in between some of the upper windows to make groups of 3 panes so that the upper grouping is 3 1 1 3 1. The scale of the signage could be increased slightly to better fill the space **[Officer Comment: Amended drawings have been received to reflect this suggestion].**

#### South elevation

- Consideration should be given to amending the narrow central linking section to be fully glazed curtain walling rather than brick with a window. This would improve the visual relationship between the two sections of building by providing a more lightweight and neutral linking material rather than a 4<sup>th</sup> solid wall material on this elevation, correspond with the curtain glazing to the north elevation and provide additional light to the central break out core area which seems to be lacking.
- Consideration could be given to increasing the scale of the windows to the

eastern side or adding further signage to enliven the frontage as this is the main public view of the building and its best outlook. **[Officer Comment: Amended drawings have been received to reflect this suggestion].**

## Materials

- A wide variety of wall materials are proposed for the building, which are not objected to individually but in this instance there seems to be 2 types of main cladding panels, brick, render, blockwork and 2 feature cladding panels. It is considered that a slight rationalisation of these could result in a more cohesive building. This could be dealt with via a condition.

## Children and Learning

- 6.2 No comments.

## Traffic and Transportation

- 6.3 The current parking provision on site has 112 spaces. This is sufficient to accommodate the increase in staff number and pupils, however consideration should be given to increasing the number of cycle parking spaces to be in-line with current DM15 guidance this will help provide alternative travel choices for the students and staff.

It is not considered that proposal will have a detrimental impact upon the public highway the site benefits from being in a sustainable location with regard to public transport. The school have provided a travel plan which should be reviewed annually by the Council's Travel Plan Co-ordinator and updated as required.

Given the above there are no highway objections to this proposal.

## Sport England

- 6.4 The proposal principally involves demolishing the existing technology block at Eastwood Academy and constructing a new science block on part of the Academy's playing field adjoining the artificial grass pitch (AGP).

Following pre-application discussions with the applicant, the impact is proposed to be mitigated through a package of proposals that would enhance the playing field which is set out on Drawing 14.189/08 D. I consider that Exception E5 of Sport England's playing fields policy would be the most applicable to the proposal. I have visited the site and considered the information provided in support of the planning application and would make the following assessment of how the proposed development would relate to exception E5:

## Sports Development Benefits

The key potential sports development benefits of the proposed development are considered to be as follows:

□ **Playing Field Enhancements:** As set out in the submitted agronomist's feasibility study prepared by TGMS, the key deficiency of the playing field area where the development is proposed is the significant slope especially in the northern part. The existing gradient is well outside Sport England recommendations for sports pitches and as a result the Academy's use of this area for formal sport is currently limited and no pitches are marked out at present. To address this constraint, option 1 of the TGMS report proposes cut and fill works to a substantial part of the remaining playing field to create a playing field that could accommodate a 9v9 football pitch with gradients that would meet Sport England's recommendations. A piped drainage scheme would also be required to address the removal of surface water as the natural drainage provided by the existing slope would no longer be in place. The applicant has confirmed that option 1 of the report will be implemented. The benefit to the Academy (and potentially community users) of implementing this scheme would be that an acceptable quality football pitch would be created which would help deliver the PE curriculum. While there would be a significant reduction in the amount of space provided due to the siting of the science block, the benefits of reconstructing the remaining playing field to substantially improve its quality would offset this.

□ **Toilet Facilities for AGP users:** The proposed science block would include new toilet facilities that both Eastwood Academy students and community users of the adjoining AGP could use. At present, users have to access toilets in the main school building some distance away from the AGP which is inconvenient. The proposed facilities would be particularly useful for clubs/teams that use the AGP as this would improve the quality and accessibility of ancillary facilities that they would have access to.

#### Impact on Playing Field

In relation to the impact on the playing field, the siting of the science block would result in the loss of a significant area of the playing field in terms of size which would theoretically reduce the number and size of pitches that could be accommodated in the remaining playing field area. It would also displace the existing hammer throw cage. However, as set out above a substantial part of the area proposed for the building is constrained by the slope of the playing field which results in the Academy not using the area for marking out pitches. The hammer cage and surrounding area would be incapable of forming a playing pitch or part of one as well. Consequently, it is considered that only a small proportion of the area affected (the southerly part) is likely to be suitable for pitches in practice. To mitigate the impact, as set out above it is proposed to substantially improve the quality of the remaining playing field by cut and fill works to address the adverse gradient which would facilitate the use of the playing field for an acceptable quality football pitch. In addition, the hammer cage would be relocated to the playing field to the south of the site. This would not affect the football pitch in this area as shown by Drawing 14.189/08 D plus would offer the benefit of

being sited in a flat area of the playing field which is preferable for throwing compared to the current location which is on a gradient.

## Conclusion

In view of the playing field mitigation measures that have been proposed, I am satisfied that the potential sports development benefits of the proposals would outweigh the detriment caused by the impact on the playing field. The proposed development is therefore considered to accord with exception E5 of Sport England's playing fields policy. This being the case, Sport England does not wish to raise an objection to this application, subject to the following conditions being attached to the decision notice (if the Council are minded to approve the application):

1. **Playing Field Enhancement Works Specification:** Provision will need to be made for a specification for the regarding works to enhance the existing playing field to be submitted and approved as a pre-commencement planning condition. This is necessary because option 1 of the TGMS feasibility study only sets out outline recommendations for the required ground works. A detailed specification (e.g. with the detailed proposals for cut and fill operations, drainage proposals, grass ward preparation, initial maintenance etc) will need to be prepared to ensure that an appropriate scheme is implemented in practice in response to the recommendations. The specification will need to include the proposed implementation programme for the works in order to assess whether the timing of the works is appropriate and to ensure that the works are implemented in practice within an acceptable timescale. Provision will also need to be for confirming that the impact of the cut and fill works on existing infrastructure (see paragraph 4.2.1 of the TGMS report) in the vicinity has been assessed and any necessary mitigation has been incorporated into the specification. The details should be prepared by an agronomist or similar specialist. Without these details being submitted and approved, there is no certainty that the playing fields would be improved as recommended in the feasibility study in practice.

2. **Playing Field Enhancement Works Phasing:** A planning condition requiring the playing field enhancement works to have commenced prior to first occupation of the proposed science block. At this stage, as a proposed implementation programme for the playing field enhancement works is not available (the details would be submitted as part of the condition recommended above), the actual timing of the works is uncertain. Sport England would expect the works to be implemented within an acceptable timescale in order to ensure that the improved playing fields are available as soon as possible to mitigate the impact of the development. The applicant has offered to ensure that the works are started before the science block is completed which is considered acceptable on this occasion as the playing field has limited existing formal sports use that would be affected by this proposed phasing. However, a planning condition is considered to be necessary to ensure that the works are implemented in accordance with the proposed phasing.

3. **Hammer Cage Relocation:** To ensure that the hammer cage is relocated as proposed within a timescale that ensures continuity of facility provision for existing

users it will be necessary for the cage to be relocated before the development of the science block commences.

## **Public Consultation**

- 6.5 A site notice displayed on the 8<sup>th</sup> April 2015 and 87 neighbours notified of the proposal. No letters of representation have been received.

## **7 Relevant Planning History**

- 7.1 2013- Erect demountable building to southern boundary- Granted (13/00976/FULM).  
7.2 2013- Erect single storey extension to existing canteen- Granted (13/00690/FUL).

## **8 Recommendation**

**Members are recommended to:**

### **8.1 GRANT PLANNING PERMISSION subject to the following conditions:**

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

**Reason:**

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

- 2 The development hereby permitted shall be carried out in accordance with the approved plans 14.189/09; 14.189/08 Revision D; 14.189/04 Revision A; 14.189/05; 14.189/02 Revision A; 14.189/03 Revision A; 14.189/06; 14.189/07.**

**Reason:**

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

- 3 No development shall take place until details and samples of the facing materials to be used on the external elevations, signage, glazing and hardstanding surfaces have been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved materials unless otherwise agreed in writing by the local planning authority.**

**Reason:**

**In interests of visual amenity to ensure that the appearance of the building makes a positive contribution to the character and appearance of the existing school building and surrounding area in accordance with the NPPF, policies KP2 and CP4 of the Core Strategy and policy C11 of the Borough Local Plan and the**



## **Design and Townscape Guide.**

- 4 No development shall commence until a detailed playing field specification, which accounts for the impact of the cut and fill works on infrastructure in the vicinity of the area that is to be the subject of the playing field improvements, and an implementation programme, prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The approved specification shall be complied with in full prior to the completion of the development unless otherwise agreed with the Local Planning Authority.**

**Reason: To ensure provision of adequate improvements to the quality of the playing field and to accord with the Borough Local Plan Policy C15.**

- 5 The playing field enhancement works of the development hereby permitted shall be carried out in accordance with the recommendations of TGMS Ltd report TGMS0922.1 dated 16<sup>th</sup> March 2015 and drawing 14.189/08 Revision D and commenced prior to occupation of the science block hereby permitted.**

**Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use [phasing provision] and to accord with Borough Local Plan Policy C15.**

- 6 The hammer cage shall be relocated as shown on Drawing 14.189/08 D before development of the science block hereby permitted is commenced.**

**Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use in accordance with policy U8 of the Borough Local Plan.**

- 7 Prior to commencement of the development full details of soft and hard landscape works including cross sections, arboricultural report detailing tree protection measures during construction of works and planting schedule shall be submitted to and agreed in writing by the local planning authority and these works shall be carried out as approved unless otherwise agreed in writing by the local planning authority. Permeable paving shall be used for the hardstanding area unless otherwise agreed by the Local Planning Authority.**

**Reason: To ensure that the development is satisfactory in terms of its appearance and that it makes a positive contribution to the local environment and biodiversity in accordance with DPD1 (Core Strategy) policy KP2 and CP4, DPD2 (Development Management) emerging policy DM1, Borough Local Plan 1994 policy C11 and C14, and SPD1 (Design and Townscape Guide).**

- 8 Prior to the commencement of works on site, a plan/programme for the management of construction traffic shall be submitted to and agreed in writing by the Local Planning Authority. The plan/programme shall include details of measures to limit construction traffic, and the development shall be carried out**

in accordance with the approved details unless the local planning authority gives written approval to any variation.

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

- 9** Prior to occupation of the development hereby approved, details and the siting of 55 cycle spaces (53 child cycle spaces and 2 staff cycle spaces) shall be submitted to and agreed in writing by the local planning authority and retained thereafter.

**Reason:** To ensure that satisfactory secure off-street bicycle parking is provided in the interests of sustainability, amenity and highways efficiency and safety, in accordance with DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management) emerging policy DM15, Borough Local Plan 1994 policy T8 and T11, and SPD1 (Design and Townscape Guide).

- 10** Prior to the use of the development hereby approved, a Travel Plan including a comprehensive survey of all users, targets to reduce car journeys to school, details of local resident involvement 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, prior to the first use of the approved parking area. At the end of each academic year the Schools Travel Plan monitoring 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 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) emerging policy DM15, Borough Local Plan 1994 policy T8, and SPD1 (Design and Townscape Guide).

- 11** Prior to the commencement of development a renewable energy assessment shall be submitted to and agreed in writing with the Council to demonstrate how at least 10% of the energy needs of the development will come from onsite renewable options (and/or decentralised renewable or low carbon energy sources. Details of the BREEAM 'very good' will be required to be submitted and agreed with the local authority. The scheme as approved shall be implemented and brought into use on first occupation of the development unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources

in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2 and CP4, DPD2 (Development Management) emerging policy DM15, and SPD1 (Design and Townscape Guide).

- 12 No development shall commence until details of a sustainable drainage system have been submitted to and agreed by the local planning authority. The sustainable drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.**

**Reason: In order to ensure a satisfactory standard of sustainable drainage and to prevent environmental and amenity problems arising from flooding in accordance with Policies KP2 and CP4 of the Core Strategy DPD1, DPD2 (Development Management) emerging policy DM15 .**

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

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

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

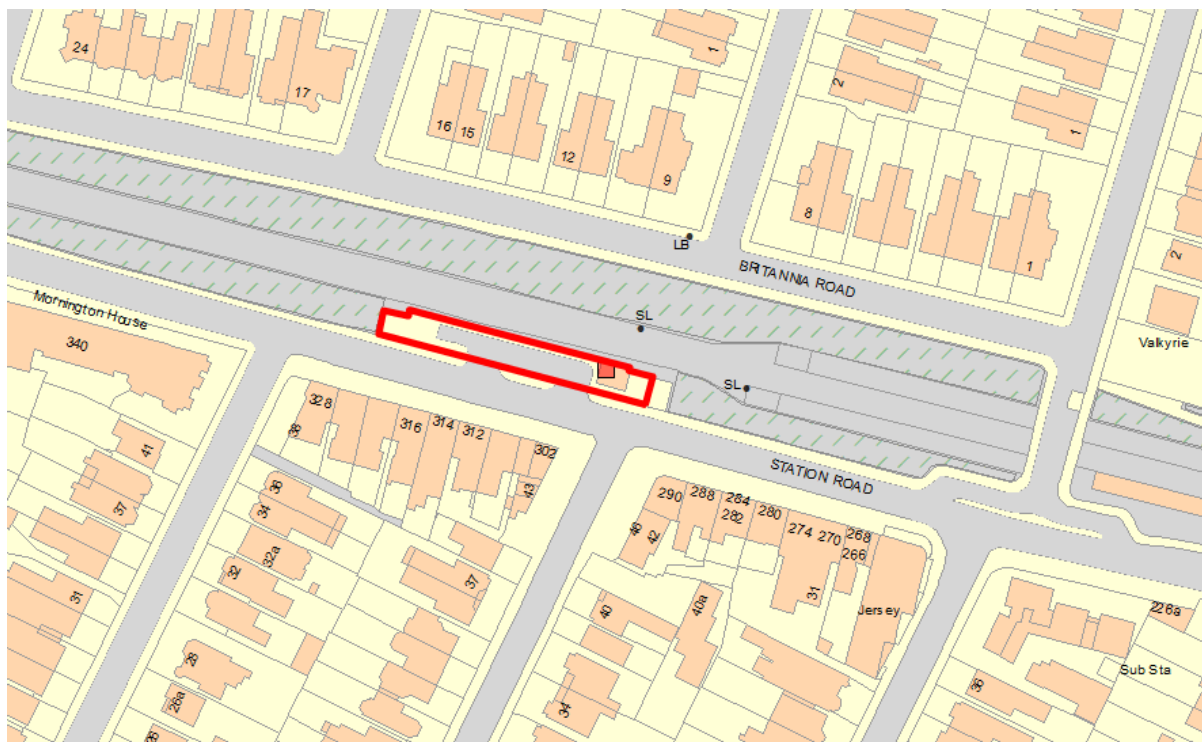
**Reason: In the interests of the character and amenity of the area in accordance with Policy C11 and H5 of the Southend on Sea Borough Local Plan 1994.**

#### **Informatives**

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

**The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.**

<b>Reference:</b>	15/00669/OUT
<b>Ward:</b>	Chalkwell
<b>Proposal:</b>	Demolish existing single storey office building, erect four three storey dwelling houses, associated landscaping and form vehicular accesses on to Station Road (Outline - Amended Proposal)
<b>Address:</b>	315 Station Road, Westcliff-on-Sea, Essex, SS0 8DZ
<b>Applicant:</b>	Belgy Property Services Ltd
<b>Agent:</b>	SKA Architects Ltd
<b>Consultation Expiry:</b>	01.06.2015
<b>Expiry Date:</b>	24.06.2015
<b>Case Officer:</b>	Janine Rowley
<b>Plan Nos:</b>	268-11-14 P01 Revision C; 268-11-14 P04 Revision E; 268-11-14 P03 Revision C
<b>Recommendation:</b>	<b>GRANT OUTLINE PLANNING PERMISSION</b>



## 1 The Proposal

- 1.1 Outline planning permission is sought to demolish an existing single storey office building, erect four, three storey dwelling houses with roof terraces to the front, associated landscaping and form vehicular accesses on to Station Road.
- 1.2 The application seeks outline permission and the reserved matters to be agreed at this stage include appearance, access, layout and scale. Landscaping is reserved for future consideration. A separate reserved matters application would be required for the landscaping to carry out any works should outline permission be granted.
- 1.3 The proposed dwellinghouses are split into two pairs of semi-detached dwellinghouses. Each dwelling would measure 6m wide x 6m deep x 10.9m high. The proposed amenity space for each dwellinghouse is a roof terrace to the second floor of the south elevation equating to an area 3.4sqm per dwelling and ground floor amenity space ranging from 57sqm to 72sqm (including amenity to the north and the space to the sides of the dwellings excluding the parking area). All dwellings will have one off street parking space. The overall design of the dwellinghouses is of a contemporary style as per the previous applications on this site.
- 1.4 The previously refused application 15/00219/OUT to erect six three storey dwellinghouses with roof terraces to front, associated landscaping and form vehicular accesses onto Station Road. The application was refused by Development Control Committee in April 2015 for the following reason:  
  
*“The proposed development by reason of lack of good quality useable amenity space for potential future occupiers would result in a poor living environment for future occupiers and be contrary to the provisions of the National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy, policy H5 of the Southend on Sea Borough Local Plan and advice contained within the adopted Design and Townscape Guide (SPD1)”.*
- 1.5 The main amendments following the previous refusal are as follows:
  - Number of units reduced from 6 (2 sets of 3 terrace properties) to 4 units (2 pairs of semi-detached properties);
  - The amount of amenity space has increased and is available to every unit including 3.4sqm terraces to the second floor at the front and ground floor area amenity space ranging between 57sqm to 72sqm excluding the proposed parking areas.

It should be noted the design and scale are the same as per the previously refused scheme 15/00219/OUT, which was not objected to.

## **2 Site and Surroundings**

- 2.1 The site is currently used as a car wash facility and is located on the northern side of Station Road.
- 2.2 The Shoeburyness to Fenchurch Street Railway Line is located immediately to the north of the site. The site is located opposite residential properties, some of which have a retail frontage at ground floor.
- 2.3 Station Road has double yellow lines on both sides of the road and is a classified road.

## **3 Planning Considerations**

- 3.1 The main considerations in relation to this application are the principle of development, design and impact on the streetscene, standard of accommodation for future occupiers, impact on the amenities of neighbouring residential occupiers, highway issues and sustainable development and whether the proposal has overcome the previous reason for refusal under application 15/00219/OUT.

## **4 Appraisal**

### **Principle of Development**

**National Planning Policy Framework; DPD1 (Core Strategy) Policies KP1, KP2 and CP4; Development Management DPD2 emerging policies DM1, DM3, DM7, Borough Local Plan Policies C11, H5 and the Design and Townscape Guide SPD1 (2009).**

- 4.1 Government policy seeks to maximise the use of urban land. The site is currently used for a car wash and car sales and so is considered to be previously developed land. The proposal is considered to make efficient and effective use of the land in accordance with the emerging Development Management Plan policy DM7. Therefore, no objection is raised to the principle of residential development on site per se.
- 4.2 To deliver sustainable communities, the Council seeks to ensure that new housing reflects the needs and demand of Southend-on-Sea's existing and future communities and improves the quality and mix of housing within the Borough. In order to develop sustainable communities it is considered that a mix of housing (tenure, size, etc.) is required within

each development and the mix should reflect the demand for housing within the Borough. The proposed scheme proposes 6 no. 2 bedroom houses.

### **Design and Impact on the Streetscene**

**National Planning Policy Framework; DPD1 (Core Strategy) Policies KP2 and CP4; Development Management Plan DPD2 emerging policy DM1; Borough Local Plan Policies C11, H5; and the Design and Townscape Guide SPD1 (2009).**

- 4.3 The proposal is to build 4 three storey houses set between 1m-1.5m from the railway in the north with two pairs of 2 units. The applicant states that this will create a subdivision of this space and give a more domestic feel to Station Road at this point. There is no precedent for development on the northern side of the street however, the scale and massing of the development responds to the existing streetscene on the southern side of the road. It is also considered that houses would be more compatible with local character in this location than the existing commercial use. The height of the dwellings remains unaltered from the previous application and taking into account the three/four storey buildings to the immediate south of the site no objection is raised to the overall scale of the development per se.
- 4.4 The reduction in units from 6 to 4 has reduced the overall coverage of the site as a whole and created an open streetscape. The development will still provide a sense of enclosure to the streetscene and is more compatible with the sites narrow form.
- 4.5 In relation to the appearance of the dwellinghouses, the simple gabled form works well in the streetscene to create the right balance between a modern scheme. The front elevation appears well detailed particularly at the upper levels where the fenestration proportions respond well to the vertical proportions and scale of the fenestration in the mansions block opposite. The detailed design includes better rhythm and proportion to the elevations and relates well to the townscape. The fenestration has been rationalised providing structured elevations identifying local characteristics. The roof terraces behind the gables on this side are a subtle but interesting feature which would help to animate the frontage. At ground level the proposal consists of the front entrances and windows to habitable accommodation with the new dwellings together with high boundary walls and entrance gates for the off street parking adding activity to the street. Red brick is proposed to the upper floors and render to ground and this would seem appropriate in this location.
- 4.6 In light of the above, with the exception of the reduced number of units the overall detailed design, scale and height is the same as per the previously refused application 15/00219/OUT, which was not objected to previously. In light of this, the scale and appearance is considered in accordance with the NPPF, emerging Development Management Plan policy DM1, policies KP2 and CP4 of the Core Strategy and policy C11 and H5 and the Design and

Townscape Guide.

- 4.7 Landscaping has been reserved for a future consideration, indicative information has been submitted with details in relation to the boundary treatments and some trees appear on the existing site. There is concern that the garden wall will appear rather over scaled in the streetscene and a lower decorative brick wall similar to the previously refused scheme would be preferred. This can be dealt with at reserved matters stage to ensure the landscaping and boundary treatments do not affect the overall integrity of the scheme. Full details of soft and hard landscaping will be required to be submitted are reserved matters stage.

### **Standard of Accommodation for Future Occupiers**

**National Planning Policy Framework, DPD1 (Core Strategy), Policies KP2, CP4; Development Management DPD2 emerging policy DM1 and DM8; Borough Local Plan Policies C11, H5; and the Design and Townscape Guide SPD1 (2009)**

- 4.8 The internal floorspace has been amended from the previously refused application and achieves a more useable space for potential future occupiers. The emerging Development Management Plan policy DM8 requires at least 85sqm for 3 bedroom (5 bed spaces) for dwellings over three floors. The proposed dwellings will have an internal floorspace of 85sqm with 4 bed spaces, which is considered acceptable. Furthermore, the proposal meets the emerging standards for double bedroom sizes and whilst the layout is compact there is sufficient space for internal storage areas, refuse facilities and space to work from home in accordance with the emerging Policy DM8 of the Development Management Plan. Overall the internal arrangement whilst compact is useable and will create an acceptable living arrangement for potential future occupiers in accordance with Policy DM8 of the Development Management Plan.

- 4.9 The 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”.*

- 4.10 The proposed terraces are small to the second floor equating to 3.4sqm which is not considered useable space. Following the previously refused application 15/00219/OUT the layout has been amended and number of units reduced. The amenity space has been amended whereby between 57sqm-72sqm is available for potential occupiers of the new dwellinghouses (including amenity to the north but excluding the parking spaces proposed per dwelling), which is an increase compared to the previously refused application 15/00219/OUT. The previous application included a limited area of 20sqm-27sqm (excluding



area to the north and car parking space). The proposed amenity space between 57sqm-72sqm is considered useable for the family accommodation proposed i.e. 2 bedrooms with 4 bed spaces and has therefore overcome the previous reason for refusal of application 15/00219/OUT. The proposed development by reason of its useable amenity space would provide an acceptable living condition of the future occupiers.

4.11 Paragraph 119 of the NPPF states:

*“The planning system should contribute to and enhance the natural and local environment by: “preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability”*

4.12 Paragraph 123 goes on to state:

*“Planning policies and decisions should aim to: “avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development”*

4.13 Network Rail had previously acknowledged that there is potential for noise/vibration impacts caused by the proximity between the proposed development and the existing railway, particularly given that the current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains. However, following a review of the amended proposal no objections have been raised by Network Rail to the development subject to appropriate conditions relating to future maintenance, drainage, plant and materials, scaffolding, piling, fencing, lighting, noise and vibration, landscaping and vehicle incursion. This is discussed in detail below under the representation summary below 6.4.

4.14 An acoustic report has been submitted as part of this application. The applicants report identifies that the site is affected by moderately high noises levels due to the trains and traffic. The outcome of the report is that noise ingress can be controlled to the desired levels requiring the use of higher standard of glazing to protect amenities of potential future occupiers, close boarded fence to the northern boundary to protect the living rooms to the ground floors and alternative means of ventilation. No objections have been raised in relation to residential development on this site on the previously refused application 15/00219/OUT.

4.15 Whilst concern could be raised in relation to the proximity to Station Road and vehicle movements along this classified road, taking into account the existing residential properties along Station Road no objection could be substantiated in this instance and was found acceptable on the previously refused

application 15/00219/TOUT.

#### **Impact on Neighbouring Occupiers**

**National Planning Policy Framework; DPD1 (Core Strategy) Policies KP2 and CP4; Development Management DPD2 emerging policy DM2; Borough Local Plan Policies C11, H5 and the Design and Townscape Guide SPD1 (2009).**

- 4.16 In terms of impact on residential properties, the proposed development is not considered to result in an undue impact on the amenity of any residential dwellings in relation to either overlooking, overshadowing or being overbearing.

#### **Highway Implications**

**National Planning Policy Framework; DPD1 (Core Strategy) Policies KP2 and CP3; Development Management Plan emerging policy DM15; Borough Local Plan Policies T8 and T11; and the Design and Townscape Guide SPD1 (2009).**

- 4.17 In terms of access, vehicles will access garages from Station Road, while the proposed will result in a number of vehicle crossovers no objection is raised on highway grounds to the number of crossovers proposed.
- 4.18 The emerging policy DM15 of the Development Management Plan requires each dwellinghouse with 2 bedrooms to have 2 parking spaces, but the policy further goes on to suggest that more flexibility will be given dependant on how sustainable the site is location with access to public transport although this is yet to be adopted the Development Management DPD2 has been found sound by the Planning Inspectorate. It is therefore, considered these policies although not yet adopted, should carry significant weight in the determination of planning applications. This is supported by paragraph 216 of the NPPF which states that; “ *the more advance the preparation of the emerging plan the greater the weight that may be given.*” Policy T11 requires the provision of adequate parking and servicing facilities. The Essex Planning Officers Association (EPOA) set out the requirements for each use. The Parking Standards are expressed as maximum standards and requires a maximum of 1.5 spaces per residential dwelling. Taking into account the location of the Westcliff Station within walking distance to the east of the site and with access to a number of bus services along Hamlet Court Road to the north, on balance one parking space per residential unit is acceptable in this location. No objections have been raised by the Councils Highway Officer subject to appropriate conditions relating the gates and an audio tone to be installed when the gates are in operation to notify relevant pedestrian of a vehicle exiting.
- 4.19 A Stage 1 Safety Audit and Speed Assessment Survey has been submitted for consideration, which has identified the need for traffic calming to reduce

vehicle speed and signage. The applicant would be required to enter into a legal agreement to carry out all aspects of highway works associated with the development via a Section 278 or a Grampian condition if the Council is minded to approve this application.

- 4.20 The site is located on a classified road and the Council would normally seek for vehicles to enter and leave the site in forward gear. However, the Council's Highway Officer has confirmed that currently a review of classified roads is taking place in the Borough whereby Station Road is proposed no longer be 'classified road' and therefore on balance Highway officers have raised no objection to the proposal and following the safety audit carried out no concerns have been raised in relation to the cars entering and exiting the site in reverse gear. Furthermore, no objections on highway grounds were raised under application 15/00219/OUT and this proposal is no worse.
- 4.21 In terms of waste and cycle storage, it appears the waste and cycle storage can be accommodated to the rear of each dwellinghouse and both can be dealt with by condition if this application is deemed acceptable.

#### **Sustainable Development**

**National Planning Policy Framework; DPD1 (Core Strategy) Policies KP2 and CP4; Development Management DPD2 emerging policy DM2; the Design and Townscape Guide SPD1 (2009).**

- 4.22 Policy KP2 of the Core Strategy and the Borough Local Plan advocates the need to ensure design maximises the use of sustainable and renewable resources in the construction of development. It also states that all development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources and at least 10% of the energy needs of new development should come from on-site renewable options. 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'.
- 4.23 The Design and Access Statement accompanying this application states that Combined Heat and Power Units (CHP) and photo voltaic to the roof, whilst no technical report confirmation has been provided from the applicant that they can be successfully accommodated on site.
- 4.24 Policy KP2 of the Core Strategy advocates the need for sustainable drainage. No details accompany this application however this can also be dealt with by condition in this case.

## **Conclusion**

- 4.25 No objections are raised to the principle of the development of redeveloping this site for residential use. The reduction in units and less coverage of the site is acceptable and has resulted in useable amenity space for potential future occupiers in accordance with the National Planning Policy Framework, emerging policies DM1 and DM3 of the Development Management, Policy KP2 and CP4 of the Core Strategy, policies C11, E5 of the Southend on Sea Borough Local Plan and advice contained within the adopted Design and Townscape Guide (SPD1).

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework, 2012.
- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).
- 5.3 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), C14 (Trees, Planted Areas and Landscaping), H5 (Residential Design and Layout Considerations), T8 (Traffic Management and Highway Safety), T11 (Parking Standards).
- 5.4 Design & Townscape Guide, 2009 (SPD1).
- 5.5 Waste Management Plan
- 5.6 Emerging Development Management Plan policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), (DM3 (Efficient and Effective use of land), DM7 (Dwelling Mix, size and type), DM8 (Residential Standards), DM15 (Sustainable Transport Management)

## **6 Representation Summary Design and Regeneration**

- 6.1 The proposal is an amended design following the refusal of two earlier schemes for two short terraces of 4 houses and three pairs of semi-detached houses. The first application was refused because it was considered to be an overdevelopment of the site particularly with regard to the layout, number of units, relationship with railway, site coverage, lack of amenity space and cramped appearance. The later scheme for 6 houses was considered to be a significant improvement in terms of scale but the amenity space was inadequate. There was no objection raised to the principle of houses on this site.

In response to these refusals the applicant has reduced the number of units to 4 which has enabled the amount of space for amenity to be increased. The

design remains the same as the most recent refusal.

It is considered that the reduction of units and the increase in amenity has addressed the concern regarding the quantity of amenity space and this is now considered to be useable and acceptable for a small house. It is pleasing to see that some small trees are proposed near the front which should make a positive contribution to the streetscene but this should be supplemented by more planting and even a lawn areas as the extent of hard surfaces appears rather excessive and austere.

There are no objections to the general design of the houses themselves except to say that the frontage would be enhanced with some brickwork detailing such as slightly projecting banding or patterning at key positions and even around the gable. This would add further interest to the frontages and provide some reference to the character of the Edwardian flatted blocks opposite therefore helping to integrate the proposal into the streetscene. Full details of the materials should be conditioned [**Officer Comment: Amended plans have been received to provide greater detailing to the brickwork on the front elevation**].

With regard to the boundary it is noted that this is proposal as the same height as the ground floor which is over the usual height of garden walls. There is a concern that this will appear rather over scaled in the streetscene. The lower decorative brick wall of the previously refused scheme would be preferred in this location where it is important to achieve an attractive frontage to the street as well as a private amenity space. The detailing of this should therefore be conditioned along with the details of the gate.

Internally the layout is compact and the living and kitchen areas in particular are not generous but given the constraints of the site a balance must be struck between the provision of amenity and parking and the scale of accommodation. It will, however, be important to ensure that the proposal meets the emerging DM Policy space standards in this respect. It is considered that given the exposure of the site PD rights should be removed so that extensions can be controlled. A condition to restrict the placement of meter boxes on the front elevation should also be imposed.

#### Sustainability

Micro CHP and PVs are proposed to meet the requirement for 10% renewables. There is a concern that the proposed roof form will not present much option for pvs and that these may detract from the design of the main elevation. It would be helpful to have further details on how this aspect of the proposal will be successfully integrated into the design.

## Highways

- 6.2 The proposed parking provision is acceptable. Refuse collection has been provided and is considered acceptable. The applicant has agreed to fund

traffic calming within the area of the development which will help reduce speed of vehicles on station road. The applicant has also been requested to carry out a safety audit in relation to the scheme and is considered acceptable with the addition of the traffic calming with reduces vehicle speed, signage should also be used to inform vehicles of the new development.

It is not considered that the development would have a detrimental impact upon highway safety therefore no objections are raised to the proposal.

The applicant will be required to enter into a legal agreement to carry out all aspects of highway works associated with the development via a Section 278.

### **Environmental Health**

- 6.3 The following comments are based upon the noise and vibration report submitted on the 14<sup>th</sup> March 2015.

#### **Noise Assessment:**

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

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

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

Although PPG24 NEC's are not relevant to policy, we did request NEC of the site be given. **[Officer Comment: NEC's are now irrelevant but, the data**

**shows that the site would fall into NEC C but only marginally].**

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

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

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

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

#### **Vibration:**

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

**[Officer Comment: No objections were raise under application 15/00219/OUT].**

## **Network Rail**

6.4 The developer/applicant must ensure the proposal, both during construction and after completion of works on site does not:

- Encroach onto network rail land;
- Affect safety, operation or integrity of the company's railway and its infrastructure;
- Undermine its support zone;
- Damage the company's infrastructure;
- Place additional load on cuttings;
- Adversely affect any railway land or structure;
- Over-sail or encroach upon the air-space of any network rail land;
- Cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future;

## **Future maintenance**

The development must ensure that any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. The reason for the 2m (3m for overhead lines and third rail) stand-off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from the Network Rail Asset Protection Engineer, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.



## **Drainage**

No Storm/surface water or effluent should be discharged from the site or operations on the site into Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 – 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

## **Plant & Materials**

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

## **Scaffolding**

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

## **Piling**

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

## **Fencing**

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass

proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

### **Lighting**

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

### **Noise and Vibration**

The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which holds relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

### **Landscaping**

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway.

### **Vehicle Incursion**

Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

As the site is adjacent to Network Rail's operational railway infrastructure, Network Rail strongly recommends the developer contacts [AssetProtectionAnglia@networkrail.co.uk](mailto:AssetProtectionAnglia@networkrail.co.uk) prior to any works commencing on site. Network Rail strongly recommends the developer agrees an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website at [www.networkrail.co.uk/asp/1538.aspx](http://www.networkrail.co.uk/asp/1538.aspx).

## **Environment Agency**

6.5 This application is outside our remit and therefore no comment.

## **Public Consultation**

6.6 Two site notices displayed on the 11.05.2015 and 149 neighbours notified of the proposal and 3 letters of representation have been received at the time of writing this report and any other representations will be reported in the supplementary report accordingly.

- The building will block light;
- Block a seaview;
- Too close to the railway.

## **7 Relevant Planning History**

7.1 Demolish existing single storey office building, erect six three storey dwelling houses, associated landscaping and form vehicular accesses on to Station Road (Outline - Amended Proposal)- Refused (15/00219/OUT).

7.2 Demolish existing single storey office building, erect eight three storey dwelling houses with roof terraces to front, associated landscaping and form vehicular accesses on to Station Road- Refused (14/01211/OUT).

7.3 Vary Condition 02 (plans numbers), Condition 05 (operating times 0730 - 1800 Monday -Saturday only, closed Sundays and bank holidays) to allow Sunday and bank holiday trading between the hours of 10:00 and 16:00 and amend Monday to Saturday operating hours to 08:00 -18:30, Condition 09 (mains powered machinery only) to allow portable pressure washers and Condition 10 (No more than 4 vehicles displayed for sale at any one time) to allow up to six vehicles for sale at any one time- Granted (13/01071/FUL)

7.4 Erect canopy (Retrospective)- Refused (13/01070/FUL)

7.5 Erect single storey side extension to office, change of use vehicle sales (sui generis) to include hand car wash (sui generis)- Refused (09/00463/FUL). Allowed on appeal.

- 7.6 Change of use from vehicle sales (Sui generis) to hand car wash (Sui generis) (Amended Proposal)- Refused (08/01414/FUL)
- 7.7 Change of use from vehicle sales (sui generis) to hand car wash (sui generis) and form new vehicular crossover onto Station Road- Refused (08/01106/FUL)
- 7.8 Form additional vehicular access to Station Road, alter configuration of open car sales site, incorporate railway land into curtilage and use for vehicle preparation, retain wooden workshop/storage building on incorporated land, allow vehicle preparation (relax condition 02 on permission SOS/95/1000 granted on appeal 06/05/97 which states that no vehicle repairs or painting shall be carried out on site), increase the no. of vehicles for sale to 13 (relax condition 06 on permission SOS/95/1000 which states that there shall be no more than 9 vehicles displayed for sale at any one time (part retrospective-amended)- Refused (06/01540/FUL).
- 7.9 Form additional vehicular access to Station Rd, alter configuration of open car sales site, incorporate railway land into curtilage and use for vehicle preparation, retain wooden workshop/storage building on incorporated land, allow vehicle preparation (Relax condition 02 on permission SOS/95/1000 granted on appeal 6.5.97 which states that no vehicle repairs or painting shall be carried out on site),increase the no. of vehicles for sale to 14 (Relax condition 6 on permission SOS/95/1000 which states that there shall be no more than 9 vehicles displayed for sale at any one time (part retrospective-amended proposal)- Refused (06/00065/FUL).
- 7.10 Form additional vehicular access to Station Road, alter configuration of open car sales site, incorporate railway land into curtilage of site and use for vehicle preparation, retain wooden workshop/storage building on incorporated land, allow vehicle preparation (Relax condition 02 on permission SOS/95/1000 granted on appeal 6.5.97 which states that no repairs or painting shall be carried out to any vehicle on the site),increase the number of vehicles for sale on the premises to 14 (Relax condition 6 on permission SOS/95/1000 which states that there shall be no more than 9 vehicles displayed for sale at any one time (part retrospective) (amended proposal)- Refused (05/00711/FUL)
- 7.11 Form 2 additional vehicular accesses onto Station Road, alter configuration of open car sales site, incorporate railway land into curtilage of site and use for vehicle preparation, retain wooden workshop/storage building sited on incorporated land, allow vehicle preparation(Relax Condition 2 on permission SOS/95/1000 granted on appeal 6/5/97,which stated that no repairs or painting shall be carried out to any vehicle on the site) increase the number of vehicles allowed for sale on the premises to 16 (Relax Condition 6 on permission SOS/95/1000, which stated that there shall be no more than 9 vehicles displayed for sale at any one time)(Part-Retrospective)- Refused

(04/00715/FUL) Dismissed at appeal.

## **8 Recommendation**

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

- 1 Details of the landscaping (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 (three) years from the date of this permission. The development hereby permitted shall begin not later than 2 (two) years from the date of approval of the last of the reserved matter to be approved.**

**Reason:**

**Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and because the application is for outline planning permission only and the particulars submitted are insufficient for consideration of details mentioned.**

- 2 The development hereby permitted shall be carried out in accordance with the approved plans 268-11-14 P01 Revision C; 268-11-14 P04 Revision E; 268-11-14 P03 Revision C.**

**Reason:**

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

- 3 Prior to commencement of the development hereby approved, details and samples of materials to be used in the construction of the external elevations of the dwellings and hardstanding surfaces, which should be constructed from a permeable surface shall be submitted to and agreed by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.**

**Reason:**

**In the interests of visual amenity and drainage to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is set out in National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management) emerging policy DM1, Borough Local Plan 1994 policy C11, and SPD1 (Design and Townscape Guide).**

- 4 4 car parking spaces (1 to each dwelling) shall be provided in accordance with 268-11-14 Revision C prior to occupation of the new dwellinghouses hereby approved and shall thereafter be permanently retained for the parking of private motor vehicles solely for the benefit of the occupants of the new dwellings and for no other purpose unless otherwise agreed in writing by the local planning authority.**

**Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management) emerging policy DM15, Borough Local Plan 1994 policy T8 and T11, and SPD1 (Design and Townscape Guide).**

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

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

- 6 All planting in the approved landscaping scheme, submitted as part of the reserved matters scheme shall be carried out within 12 calendar months of completion of the development. Any trees, or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as maybe agreed with the local planning authority.**

**Reason: In the interests of visual amenity and to ensure a satisfactory standard of landscaping, pursuant to Policy C14 of the Borough Local Plan, Policy CP4 of the Core Strategy DPD1 and DPD2 (Development Management) emerging policy DM1.**

- 7 Prior to the commencement of development a renewable energy assessment shall be submitted to and agreed in writing with the Council to demonstrate how at least 10% of the energy needs of the development will come from onsite renewable options (and/or decentralised renewable or low carbon energy sources. Details of Code for Sustainable Homes Level 3 or achieving BREEAM 'very good' should also be submitted and agreed with the local planning**

authority. The scheme as approved shall be implemented and brought into use on first occupation of the development unless otherwise agreed in writing with the Local Planning Authority.

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

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

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

- 9** Prior to first occupation of the dwellinghouses details of an acoustic fence to the north, east and west boundaries shall be submitted to and approved in writing by the Local Planning Authority. The fence shall be installed in accordance with the approved details prior to first occupation of the dwellinghouses and shall be retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To protect residential amenity and general environmental quality in accordance with National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management) emerging policy DM1, and Borough Local Plan 1994 policy H5, E5 and U2.

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

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

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

## **Holidays.**

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

- 12** No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i.** the parking of vehicles of site operatives and visitors
  - ii.** loading and unloading of plant and materials
  - iii.** storage of plant and materials used in constructing the development
  - iv.** the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - v.** details of drainage/surface water to ensure the proposal does not discharge onto Network Rail land including foul drainage.
  - vi.** measures to control the emission of dust and dirt during construction
  - vii.** plant and materials
  - viii.** scaffolding
  - ix.** piling
  - x.** lighting
  - xi.** a scheme for recycling/disposing of waste resulting from demolition and construction works
  - xii.** future maintenance of the site

**Reason:** To minimise the environmental impact and disturbance to existing residents, during construction of the development in accordance NPPF; DPD1 (Core Strategy) 2007 policy KP2 and CP4; DPD2 (Development Management) emerging policy DM1 and Borough Local Plan 1994 policy U2 and T8.

## **Informatives**

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

**The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within**



**the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.**

<b>Reference:</b>	14/01798/FUL
<b>Ward:</b>	Milton
<b>Proposal:</b>	Erect additional floor to form four self-contained flats with associated terraces, erect part two part three storey rear extension, lay out parking and refuse storage to rear
<b>Address:</b>	Mayas Restaurant, First Floor, 42 London Road, Southend-On-Sea, Essex, SS1 1NT
<b>Applicant:</b>	Mr Carl And Marc Cantor
<b>Agent:</b>	BGA Architects
<b>Consultation Expiry:</b>	08/05/15
<b>Expiry Date:</b>	05/06/15
<b>Case Officer:</b>	Ian Harrison
<b>Plan Nos:</b>	0-001, 0-003 A, 0-002, 1-001, 1-002 A, 1-003A, 1-004 A, 2-001, 2-002, 2-003 B, 2-004 A, 2-100, 2-101
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>



## **1 The Proposal**

- 1.1 Planning permission is sought to extend the existing building to enable the creation of 4 flats and other ancillary alterations to the building and the site.
- 1.2 The site currently contains a two storey building that is used as restaurants at ground and first floor. The building has frontages onto London Road and College Way measuring 25 and 55 metres long respectively. The existing building has a flat roof, with a false pitched edge that has an eaves height of 8.3 metres and a maximum height of 10.8 metres. Behind the false pitched roof is currently a void area of flat roof on which a number of plant installations exist. On the North and West frontages are a total of seven first floor bay projections that measure 3.4 metres wide and 6.7 metres tall
- 1.3 The application proposes the erection of second floor extension that would be largely hidden behind the existing false pitched roof, projecting by 0.6 metres. The extension would create four two bedroom flats that would each measure 10.5 metres deep and 6.7 metres wide. The flats would be arranged in a staggered arrangement, with 1 metre steps between each flat. The proposed flats would have a flat roof built to a height of 2.7 metres and be positioned above a 600mm void above the existing roof to enable extraction to continue to function for the benefit of the restaurants beneath. The flats would be positioned to be between 2.4 and 4.5 metres from the East edge of the existing building, at which point a 1.8 metre tall screen would be erected.
- 1.4 The proposed flats would be served by gardens to the East of the flats that would measure between 23 and 53 square metres. Four parking spaces would be provided at ground floor level with access direct from College Way. Refuse storage and cycle parking would also be provided at this part of the site and an existing delivery/loading area would be retained.
- 1.5 The other ancillary developments at the site include the erection of a two storey and first floor extension at the South of the building that would provide stairs and a link to the existing staircase at the South East corner of the site, which would also be extended upwards, to a maximum height of 10.1 metres to enable access to the second floor. At roof level, three kitchen extracts would be provided, which would be enclosed by acoustic screens.

## **2 Site and Surroundings**

- 2.1 The application site is located to the East of College Way and to the South of London Road, measuring 0.85 hectares in area. The application site is located within the Defined Shopping Centre of Southend and the North frontage is allocated as part of the Secondary Shopping Frontage as defined by the Borough Local Plan.
- 2.2 The site contains a two-storey flat roofed building that is described above.

- 2.3 The surrounding buildings are used for a variety of commercial, community and residential purposes and include buildings of varied scale and architectural detailing.

### **3 Planning Considerations**

- 3.1 The key considerations are the principle of the development, design and impact on the character of the area, the amenities of existing and proposed residents and highway implications.

### **4 Appraisal**

#### **Principle of the Development**

**The National Planning Policy Framework, DPD1 (Core Strategy) policies KP2, CP1, CP2, CP4 and CP8; BLP policies C11 H5, and H7.**

- 4.1 Policy CP8 expects 80% of residential development to be provided on previously developed land and identifies that 2000 dwellings should be provided in the Southend Town Centre and Central Area over the twenty year plan period.
- 4.2 From this basis, it is considered that the principle of undertaking residential development at this site should be supported, subject to the following detailed considerations. This is especially the case given that one of the 12 core principles of sustainable development that are identified within the NPPF is to “promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas.”

#### **Design and Impact on the Character of the Area:**

**The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11, H5, and H7 and the Design and Townscape Guide.**

- 4.3 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF as well as Policies C11 and H5 of the Local Plan and Policies KP2 and CP4 of the Core Strategy. The Design and Townscape Guide (SPD1) also states that the Council is committed to good design and will seek to create attractive, high-quality living environments.
- 4.4 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.

- 4.5 The NPPF states that *“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”*.
- 4.6 The Design and Townscape Guide (SPD1) states that *The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant... the easiest option is to draw reference from the surrounding buildings.* It goes on to state that *“Schemes that propose buildings that are taller than their neighbours will be required to justify why an increased height is acceptable. This ranges from buildings that are one or two storeys higher to ones which are many storeys higher.”* The guidance also identifies five scenarios where increases in height are considered to be appropriate.
- 4.7 The character of the surrounding area is defined by featuring buildings of mixed scale. To the West of the application site is a tall residential building with multi-storey parking beneath. The wider area features several buildings that are the equivalent of two, three and four storey buildings and it is therefore considered that there is scope to increase the height of the building without material harm to the character of the surrounding area.
- 4.8 The majority of the proposed physical alterations to the existing building would be hidden from public view as the structures are shown to be largely hidden behind an existing false-pitched roof that follows three edges of the existing building. The flats take the form of a very basic flat roofed addition that would not be of significant architectural merit. However, as the flats would be largely masked from the public domain, it is considered that the structures would not cause visual harm that would justify the refusal of the application. As the East flank currently has no pitched roof and lower buildings are located to the East, the enclosing screen would be visible from the East end of London Road. In this instance it is considered that the screen, which would only obscure views of the residential flats to the West, would not become a dominant, prominent or unduly harmful feature of the street-scene of London Road and would not therefore cause visual harm to an extent that would justify the refusal of the application.
- 4.9 The most visible alterations would be to the South elevation, which are small extensions to provide an entrance to the flats. The proposed extensions would be small-scale and subordinate to the existing building. It is considered that the proposed architecture is appropriate for the character and appearance of the existing building. The existing South elevation fronts onto the service yard and as such is considered to be the functional elevation of the building that is of little visual interest and a neutral feature in the context of the surrounding area. From this basis it is considered that the proposal would add character and visual interest and therefore represent the enhancement of the application site.

## **Traffic and Transport Issues**

### **The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4; BLP policies T8 and T11.**

- 4.10 Policy H7 states that all proposals should be provided with satisfactory means of access and off-street parking facilities. This is supported by emerging policies DM3 and DM15.
- 4.11 Policy T11 of the BLP states that “In considering planning applications for development (including changes of use) the Borough Council will require the provision of off-street car parking spaces.” The EPOA Vehicle Parking Standards state that a maximum parking provision of 1.5 spaces per dwelling should be applied to residential developments. The Council’s emerging parking standards, as set out within emerging policy DM15 would require each of the two bedroom flats to be served by one parking space, thereby requiring the provision of a total of four parking spaces.
- 4.12 The application proposes the rearrangement of the existing service yard at the College Way frontage of the application site. An existing brick wall would be demolished to enable access to four parking spaces within the site which would be compliant with the Council’s Emerging Parking Standards. The vehicle crossover has already been provided in the position shown. No objection has been raised to the proposal by the Highway Authority, although it has been stated that the width of the crossover should be reduced to 9.6 metres, which would be adequate to serve the proposed development. It is therefore considered that no objection should be raised to the proposal on the grounds of parking provision and highway safety.

### **Impact on Residential Amenity:**

### **The National Planning Policy Framework; BLP policies C11, H5, and H7 the Design and Townscape Guide.**

- 4.13 The proposed development would result in the height of the building being increased, but only behind an existing roof structure. It is therefore considered that the proposal would have no impact on the neighbouring properties that exist to the West of the application site.
- 4.14 A 1.8 metre tall screen would be erected on top of an existing parapet wall at the East elevation of the existing building which would again obscure views of the building and prevent overlooking of the buildings to the South and East which mostly appear to be in commercial use.
- 4.15 It is considered that the additional structures on the South elevation and the proposed screen at second floor would not cause the loss of light within any neighbouring properties or be visually overbearing. It is therefore considered that the proposal should be found acceptable in this respect.

## Living Conditions for Future Occupiers

### National Planning Policy Framework 2012, Borough Local Plan Policies H5 and H7 and SPD1

4.16 Paragraph 17 of the NPPF states that “*planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*”. The Council’s Development Management Development Plan Document has been through examination and it is therefore considered to have significant weight in policy terms. In this document (Policy DM8) minimum dwelling and room sizes are set out as per the below table:

#### Policy Table 4: Indicative Residential Space Standards

(a) 2 bedroom (3 bed spaces) 57

The following is also prescribed:

- Provision of a storage cupboard with a minimum floor area of 1.25m<sup>2</sup> should be provided for 1-2 person dwellings. A minimum of 0.5m<sup>2</sup> storage area should be provided for each additional bed space.
- 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 7m<sup>2</sup> for a single bedroom with a minimum width of 2.15m<sup>2</sup> ; and 12m<sup>2</sup> for a double/twin bedroom with a minimum width of 2.55m<sup>2</sup>
- 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.

4.17 With respect to amenity space, each flat would be served by a garden/terrace of sizes ranging between 23 square metres and 53 square metres which is considered

to be adequate for flats in a town centre location which are served by other amenities.

- 4.18 The larger bedrooms are shown to be of a size that does not comply with the abovementioned standards, however the breach is not considered to be at a level that would make the accommodation uninhabitable. The flats are of a size (63 square metres) that complies with the abovementioned standards and cycle and refuse storage are also indicatively provided within the service area at the South of the site.
- 4.19 The commercial use of surrounding properties may cause noise and disturbance which could detract from living conditions for future occupiers. In this respect it is noted that the approved uses of the floors below is as restaurants and as such the advice provided by the Council's Environmental Protection Team should carry significant weight. In summary, they have assessed that the inadequate information has been provided to demonstrate that the proposed residential uses would not be subjected to undue noise from the existing commercial uses of the surrounding area. It is considered that it should be demonstrated that suitable living conditions can be achieved without material harm from other uses and the operation of extraction/ventilation equipment at the application site.
- 4.20 In the absence of adequate evidence to demonstrate that suitable living conditions could be achieved at the application site, it is considered appropriate to take a precautionary stance and object to the application. The Local Planning Authority is not able to be satisfied that conditions would be adequate to address this matter.
- 4.21 Moreover, it is considered that the outlook of the flats would not be acceptable as the view from within each property would be heavily restricted by the return wall that would be provided behind each pitched roof that surrounds three edges of the building. Moreover, the outlook from the front (East) elevation of the proposed flats would be obscured by screens and acoustic fencing that would enclose the ventilation/extraction plant that is required to serve the existing uses on the lower floors.

#### **Sustainable Construction:**

#### **The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4 and CP8.**

- 4.22 Policy KP2 of the Core Strategy states; *"All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources"* and that *"at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)"*. The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design



- 4.23 No details have been provided by the applicant to demonstrate how this matter will be addressed. It would however be possible to secure the submission and agreement of details of sustainable construction under the terms of a condition.

## **5 Conclusion**

- 5.1 The proposed development would enable the creation of four additional residential units without causing material harm to the character of the site or the surrounding area or the amenities of neighbouring residents and it is considered that the provision of parking is compliant with the Council's adopted parking standards.
- 5.2 However, it is considered that the applicant has failed to demonstrate that the living conditions of occupants of the building would be adequate as the outlook of the dwellings and the quality of the amenity space would be severely restricted by virtue of the fact that the site second floor would be fully enclosed with structures that would exceed eye level. Moreover, it has not been demonstrated that the occupants of the proposed residential units would not be subjected to undue noise and disturbance from the operation of surrounding commercial uses and the operation of extraction, ventilation and other such plant. It is therefore considered that the standard of living accommodation would not be acceptable and as such the proposal is considered to be contrary to the policies of the development plan and the NPPF.

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework.
- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance), and CP8 (Dwelling Provision).
- 6.3 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 6.4 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), H7 (Formation of Self-contained Flats) and T8 (Traffic Management and Highway Safety) and T11 (Parking Standards).
- 6.5 EPOA adopted Vehicle Parking Standards.
- 6.6 Emerging Policy: Development Management DPD policies DM3 (The Efficient and Effective Use of Land) DM8 (Residential Standards) and DM15 (Sustainable Transport Management).

### **Representation Summary**

#### **Highway Authority**

7.1 No objection has been raised.

### **Design and Regeneration**

7.2 Although this is not a particularly high quality design the only aspect of the proposal which will have significant impact in the streetscene is the entrance block to the south west corner and this seems to be of a reasonable design. The key element here will be the materials and detailing. Render and aluminium windows and doors with a flat roof are proposed. It is considered that a parapet would be a neater solution however a well detailed fascia and flat roof may be acceptable.

The rear staircase addition, which is set back but will be visible is just an extension of the existing form and subject to matching materials is considered to be acceptable. The proposed flats to the roof are rather a basic design but these will not be visible from ground level. They appear to be well sized with a good level of amenity space. 10% renewables should be conditioned for the flats in line with policy KP2.

### **Environmental Health Officer**

7.3 The Environmental Health Officer has identified that the application is for residential units located in a busy night time economy area. The proposal site is in close proximity to a number of late night commercial and entertainment venues. The proposed residential premises may be subject to noise and disturbance from the existing entertainment sources. In order to assess this proposal fully a suitably qualified and competent person who would normally be a member of the Institute of Acoustics shall evaluate the potential noise impact to the future occupiers of the development. This report shall include any necessary mitigation measures required to meet relevant internal noise criteria in accordance with BS8233:2014.

Bedrooms in particular within the scheme should be provided with an adequate standard of façade sound insulation to protect amenity at night and in the early hours of the morning.

Also limited information has been provided regarding the current and proposed ventilation & extraction plant serving the existing restaurants located at 42 London Road. The proposed ventilation and extraction plant will need to be assessed where relevant in accordance with BS4142:2014 for day and night periods and compared with the background levels obtained when assessing the existing environment. Appropriate mitigation should then be recommended as necessary.

Any mechanical extraction, ventilation or air conditioning plant would need to be carefully located and designed in order to prevent statutory noise and odour nuisance.

In the absence of relevant acoustic information I am unable to assess the application in its entirety.

## **Members**

7.4 Cllr Garston has called in the application

## **Public Consultation**

7.5 10 neighbouring properties were notified of the application and a notice was posted at the site. 1 responses has been received which raises the following grounds of objection:

- The public notification exercise that has been undertaken is inadequate in terms of duration. **(Officer Note – The notification exercise that has been undertaken is in accordance with the Council’s Adopted Statement of Community Involvement and the dates quoted by the complainant are incorrect.)**
- The architecture of the existing building is an important part of the history of Southend and should therefore be protected.
- The existing restaurant uses are served by inadequate parking, refuse storage, ventilation, extraction and sound insulation.
- The proposal represents overdevelopment of the site.
- All other buildings of London Road are of the same height and this proposal would therefore harm the character of the area. **(Officer Note – The building heights vary significantly in the surrounding area).**
- The dropped kerb that has been provided is unsafe.
- The proposed flats would overlook the neighbouring student flats to the West.

## **8 Relevant Planning History**

8.1 The existing building has been the subject of various applications relating to the change of use of the building and minor alterations to the building. That planning history is considered to be of little relevance to this application.

## **9 Recommendation**

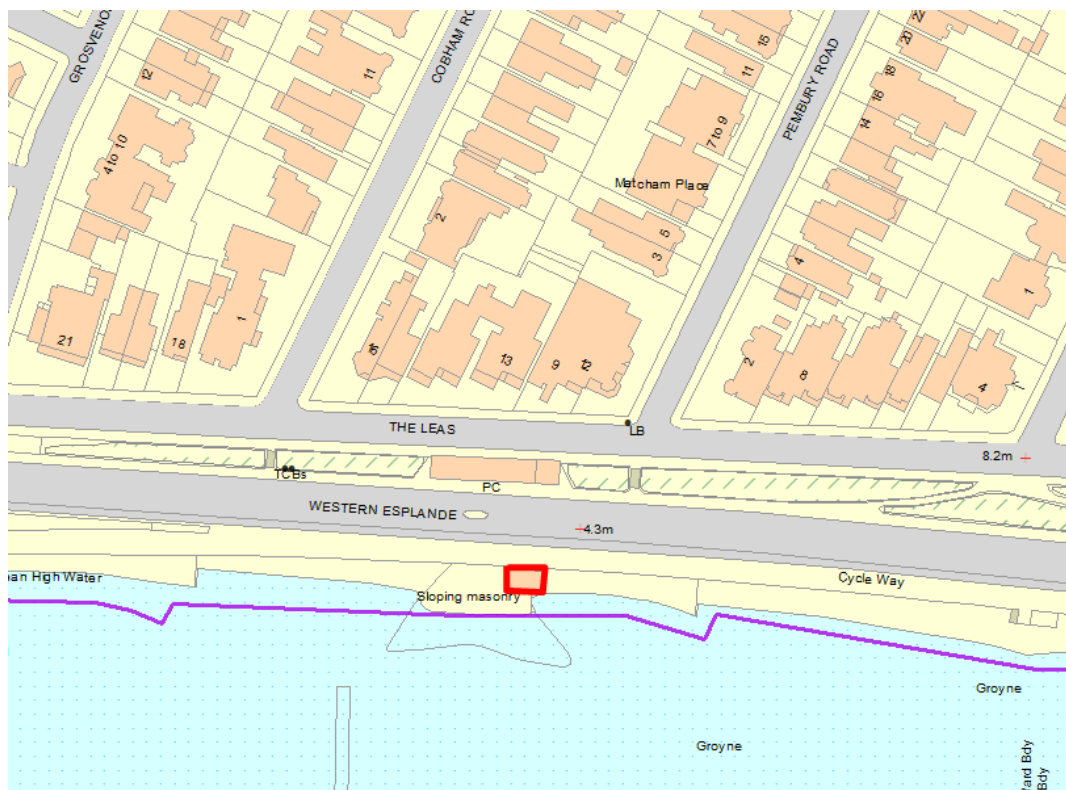
9.1 **It is recommended that planning permission is REFUSED for the following reason:**

- 1. The proposed residential units would be served by inadequate living conditions by virtue of the undue sense of enclosure that would be caused by the relationship to the existing roof and the proposed screen to the east edge of the building. Moreover, it has not been demonstrated that the occupants of the proposed residential units would not be subjected to undue noise and disturbance from the operation of surrounding commercial uses and the operation of extraction, ventilation and other**

**such plant. The proposal is therefore contrary to the National Planning Policy Framework 2012, Borough Local Plan Policies C11, H5 and H7, Emerging Development Management DPD Policies DM1, DM3 and DM8 and 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.**

<b>Reference:</b>	14/02093/FUL
<b>Ward:</b>	Chalkwell
<b>Proposal:</b>	Erect decking and enclosed bin store to front (north elevation) and install enclosed ventilation equipment to roof (Part Retrospective)
<b>Address:</b>	Kiosk 9, Western Esplanade, Westcliff-on-Sea, Essex
<b>Applicant:</b>	Mr D. Gammer
<b>Agent:</b>	N/A
<b>Consultation Expiry:</b>	29.04.2015
<b>Expiry Date:</b>	08.05.2015
<b>Case Officer:</b>	Janine Rowley
<b>Plan Nos:</b>	Location Plan; 93-06-11-P06/B May 2016; 93-06-11-P03/b May 2016
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## **1 The Proposal**

- 1.1 Planning permission is sought to erect decking and enclosed bin store to the front (north elevation) and install and enclosed ventilation equipment to the roof.
- 1.2 The applicant is seeking to retain the bins to the front of the site and enclose with timber, including the herringbone design of the existing building and a door opening eastwards. The bin store 2.6m wide x 0.7m deep x 1.2m high and will be sited on the existing hardstanding. The proposed extract ducting enclosure is 1.2m deep x 0.6m wide and will be cladded in the herringbone design to match existing.

## **2 Site and Surroundings**

- 2.1 The site consists of a single storey detached building which fronts Western Esplanade. The site has been restored and now used as a Kiosk selling food and beverages. The refuse is currently stored in the open to the front of the site.
- 2.2 The site adjoins a SSSI, SPA and RAMSAR site.

## **3 Planning Considerations**

- 3.1 The main planning considerations for this application are the principle of development, design, impact on the character of the foreshore and, ecological issues.

## **4 Appraisal**

### **Principle of the Development**

**National Planning Policy Framework, DPD1 (Core Strategy) Policies KP2 and CP4; DPD2 (Development Management) emerging policies DM1, DM6; Borough Local Plan Policies L1, C15 and C16**

- 4.1 Local Plan Policy L1 encourages the improvement of existing tourist facilities where they *“enhance the resorts ability to attract and cater for visitors, increase local employment opportunities and provide for environmental improvements”*. The proposal is considered to be a visitor-related development providing improved facilities for customers. However, this needs to be balanced against the impact of the development on the wider area and the ecologically sensitive environment.
- 4.2 The need to protect wildlife habitats is set out in Policy L2 which states that *“...Development proposals south of the seafront road will be considered where*

*they are predominantly visitor orientated and contribute to the leisure and tourism facilities of the town, having regard in particular to their impact, if any, on the following:...ii) sites of value to Nature Conservation...*

- 4.3 Southend on Sea Borough Local Plan Policy C16 states that, *“The open character of the seafront and adjoining public and private open spaces...will be protected and where possible enhanced. Development south of the seafront road...will be strictly limited to:*

*...ii) the improvement or replacement of existing beach huts, buildings and other structures which cater for recreational needs, without increasing their existing floor area or reducing the area of beach available to the public...”*

- 4.4 Emerging policy DM6 of the Development Management 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.

- 4.5 Furthermore, any 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.

- 4.6 The existing bins to the front of the building are proposed to be enclosed, therefore the proposal does not encroach on the existing beach in terms of openness nor affect the views. Thus, there is no objection in principle to the development which will enhance the tourist offer of the area.

**Design and Impact on the Character of the Foreshore  
National Planning Policy Framework, DPD1 (Core Strategy) Policies KP2 and CP4; DPD2 emerging policy DM1, DM6, Borough Local Plan Policies L1, C11, C15 and C16**

- 4.7 The proposed bin store will be erected to the front of the existing building on hardstanding. The bin store is 2.6m wide x 0.7m deep x 1.2m high. The overall materials to be used will include timber and the herringbone cladding similar to the existing kiosk. The bin store matches the existing building and does not appear at odds with the streetscene. The bin store will be an improvement on the existing situation whereby the bins are stored to the front of the building and highly visible within the streetscene. It is considered that the scale and design of the proposal relates to the existing building and will not have a detrimental impact on the character and appearance of the building or the surrounding area.

- 4.8 The proposed extract enclosure will include a herringbone cladding to match

that of the existing building. The proposed enclosure will enhance the overall appearance of the existing Kiosk given the current ducting is highly visible along the Esplanade.

### **Environmental Issues**

#### **National Planning Policy Framework, DPD1 (Core Strategy) Policies KP2 and CP4; DPD2 DM1, DM6, Borough Local Plan Policies L1, L2, C11, C15 and C16**

- 4.9 The application site is located directly adjacent to the Benfleet and Southend Marshes Site of Special Scientific Interest (SSSI). Natural England is of the view that there are cumulative combination effects of numerous small developments along Southend seafront affecting Benfleet and Southend Marshes SSSI, SPA and Ramsar site. The Council has a duty under The Conservation (Natural Habitats, &c.) Regulations 1994 to an Appropriate Assessment of the conservation implications of proposals that affect European conservation sites. In accordance with this national legislation, the Borough Council as local planning policies that seek to conserve biodiversity and ensure that all development is sustainable (L1, L2, C11 and C15).
- 4.10 Natural England have raised no objections to the proposal given the siting of the refuse store is located on existing hardstanding in front of the building and will therefore not have any impact on the beach. Any comments received will be reported in the supplementary report.
- 4.11 In light of the above, any impacts are likely to be negligible and it is not considered that the proposal will have a significant effect on the European and international site, either alone or in combination with other plans or projects.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework
- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance), CP7 (Sport Recreation and Greenspace)
- 5.3 Development Plan Document 2: Development Management emerging policies DM1 (Design Quality), DM6 (The Seafront).
- 5.4 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), C15 (Retention of Open Spaces), C16 (Foreshore Views), L1 (Tourism), L2 (Central Seafront Area), G7 (Coastal Protection)
- 5.5 Design & Townscape Guide, 2009 (SPD1).

## **6 Representation Summary**



## **Design and Regeneration**

- 6.1 No objections in principle as both these items need to be addressed as they are currently detrimental to the character of the building and the wider seafront. It is assumed there will be a grille/ louver or open side to the sea for the extract to vent.

## **Traffic and Transportation**

- 6.2 No comments received.

## **Parks and Open Spaces**

- 6.3 No comments received.

## **Asset Management**

- 6.4 Southend on Sea Borough Council. Asset Management, acting as Landlord of the premises confirms the tenant is currently in negotiation for the proposed use as noted above.

## **Pier and Foreshore Officer**

- 6.5 No objections.

## **Structural Engineer**

- 6.6 No comments.

## **Environmental Health**

- 6.7 No comments received.

## **Natural England**

- 6.8 internationally and nationally designated sites The application site is directly adjacent to a European designated site (also commonly referred to as a Natura 2000 site), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Benfleet and Southend Marshes Special Protection Area (SPA) which is a European site. The site is also listed as the Benfleet and Southend Marshes Ramsar site and also notified at a national level as the Benfleet and Southend Marshes Site of Special Scientific Interest (SSSI).

In considering the European site interests, Natural England advises that you,

as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have.

#### European site – No objection

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

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

#### SSSI – No objection – with conditions

This application is directly adjacent to the Benfleet and Southend Marshes Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the sites have been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which the Benfleet and Southend Marshes SSSI is notified. As this is a part retrospective planning application, some or all of these suggested conditions may have been overtaken by completed construction.

#### **Environment Agency**

- 6.9 The application should be assessed in relation to the standing advice [**Officer Comment: The standing advice for offers no objection to such a development**].

#### **Essex Wildlife Trust**

- 6.10 No comments received.

#### **RSPB**

- 6.11 No comments received.

#### **Public Consultation**

6.12 Site notice displayed on the 08.04.2015 and 22 neighbours were notified and no responses have been received.

## **7 Relevant Planning History**

7.1 Erect retractable canopy to rear above existing decking incorporating adjustable glass screens- Granted (13/00544/BC4).

7.2 Demolish existing building and erect cafe with raised decked seating area to rear (part retrospective)- Granted (13/00235/BC4) 10<sup>th</sup> April 2013

7.3 Application for Approval of Details pursuant to condition 03 (samples of materials) of planning permission 11/01484/BC4 dated 08/02/12- Permitted (12/01002/AD)

7.4 Extend existing beach cafe to form new kitchen and servery, form raised decked seating area to south elevation and re-clad external elevation- Granted (11/01484/BC4)

7.5 Extension and remodelling of beach-side kiosk and creation on patio area- (11/01117/PREAPF)

7.6 Install weather board cladding to all elevations- Granted 27<sup>th</sup> April 2011 (11/00390/FUL)

## **8 Recommendation**

**Members are recommended to GRANT PERMISSION on the following grounds:**

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

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

**2 The development hereby permitted shall be carried out in accordance with the approved plans Location Plan; 93-06-11-P06/B May 2016; 93-06-11-P03/b May 2016.**

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

**3 The external cladding to be used in the construction of the refuse and extract enclosure shall be constructed from timber cladding herringbone pattern colours of Cabbage White 269 and Lulworth Blue 89 Farrow and Ball Paint. The works must then be carried out**

in accordance with the approved materials unless otherwise agreed in writing by the local planning authority.

**Reason:** In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management) emerging policy DM1, Borough Local Plan 1994 policy C11, and SPD1 (Design and Townscape Guide).

- 4 No materials or waste are to be deposited within the Benfleet and Southend Marshes SSSI, SPA and Ramsar site, outside the boundary of the area that the planning application refers to.**

**Reason:** To ensure the nature conservation interests of the area are protected, considering the site's location in relation to Benfleet and Southend Marshes SSSI, RAMSAR and SPA site, pursuant to Policy KP2 of the Southend on Sea Core Strategy 2007.

- 5 No construction works involving heavy plant or machinery are to be undertaken during the period from 1 October to 31 March inclusive and at no time unless agreed in writing by the Local Planning Authority.**

**Reason:** To ensure the nature conservation interests of the area are protected, considering the site's location in relation to Benfleet and Southend Marshes SSSI, RAMSAR and SPA site, pursuant to Policy KP2 of the Southend on Sea Core Strategy 2007.

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

**Reason:** To ensure the nature conservation interests of the area are protected, considering the site's location in relation to Benfleet and Southend Marshes SSSI, RAMSAR and SPA site, pursuant to Policy KP2 of the Southend on Sea Core Strategy 2007.

- 7 Construction hours shall be restricted to 0730-1800 Monday to Friday, 0800-1300 Saturday and not at all on Sundays or Bank Holidays.**

**Reason:** To protect the environment of people in neighbouring properties and general environmental quality, and in the interests of visual amenity, in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and

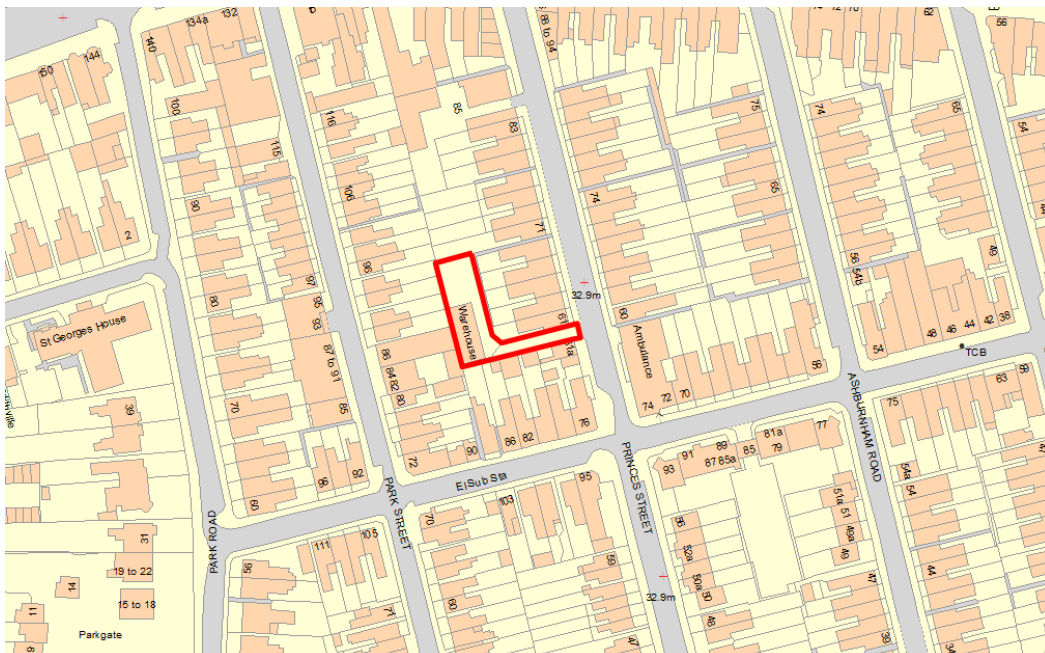
**Borough Local Plan 1994 policy; and C11, and SPD1 (Design and Townscape Guide).**

**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**

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

<b>Reference:</b>	15/00255/FUL
<b>Ward:</b>	Milton
<b>Proposal:</b>	Convert building rear of 61-69 Princes Street into 5 self-contained flats with associated car parking spaces, amenity area, refuge and cycle stores
<b>Address:</b>	61 - 69 Princes Street, Southend-on-Sea, SS1 1PT
<b>Applicant:</b>	Mr D. Morton
<b>Agent:</b>	Mr M. Warner
<b>Consultation Expiry:</b>	19.03.15
<b>Expiry Date:</b>	13.04.15
<b>Case Officer:</b>	Louise Cook
<b>Plan Nos:</b>	10807/2011, 20807/2011, 30807/2011, 40807/2011 amended 15.04.15, 50807/2011 amended 15.04.15, 60807/2011, 70807/2011, 80807/2011, Fig 1A, Figs 2/2A, Fig. 3, Unnumbered rooflight details, Fig.4, Fig. 4A, Fig. 5, Fig. 5i, Fig. 5ii, Fig. 5iii, Fig. 5A, Fig. 5B, letter from agent dated 15 <sup>th</sup> April 2015
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## **1 The Proposal**

- 1.1 The proposal seeks planning permission to convert a vacant warehouse building to residential use. A previous similar scheme was granted permission in 2011 under ref. 11/01027/FUL however, that permission expired on 3rd October 2014.
- 1.2 It is important to note that the Council's Development Management DPD (DPD2) has been the subject of a Public Examination and is due to be adopted in July 2015. Therefore, this document should be given significant weight in the determination of planning applications. This is supported by paragraph 216 of the NPPF which states that; "*the more advance the preparation of the emerging plan the greater the weight that may be given.*"
- 1.3 The building will be converted to accommodate 5 self-contained flats, three of which would be split over two levels. Three flats will be two-bedroom units and two will be one-bedroom units. The internal floorspaces will be between 45 and 67sq.m with an average of 59sq.m per unit. A number of new windows are proposed in each of the existing elevations. No physical extension of the building is proposed.
- 1.4 Five car parking spaces are proposed along with a private amenity space of 51sq.m provided for the residents of the building located to the north of the site. Access to the site will be provided from the existing 4.3m wide access way which is sited between 61a and 61 Princes Street. One of the proposed car parking spaces is located within a garage integral to the building. Three of the proposed ground floor units benefit from their own private access however, there is a shared hallway proposed in the centre of the building for the two second floor units.
- 1.5 Provision has been made for a refuse and cycle store along the eastern boundary of the site.
- 1.6 Details of paving to the access, boundary treatments, solar panels, conservation rooflights, window and door details, the layout of the amenity space, parking area, bin store, cycle store and gates have been submitted and form part of the application.
- 1.7 The application site has a lengthy history, full details of which can be found in Section 7 below.

## **2 Site and Surroundings**

- 2.1 The site consists of a three-storey late Victorian warehouse building which is vacant. It was last used as a furniture store. The majority of the original loading door and window openings of the warehouse have been blocked up,

but the traditional form and configuration of the building can still be appreciated. The site also incorporates a single storey garage block previously used for storage purposes.

- 2.2 The site is a backland site, sitting between the backs of properties in Princes Street and Park Street. The site is bounded to the north, east and west by residential properties, with a mix of commercial and residential to the immediate south. The three storey warehouse building sits in the southwest corner of the site, and is a large structure visible from the street. The remainder of the site is yard-space.
- 2.3 The character of the area is largely residential, typified by two storey late Victorian dwellings with bay windows, some of which have been converted to flats.

### **3 Planning Considerations**

- 3.1 The main issues are the principle of the development; whether the proposed conversion would provide a satisfactory standard of accommodation for future occupiers, particularly with respect to outlook, light and private amenity space; the effect of the proposed conversion on the amenities of neighbouring occupiers, particularly with respect to overlooking; issues of highway safety, design and sustainable construction. The previous permission and history of the site are also material considerations.

### **4 Appraisal**

#### **Principle of the Development**

**National Planning Policy Framework; DPD1 (Core Strategy) policies KP1, KP2, CP4, CP8, CP3; BLP policies E4, C11, H5, H7, H10, T11, T8, Design and Townscape Guide 2009 SPD1 and emerging Development Management Document (DPD2) policy DM3.**

- 4.1 Policy CP1 of the Core Strategy 2007 and policy E4 of the BLP seek to retain employment uses. Nevertheless, in view of the proximity of the class B8 use to residential properties and the potential to result in harm to residential amenity, it is considered that a well-designed residential scheme could improve the quality of the area; therefore the site should be considered as an exception to policies CP1 and E4. The loss of the employment use has been previously accepted by the Council and on appeal by a Planning Inspector.
- 4.2 The building to which this application relates lies to the rear of 61, 63 and 65 Princes Street. Access from Princes Street is between 61 and 61a. The site boundaries beyond the access are generally defined by approximately 2m high fencing or brick walls and the application building itself. The site lies in a tightly grained residential area.



4.3 Paragraph 5.2 of the Design and Townscape Guide 2009 (SPD1) relates to Backland Development and highlights the importance of issues such as retaining the openness of the area, protecting the privacy of adjoining residents, ensuring practical amenity space and off street parking is provided and that sufficient access is provided for emergency services and waste collection. These issues will be addressed below.

4.4 Policy DM3 in respect of backland development states:

*“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 contrived and unusable garden space for the existing and proposed dwellings;*
- or*
- (iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees.”*

4.5 The principle of using the building for residential purposes is considered to remain acceptable, subject to the considerations set out in policy DM3 and detailed below being satisfactorily addressed.

**Standard of Accommodation for Future Occupiers**

**National Planning Policy Framework, DPD1 (Core Strategy) policies KP2 and CP4; Borough Local Policies C11, H5, H7, H10, the Design and Townscape Guide 2009 SPD and emerging Development Management Document (DPD2) policy DM8**

4.6 The table detailed below sets out the sizes of the proposed flats and the indicative residential space standards set out in policy table 4 of the emerging Development Management (DM) Policy DM8:

Flat No.	No. of Beds	No. of Spaces Capable of being Accommodated	Bed of	No. of Floors	Proposed Size (sq.m)	Development Management Minimum Internal Floor Area (sq.m)
1	2	3		2	67	66
2	2	3		2	66	66
3	1	2		2	56	45
4	2	3		1	63	57

5	1	2	1	45	45
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- 4.7 As detailed above, the proposed units meet the emerging Development Management policy DM8. It is therefore, considered that the standard of accommodation would be satisfactory and would not be detrimental to the amenities of future occupiers.
- 4.8 There are no defined space standards set out in the emerging DM policy in respect of amenity space however, it states that amenity space must be useable and functional to cater for the needs of the intended occupants. The proposed amenity space is considered to meet these requirements and therefore, no objection is raised on this basis and it is considered to remain acceptable.
- 4.9 A number of windows in the building will need to be obscure glazed and partially fixed shut (up to an internal floor height of 1.7m) to prevent overlooking and loss of privacy to neighbouring occupiers which are located within close proximity of the site. Such conditions can impact the quality of the internal space and units proposed which is discussed below.
- 4.10 Whilst a number of windows on the first floor will be obscure glazed and partially fixed shut, the units on these floors are split level and therefore will benefit from unobscured ground floor windows. Additionally, flat 3 at the northern end will have flank windows facing north which will not need to be obscure glazed and fixed shut. Also flat 1 at the southern end will have one window in the main bedroom which faces the vehicle access. Therefore, the quality of the internal spaces of flats 1-3 is considered to be reasonable as recognised in paragraph 11 of the Inspector's report relating to application ref. SOS/08/00196/FUL.
- 4.11 Two windows are proposed on the western elevation. These windows will need to be fixed shut and obscure glazed to prevent overlooking. One of these windows is a bathroom (a non-habitable room) and likely to be obscure glazed notwithstanding the condition, and therefore there is no objection in principle to this. The other window on this elevation serves a bedroom (flat 2). Whilst this will result in all windows in the upper floor of this unit being obscure glazed and partly fixed shut, future occupiers will purchase the unit aware of this and therefore no objection is raised. No objection was raised to this under the previous scheme.
- 4.12 Whilst flats 4 and 5 of the proposed development will have a number of obscure glazed and partly fixed shut windows, flat 4 will have three north facing windows which will not require these measures and additionally rooflights over these units will provide additional natural daylight. The livingroom window of flat 5 (a one bedroom unit) will not need to be fixed shut or obscure glazed given its position overlooking the access road. It is therefore, considered that the outlook for future occupiers would be

satisfactory and future occupiers will be aware of this when seeking to purchase such units.

- 4.13 With regards to the proposed first and second floor windows in the southern elevation, the first floor window serves a secondary bedroom (flat 1) and the occupier who purchases the unit will be aware of this high level window. The second floor window serves a kitchen (flat 5) which as is an open-plan design combined with the living room and therefore, will benefit from light from the proposed window on the eastern elevation.

### **Impact on Neighbouring Occupiers**

**National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4; Borough Local Policies C11, H5, H7, H10, the Design and Townscape Guide 2009 SPD1, emerging Development Management Document (DPD2) policy DM1.**

- 4.14 Paragraph 207 of the Design and Townscape Guide states that the conversion of industrial units in residential areas can give rise to overlooking problems for adjacent residential properties and these schemes will often require an innovative design solution. This is particularly relevant in this instance as this site is tightly constrained.
- 4.15 Appeal decision 08/00196/FUL is relevant in this instance as the Inspector recognised that obscure glazing conditions could be imposed to overcome overlooking of neighbouring occupiers. In paragraph 11 of her decision, the Inspector stated;

*“...In view of the very limited number of windows in the rear of properties fronting Princes Street, I am satisfied that the harm I have identified could be mitigated by appropriate conditions.”*

- 4.16 It is not considered that the ground floor windows would give rise to overlooking or loss of privacy to neighbouring occupiers as adequate boundary treatment could be conditioned (as recognised by the Inspector in the 2009 appeal decision – paragraph 3). The window on the western elevation at ground floor level is high-level and will not therefore, give rise to overlooking or loss of privacy to occupiers which back onto this side of the site in Park Street.
- 4.17 In order to prevent overlooking and loss of privacy to surrounding occupiers in Princes Street, Queens Road and Park Street which are located within close proximity of the building, all upper floor windows (excluding rooflights and those detailed below) on the eastern, southern and western elevations of the building will be conditioned to ensure that they are fixed shut up to a height above the internal finished floor level height of 1.7m and obscure glazed. The necessary condition will prevent overlooking directly down and back into the

rear gardens of Park Street, Queens Road and Princes Street. It is not considered that there would be any overlooking from the far south-eastern bedroom window of flat one (first floor) and living room window of flat five (second floor) as these windows will overlook the entrance drive, and as stated by the Inspector in the 2009 appeal decision, “...any potential for overlooking would be very limited”.

- 4.18 It is not considered necessary to condition the windows in the northern elevation given their position and distance of over 15m from the private rear amenity spaces of neighbouring properties. This was also recognised in paragraph 9 of the 2009 appeal decision.
- 4.19 It is not necessary to condition the proposed rooflights as they will be high level and will not have the potential to overlook neighbouring properties.
- 4.20 Given the previous use of the site it is not considered that the nature of the use would be detrimental to the amenities of neighbouring residents or give rise to noise and disturbance. It should be noted, the building can be used as a warehouse at any time given its lawful use. It should also be noted that no objection was raised to the impact on neighbours under the previously approved application (ref. 11/01027/FUL) and there have been no material change in circumstances since the previous application to warrant a refusal of permission on this basis.

### **Design and Impact in the Streetscene**

**National Planning Policy Framework, DPD1 (Core Strategy) policies KP2, CP4; BLP policies C11, H5, H7, H10; the Design and Townscape Guide 2009 SPD1, emerging Development Management Document (DPD2) policies DM1 and DM3.**

- 4.21 Paragraph 205 of the Design and Townscape Guide 2009 states that where the conversion of a building is acceptable in principle, the detailed design should take particular care to preserve any special character the existing building may have and to compliment the neighbouring properties and the wider streetscene.
- 4.22 The proposed development will have little impact in the streetscene given its distance of 30m from the pavement in Princes Street.
- 4.23 The proposed windows are of traditional design and will be positioned within the former openings that have been previously bricked up. UPVC sash windows are proposed and whilst timber would be preferred as this would better relate to the historic character of the building, it should be noted that this building has no historic designation and therefore, it is not considered that the Council could require a timber alternative. Additionally, the building is set back from the streetscene where there are many examples of UPVC windows

locally. Therefore, the window details are considered to be acceptable.

- 4.24 The main entrance doors will be tongue and grooved hardwood doors with a dark weatherproof stain finish and the proposed rooflights will be conservation style rooflights. There are no objections to these details.
- 4.25 With regard to the proposed boundary treatments, 2m high cast iron railings and lockable gates are proposed at the entrance to the site and to the adjoining shared pedestrian right-of-way to the rear of the southern boundary. Existing 2.4m high garden walls on the northern and western boundaries are proposed to be retained and made good by repointing etc. A 2m high close boarded fence are proposed to the eastern boundary. The parking area and amenity space will be delineated by a 1.2m railing with child-proof entry gate. These details are considered to be acceptable.
- 4.26 In respect of hard and soft landscaping, the amenity area will have additional planting of areas of soft landscaping and a privet hedge is proposed to separate the amenity area and the parking area. An existing Sycamore tree in the corner of the site will be retained. Hard surfacing will be of a permeable material.
- 4.27 A children's play area will be provided as part of the amenity area which will have an impact absorbing surface treatment and play equipment. Individual parking spaces will be surfaced with granite chippings rolled in asphalt on a suitable permeable hardcore base with a block paving surround. The remainder of the vehicle turning area will be finished in a permeable surface using block pavers.
- 4.28 In light of the above, no objection is raised on the grounds of design and it is considered that the proposed development meets the policies detailed above. The details of windows, doors, rooflights, boundary treatments, hard and soft landscaping are considered to be acceptable and no further details or conditions are required.

### **Traffic and Transportation**

**National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4; BLP policies C11, T8, T11; EPOA Vehicle Parking Standards, the Design and Townscape Guide 2009 SPD1, emerging Development Management Document (DPD2) policy DM15**

- 4.29 All five car parking spaces are proposed to be located to the north of the building, with the exception of one space which is incorporated within an integral garage within the building.
- 4.30 Paragraph 8.11 of the emerging Development Management DPD states:

*“As such, parking standards will be applied to residential developments (‘trip origins’) to ensure that a sufficient level of parking is provided within new development. However, these parking standards (Appendix 6: Table A5(2)) may be applied flexibly in exceptional circumstances where it can be demonstrated that residential development is proposed in a sustainable location with frequent and extensive links to public transport, particularly within the Central Area, and where the rigid application of these standards would have a detrimental impact on local character and context.”*

- 4.31 Policy DM15 of the emerging Development Management DPD requires dwellings outside of the Southend Central Area to have one space per dwelling for one bedroom dwellings and two spaces per dwelling for 2+ bedroom dwellings. Therefore a total of eight spaces would be required for the proposed development and therefore, there is a shortfall of three spaces.
- 4.32 Notwithstanding this, the site is located within a sustainable location, within short walking distance of the town centre and London Road where there is very good access to local transport. Therefore, despite the shortfall in parking spaces provided on site and taking into account the location of the site, no objection is raised on the basis of car parking.
- 4.33 The existing pedestrian and vehicular access is proposed to be upgraded and provide a shared surface. There is no objection to the continued use of the existing access to the site.
- 4.34 No objections have been received from the Highways Department and there is space within the site to turn a vehicle and leave the site in forward gear. No objections were previously raised with regard to access and there are no material planning considerations to alter this position.
- 4.35 Secure cycle parking is proposed in the form of a standard open covered store with transparent cladding, measuring 5m wide x 2m deep x 1.8m high. Although the cycle store will be open, it will be sited behind a gated access. The details of the cycle store are considered to be acceptable.
- 4.36 With regard to refuse, a three sided bin store finished in yellow London Stock brick will be provided. This will measure 4.2m wide x 1.5m deep x 1.5m high. This will provide an open enclosure for 5no. bins (one per unit). This is considered to be acceptable and will not be visible from the streetscene.
- 4.37 Condition 12 of the previous permission states:

*“12. No development shall take place until Southend Borough Council (as Local Planning Authority and Highway Authority) have approved in writing a full scheme of works and the relevant highways approvals are in place, in relation to the following highway*

works:-

1. A no entry marking on the Princes Street carriageway to reinforce that this is a one way road for those exiting the site; and
2. The demarcation of the highway boundary.

*Reason: In the interests of sustainability, accessibility, highways management, efficiency and safety in accordance with Policies KP2, KP3 and CP3 of the Core Strategy DPD1 and Policy T8 of the Borough Local Plan.”*

- 4.38 The developer proposes to satisfy the above condition by the marking of the words ‘no entry’ on the Princes Street carriageway and a directional sign to indicate that Princes Street is a one-way road from north to south, together with a directional arrow on site within a new tarmac surface section of the shared private driveway. Additionally, the marking of the western highway boundary/shared private driveway boundary will take place by the provision of three rows of granite sets. These details are considered to be acceptable to satisfy the above condition and no further details are required. Separate consent of the Highways Authority will be required as a result of any works to the public highway.
- 4.39 In light of the above, it is considered that the proposed development meets the policies detailed above.

### **Sustainable Construction**

**National Planning Policy Framework, DPD1 (Core Strategy) policies: KP2, CP4, CP8; Borough Local Plan Policy C11, the Design and Townscape Guide 2009 SPD1, emerging Development Management Document (DPD2) policy DM2.**

- 4.40 Paragraph 97 of the NPPF states that local authorities should promote energy from renewable sources. Policy KP2 of the Core Strategy states that all new development proposals should demonstrate how they will maximise the use of renewable and recycle energy, water and other resources.
- 4.41 Paragraph 259 of the Design and Townscape Guide (SPD1) states:
- “...There are many options available for renewable power generation, however, the right combination will depend on what is most appropriate for the site, size and type of unit. Options for renewable power must be considered at the beginning of the design process to enable them to become an integral part of the design of the scheme. The applicant will be required to demonstrate how this requirement will be met as part of the planning application supporting documentation...”*
- 4.42 Solar panels are proposed on the western elevation of the roof slope. An

energy report has not been submitted to demonstrate that the requirements of policy KP2 (a minimum of 10%) can be achieved. However, it is considered that this matter could be satisfactorily dealt with by condition should permission be granted.

- 4.43 It is not considered that a SUDS (Sustainable Urban Drainage System) condition is necessary in this instance as the proposed development will not result in an adverse level of surface water run-off given the existing nature of the site which is completely hard surfaced and additional areas of soft landscaping will be provided which will improve the current situation.

### **Planning Policy Summary**

- 4.44 National Planning Policy Framework, 2012.
- 4.45 Development Plan Document 1: Core Strategy Policies CP1 (Employment Generating Development), CP3 (Transport & Accessibility), CP4 (Environment & Urban Renaissance), CP8 (Dwelling Provision), KP2 (Development Principles).
- 4.46 Southend-on-Sea Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), H7 (Formation of Self-Contained Flats), H10 (Backland Development), T8 (Traffic Management and Highway Safety), T11 (Parking Standards), T13 (Cycling and Walking), E4 (Industry and Warehousing).
- 4.47 Supplementary Planning Document 1: Design & Townscape Guide, 2009.
- 4.48 Essex Planning Officers Association Adopted Vehicle Parking Standards (2001).
- 4.49 Emerging Development Management Document (DPD2) policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM10 (Employment Sectors), DM15 (Sustainable Transport Management). (This document is due to be adopted in July 2015).

## **5 Representation Summary**

### **Highways**

- 5.1 No objection.

## **6 Public Consultation**

- 6.1 Neighbours notified and a site notice has been displayed. One letter of representation has been received which objects to the proposal on the following grounds:



- Building work would cause noise and disruption to neighbouring occupiers.
- Overlooking and loss of privacy to neighbouring occupiers.
- Impact on parking locally which is already a problem.
- Very high density development in the area already and this should not be exacerbated.

6.2 The application has been called into the Development Control Committee by Cllr J. Garston.

## **7 Relevant Planning History**

7.1 14/01276/AD: Application for Approval of Details pursuant to condition 04 (details of windows, doors and rooflights), condition 05 (details of boundary treatments), condition 08 (Details of 10% Renewable Energy), condition 10 (details of landscaping), condition 11 (details of refuse and cycle stores) and condition 12 (Details of Highway works) of planning permission 11/01027/FUL dated 14/09/2011 – Withdrawn.

7.2 11/01027/FUL: Convert building rear of 61-69 Princes Street into 5 self-contained flats with associated car parking spaces, amenity area, refuge and cycle stores (Amended Proposal) – Approved but permission has expired.

7.3 10/00544/FUL: Convert building into 5 self-contained flats at rear of 61-69 Princes Street with associated car parking spaces and amenity area (Amended Proposal) – Refused; dismissed at appeal in January 2011 on the basis that the proposed alterations to the building by reason of the proposed windows chosen would significantly detract from the traditional form configuration of the building and its character and appearance in the surrounding area.

7.4 09/02213/FUL: Convert building into 5 self-contained flats at rear of 61-69 Princes Street (Amended proposal) – Refused on the basis that the proposed fenestration by reason of its design, appearance, type, size and layout of openings would be detrimental to the character and appearance of this late C19 traditional warehouse and therefore contrary to Policy ENV7 of the East of England Plan, Policy CP4 of the Core Strategy (DPD1), Policy C11 of the Borough Local Plan and guidance contained within the Design and Townscape Guide, 2009 (SPD1).

7.5 09/01092/FUL: Convert building into 5 self-contained flats at rear of 61-69 Princes Street (amended proposal) – Refused on the basis that the proposed development, by reason of the number of windows required to be obscure glazed and fixed shut, together with high level windows, would result in a unsatisfactory living environment and poor outlook for prospective occupiers, contrary to Policies H5 and H7 of the Southend-on-Sea Borough Local Plan

1994, guidance contained within PPS3: Housing and the Southend-on-Sea Design and Townscape Guide 2006.

- 7.6 08/00196 – Convert building into 6 self-contained flats at rear of 61-69 Princes Street – Refused; dismissed at appeal in January 2009 on the basis that there would be unacceptable harm from the proposed parking arrangements and that the living environment would be unsatisfactory for prospective occupiers. The identified harm could not be overcome by conditions. (This application proposed cill heights for all but one flats of 1.7m above floor level which would result in a poor outlook and lack of natural light for residents. Also the Inspector concluded that the use of high level windows would not provide a satisfactory environment for prospective occupiers in terms of outlook.)

## **8 Recommendation**

- 8.1 Members are recommended to 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 hereby permitted shall be carried out in accordance with the approved plans: 10807/2011, 20807/2011, 30807/2011, 40807/2011 amended 15.04.15, 50807/2011 amended 15.04.15, 60807/2011, 70807/2011, 80807/2011, Fig 1A, Figs 2/2A, Fig. 3, Unnumbered rooflight details, Fig.4, Fig. 4A, Fig. 5, Fig. 5i, Fig. 5ii, Fig. 5iii, Fig. 5A, Fig. 5B, letter from agent dated 15<sup>th</sup> April 2015.**

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

**03. All new exterior brickwork must match the existing original brickwork in terms of its colour, texture and appearance unless otherwise first agreed in writing by the Local Planning Authority. Such agreed details shall be permanently retained thereafter unless otherwise agreed in writing.**

**Reason: To protect the character and appearance of the building in accordance with Policies KP2 and CP4 of the Core Strategy, Policy C11 of the Borough Local Plan and the Design and Townscape Guide, 2009 (SPD1).**

**04. All windows in the first and second floors of the east, south and west elevations (with the exception of the windows on the east elevation serving the bedroom of flat 5 and the larger of the two bedroom**

windows on this elevation serving flat 1) shall be glazed with obscure glass (the glass to be obscure glazed to at least Level 4 on the Pilkington Levels of privacy, or such equivalents as may be agreed in writing with the local planning authority) and fixed shut and unopenable apart from any top hung lights which shall be a minimum of 1.7m above the internal floor area. In the case of multiple glazed units, at least one layer of glass in the relevant units shall be glazed in obscure glass.

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

**05.** No additional windows or other openings, including any change in the height, size, design or position of the windows on the plans hereby approved, shall be inserted into the building without first obtaining the written permission of the Local Planning Authority. The development shall be permanently retained in accordance with the agreed details.

**Reason:** To protect the privacy and environment of people in neighbouring residential properties, in accordance with East of England Plan 2008 policy DPD1 (Core Strategy) 2007 policy CP4, Borough Local Plan 1994 policy H5, SPD1 (Design and Townscape Guide) and emerging Development Management Document policy DM1.

**06.** A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources shall be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the occupation of the flats. 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, the Design and Townscape Guide (SPD1) and Emerging Development Management Document Policy DM2.

**07.** The flats shall not be occupied until all five car parking spaces provided for occupiers and visitors to the flats and such parking spaces as provided shall be permanently retained for that purpose in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To make provision for parking off the highway and in the interest of highway safety in accordance with Core Strategy Policy CP3, Policies T11 and T8 of the Southend on Sea Borough Local Plan and the Emerging Development Management Document Policy DM15.

**08 The scheme of hard and soft landscaping shall be implemented in accordance with the approved plans: Fig (unnumbered), Fig. 5, Fig 5i and details submitted in the supporting statement dated 16<sup>th</sup> January 2015. The soft landscaping works must be carried out in full within one planting season of completing the development (or within any other time limit agreed in writing by the Local Planning Authority).**

**Reason: To ensure a satisfactory amenity space, suitable appearance and in the interest of the amenities of future occupiers, in accordance with Policies KP2 and CP4 of the Core Strategy, Policies C11, C14, the Design and Townscape Guide (SPD1) and Emerging Development Management Document Policies DM1 and DM8.**

**09. The boundary treatments shall be carried out in accordance with the approved plans: Figs 2/2A, Fig. 5, Fig. 5ii, Fig. 5iii. Such boundary treatments shall be erected concurrently with the conversion of the building and be retained at all times thereafter, unless otherwise first agreed in writing by the Local Planning Authority. Such agreed details shall be permanently retained.**

**Reason: To safeguard the amenities of the adjoining residential properties, in accordance with Policy H5 of the Southend on Sea Borough Local Plan and the Emerging Development Management Document Policy DM1.**

**10. The refuse store shall be installed prior to the first occupation of the flats and permanently retained in accordance with the approved plans: Fig. 5ii and Fig. 5B unless otherwise agreed in writing by the Local Planning Authority. Such agreed details shall be permanently retained.**

**Reason: In the interest of amenities of future residential occupiers, in accordance with Policy H5 of the Southend on Sea Borough Local Plan and Emerging Development Management Document Policies DM1 and DM8.**

**11. The cycle store shall be installed prior to the first occupation of the flats and permanently retained in accordance with the approved plans: Fig. 5A, Fig. 5i and Fig. 5ii unless otherwise agreed in writing by the Local Planning Authority. Such agreed details shall be permanently retained.**

**Reason: In the interest of amenities of future residential occupiers and to ensure adequate cycle parking facilities, in accordance with Policies H5 and T13 of the Southend on Sea Borough Local Plan and Emerging Development Management Document Policy DM15.**

**12. The highways works shall be carried out in full prior to the first occupation of the flats in accordance with the approved plans: Fig. unnumbered and Fig. 1A unless otherwise agreed in writing by the Local Planning Authority. Such agreed details shall be permanently retained.**

**Reason: In the interests of sustainability, accessibility, highways management, efficiency and safety in accordance with Policies KP2, KP3 and CP3 of the Core Strategy DPD1, Policy T8 of the Borough Local Plan and Emerging Development Management Document Policy DM15.**

### **Informative**

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

**The Local Planning Authority has acted positively and proactively in determining this application by 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.**

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



*This application was deferred from April Development Control Committee at the request of officers. Revised plans have since been submitted to relocate the proposed exit to the south of the residential properties in Hazelwood Grove. The report has been amended to reflect these changes.*

## **1 The Proposal**

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

## **2 Site and Surroundings**

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

which has its playing fields lying adjacent to the site boundary.

### **3 Planning Considerations**

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

### **4 Appraisal**

#### **Principle of Development**

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

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

#### **Design and impact on the character of the area**

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



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

### **Traffic and Transportation**

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

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

### **Impact on residential amenity**

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

- 4.6 The proposal would provide a new vehicle access onto Hazelwood Grove. It is

envisaged that there would be around 44 movements a day between the application site and the MINI site on the opposite side of Hazelwood Grove in connection with the running of the two facilities. The proposed exit-only vehicle access has been relocated so that it is no longer (as was originally proposed) located directly opposite No. 1 Hazelwood Grove and has been moved to the south away from the residential properties in Hazelwood. While it is considered that the proposal would introduce a relatively large number of vehicle movements, now that the access is onto the non-residential part of Hazelwood Grove it is not considered that it would result in undue noise or disturbance to residential occupiers and would not adversely impact their amenities.

- 4.7 In light of the above, it is considered the proposal would not have an adverse impact on the amenities of residents within Hazelwood Grove and would be in accordance with Policy CP4 of the Core Strategy, policy E5 of the Southend on Sea Borough Local Plan and the Design and Townscape Guide.

## **Conclusion**

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

## **5 Planning Policy Summary**

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

## **6 Representation Summary**

### **Highways**

- 6.1 It is considered that the staff only exit proposed has been suitably designed and has provided the required visibility splay required to ensure safe egress

from the site. It is not considered that the proposed exit and the traffic movements associated with it will have a detrimental impact upon the surround highway network.

### **Parks and trees**

6.2 No comments received.

### **Public Consultation**

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

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

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

## **7 Relevant Planning History**

7.1 Erect replacement car wash and valet building to replace existing- refused (13/01487/FUL)

7.2 Layout hardstanding and erect detached garage with pitched roof – granted (13/01486/FUL)

7.3 Lay out additional parking spaces and alter parking layout (variation of Conditions 03, 04 and 05 of planning permission SOS/98/0071 which related to the provision and retention of parking areas and open display areas)- Granted 01/00094/FUL

7.4 Relax condition 1 on planning permission 98/0017 dated 4<sup>th</sup> March 1998

(which states that extended hours of operation shall be discontinued on or before 31<sup>st</sup> March 1999) to allow the continuance of use of the ground floor body shop between 0800-2030 Monday- Friday and 0800-1730 Saturdays and at no time on Sunday or Bank holiday).

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

## **8 Recommendation**

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

- 01 The development hereby permitted shall begin not later than 3 (three) years from the date of this decision.**

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

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans and details: 1266/14/02 Rev A**

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

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

**Reason: To define the scope of this permission with regards to highway safety, efficiency and the general amenities of the area in accordance**

**with Policies KP2 and CP3 of the Core Strategy DPD1**

**The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.**

<b>Reference:</b>	15/00315/FUL
<b>Ward:</b>	West Leigh
<b>Proposal:</b>	Erect two storey rear extension and first floor rear extension
<b>Address:</b>	Chartwell Private Hospital, 1629 London Road, Leigh-On-Sea, Essex, SS9 2SQ
<b>Applicant:</b>	Mr S. Woolridge (Chartwell Asset Management Ltd)
<b>Agent:</b>	Mr P. Roberts (Architects LE1)
<b>Consultation Expiry:</b>	15/04/15
<b>Expiry Date:</b>	25/04/15
<b>Case Officer:</b>	Ian Harrison
<b>Plan Nos:</b>	1615-06-A3 A, 1615-08-A3 C, 1615-04-A1 A and 1615-05-A1 J
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## **1 The Proposal**

- 1.1 The application proposes the erection of a two storey extension and a first floor extension at the rear of the existing building.
- 1.2 The proposed two storey rear extension would be positioned at the East end of the rear elevation, flush with the East elevation which fronts onto Sydney Road. The proposed extension would measure 2.6 metres deep and 4.1 metres wide with a 6.3 metre tall flat roof that would match the height of the existing building. The additional floorspace would be used as a bin store at ground floor and a staff changing area at first floor.
- 1.3 The proposed first floor rear extension would be provided above an existing flat-roofed single storey rear projection. The proposed extension would measure 1.7 metres deep and 10.1 metres wide, with a flat roof built to a height of 6.1 metres. The floorspace would be used to provide an extension to an existing staff rest room and a staff kitchen.
- 1.4 Officers have been made aware that North is incorrectly labelled on some of the plans. The applicant has submitted amended plans to correct this matter.

## **2 Site and Surroundings**

- 2.1 The application site is located at the junction of London Road and Sydney Road. The site measures 26 metres deep and 28 metres wide and contains two storey that is used as a medical centre.
- 2.2 The surrounding area is characterised by featuring a mixture of commercial and residential properties, with commercial properties located at ground floor within London Road and residential properties to the North.

## **3 Planning Considerations**

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

## **4 Appraisal**

### **Principle of the Development**

**The National Planning Policy Framework, DPD1 (Core Strategy) policies KP2, CP1 and CP4, Borough Local Plan Policies C11, and U6 and Emerging Development Management DPD Policies DM1 and DM15.**

- 4.1 This proposal is considered in the context of the Borough Council policies relating Development Control Committee Main Plans Report: DETE 15/045 03/06/2015 Page 223 of 305

to design. Also of relevance include Core Strategy DPD Policies KP2 and CP4. 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. It should be noted that high quality good design is fundamental of new development and its importance is reflected in the National Planning Policy Framework as well as Policies C11 and H5 of the Local Plan, Policies KP2 and CP4 of the Core Strategy, and the Design and Townscape Guide (SPD1) states that the Council is committed to good design and will seek to create attractive, high-quality living environments.

- 4.2 Section 11.2 of SPD1 states that the feasibility of extending commercial schemes will be assessed on a site by site basis. It is also stated that in some cases it may not be possible to extend and alternative premises should be sought.
- 4.3 Policy U6 addresses non-residential health care facilities and sets out that developments should maintain the character and amenities of residential streets, should not cause the loss of a residential property and meet layout, design and parking standards. As the extension of an existing facility, subject to the detailed considerations that are set out below, it is considered that no objection should be raised to the principle of the proposed development.
- 4.4 In this instance it is considered essential to note that planning permission was granted for an identical development under the terms of application 10/02026/FUL. Although that permission has now expired and the national and local planning policy background has evolved in the interim period, it is considered that policy U6 remains equally applicable and therefore the previous decision should carry significant weight in the determination of this application. Unless policies or circumstances have changed in the interim period, it is considered that it would be unreasonable to reach a different decision in respect of this application.

#### **Design and Impact on the Character of the Area:**

**The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11, H5 and U6 Emerging Development Management DPD Policy DM1 and the Design and Townscape Guide.**

- 4.5 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF as well as Policies C11 and H5 of the Local Plan and Policies KP2 and CP4 of the Core Strategy. The Design and Townscape Guide (SPD1) also states that the Council is committed to good design and will seek to create attractive, high-quality living environments.
- 4.6 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in



its context.

- 4.7 The NPPF states that *“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 The Design and Townscape Guide (SPD1) states that *The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant... the easiest option is to draw reference from the surrounding buildings.”*
- 4.9 The character of the surrounding area is defined by buildings of generally two storey scale, with intermittent single storey buildings. The extensions would be visible from Sydney Road, but have no impact on the character of the more prominent London Road frontage.
- 4.10 The proposed extensions would be of a scale and appearance that replicates the existing building and represent relatively small additions to the existing building. It is considered that the extensions are proposed in the visually most appropriate form and are therefore in accordance with the abovementioned policies.
- 4.11 As set out above, planning permission has previously been granted for the proposed development. Although the planning policies have changed in the interim period, it is considered that their content and general direction has remained the same and the character of the surrounding area has not materially changed. It is therefore considered that it is appropriate to act consistently and continue to support the proposed development.

### **Traffic and Transport Issues**

#### **The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4; BLP policies T8, T11 and U6 and Emerging Development Management DPD Policy DM15.**

- 4.12 Policy T11 requires the provision of adequate parking and servicing facilities. The Essex Planning Officers Association (EPOA) set out the requirements for each use, stating that a medical centre should be provided by parking at a rate of 1 space per 4 members of staff and one space per consulting room. Policy U6 compounds the relevance of these standards by stating that *“where additional consulting rooms are proposed...a commensurate increase of off-street parking facilities in accordance with currently adopted standards will be required. Where this cannot be provided in an acceptable manner the application will be refused.”* These standards are to be amended by the emerging parking standards that are set out within policy DM15 of the Emerging Development Management DPD by changing the maximum parking provision to 3 spaces per consulting room and one space per member of staff. The

Parking Standards continue to be expressed as maximum standards and public transport is available in the locality.

- 4.13 In this instance it is considered relevant to note that the additional floorspace that is proposed is not shown to be used as consultancy rooms, but would be used to provide improved storage and staff facilities. It is therefore considered that the proposed development would not justify an increased provision of parking at the site and therefore the proposal remains in accordance with the maximum parking standards that are set out above.

#### **Impact on Residential Amenity:**

#### **The National Planning Policy Framework; BLP policies C11, E5, H5 and U8, Emerging Development Management DPD Policy DM1 and the Design and Townscape Guide.**

- 4.14 Policy E5 addresses non-residential uses that are located close to housing stating that “in order to safeguard the character and amenities of residential streets and to retain an adequate housing stock, proposals (including proposed changes of use) to establish, continue, intensify or expand a business or other non-residential activity within or adjoining a housing area will normally only be permitted where the proposal respects the character of the locality, satisfactorily meets the adopted design and layout criteria set out in Policies H5 and C11, and would not adversely affect residential amenity in terms of appearance, overlooking, noise, smell, parking, traffic or other activity.”
- 4.15 The application site is adjacent to residential properties to the North and East. Due to the position of the extensions and the separation distance between the proposed extensions and other properties, it is considered that the only dwelling that is liable to being affected by the proposed extensions is the property of 1 Sydney Gardens.
- 4.16 The side elevation of 1 Sydney Gardens is located a minimum of 2 metres from the boundary that is shared with the application site and the proposed first floor extension would be positioned a minimum of 2 metres from the boundary of the site. The side elevation of the existing dwelling features an obscured glazed window at first floor and a door and a small window at ground floor.
- 4.17 The proposed first floor extension would feature skylights within the flat roof but no windows facing the neighbouring property. The two storey extension would feature a window that would face the side elevation of 1 Sydney Garden, although it should be noted that this would be positioned 11 metres to the East of the private amenity area of 1 Sydney Garden. Due to the use of obscured glazing in the side elevation of 1 Sydney Road and the careful positioning of windows in the proposed extensions, it is considered that the proposals would cause no loss of privacy to the detriment of the amenities of the neighbouring residents. When planning permission was granted previously, it was a requirement that the proposed first floor window in the two storey extension would feature obscured glazing and it is considered that this restriction can be repeated.

- 4.18 The minimum 4 metre separation distance between the first floor extension and the side elevation of 1 Sydney road, the East and West facing outlook of the majority windows within 1 Sydney Road and the flat-roofed design of the proposed extensions satisfy officers that the proposal would not cause a materially harmful loss of light within the neighbouring property. It is considered appropriate to note that the finished ground floor level of the neighbouring dwelling is approximately 1.5 metres above the ground level of the application site and as such the impact of the extension is reduced.
- 4.19 In this respect it is considered particularly relevant to note that planning permission has previously been granted for an identical development to that which is now proposed by this application. Although the planning policies have changed in the interim period, it is considered that their content and general direction has remained the same in relation to the importance that is placed upon the protection of the amenities of neighbouring residents. It is also considered that the relationship with the neighbouring residential properties has not materially changed. It is therefore considered that it is appropriate to act consistently and continue to support the proposed development.

### **Other Matter**

- 4.20 Officers have been made aware that North is incorrectly labelled on some of the plans. The applicant has submitted amended plans to correct this matter and neighbouring residents have been notified of the receipt of these amended plans. At the time of writing, the public notification period has not ended but any additional comments will be reported to the Development Control Committee in the usual supplementary report. Although it is noted that the originally submitted plans were inaccurate, it is considered that the neighbouring residents have become well aware of this matter and have been able to consider the plans despite this inaccuracy, aided by suitable professionals.
- 4.21 It has been drawn to the attention of Officers that the proposed extension would block an existing first floor window that serves a room that is used by the NHS operations at the wider site, that are outside of the application site. It is considered that the Local Planning Authority is not able to provide any protection to that window as it does not serve a habitable residential room. Any implications of the development on the boundary treatments at this site (i.e. the party wall and the window in this instance) are considered to be civil matters that cannot influence the determination of the planning application.

## **5 Conclusion**

- 5.1 The proposed development would represent the expansion of an existing medical establishment. The scale and design of the extensions is considered to be appropriate and harmonious with the character, appearance and scale of the existing building. It is considered that the impact on residential amenity would not

be unduly overbearing or have an impact on light or privacy to an extent that would justify the refusal of the application on the grounds of residential amenity. Therefore, subject to the imposition of appropriate conditions, it is considered that the proposal constitutes a sustainable form of development that should be supported by the Local Planning Authority.

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework.
- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development) and CP4 (The Environment and Urban Renaissance)).
- 6.3 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 6.4 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), E5 (Non-residential Uses Located Close to Housing) H5 (Residential Design and Layout Considerations), T8 (Traffic Management and Highway Safety), T11 (Parking Standards) and U6 (Non-residential Health Care Facilities),
- 6.5 EPOA adopted Vehicle Parking Standards.
- 6.6 Emerging Development Management DPD Policies: DM1 (Design Quality)

## **7 Representation Summary**

### **Highway Authority**

- 7.1 The Highway Authority have advised that there are no objections to the proposal as staffing numbers will remain the same and there is no loss of parking.

### **Design and Regeneration**

- 7.2 No objection has been raised to the proposal but it is recommended that the materials used (including fenestration) shall match the existing building.

### **Public Consultation**

- 7.3 15 neighbouring properties were notified of the application and a site notice was posted at the application site. 12 responses have been received which raise the following grounds of objection:
  - Inadequate parking exists at the site and therefore the extension would make matters worse, including associated harm to neighbouring businesses that rely on parking in the surrounding area.
  - The proposal would cause congestion in surrounding highways. It is stated

that the existing use already causes blockages within the surrounding highways and damages to grass verges.

- The consideration of the previous application was flawed and based on misleading plans.
- The proposal would cause material, additional harm to the amenities of neighbouring residents in terms of loss of light.
- The windows in the extension would cause a loss of privacy.
- The proposal represents overdevelopment of the site.
- The submissions of the applicant are misleading and inaccurate.
- As some previous applications have been refused at the site, it should be concluded that the site is at capacity and all future applications should be refused. Moreover, this application should be assessed in addition to the cumulative impacts of all other developments that have occurred at the site.
- The extensions would be detrimental to the character and appearance of the existing building and the surrounding area.
- The proposed extension would cause the loss of a first floor window in the attached building that is used by the NHS.

7.4 The application has been called-in for determination by the Council's Development Control Committee by Councillor Lamb.

### **Leigh Town Council**

7.4 It has been pointed out that the submitted plans misrepresent the orientation of the properties by incorrectly identifying North and this in turn misrepresents the impact on the amenities of neighbouring residents.

## **8 Relevant Planning History**

8.1 Planning permission was granted on 24 March 2011 for the erection of a two storey and first floor extension under the terms of application 10/02026/FUL.

8.2 Permission was refused in January 2010 to erect a two storey and first floor extension to the north elevation under the terms of application 09/02234/FUL.

8.3 Advertising Consent was granted in July 2007 to install internally illuminated signage to the front elevation under the terms of application 04/00608/ADV.

8.4 Permission granted in July 2005 to 'demolish building, erect 2 storey extension with basement to adjacent surgery at 1643 London Road to provide medical and diagnostic centre and lay out parking spaces (amended proposal' - Ref. No. SOS/05/00537/FUL.

## **9 Recommendation**

### **9.1 GRANT PERMISSION subject to the following conditions:**

**01 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**

**02 The development hereby permitted shall be carried out in accordance with the following approved plans: 1615-06-A3 A, 1615-08-A3 C, 1615-04-A1 A and 1615-05-A1 J**

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

**03 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.**

**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 the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy C11, and SPD1 (Design and Townscape Guide).**

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

**Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy CP4, Borough Local Plan 1994 policy H5, and SPD1 (Design and Townscape Guide).**

**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.**

<b>Reference:</b>	15/00398/FUL
<b>Ward:</b>	West Shoebury
<b>Proposal:</b>	Demolish existing dwellinghouse, erect three storey dwellinghouse with basement, balconies to rear elevation and alter existing vehicular access
<b>Address:</b>	14 Lodwick, Shoeburyness, Southend-On-Sea, Essex, SS3 9HW
<b>Applicant:</b>	Mr G Fernley
<b>Agent:</b>	Thomas De Cruz Architects
<b>Consultation Expiry:</b>	15 April 2015
<b>Expiry Date:</b>	08 May 2015
<b>Case Officer:</b>	Ian Harrison
<b>Plan No's:</b>	1402 EX00, 1402 EX01, 1402 EX02, 1402 EX03, 1402 EX04, 1402 EX05, 1402 PA10 Rev D, 1202 PA09 Rev D, 1402 PA08 Rev E, 1402 PA07 Rev D, 1402 PA06 Rev H, 1402 PA05 Rev D, 1402 PA04 Rev E, 1402 PA03 Rev G, 1402 PA02 Rev H, 1402 PA01 Rev J, 1402 PA00 Rev D
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>





## 1 The Proposal

- 1.1 Planning permission is sought to demolish an existing dwelling and in its place erect a new three storey dwelling over a basement level which would include balconies to the rear, and a swimming pool extending to the rear. The proposed dwelling would be of a contemporary design and have a flat roof and would include a recessed fourth storey. A car lift within the front hardstanding would take cars down to basement level where there would be parking for three cars with additional parking available to the front curtilage of the dwelling. Materials to be used in the proposed dwelling would include off-white render, aluminium windows, timber doors, grey stacked stone to the chimney and grey resin bonded stone to the front hardstanding.
- 1.2 The table below sets out the differences between the existing dwelling, the dwelling proposed under the terms of refused application 14/00823/FUL and that proposed by this application:

	<b>Existing</b>	<b>Application 14/00823/FUL</b>	<b>Application 15/00398/FUL</b>
<i>Building Footprint (Excluding Terrace and Pool)</i>	123m <sup>2</sup>	225m <sup>2</sup> (Ground Floor) 257m <sup>2</sup> (Basement)	215m <sup>2</sup> (Ground Floor) 250m <sup>2</sup> (Basement)
<i>No. of Bedrooms</i>	3	4	4
<i>Approximate Gross External Floor Area (incl. garage)</i>	207 m <sup>2</sup> (Excluding Basement)	799m <sup>2</sup>	763m <sup>2</sup>
<i>Approximate Width</i>	13m	13m	13m
<i>Approximate Depth</i>	12m	23m (incl. terrace)	23m (incl. terrace)
<i>Ground Floor Depth</i>	12m	20m (Front of Porch to Rear of Living Room)	18.6m (Front of Porch to Rear of Living Room)
<i>First Floor Depth</i>	12m	19.5m (Front Elevation to Rear of 1 <sup>st</sup> Floor Void)	17.7m (Front Elevation to Rear of 1 <sup>st</sup> Floor Void)
<i>Second Floor Depth</i>	N/A	10.7m	10.7m
<i>Terrace Rear Projection in comparison with</i>	-4.5	7.9	8.2

<i>Ground Floor of 12 Lodwick</i>			
<i>Terrace Rear Projection in comparison with Ground Floor of 16 Lodwick</i>	1.5	12.6	10.3
<i>1<sup>st</sup> Floor Rear Projection in comparison with 12 Lodwick</i>	-0.5m	3.9m	2.7m
<i>1<sup>st</sup> Floor Rear Projection in comparison with 16 Lodwick</i>	2.8m	4.3m	5.9m (Including Louvres)
<i>Ridge Height</i>			
<i>Front elevation</i>	7.6m	9.5	9.5
<i>Rear elevation</i>	9.9m	11.7	11.7
<i>Roof Type</i>	Part hipped part gable	Flat	Flat

1.3 Landscaping is proposed to the rear of the new dwelling. Close board fencing 1.8m in height is proposed to the side boundaries, with a planter screen, an opaque screen and trellis erected at the boundary of the site adjacent to the rear part of the proposed dwelling. Brick walls to the side boundaries are proposed at the front of the house. Hardsurfacing to the front would be constructed of a resin bonded stone.

1.4 The main differences between the development proposed by this application and the previously refused application are as follows:

- The ground floor rear terrace would be reconfigured to be set 0.6 metres further from the boundary that is shared with 12 Lodwick. The terrace is now 2.7 metres from the boundary. The position of the proposed stairs from the terrace to the lower ground level would also be positioned further from the boundary. The finished floor level of the terrace would remain 2.6 metres above ground level.
- At the East edge of the terrace would be a raised planted area.
- At the North West side of the dwelling, the dwelling would be reconfigured and repositioned to project forward of the existing dwelling by 0.9 metres

rather than 1.5 metres. The first floor would overhang the ground floor by 0.9 metres.

- The porch and the depth of the first floor overhang at the frontage of the property would be reduced.
- The shape of the proposed pool would be adapted to be 'L' shaped rather than straight.
- An opaque glass screen would be positioned at the boundary that is shared with 12 Lodwick.
- A trellis would be provided at the boundary that is shared with 16 Lodwick which would be built to a height of 500mm above the height of the swimming pool. The submitted plans show that the top of the pool would be set 2.4 metres above ground level and as such it is considered that the trellis would be building to a height of 2.9 metres.
- The recessed second floor would be positioned to be set back from the edge of the first floor roof by 3.15 metres rather than 3.9 metres. This is in part due to the reduced depth of the first floor roof, but also due to the accommodation being moved 0.35 metres further forward.
- The first floor windows would be positioned to match the height above ground level of the first floor windows of 12 Lodwick. The ground floor windows would be positioned to reflect the ground floor windows of 16 Lodwick.
- Louvres would be provided at ground floor at the South West side elevation in place of a former rendered wall and at first floor at the front of the South West elevation.
- Opaque Glass would be provided on the South East elevation at ground floor level in place of clear glass.

1.5 This application follows the refusal of application 14/00823/FUL which was refused for the following reasons:

1. *The development by virtue of its detailed design and excessive bulk, scale and form would result in a dominant and incongruous addition to the streetscene contrary to the National Planning Policy Framework 2012, Policy KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance) of the Core Strategy, Policies C11 (New Buildings, Extensions & Alterations) and H5 (Residential Design & Layout Considerations) of the Borough Local Plan, and the Design and Townscape Guide (SPD1).*
2. *The proposed development due to its design, scale and overall depth would have an overbearing impact on the neighbouring properties at No's 16 and*

*12 Lodwick. Furthermore the proposal would result in an unacceptable degree of overlooking and overshadowing of No. 16 Lodwick resulting in a loss of privacy to the occupiers thereof. This would be contrary to the National Planning Policy Framework, Policy H5 of the Southend on Sea Borough Local Plan and the Design and Townscape Guide SPD1.*

## **2 Site and Surroundings**

- 2.1 The application site is located on the south side of Lodwick and has an area of approximately 980m<sup>2</sup>. The site is in a corner location set back slightly from the highway. There is currently a two storey house on the site. Land slopes down to the south towards Shoebury Common Road thereby facilitating basement levels to most dwellings on the south side of Lodwick. The dwelling is highly visible from public vantage points in Shoebury Common Road.
- 2.2 Vehicular access to the property is via a shared driveway running in front of the application property and No's 12 and 10 Lodwick. The majority of the front curtilage of the property is hard landscaped and used for parking. The dwelling has a large rear garden which is bounded to the sides by fencing. The rear boundary of the garden abuts Shoebury Common Road.
- 2.3 The site is located within a largely residential area. The south side of Lodwick is characterised by larger dwellings, of which the adjacent dwelling (no. 12) appears to be one of the largest. Although many properties have large footprints, properties are generally two storeys on the Lodwick frontage with additional storeys visible to the rear (although here some relief is provided by the introduction of vertical elements, particularly to the larger properties). In design terms, properties on Lodwick are largely of a traditional form although there is a mix of styles, including chalets and large style family homes. Unifying characteristics include pitched roofs (examples of hips and gables), strong, sharp building lines, use of materials (red brick, render, tiled roofs, white framed windows), rear balconies, large rear gardens and front gardens providing set back from the street and off-street parking provision.

## **3 Planning Considerations**

- 3.1 The main issues for consideration are the principle of the development, design and relationship with adjacent development and the streetscene, any impact on neighbours, living conditions for future occupiers, parking implications, use of on-site renewables, and flood risk. The planning history is also a material consideration.

## **4 Appraisal**

### **Principle of Development**

**National Planning Policy Framework 2012, Core Strategy Policies KP2, CP4 and CP8, Borough Local Plan Policies C11 and H5, Emerging Development Management Policy DM1 and the Design and Townscape Guide (SPD1)**

- 4.1 The National Planning Policy Framework 2012 is aimed at guiding local authorities in the delivery of sustainable development and housing. 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.”*
- 4.2 Paragraph 63 of the NPPF states that *“In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area”*. Paragraph 65 states that *“Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design”*.
- 4.3 The proposal consists of a 1 for 1 replacement dwelling within a residential area. Thus, the proposal is considered acceptable in principle subject to further detailed considerations set out below.

**Design**

**National Planning Policy Framework 2012, Core Strategy Policies KP2, CP4 and CP8, Borough Local Plan Policies C11 and H5, Emerging Development Management Policy DM1 and SPD1**

- 4.4 Policy C11 of the Borough Local Plan (BLP) states that new buildings and extensions or alterations to existing buildings should be designed to create a satisfactory relationship with their surroundings in respect of form, scale, massing, height, elevational design and materials. Policy H5 of the BLP requires all development within residential streets to be appropriate in its setting by respecting neighbouring development, existing residential amenities, and the overall character of the locality.
- 4.5 Paragraph 60 of the NPPF advises that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative. It is further stated that it is proper to reinforce local distinctiveness. Design policies should concentrate on such issues as guiding overall scale, massing, height and layout of new development in relation to neighbouring buildings and the local area more generally (paragraph 59 of NPPF). The design style chosen for the dwelling is contemporary and innovative and whilst it undoubtedly contrasts with neighbouring dwellings, the NPPF advises that

incompatibility with existing townscape should not be used as a reason for refusal where high levels of sustainability and good design have been incorporated (paragraph 65). It is also noted that there is no single over-riding design style in this part of Lodwick.

- 4.6 Whilst it is noted that permission was allowed on appeal for a proposed dwelling at No. 10 Lodwick, and this was of a contemporary design and included a recessed fourth floor, the rear elevation in particular was of a more refined design with structural elements to support the glazing. Similarly the front and rear building lines were more consistent with neighbouring properties.
- 4.7 Whilst there is no objection to a contemporary design per se, particularly given that permission has been allowed on appeal for a replacement dwelling at No. 10 Lodwick to the east, which is of a comparable contemporary design, there have previously been concerns with the scale and massing of the rear elevation in particular. The rear elevation would include a large expanse of glazing at ground floor up to the roof height of first floor. It was previously concluded that this use of extensive glazing lacks structure and together with the significant projection beyond the rear of the neighbouring properties either side, it was previously concluded that the replacement dwelling would appear dominant, incongruous and over scaled when viewed from Shoebury Common Road.

To address this, the applicant has reduced the depth of the Eastern part of the dwelling by 1.2 metres. The East part of the dwelling has also been positioned further forward (by 0.3 metres) to match the front building line of 12 Lodwick. The proposed rear elevation would now therefore project 2.4 metres to the rear of the first floor of 12 Lodwick rather than 3.8 metres as previously proposed. The applicant has also repositioned the chimney further forward and incorporated a more defined structural feature to differentiate between the ground and first floor accommodation.

- 4.8 The reduced overall depth of the dwelling and the repositioning of the dwelling further forward means that the prominence of the dwelling within the street-scene of Shoebury Common Road would be slightly reduced in comparison to the previous proposal. However, the dwelling would still project further to the rear than the main bulk of most of the neighbouring dwellings and it is considered that the visual impact of the proposed dwelling would remain significant. In this respect it is considered that the proposal has not addressed the previous objection that was raised by the Local Planning Authority.
- 4.9 The provision of an expanded horizontal band within the rear elevation is considered to break up the extensively glazed rear elevation and provide more structure to the rear elevation than previously proposed. However, it is considered that it would be preferable for this to be furthered with more obvious vertical

structures. Without such alterations, it is considered that the previous concern of the Local Planning Authority has not been addressed and it is considered that the proposal would still be harmful to the street-scene of Shoebury Common Road.

- 4.10 Part 3.3 of the Design and Townscape Guide which states that *“when designing a new building or extension it is important that the development integrates with existing buildings. This is best done by identifying the positive characteristics and relationships formed by the existing buildings e.g. frontage lines, height of ridges and eaves, proportions, materials etc, and respecting them in new development.”* In this respect it was previously considered that the previously proposed dwelling would not have complied with this guidance as the fenestration failed to align with neighbouring properties (particularly No. 16 which is itself a large dwelling). This was also considered to be the case with respect to the eaves, ridge and windows. It was also considered that the proposed porch and ‘frame’ surrounding the first floor front window would dominate the front elevation and project forward of the main front building line of the neighbouring properties. As such this this would have had a negative impact on the streetscene. The applicant has addressed this by submitting plans that accurately portray the heights of the building and positioned windows to match the positions of windows within the neighbouring properties. It therefore is considered that the previous concerns of the Local Planning Authority in relation to the impact on the street-scene of Lodwick have been adequately addressed in relation to the position of the windows. However, whilst the design and depth of the ‘frame’ has also been modified, it is considered that this design feature and the associated first floor overhang would still be at odds with the character of the surrounding area and therefore cause visual harm that is contrary to the abovementioned policies.
- 4.11 It is also proposed to widen the existing crossover and driveway entrance from the highway. Whilst there are no objections to the principle of these works, the Council’s highways department has previously advised that the section of footway immediately adjacent the proposed hardstanding would require hardening, to allow cars to drive over this. As this would be within the root protection zone of the Silver Birch street tree, this could result in detrimental impact on the health of the tree. It was previously concluded that the street trees could be protected by root protection measures in accordance with BS5837 which could be the requirement of a condition and it is considered that this conclusion remains appropriate.

### **Impact on Neighbouring Properties**

#### **National Planning Policy Framework 2012, Core Strategy Policies KP2, CP4 and CP8, Borough Local Plan Policies C11 and H5, and SPD1**

- 4.12 Policy H5 of the BLP requires all development within residential streets to be appropriate in its setting by respecting neighbouring development, existing residential amenities, and the overall character of the locality.

- 4.13 With regard to the impact on the neighbouring property to the east at No. 12 Lodwick, the proposed dwelling, including the ground floor raised terrace area would project a maximum of approximately 7.8m from the main rear building line of No. 12. A terrace is also proposed at second floor level. There would be a separation distance of approximately 2m from the side wall of the proposed dwelling and the west facing side wall of No. 12. In comparison to the previous proposal, the main bulk of the proposed dwelling would project 1.4 metres less than the previously proposed dwelling.
- 4.14 With regard to overlooking, whilst the depth of the proposed terrace would be 10.3 metres deeper than the rear of 16 Lodwick and 8.2 metres deeper than the rear of 12 Lodwick, is noted that No. 12 has a relatively deep terrace and also has balconies at upper floors. This is also the case for most properties in Lodwick, and as such a degree of mutual overlooking exists currently. As such it is not considered that the development would result in a materially harmful degree of overlooking. Two high level windows are proposed to the eastern elevation at ground floor (serving the kitchen and utility) along with windows at fourth floor level (serving the bedroom). This would however be above the eaves level of No. 12 and would have a greater degree of separation to the side boundary than the lower floors of the proposed dwelling, with a total separation distance of approximately 3.6m. Given this there would not be a material impact on overlooking of No. 12 Lodwick. In relation to any impact on light to No. 12 Lodwick, it is noted that the depth of the projection beyond the ground and first floor rear wall of this property of approximately 2.4m would no longer breach a horizontal line drawn at 45 degrees from the rear facing ground and first floor windows. Part of the proposed development which projects beyond the main rear building line of No. 12 would feature glazing to the side of the terrace area, and as such have a greater level of transparency than if this were a solid wall. Given this and that the proposed dwelling is to the west of No. 12, the proposal would not result in a material loss of light or overshadowing that would justify the refusal of the application.
- 4.15 It was previously considered that the depth, scale, mass and proximity to the boundary of the proposed dwelling would result in an overbearing and unneighbourly development which would be detrimental to the residential amenity of the occupants of No. 12 Lodwick. The reduction of the depth of the dwelling and the repositioning of the dwelling has satisfactorily addressed this concern.
- 4.16 With regard to the impact on the neighbouring property to the west at No. 16 Lodwick, the rendered wall to the western elevation would project approximately 1 metre beyond the main rear facing wall of the ground floor of the property which contains windows at basement, ground and first floor levels. The glazing (which extends up to roof level of the first floor, but is louvered at ground floor level), projects further again, with a total projection beyond the ground floor rear elevation of No. 16 Lodwick by approximately 2.75 metres and beyond the first floor rear elevation by approximately 5.7 metres. The applicant has demonstrated



that the proposed development would not cause a material loss of sunlight within the neighbouring property and in this instance, due to the reduced depth of the proposed dwelling and the introduction of a louvered design rather than a solid wall it is considered that the impact is significantly reduced in comparison to the previous proposal.

- 4.17 With regard to the proposed ground level terrace (which would be raised), as stated above, a degree of mutual overlooking exists given that there are terraces to the existing dwelling and No. 14. It is not considered that the terrace, taking into account the separation distance to the side boundary adjoining No. 16 would result in an a materially harmful degree of overlooking. This is consistent with the conclusion reached in relation to the previous application at this site.
- 4.18 Concerns have previously been raised in relation to the proposed swimming pool, which would be located adjacent the western boundary. This would be raised above the shown ground level to a height of 2.8 metres. The proposed swimming pool would have a total depth of 10.8 metres along this boundary and a minimum separation distance of 1 metre to the boundary. Whilst it is noted that there are balconies to the rear of the existing dwelling, given the projection of the swimming pool, its height above ground level and its proximity to the side boundary, it was previously considered that this would result in a material increase in actual and perceived overlooking of No. 16.
- 4.19 To address this, the applicant has proposed the erection of fencing and trellising that would exceed the height of the swimming pool by 0.5 metres. Given that the neighbouring property has already erected a partial screen between the properties, some landscaping exists between properties and it would not be possible to float higher than 0.5 metres above the pool, it is considered that the trellis would offer adequate protection of the privacy of the neighbouring properties. The erection of a boundary treatment that would measure a maximum of 3.3 metres above ground level would represent a significant intrusion into the outlook of the neighbouring property, particularly when viewed from the basement accommodation and the private amenity space of that dwelling. However, noting that landscaping exists within the neighbouring property of a similar height as the proposed fence and is positioned along the boundary for a similar length as the proposed swimming pool, it is considered that the impact would not be materially worse than the existing landscaping and therefore the erection of a taller fence than would normally be found acceptable is not considered to be objectionable.
- 4.20 To the north the proposed dwelling would overlook the highway and as such there would not be a greater impact on the residential amenity of any properties opposite. The rear of the site adjoins Shoebury Common Road and as such there would not be overlooking of any properties to the rear.

### **Living Conditions for Future Occupiers**

#### **Core Strategy Policies KP2, CP4 and CP8, Borough Local Plan Policies C11**

## **and H5, and SPD1**

- 4.21 The new dwelling would have generous size rooms. It is considered that internal room sizes are sufficient to provide for good living conditions for future occupiers.

## **Parking and Highway Implications**

### **National Planning Policy Framework 2012, Core Strategy Policies KP2, CP4, Borough Local Plan Policies C11, H5, T8 and T11, SPD1, and EPOA Vehicle Parking Standards**

- 4.22 Policy T11 of the BLP states that Council will require the provision of off-street car parking spaces and permission will not normally be granted for any development which would be likely to give rise to additional demand for on-street parking, particularly in residential areas. The EPOA Vehicle Parking Standards require an average off-street parking provision of 1.5 spaces per dwelling. The Council's Emerging Development Management DPD requires a minimum of 2 parking spaces to be provided at the site. The proposed dwelling would provide two parking spaces at ground level and an additional three spaces at basement level. This is considered to be adequate parking provision.

## **Use of On-Site Renewable Energy Resources**

### **National Planning Policy Framework 2012, Core Strategy Policies KP2, CP4 and CP8, Borough Local Plan Policies C11 and H5, 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. It is stated in the design and access statement that renewable energy would be provided by way of solar panels or photovoltaic panels on the roofspace. Rainwater harvesting and grey water storage would also be used to help the proposed achieve Code for Sustainable Homes Level 4. No specific details have been provided with respect to these installations, however this could be addressed by way of condition.

## **Flood Risk**

### **National Planning Policy Framework 2012**

- 4.24 The majority of the site lies within flood zones 2 and 3. The application has been accompanied by a Flood Risk Assessment (FRA). It is stated in the FRA that as the basement and ground floors would not provide sleeping accommodation and as such would result in a reduction in flood risk when compared to the existing situation. In any case, however, with advanced warning and the fact that residents could evacuate the property safely from ground floor level, it is considered the risk to life from flooding is negligible.

## **Conclusion**

4.25 Lodwick is a mix of mainly large detached houses of varying style and form. The proposed dwelling is a modern contemporary design. Despite modification since the previous refusal of an application at the site, the design and scale of the proposed dwelling would remain at odds with the established character of the site and the surrounding area and would cause material harm to visual amenity. It is therefore considered that the previous ground of objection has not been overcome. It is however now considered that the proposal would not have a detrimental impact on the residential amenity of neighbouring properties.

## **5 Planning Policy Summary**

5.1 The National Planning Policy Framework 2012.

5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) CP4 (Environment & Urban Renaissance), and CP8 (Dwelling Provision).

5.3 Southend-on-Sea Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), and H5 (Residential Design and Layout Considerations), T8 (Traffic Management & Highway Safety), and T11 (Parking Standards).

5.4 Supplementary Planning Document 1: Design & Townscape Guide, 2009. EPOA Parking Standards.

5.5 Emerging Development Management DPD. Policies DM1 (Design Quality), DM8 (Residential Standards) and DM15 (Sustainable Transport Management).

## **6 Representation Summary**

### **Public Consultation**

6.1 Seven neighbours were notified of the application and a site notice was displayed. One representation has been received which reiterates previous concerns. The objections relate to the following:

- Loss of privacy
- Reduction in level of daylight and sunlight
- Overbearing in size and scale
- Depth of swimming pool in proximity to boundary result in loss of privacy and noise and disturbance.
- The fence that is proposed adjacent to the swimming pool would have a significant impact.

6.2 Cllr Moyies has requested that this application go before the Development Control

Committee.

- 6.3 The Shoebury Residents Association has raised concerns about the use of the basement area as living accommodation on the grounds that it could be flooded. They also consider that access should not be allowed onto Shoebury Common Road.

### **Design and Regeneration**

- 6.3 In regard to the current application, while it is noted that some amendments have been made following the previous refusal and subsequent pre application there remain concerns in regard to the scale of the proposed dwelling and its relationship with immediate neighbours.

To the rear for example, while a 'frame' feature has been added to provide the large expanse of glazing with a degree of structure its impact is limited and, as per previous comments, it would be desirable to see more made of this in order to break up the extent of the glazing - e.g. Thicker, projecting frame to add definition and articulation. Dropping the height of the eaves to the western side to provide stronger alignment with the neighbour, particularly given the overall scale of the building proposed, would also improve the relationship.

To the front, it is considered beneficial that a stronger degree of alignment has generally been achieved with neighbouring dwellings. However, a dominant projecting canopy remains in situ, extending beyond the building line of the neighbour at first floor with the building line of the ground floor tv/living room also projecting forward. It is considered that slightly stepping back the building line at ground floor, and reducing the projection of the canopy, to align with the neighbour would help to reduce its dominance in proximity to the boundary. There would be no objection to the principle of a projecting porch feature to the centre of the property for example and the cloakroom could remain.

The obtainment, as proposed, of Code for Sustainable Homes Level Four would be welcome although it is noted that no further information has been provided to demonstrate how the property will achieve this. In line with policy KP2 of the core strategy a minimum of 10% of the energy need of the development should come from on-site renewable resources. It is noted that solar thermal panels or PV tiles are likely to be proposed to the roof but regrettable this has not been shown on the plans, and given the extent of flat roof proposed there is likely to be some visual impact.

### **Traffic and Highways**

- 6.4 No objection to the proposal has been raised as adequate parking has been provided. It has previously been advised that the construction of the crossover would require excavation of the existing footway to ensure that it is suitable to accommodate the weight of a vehicle which would require construction within the

root protection zone.

### **The Environment Agency**

6.5 No objection has been raised to the proposal subject to the imposition of conditions.

### **7 Relevant Planning History**

7.1 Planning Application 14/00823/FUL proposed a similar development. That application was refused for the reasons that are set out and discussed above.

### **8 Recommendation**

**REFUSE PLANNING PERMISSION subject to the following conditions**

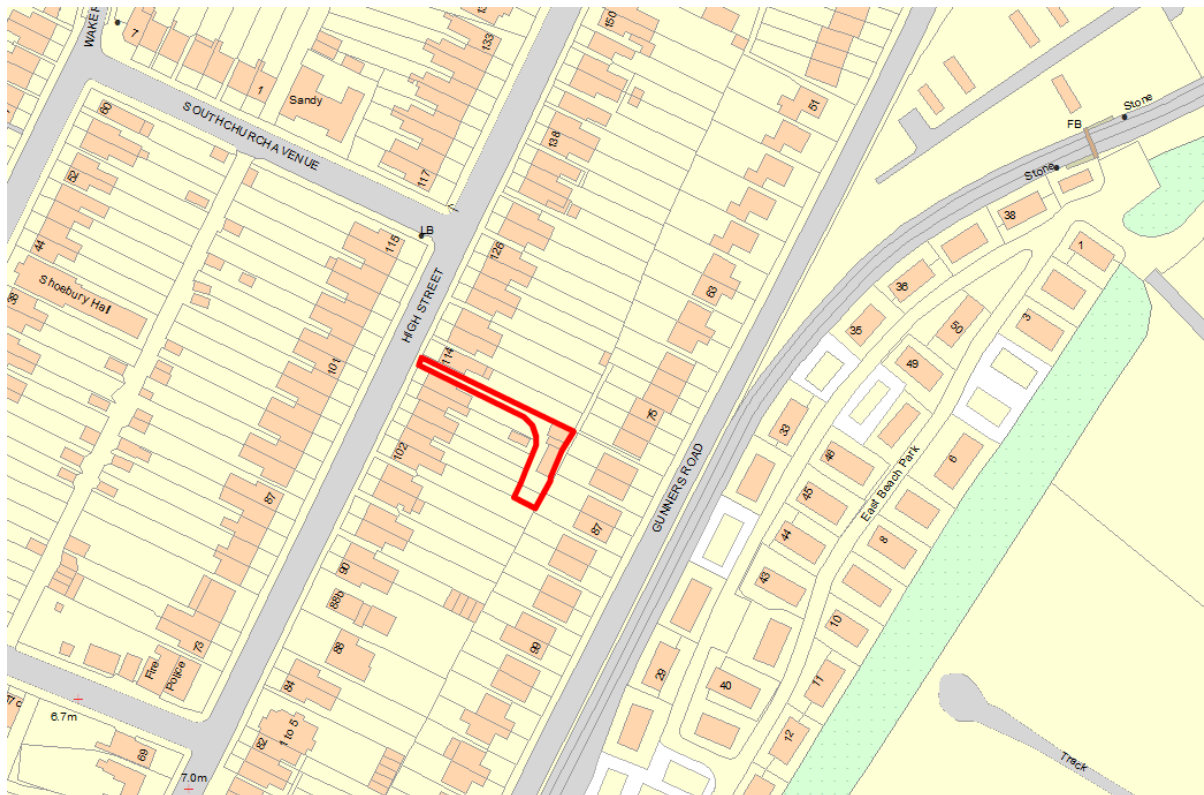
**1 The development by virtue of its detailed design and excessive bulk, scale and form would result in a dominant and incongruous addition to the streetscene contrary to the National Planning Policy Framework 2012, Policy KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance) of the Core Strategy, Policies C11 (New Buildings, Extensions & Alterations) and H5 (Residential Design & Layout Considerations) of the Borough Local Plan, and the 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:**

**01 The Council intends to adopt a Community Infrastructure Levy in July 2015. Should this application be the subject of an appeal and be allowed, the development would be CIL liable.**

<b>Reference:</b>	15/00505/FUL
<b>Ward:</b>	Shoeburyness
<b>Proposal:</b>	Demolish existing commercial buildings, erect single storey dwelling, layout parking and amenity area rear of 104-112 High Street (amended proposal)
<b>Address:</b>	Land rear of 104-112 High Street, Shoeburyness
<b>Applicant:</b>	Mr M. Burpitt
<b>Agent:</b>	Mrs S. Bell, Sue Bell Planning Consultant
<b>Consultation Expiry:</b>	05.05.15
<b>Expiry Date:</b>	15.05.15
<b>Case Officer:</b>	Louise Cook
<b>Plan No:</b>	338-01 Rev A, 338-02 Rev A, 338-03 Rev A, 338-04
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## 1 The Proposal

- 1.1 Planning permission is sought to demolish the existing commercial buildings on site and to erect a single storey dwelling, layout parking and amenity area at the rear of 104-112 High Street, Shoeburyness.
- 1.2 The application is an amended proposal following the refusal of a similar scheme ref. 14/01981/FUL which was refused planning permission on 24.02.2015 for the following reasons:

*“01. The proposed dwelling by reason of its siting, height and position up to the site boundary would be overbearing upon and result in an undue sense of enclosure, to the detriment of the amenities of the occupiers of 83 and 85 Gunners Road. This would be exacerbated by the limited depth of these neighbour's rear gardens and the span of the proposed dwelling along the width of these neighbour's rear gardens. This is contrary to the National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Borough Local Plan Policies H5 and H10 and the Design and Townscape Guide (SPD1).*

*02. The applicant has failed to demonstrate how renewables would be incorporated into the development to meet at least 10% of the energy needs of the dwelling. It is unclear whether the required amount of renewables could be accommodated on the site to meet the requirements of Policy KP2 and the visual impact of the renewable options would need to be assessed. This is contrary to National Planning Policy Framework, Core Strategy Policy KP2 and the Design and Townscape Guide (SPD1).”*

- 1.3 Following the previously refused application detailed above, the following changes have been made to the design of the proposed dwelling:
  - Alterations to the roof design from a traditional pitched roof to a mono-pitched roof. This has resulted in the overall maximum height being reduced by 700mm (from 4.2m to 3.5m in height).
  - The dwelling has been set off the eastern boundary adjacent to the rear of properties by 100mm. (Previously it was set up to the boundary).

Additionally, further details have been submitted regarding the proposed renewables that could potentially be used and this will be discussed in further detail below.

- 1.4 The proposed dwelling will measure a maximum of 4.8m wide x 14.6m deep x 3.5m high and have a mono-pitched roof. This is a single storey building.

Given the roof design, the height of the proposed dwelling will vary between 2.9m and 3.5m in height.

- 1.5 The proposed dwelling will have two bedrooms, a total floorspace of 58sq.m and a private rear garden of 70sq.m.
- 1.6 One car parking space is proposed together with space to turn a car.
- 1.7 Materials to be used on the external elevations of the dwelling include white render and cedar cladding, grey roof membrane, grey aluminium windows and timber doors.
- 1.8 It is important to note that the Council's Development Management DPD (DPD2) has been the subject of a Public Examination and is due to be adopted in July 2015. Therefore, this document should be given significant weight in the determination of planning applications. This is supported by paragraph 216 of the NPPF which states that; *"the more advance the preparation of the emerging plan the greater the weight that may be given."*

## **2 Site and Surroundings**

- 2.1 The site lays to the rear of residential properties at 104-112 High Street, Shoeburyness and is accessed via an existing access between 112 and 114 High Street which is approximately 36m long.
- 2.2 The site access is 2.4m wide and leads to a rectangular site which incorporates garages and a commercial workshop. The existing buildings are single storey with a mixture of flat and pitched roofs.
- 2.3 The site lies to the rear of residential properties in High Street which are mainly two storey terraced houses. It also backs onto the rear of semi-detached two storey housing within Gunners Road which have rear gardens of limited depth.
- 2.4 High Street, Shoebury is a classified road and there is a bus stop sited adjacent to the entrance of the site.

## **3 Planning Considerations**

- 3.1 The main issues for consideration are the principle of the development, design and impact on the streetscene, any impact on neighbours, standard of accommodation for future occupiers, highways and parking implications, sustainable development and whether the previous reason for refusal has been overcome.



## 4 Appraisal

### Principle of Development

#### **National Planning Policy Framework, Core Strategy Policies KP2, CP1, CP4 and CP8 and Borough Local Plan Policies E4, H5, H10, C11 and the Emerging Development Management Document Policy DM3**

- 4.1 Policy CP1 of the Core Strategy seeks to resist planning permission for proposals which would involve the loss of existing employment land unless it will contribute significantly to the objective of regeneration of the economy in other ways, including significant enhancement of the environment, amenity and condition of the local area.
- 4.2 The site is currently occupied by a disused garage, and a smaller garage not used for any associated parking. The largest building is a vacant workshop which has a floor area of 101sq.m and is used for storage. Therefore, the site is generally used for storage and its loss will have marginal impact on jobs. Given the constraints of the site, tightly surrounded by residential properties, it is recognised that there would be little value in marketing the site for commercial use.
- 4.3 Policy H10 of the Borough Local Plan (BLP) states that applications for residential development on backland sites will only be permitted where proposals respect the character of the area and residential amenities of adjoining dwellings. Additionally, satisfactory means of access and off-street parking shall be provided and development should not give rise to overlooking or loss of privacy to neighbouring properties.
- 4.4 Policy DM3 in respect of backland development states:
- “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 contrived and unusable garden space for the existing and proposed dwellings;*
- or*
- (iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees.”*
- 4.5 The site is tightly surrounded and within close proximity of neighbouring residential occupiers which adjoin the site in the High Street and at the rear in Gunners Road.

- 4.6 Although the siting of the dwelling is out of keeping with the general pattern of development within the local area, given that there are existing buildings on the site, no objection is raised on this basis.
- 4.7 It is considered that the residential use of the site would be more compatible and appropriate in the local area than the existing workshop use. Therefore, there is no objection to the principle of development subject to each of the considerations detailed below being satisfactorily achieved. Additionally, no objection was raised to the principle of development under the previous application (14/01981/FUL).

### **Design and Impact on the Streetscene**

#### **National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Borough Local Plan Policies C11, H5, H10, the Design and Townscape Guide (SPD1) and Emerging Development Management Document Policy DM1.**

- 4.8 Policy C11 of the BLP states that new buildings and extensions or alterations to existing buildings should be designed to create a satisfactory relationship with their surroundings in respect of form, scale, massing, height, elevational design and materials. Policy H5 of the BLP requires all development within residential streets to be appropriate in its setting by respecting neighbouring development, existing residential amenities, and the overall character of the locality. Policy DM1 of the emerging Development Management document requires all new development to achieve a high design standard that contributes positively to the local area.
- 4.9 The proposed dwelling is single storey and given its rearward siting some 41m from the High Street, it will not be visible from nor have any impact in the streetscene.
- 4.10 Whilst the proposed dwelling is relatively wide, it is of limited height and there is no objection to its design and appearance. The use of cedar panelling and larger height windows will help break up the width of the building and use of render.
- 4.11 The existing buildings are in a relatively poor state of repair. The proposed development will 'tidy up' the site and improve its appearance.
- 4.12 Therefore, it is considered that the proposed development would not be detrimental to the character or appearance of the area and no objections are raised to its design. No objections were raised to the design of the building under the previous application. Therefore, the proposed development satisfies the policies detailed above.

## Impact on Neighbouring Occupiers

**National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Borough Local Plan Policies H5 and H10, the Design and Townscape Guide (SPD1) and Emerging Development Management Document Policy DM1.**

- 4.13 Policies H5 and H10 of the Borough Local Plan require development to respect neighbouring development and existing residential amenities of adjoining dwellings. Policy DM1 of the emerging Development Management Document states:

*“High quality development by definition should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenities of neighbours. Protection and enhancement of amenity is essential to maintaining people’s quality of life and ensuring the successful integration of proposed development into existing neighbourhoods...”*

- 4.14 The application site is surrounded by the rear gardens of residential properties in the High Street to the north, south and west of the site and Gunners Road to the east of the site.
- 4.15 Following the previous application, alterations have been made to the roof design of the proposed dwelling from a traditional pitched roof to a mono-pitched roof. This has resulted in the overall maximum height being reduced by 700mm (from 4.2m to 3.5m in height). The proposed mono-pitch roof varies from 2.9m to 3.5m in height, with its highest point being located away from the rear of neighbouring properties in Gunners Road, located to the east of the site and 2.9m to the boundary. Additionally, whilst it is appreciated that the general siting of the building remains very similar to the previous application, the proposed dwelling has been slightly set off the eastern boundary adjacent to the rear of properties in Gunners Road by 100mm. The previous plans showed the dwelling set up to this boundary.
- 4.16 Submitted plan no. 338-03 Rev A details the outline of the existing structures to be demolished. The proposed dwelling will be a maximum of one metre higher than the existing buildings on site at its highest point. However, it should be noted that the majority of the building is only 400mm higher than the existing.
- 4.17 There is approximately 10m to the rear of dwellings in Gunners Road and 23m from the rear of dwellings in High Street. It is not considered that the proposed fenestration would give rise to overlooking or loss of privacy to neighbouring occupiers. The windows on the eastern elevation of the building are high level windows only and the proposed rooflights will be at an angle away from neighbouring occupiers, with no direct views of overlooking. All other windows

will face out onto boundary fencing, sufficient to prevent overlooking and loss of privacy.

- 4.18 Neighbouring occupiers in High Street have relatively deep rear gardens at some 21m in depth. It is considered that the proposed dwelling would not be overbearing upon these neighbours given the level of separation (some 23m), limited scale and siting.
- 4.19 With regard to the impact on neighbouring occupiers which adjoin the site in Gunners Road, these properties have short gardens, ranging from approximately 7m – 12m in depth. Those properties with the shortest gardens (no's 81 & 83) have flat roof single storey rear extensions. Given the reduction in the height of the building and amendments to its design, height and siting it is not considered that the proposed dwelling would be overbearing upon or result in an undue sense of enclosure to neighbours in Gunners Road. It is not considered that it would have a detrimental impact upon the amenities of neighbouring occupiers.
- 4.20 Therefore, it is considered that the previous reason for refusal has been satisfactorily overcome and satisfies the policies detailed above.

#### **Standard of Accommodation for Future Occupiers**

#### **National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Borough Local Plan Policy H5, the Design and Townscape Guide (SPD1) Emerging Development Management Document Policy DM8**

- 4.21 Policy H5 of the Borough Local Plan states that all development within residential streets and housing development elsewhere to be appropriate in its setting by respecting neighbouring development, existing residential amenities and the overall character of the locality, whilst also achieving a high standard of layout and design.
- 4.22 The proposed dwellinghouse will measure 58sq. in size. This will meet the emerging Development Management Indicative Residential Space Standards (policy DM8) which require a minimum internal floor area for a two bedroom dwelling on one floor to be at least 57sq.m.
- 4.23 The proposed dwellinghouse will have an open plan living and kitchen area which is considered to be of acceptable useable size. The bedrooms are also acceptable size, in line with the emerging Development Management Document DPD
- 4.24 Two bedrooms are proposed (one single and one double room). Whilst 'bedroom 2' is served by a high level window and rooflights, there will be adequate natural light and ventilation to this room and all habitable rooms.

- 4.25 The proposed dwelling will have a private rear garden of 70sq.m. This is considered to be an acceptable, useable size to meet the needs of future occupiers.
- 4.26 It is considered that the standard of environment would be acceptable to future occupiers and satisfies the policies detailed above. No objection was raised to the standard of accommodation for future occupiers under the previous application.

### **Traffic and Transportation**

#### **National Planning Policy Framework Section 4, Core Strategy Policies KP2 and CP4, Borough Local Plan Policies H10, T8 and T11, the Design and Townscape Guide (SPD1) and the Emerging Development Management Document Policy DM15**

- 4.27 Policy T8 of the BLP is concerned with Highway Safety. Policy T11 of the BLP states that the Council will require the provision of off-street parking spaces and permission will not normally be granted for any development which would give rise to additional demand for on-street parking, particularly within residential areas. Policy DM15 of the emerging Development Management Document requires two parking spaces for houses of this size and outside of the Southend Central Area.
- 4.28 Whilst the proposed dwelling would only have one off-street parking space, regard should be had to its sustainable location within short walking distance of Shoeburyness Station and local bus stops (there is a bus stop outside the site on the High Street). Additionally, the proposed development is unlikely to create more parking demand than its former use as a workshop and the proposed dwellinghouse is of limited size with only two bedrooms. Therefore, in this instance, the level of off-street parking is considered to be acceptable.
- 4.29 The site is accessed off a classified road whereby it is required to be able to enter and leave a site in forward gear, i.e. able to turn a car on site. There is sufficient internal space to turn a car on site. No objection has been received from the highways department.
- 4.30 There is also no objection in respect of the access way which is an existing established access and this also meets emergency vehicles meets guidance (45m).
- 4.31 With regard to refuse, an area for refuse storage has been allocated to the north of the building adjacent to the proposed parking. Whilst this is outside of collection guidance distance which is 15m, it has been detailed that this can be placed on the roadside for kerbside collection on collection days by future occupiers and there has been no objection raised to this by the Council's Highways Officer. Future occupiers would be aware of this on occupation

should permission be granted by way of an informative.

- 4.32 Therefore, in light of the above, the proposed development satisfies the policies detailed above.

### **Sustainable Development**

#### **National Planning Policy Framework, Core Strategy Policy KP2, the Design and Townscape Guide (SPD1) and Emerging Development Management Document Policy DM2**

- 4.33 Paragraph 97 of the NPPF states that local authorities should promote energy from renewable sources. Policy KP2 of the Core Strategy states that all new development proposals should demonstrate how they will maximise the use of renewable and recycle energy, water and other resources.

- 4.34 Paragraph 259 of the Design and Townscape Guide (SPD1) states:

*“...There are many options available for renewable power generation, however, the right combination will depend on what is most appropriate for the site, size and type of unit. Options for renewable power must be considered at the beginning of the design process to enable them to become an integral part of the design of the scheme. The applicant will be required to demonstrate how this requirement will be met as part of the planning application supporting documentation...”*

- 4.35 The applicant has detailed that solar photovoltaic panels or a ground source heat pump could be installed to sufficiently meet the 10% renewable energy requirements in accordance with Policy KP2 of the Core Strategy. It is considered that further details can be dealt with by condition should permission be granted. The applicant states that the proposed dwelling would meet Code for Sustainable Homes Level 3. Additionally, environmental improvements will be made to the site including the replacement of hard surfaces with sustainable urban drainage systems and further details can be dealt with by condition.

- 4.36 Therefore, it is considered that the previous reason for refusal in respect of renewables has been satisfactorily overcome and the proposed development meets the policies detailed above.

### **Other Issues**

#### **National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Borough Local Plan Policy U2 and Emerging Development Management Document Policy DM14**

- 4.37 The site is classed as being potentially contaminated land which would need

to be addressed and could be dealt with by condition should permission be granted.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework, 2012.
- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance) and CP8 (Dwelling Provision).
- 5.3 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), C14 (Trees, Planted Areas and Landscaping), H5 (Residential Design and Layout Considerations), H10 (Backland Development), T8 (Traffic Management and Highway Safety) and T11 (Parking Standards), T12 (Servicing Facilities), T13 (Cycling and Walking), E4 (Industry and Warehousing), U1 (Infrastructure Provision), U2 (Pollution Control).
- 5.4 Design & Townscape Guide, 2009 (SPD1).
- 5.5 Essex Planning Officer Association Vehicle Parking Standards, 2001.
- 5.6 Emerging Development Management Document Policy DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM8 (Residential Standards), DM14 (Environmental Management) and DM15 (Sustainable Transport Management).

## **6 Representation Summary**

### **Highways**

- 6.1 There is sufficient internal space to enable a car to enter the site, manoeuvre and leave in forward gear.
- 6.2 The refuse store is outside of current collection guidance (15m) and therefore, the occupier will need to ensure that refuse is placed on the highway on the day of collection.
- 6.3 One parking space has been provided on site which is considered acceptable give the sustainable location of the site and there is no objection to the access which is an existing access and meets requirements in terms of emergency access.
- 6.4 Therefore, there are no highways objections to the proposal.

### **Design and Regeneration**

6.5 No objection.

### **Environmental Health**

6.6 The site is classed as potentially contaminated land and therefore this will need to be addressed. During the construction phase noise issues may arise which could lead to the hours of work being restricted. Conditions are therefore recommended.

### **Public Consultation**

6.7 Neighbours notified and site notice displayed – Four letters of representation have been received (two of which are from the same neighbour) which raise the following concerns:

- Loss of privacy
- Loss of light.
- Damage caused during site clearance.
- Security of the neighbour's property once fences removed.
- Questions whether there would be any guarantees put in the deeds of the property to restrict any further development of the site and in particular if any new plans to extend up and make the property two storeys would be refused. **[Officer comment: Whilst the Local Planning Authority has no control over deeds, should permission be granted, permitted development rights would be removed from the dwellinghouse and therefore any future extensions would require planning permission of neighbours would be notified about.]**
- No notification that previous application had been refused.
- Object to replacement of the neighbour's fencing. **[Officer comment: This is a private matter between the applicant and those neighbours concerned.]**
- Impact of value of neighbouring property. **[Officer comment: This is not a material planning consideration.]**

## **7 Relevant Planning History**

7.1 14/01981/FUL: Demolish existing commercial buildings, erect single storey



dwelling, layout parking and amenity area rear of 104-112 High Street – Refused planning permission on 24.02.2015 for the following reasons:

*“01. The proposed dwelling by reason of its siting, height and position up to the site boundary would be overbearing upon and result in an undue sense of enclosure, to the detriment of the amenities of the occupiers of 83 and 85 Gunners Road. This would be exacerbated by the limited depth of these neighbour's rear gardens and the span of the proposed dwelling along the width of these neighbour's rear gardens. This is contrary to the National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Borough Local Plan Policies H5 and H10 and the Design and Townscape Guide (SPD1).*

*02. The applicant has failed to demonstrate how renewables would be incorporated into the development to meet at least 10% of the energy needs of the dwelling. It is unclear whether the required amount of renewables could be accommodated on the site to meet the requirements of Policy KP2 and the visual impact of the renewable options would need to be assessed. This is contrary to National Planning Policy Framework, Core Strategy Policy KP2 and the Design and Townscape Guide (SPD1).”*

## **8 Recommendation**

**Members are recommended to 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 hereby permitted shall be carried out in accordance with the approved plans: 338-01 Rev A, 338-02 Rev A, 338-03 Rev A.**

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

**03. No development shall take place until samples of the materials to be used on the external elevations of the building, on any screen/boundary walls, fences and gates, and on any driveway, access road, forecourt or parking area 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 the area in**

accordance with Policy C11 of the Borough Local Plan, Policies KP2 and CP4 of the Core Strategy DPD1 and emerging Development Management Document DM1.

**04. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping. This shall include details of all the existing trees and hedgerows on the site and details of any 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; details of measures to enhance biodiversity within the site and details of the treatment of all hard and soft surfaces (including any earthworks to be carried out). The landscaping shall be implemented in accordance with the agreed details, unless otherwise first agreed in writing by the Local Planning Authority.**

**Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policies C4, C11 and C14 of the Borough Local Plan and Policy CP4 of the Core Strategy DPD1.**

**05. All planting in the approved landscaping scheme shall be carried out within the first available planting season following the completion of the development. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.**

**Reason: In the interests of visual amenity and to ensure a satisfactory standard of landscaping, pursuant to Policy C14 of the Borough Local Plan and Policy CP4 of the Core Strategy DPD1.**

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

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

**07. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in**

writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

**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 Core Strategy Policies KP2 and CP4, Borough Local Plan Policy U2 and Emerging Development Management Document Policy DM14.

**08. Construction and demolition shall only take place between 07:30 and 18:00 Monday to Friday, 08:00 and 13:00 Saturday and not at all on Sundays or Bank Holidays.**

**Reason:** In the interest of the amenities of neighbouring residential occupiers in accordance with policy C11 of the Borough Local Plan.

**09. A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources shall be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the 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, the Design and Townscape Guide (SPD1) and Emerging Development Management Document Policy DM2.

**10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, or any Order revoking or re-enacting that Order with or without modification, no development shall be carried out within Schedule 2, Part 1, Classes A, B, C, D, E, F or G of those Orders.**

**Reason: To safeguard the design and appearance of the dwellinghouses, in the interest of the standard of accommodation and to ensure that satisfactory amenity space remains for the amenities of future occupiers, in accordance with Policies C11 and H5 of the Borough Local Plan, the Design and Townscape Guide, 2009 (SPD1) and Emerging Development Management Document Policies DM1 and DM8.**

**11. The dwellinghouse shall not be occupied until one car parking space has been constructed for occupiers and visitors to the dwellinghouse and such this parking space shall be permanently retained for that purpose in accordance with the approved plans no. 338-01A unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To make provision for parking off the highway and in the interest of highway safety in accordance with Core Strategy Policy CP3, Policies T11 and T8 of the Southend on Sea Borough Local Plan and the Emerging Development Management Document Policy DM15.**

#### **Informative**

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

**The Local Planning Authority has acted positively and proactively in determining this application by 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.**

<b>Reference:</b>	15/00568/FUL
<b>Ward:</b>	St Laurence
<b>Proposal:</b>	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
<b>Address:</b>	Derek's Florist, 5 Manners Corner, Manners Way, Southend-On-Sea, Essex, SS2 6QR
<b>Applicant:</b>	Mrs Tamanna Begum
<b>Agent:</b>	Daniel Childs
<b>Consultation Expiry:</b>	01.06.2015
<b>Expiry Date:</b>	15.06.2015
<b>Case Officer:</b>	Janine Rowley
<b>Plan Nos:</b>	Location Plan; Proposed Plans and Elevations
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>



## **1 The Proposal**

- 1.1 Planning permission is sought to change the use from a florist (A1) to a mixed class (A3/A5) together with the installation of extract ducting to the rear roof. No changes are proposed to the shopfront.

## **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 the Borough Local Plan, Core Strategy nor the emerging 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, Borough Local Plan policy S5, DPD2 Development Management emerging policy DM13.**

- 4.1 The Development Management DPD2 has been found sound by the Planning Inspectorate. It is therefore, considered these policies although not yet adopted, should carry significant weight in the determination of planning applications. This is supported by paragraph 216 of the NPPF which states that; *“the more advance the preparation of the emerging plan the greater the weight that may be given.”*
- 4.2 Adopted policy S5 of the Borough Local Plan, states that the Borough Council recognises the contribution which certain non-retail uses can make to the attraction of shopping centres. In the case of isolated shopping frontages not identified within the Borough Local plan, 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.

- 4.3 In light of the above, the existing use as a florist does not provide for 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, Borough Local Plan Policies C2, C11, C7, DPD2 Development Management emerging policy DM1 and SPD1**

- 4.4 It should be noted that good design is fundamentally important to new development and this is reflected in the NPPF as well as policy DM1 of the emerging Development Management, policies KP2 and CP4 of the Core Strategy, policies C11 and C7 of the Borough Local Plan, and the Design and Townscape Guide.
- 4.5 Policy C2 of the Borough Local Plan states that locally listed buildings will be protected from demolition and unsympathetic development. Any development proposals will be required to pay special regard to the preservation and restoration of internal and external features, which contribute to their character, to the maintenance of their scale and proportions, to the preservation of their setting and to the use of appropriate materials.
- 4.6 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, DPD2 Development Management emerging policy DM15, Borough Local Plan Policies T8 and T11 and SPD1**

- 4.7 Policy T11 of the BLP states that Council will require the provision of off-street car parking spaces and permission will not normally be granted for any development which would be likely to give rise to additional demand for on-street parking, particularly in residential areas. 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 A3/A5. However, the proposal will also include 2 members of staff and potentially 32 covers for people using the A3/A5 use.
- 4.8 Emerging policy DM15 of DPD2 states that 1 space per 5m<sup>2</sup> is required for A3 uses and 1 space per 20m<sup>2</sup> 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. The proposed A3/A5 use would require a minimum 16 parking

spaces. Permission will not normally be granted for any proposals which would be likely to give rise to additional demand for on street parking, particularly in residential areas. The proposed change of use would result in intensification of vehicle use and on street parking which is unacceptable in this location, which already suffers from parking stress and is not considered a sustainable area with limited bus services and parking restrictions.

- 4.9 In light of this, the proposal does not provide satisfactory off street car parking for the visitors to the A3/A5 use and would lead to an increase in demand for on street parking in an area which is already heavily parked to the detriment of highway efficiency and safety, contrary to policies CP3 of the Core Strategy, DM15 of the emerging Development Management DPD2, policies T8 and T11 of the Borough Local Plan.

### **Refuse Storage**

#### **National Planning Policy Framework, BLP Policy U2 (Pollution Control)**

- 4.10 Policy U2 of the Borough Local Plan states that in order to prevent or reduce pollution the in the town, the Council will, where appropriate refuse planning permission for developments considered to involve a potential pollution risk. There appears to be a small store and service yard, however no other details accompany the application and there is concern the refuse storage could not be successfully accommodated within the site. Taking into account the proposed use of A3/A5, more waste would be generated than the existing A1 use but could not be successfully accommodated on site. The proposal is therefore contrary to Policy U2 of the Borough Local Plan, whereby the proposal by reason of waste would result involve in a potential pollution risk to the detriment of the character and appearance of this locally listed building and nearby residents.

#### **Impact on Residential Amenity:**

#### **NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Southend-on-Sea Borough Local Plan Policies S5, C11; SPD 1 (Design & Townscape Guide (2009)**

- 4.12 Policy S5 of the Borough Local Plan requires that non-residential activities within or adjoining housing areas will be required to respect the character of the locality and not adversely affect residential amenity in terms of appearance, noise, odour, parking, traffic or other activity.
- 4.13 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.
- 4.14 In terms of impact on residential amenity, the proposed opening hours of the A3/A5 use are as follows:



- 1130-1400 and 1700-2230 Monday to Friday;
- 1130-1400 and 1700-2300 Saturday;
- 1130-1400 and 1700-2230 Sundays.

- 4.15 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. Whilst a condition could be imposed in relation to the opening hours the proposed change of use would result in an intensification of the use of the site given the number of covers proposed at 32 persons. Furthermore, the noise level will be further exacerbated by the number of visitors to the premises by car, which will have a detrimental impact on the amenities of residents above the site in Manners Court and nearby residents in Oaken Grange Drive and Manners Way contrary to the provisions of policy E5 of the Borough Local Plan.
- 4.16 The applicant has provided details of the siting of the extract ducting to be installed to the rear elevation, however limited detail has been submitted in relation to the mechanical extract ducting. 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 contrary to policy E5 of the Southend on Sea Borough Local Plan.
- 4.17 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 in terms of noise disturbance, traffic or other related activity.

## **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 BLP Policies: C11 (New Buildings, Extensions and Alterations), and T11 (Parking Standards), T8 (Highway Safety), S5 (Non-retail uses), C7 (Shop and Commercial Frontages and Fascia's), E5 (Non-residential uses located close to housing)
- 5.4 Design and Townscape Guide SPD (adopted December 2009)
- 5.5 EPOA Vehicle Parking Standards (2001).

## **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 is a highway objection to this proposal. No parking provision has been provided the area does suffer from considerable parking stress any additional on street parking as a result of this development will only exacerbate the current situation. Emerging policy DM15 requires 16 parking spaces to be provided therefore a highway objection is raised due to the lack of parking provision which could have a detrimental impact on the public highway in the surrounding area.

### **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. Here are some standards conditions and informative that we are currently suggesting for food premises. Therefore, it will need a suitable ventilation extract system to the approval of the Local Authority and no details have been submitted at this time.

### **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 30.04.2015 and 26 neighbours notified of the proposal. At the time of writing this report 6 letters of representation have been received stating:

- Objection to the proposed change of use. Another food outlet is unnecessary.
- Limited parking and already traffic congestion.
- This is a residential area and any proposal will have a detrimental effect on the wellbeing of local home owners and tenants.

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

6.5 Councillor Flewitt and Councillor McGlone have requested this application be dealt with by Development Control Committee.

## **7 Relevant Planning History**

7.1 None.

## **8 Recommendation**

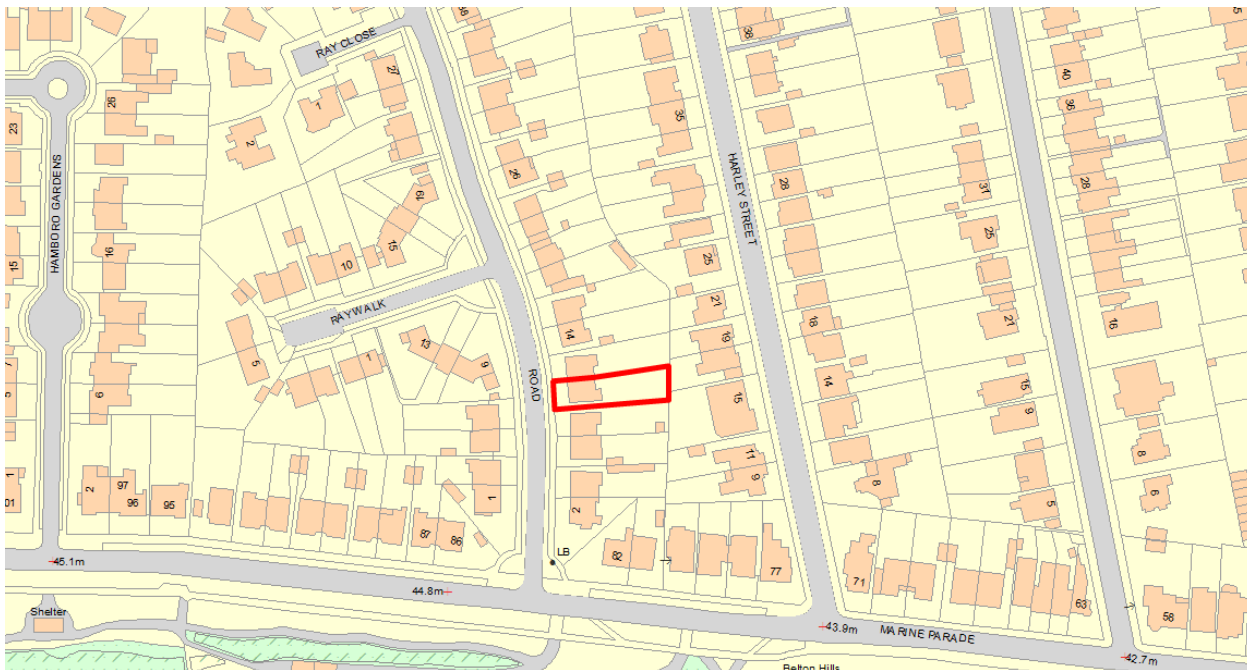
**Members REFUSE PLANNING PERMISSION subject to the following reasons:**

- 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.

<b>Reference:</b>	15/00537/FULH
<b>Ward:</b>	West Leigh
<b>Proposal:</b>	Erect part single/part two storey rear extension (amended proposal)
<b>Address:</b>	10 Canvey Road, Leigh-on-Sea, Essex SS9 2NN
<b>Applicant:</b>	Mr R. Cook
<b>Agent:</b>	Mr D. Booth
<b>Consultation Expiry:</b>	14.05.15
<b>Expiry Date:</b>	25.05.15
<b>Case Officer:</b>	Patricia Coyle/Louise Cook
<b>Plan Nos:</b>	TP/01A
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## **1 The Proposal**

- 1.1 Planning permission is sought to erect a part single/part two storey rear extension. The proposed development would provide an enlarged kitchen and dining room area with a separate utility room and an additional bedroom.
- 1.2 The application is an amended application following the refusal of planning application ref. 14/02051/FULH for a similar proposal for a part single/part two storey rear extension at the site which was refused permission on 6<sup>th</sup> February 2015 for the following reasons:

*“01. The single-storey element of the proposed rear extension would, by reason of its depth and close proximity to the shared boundary, result in it being visual intrusive and having an adverse impact on outlook causing harm to the residential amenities of occupiers of No. 12 Canvey Road development contrary to the NPPF, Core Policy CP4 and Borough Local Plan Policy C11, H5 and SPD1.”*

- 1.3 The proposed single storey element of the extension would measure 3m deep x 3.5m wide and have a flat roof with a roof lantern with a parapet wall to the boundary 3m high. The proposed two storey element would measure 3.5m wide x 3m deep x 6.7m high and have a pitched roof with a hipped end.
- 1.4 Materials would be to match the existing building with the exception of the windows to the dining area which would be a combination of a single door and bi-fold doors.
- 1.5 Following the previously refused application, the following amendments have been made:
  - The depth of the single storey element of the extension has been reduced by 900mm (from 3.9m to 3m deep).
  - The depth of the two storey element of the extension has been reduced by 800mm (from 3.8m to 3m deep).

## **2 Site and Surroundings**

- 2.1 The application site comprises a semi-detached, two storey dwellinghouse with a single storey projection to the rear. The site is located within the Chapmanslord Conservation Area.
- 2.2 The surrounding area is characterised by two storey residential properties mainly semi-detached but with some detached houses, also in the Conservation Area.

## **3 Planning Considerations**

- 3.1 The key considerations are the principle of the development, design and impact on

the character of the area, in particular on the special character and appearance of the Chapmanslord Conservation Area and impact on neighbouring occupiers (residential amenity).

## 4 Appraisal

### Principle of the Development

**National Planning Policy Framework 2012, Core Strategy Policies KP1, KP2 and CP4, Borough Local Plan Policies C4, C11, H5, the Design and Townscape Guide (SPD1) and emerging Development Management Policies DM1 and DM5**

- 4.1 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance include Core Strategy DPD Policies KP1, KP2 and CP4 and emerging Development Management Policies DM1 and DM5. These policies support extensions to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building and the area. Policy C4 indicates that proposals for development will normally be permitted only where they would not be detrimental to the local scene and the character of the area and that extensions within Conservation Areas should be in scale and harmony with the existing and neighbouring buildings and with the area as a whole and the proportions, and the detailing and materials of extensions and alterations should be appropriate to the area and sympathetic to the existing and neighbouring buildings. Therefore, subject to detailed considerations, proposals to extend the residential property are therefore considered acceptable in principle in this location. The principle of development was accepted under the previous application (14/02051/FULH).

### Design and Impact on the Conservation Area

**National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Borough Local Plan Policies C4, C11, H5, the Design and Townscape Guide (SPD1) and emerging Development Management Policy DM1**

- 4.2 The SPD1 indicates that *“The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric.”*
- 4.3 The SPD indicates in relation to rear extensions that (Para 348) these are the easiest and most popular way to extend your home is to build a rear extension. These additions are generally preferred to other types of extension because they usually have little or no impact on the public realm and therefore preserve the character of the streetscene. Whether or not there are any public views, the design of 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.

- 4.4 The proposal seeks to build a part single/part two storey extension to the rear of the property to create an enlarged kitchen/living area and new bedroom. The design of the two storey element is a simple two storey rear projection with a hipped roof extending 3m directly off the rear building line. This element has been detailed to match that of the existing building and integrates well with the parent property. It is also noted that it matches the extension which has been built on the other half of the semi-detached pair at No.12. There are no design objections to this section of the proposal. Other than the 900mm reduction in the depth of the extension, it remains the same as the previous application (14/02051/FULH) whereby no objections were raised to this element of the proposal.
- 4.5 The ground floor element would be located directly on the boundary with the adjoining attached property. There are no objections to its design as detailed under the previous application (14/02051/FULH) and it will not have any impact on the character of the Conservation Area as it cannot be seen from the street.
- 4.6 Therefore, in light of the above, and as per the previous application, it is not considered that the proposed development would be detrimental to the character and appearance of the building or the Conservation Area. It is considered that the proposal satisfies the policies detailed above in terms of design.

### **Impact on Neighbouring Occupiers**

#### **National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Borough Local Plan Policies C11, H5 and the Design and Townscape Guide (SPD1)**

- 4.7 The Design and Townscape Guide (SPD1) indicates at paragraph 349;

*“Rear extensions can sometimes adversely affect neighbouring properties through overlooking, and blocking of light. The design should therefore ensure that these are kept within reasonable limits. Each application will be assessed on a site by site basis. Extensions on the boundary can have a significant effect on the neighbouring property and may not be considered appropriate.”*

The immediate neighbouring occupiers to the application site are No.'s 8 and 12 Canvey Road.

- 4.8 The two storey element of the proposed extension would be located 3.6m from the shared boundary with No.12 Canvey Road which is located to the north of the application site and a minimum distance of 1.7m from the shared boundary with No. 8 Canvey Road which is located to the south of the application site.
- 4.9 The proposed first floor element of the two storey extension would not infringe a



notional 45 degree line from the ground and first floor windows of No. 12. Given the distance away from the shared boundary and as No.12 has a corresponding two storey rear extension, it is not considered that this part of the scheme would result in any unacceptable harm to the amenities of these adjoining occupiers by way of overshadowing or loss of light.

- 4.10 As detailed above, the previous application (14/02051/FULH) was refused permission for the following reason:

*“01. The single-storey element of the proposed rear extension would, by reason of its depth and close proximity to the shared boundary, result in it being visual intrusive and having an adverse impact on outlook causing harm to the residential amenities of occupiers of No. 12 Canvey Road development contrary to the NPPF, Core Policy CP4 and Borough Local Plan Policy C11, H5 and SPD1.”*

The depth of the single storey element of the proposed extension has now been reduced by 900mm (from 3.9m to 3m deep) following the previous application. Whilst it is acknowledged that the single storey element will still have some impact on residential amenity by means of visual intrusion and loss of outlook due to its relationship with the neighbouring property, regard must be had to works that can be carried out under permitted development (i.e. without the need for planning permission) under Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. The Government has considered that a 3m deep extension on such properties is an appropriate depth, balancing the rights of an owner to extend their home and the rights of neighbours to general amenities. A 3m deep single storey extension (as per the plans submitted) could be constructed under permitted development in this instance without the need for planning permission. Whilst there is an Article 4 direction covering the Conservation Area, this does not take away permitted development for single storey rear extensions (only side extensions). Therefore, given that the single storey element of the proposal can be carried out under permitted development, an objection is not raised in this instance.

- 4.11 There would be no windows in the facing flank elevations to the first floor rear extension or in the walls facing the boundary with No. 12 Canvey Road. It is not considered that there would be any material harm to these occupiers' amenity in relation to the proposed fenestration.
- 4.12 With regard to the impact on No. 8 Canvey Road, it is not considered that the proposed extension would be overbearing upon this neighbour given its siting and limited rearward projection.
- 4.13 Side windows to No.8 face out across the rear of the application site, nonetheless as the two storey part of the extension would be located to the north and away from the shared boundary, it is not considered that there would be any loss of outlook. There would be no windows to the flank elevations at first floor level to this element

of the scheme and it is not therefore considered that there would be any loss of privacy for this occupier, as per the previous application.

## **5 Conclusion**

- 5.1 The proposed development would be acceptable in terms of its impact on visual amenity in the streetscene and in respect of its impact on the special character and appearance of the Chapmanslord Conservation Area. Taking into account that the single storey element of the proposed extension can now be carried out under permitted development given its reduction in depth to 3m since the previously refused application, an objection is not raised and therefore, the application is considered to be acceptable.

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework.
- 6.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).
- 6.3 Borough Local Plan Policies: C4 (Conservation Areas), C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations)
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 6.5 Emerging Development Management Document Policy DM1 (Design Quality), DM5 (Southend-on-Sea's Historic Environment).

## **7 Representation Summary**

### **Public Consultation**

- 7.1 Neighbours notified and a site notice posted. There has been one response objecting on the grounds that a previous consent was granted for similar development in 1997 but it should not have been as it was contrary to guidance and policy. Comments made in 1997 apply to the current scheme, loss of daylight and sunlight, outlook and spaciousness (tunnel effect), loss of distribution of daylight and sunlight within an adjoining habitable room, loss of light to a bedroom window, overshadowing of a garden patio and amenities, unneighbourly development, intrusive application, the plans do not show a window to the adjoining property, the proposal is now within a Conservation Area and would also breach the guidelines in Appendix 2 of the Borough Local Plan [**Officer Comment: Appendix 2 is not 'saved' and does not apply to this application**], serious consideration should be given to the Council's SPD1 Design and Townscape Guide, documentary evidence is available to support this objection.

### **Councillor Call-in**

- 7.2 Councillor Lamb had called in the application to Committee.

### **Design and Regeneration**

- 7.3 This property is situated within Chapmanslord Conservation Area which was a planned estate under the Homes for Heros campaign following WWI. The houses were constructed in the 1920s and have a generally consistent character including red clay tiled roofs, rough cast white rendered walls and distinctive square paned crittal windows. The application property is typical of the street and forms one half of a pair of semis within a run of similar properties.
- 7.4 No objection to the proposed development as this is not considered to be a poor design and will not have any impact on the character of the Conservation Area.

### **Leigh-on-Sea Town Council**

- 7.5 Objection - This is an application where orientation is extremely relevant. No. 10 is south of and, because of the bend in the road, slightly to the east of, No. 12.
- 7.6 The single storey extension would be right on the boundary with No.12, very close to, and south of, the only window serving the habitable room there. The sun would be blocked from this living room, except for on early summer mornings, and much ambient light will also be blocked. This would have a seriously detrimental effect on the enjoyment of this room. The two storey extension would have a similarly detrimental effect.
- 7.7 The proposal would also block the sun from the private garden area of No.12, next to the house, causing a loss of amenity. The proposal would create a well or tunnel situation at the rear of No.12 which would be oppressive and claustrophobic, both in the garden and in the outlook from the house.
- 7.8 The proposal is therefore contrary to SPD1 paragraphs 349 & 350.
- 7.9 The other extensions down this side of the road have all been built to ensure that they do not significantly overshadow the property directly to the north of them. This is an un-neighbourly proposal.

### **The Leigh Society**

- 7.10 In light of the previous decision of refusal, the Leigh Society has revisited its views as expressed in its previous response. The Society was not able to bring forward expert comment on certain matters but, in light of the previous refusal and the reasons for it, we now more fully understand the implications of the application and the effect on no. 12. We therefore object to the amended proposal.

- 7.11 Although the extension is reduced it still will block light to a habitable room at no. 12 and will have a detrimental effect on light to their garden space.

## **8 Relevant Planning History**

- 8.1 14/02051/FULH: Erect part single/part two storey rear extension – Refused permission on 06.02.2015 for the following reasons:

*“01. The single-storey element of the proposed rear extension would, by reason of its depth and close proximity to the shared boundary, result in it being visual intrusive and having an adverse impact on outlook causing harm to the residential amenities of occupiers of No. 12 Canvey Road development contrary to the NPPF, Core Policy CP4 and Borough Local Plan Policy C11, H5 and SPD1.”*

- 8.2 97/0556 - Demolish Single Storey Extension Erect Part Two Storey/Part Single Storey Rear Extension Erect Chimney Stack At Side And Form Accommodation In Roofspace With Velux Windows At Side And Rear – Approved permission on 19.06.1997.

## **9 Recommendation**

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

**01. The development hereby permitted shall begin no later than 3 (three) years from the date of this decision.**

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

**02. The development hereby permitted shall be carried out in accordance with the approved plans: TP/01A.**

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

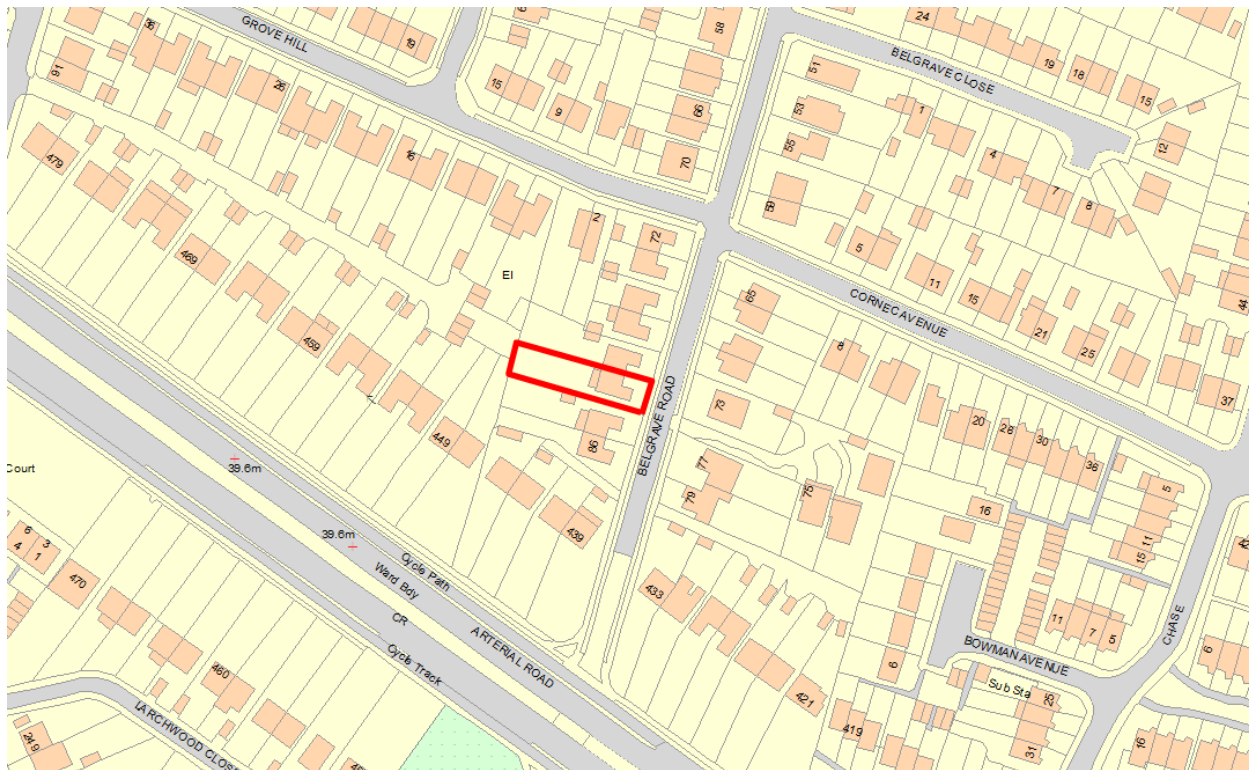
**03. The colour, type and texture of any materials used on the external elevations of the extension shall match those of the existing building, unless otherwise first agreed in writing by the Local Planning Authority. Such agreed details shall be permanently retained.**

**Reason: To safeguard the visual amenities of the area, in accordance with Policies C4 and C11 of the Southend-on-Sea Borough Local Plan.**

**The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning**

**permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.**

<b>Reference:</b>	15/00562/FULH
<b>Ward:</b>	Eastwood Park
<b>Proposal:</b>	Form hipped to gable roof, erect rear roof extension and front dormer to form habitable accommodation in the roof
<b>Address:</b>	82 Belgrave Road, Eastwood, Essex, SS9 5EL
<b>Applicant:</b>	Mrs M Daley
<b>Agent:</b>	Mr Alex Collinson
<b>Consultation Expiry:</b>	5 <sup>th</sup> May 2015
<b>Expiry Date:</b>	28 <sup>th</sup> May 2015
<b>Case Officer:</b>	Anna Tastsoglou
<b>Plan Nos:</b>	2550/2/36
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>



## **1 The Proposal**

- 1.1 Planning permission is sought to enlarge the roof from a hip to a gable, erect a first floor rear extension and a flat roof dormer to the front elevation. Materials to be used would include double glazed windows, tiles to the pitched roof first floor rear extension and the enlarged gabled roof, 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 3.9m 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 5.2 metres. The rear extension would have a shallow pitched, gabled roof. 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, including also aerial photos indicating the first floor rear extensions of both adjacent properties to the north and south.
- 1.4 The applicant has not submitted an existing and proposed north side elevation. Although that is considered essential in case of a second submission, in that case the current application will be progressed on the basis of the submitted plans.
- 1.5 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 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 of the dwelling is partly hard landscaped and provides two off street parking spaces. The dwelling has an existing single storey flat roof rear extension.
- 2.2 The semi-detached property to the north has an existing, pitched roof, dormer to the front elevation, which is modest in size. Both neighbouring properties to the north and south have gabled roof extensions to the rear.
- 2.3 Belgrave Road is residential in character. The western side of the road consists predominantly of semi-detached bungalows and the eastern side 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; Borough Local Plan Policies C11 and H5; Policy DM1 of the emerging Development Management DPD**

- 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; Borough Local Plan Policies C11 and H5; SPD 1 (DTG 2009); Policy DM1 of the emerging Development Management DPD**

- 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 C11 and H5 of the Borough Local Plan, Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the emerging 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 C11 of the Borough Local Plan states that *“new buildings and extensions or alterations to existing buildings should be designed to create a satisfactory relationship with their surroundings in respect of form, scale, massing, height, elevational design and materials”*. Policy H5 also requires *“all development within residential streets to be appropriate in its setting by respecting neighbouring development, existing residential amenities, and the overall character of the locality.”*
- 4.5 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, of similar design. However, the adjacent semi-detached property to the north has been previously enlarged from a hip to 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, which is not considered to comply with the above guidance. The proposed dormer is large and it 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 larger in width and not in line with the ground floor windows and that is considered to exacerbate the harmful impact of the development. it would also breach the roof of the existing single storey front projection. 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 be 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 shallow gable roof and it would extend above the existing ground floor rear extension. Its size 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 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 and would be unacceptable.

- 4.12 The applicant has submitted a design and access statement referring to the neighbouring No's 80 and 84 Belgrave Road rear extensions. However, it is considered that the design of both rear projections is significantly different to the proposal and therefore, there is no comparison between the development and the adjacent rear extensions.

### **Traffic and Transport Issues**

#### **NPPF; Southend-on-Sea Borough Local Plan Policies 8 and T11; EPOA adopted Vehicle Parking Standards 2001; Policy DM15 of the emerging Development Management DPD**

- 4.13 Policy DM15 of the emerging Development Management DPD, which is expected to be adopted in early summer and has substantial weight, requires that all development should meet the parking standards. Therefore, for a 4 bedroom dwelling in that location, outside Southend Central Area, the provision of two parking spaces is required.
- 4.14 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 space provision.

### **Impact on Residential Amenity**

#### **NPPF; Southend-on-Sea Borough Local Plan Policies 8 and T11; EPOA adopted Vehicle Parking Standards 2001; Emerging Development Management DPD Policy DM1**

- 4.15 The Design and Townscape Guide (SPD1) states that *"extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties."* (Paragraph 343 - Alterations and Additions to Existing Residential Buildings). Policy DM1 of the emerging Development Management DPD and policy H5 of the BLP 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."*
- 4.16 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 on 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.

- 4.17 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. 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 windows to the south flank elevation, would be a secondary window to a bedroom and a bathroom. Hence, should permission be given, these windows would be conditioned to be glazed in obscure glass.
- 4.18 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 mitigating any adverse impact, in terms of 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.

## **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 no letters have been received.

## **8 Relevant Planning History**

- 8.1 95/0020 - Erect single storey rear extension and detached store/workshop. Planning permission granted.

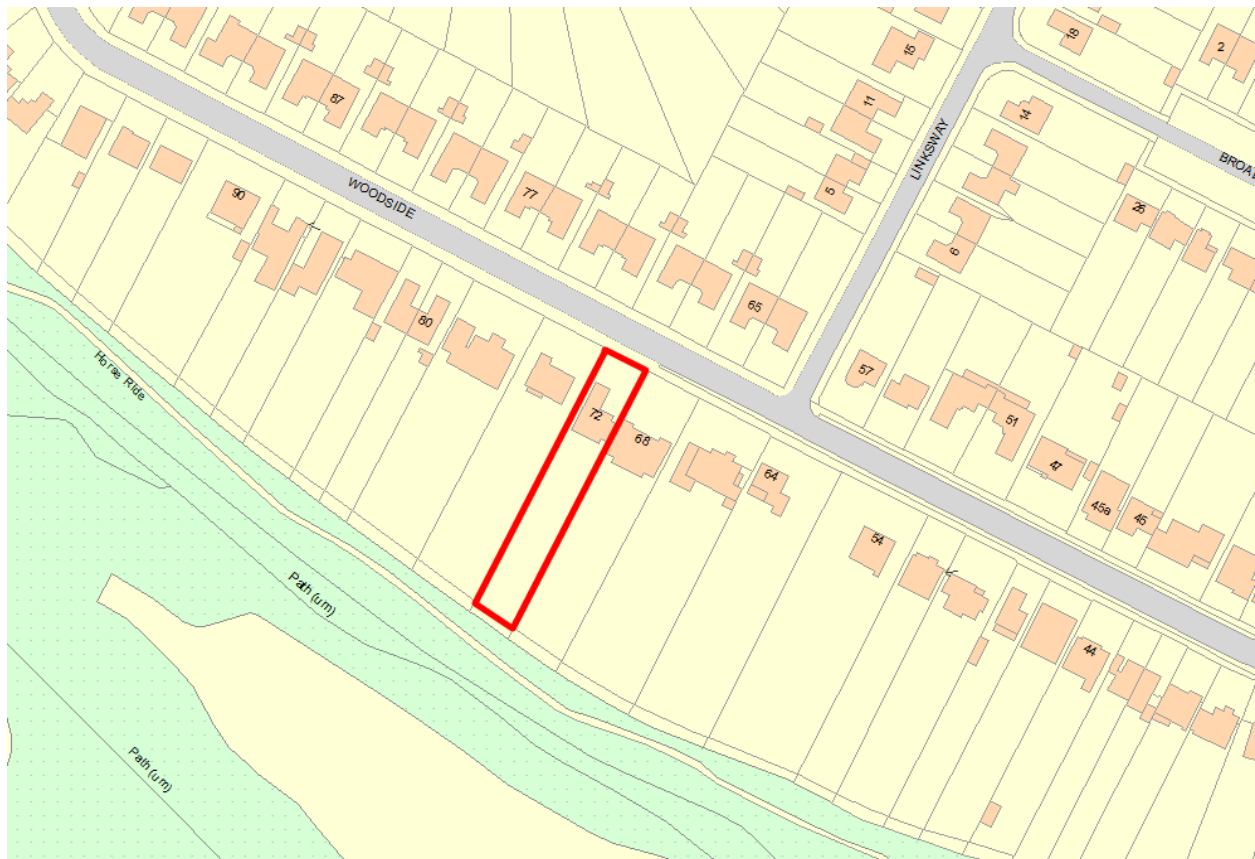
## **9 Recommendation**

### **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, 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).**
- 02 The proposed dormer to the front elevation of the dwelling due to its size and design would result in a overscaled and 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, Policies C11 and H5 of the Borough Local Plan 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. However, the proposal does not represent sustainable development because the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal and set out in a report prepared by officers, approval has not been possible.**

<b>Reference:</b>	15/00397/FUL
<b>Ward:</b>	Belfairs
<b>Proposal:</b>	Demolish existing bungalow and garage, erect detached dwellinghouse with associated garage and layout parking
<b>Address:</b>	72 Woodside, Leigh-on-Sea, Essex, SS9 4RB
<b>Applicant:</b>	Mr And Mrs G Wilson
<b>Agent:</b>	Metson Architects Ltd
<b>Consultation Expiry:</b>	21.04.2015
<b>Expiry Date:</b>	15.05.2015
<b>Case Officer:</b>	Janine Rowley
<b>Plan Nos:</b>	1426/TP-01B; 1426/TP-11; 1426/TP-12
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## **1 The Proposal**

- 1.1 Planning permission is sought to demolish the existing bungalow and garage and erect a detached two storey dwellinghouse with associated garage and layout parking.
- 1.2 The proposed dwelling would be two storeys in height. The dwelling would have a maximum height of 7.9m, a maximum depth of 16m and maximum width of 10.8m. The accommodation would be over two floors as follows:
  - Ground floor – garage, study, lounge, kitchen, dining area.
  - First floor – 3 bedrooms, ensuite bathroom and family bathroom.
- 1.3 The dwelling would have a rear garden of 579sqm which would be defined by 1.8m close boarded timber fences to the side and rear boundaries.
- 1.4 The proposal would include a garage and parking to the forecourt.
- 1.5 Materials to be used on the external elevations include render, aluminium doors and windows (silver grey), face brickwork, natural slate roof (grey/blue), aluminium gutter and downpipe (dark grey), aluminium fascia (silver grey), soffits and columns (natural iroko), contrasting colour brick detailing. Existing forecourt includes hardstanding and this proposal is for the same.

## **2 Site and Surroundings**

- 2.1 The application property is a chalet bungalow located on the south side of Woodside. The dwelling has a hipped roof and there is an attached garage to the side. The dwelling has been extended previously to the rear. The property includes a front curtilage area which is hard surfaced and used as a driveway/for parking.
- 2.2 The surrounding area is residential in nature, although Belfairs Park is located directly to the rear of the site. Nearby dwellings on Woodside vary greatly in terms of form and massing and architectural style.

## **3 Planning Considerations**

- 3.1 The main issues for consideration are the principle of the development, design and impact on the streetscene, any impact on neighbours, and living conditions for future occupiers, parking implications and use of on-site renewables.

## **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 narrow fronted bungalow with roof accommodation and the site is located on the southern side of Woodside where there are two storey and chalet bungalow properties to the east and west. Whilst it is acknowledged there are single storey bungalows to the north of the site, it is considered that a two storey dwelling in that location would not break the continuity of the streetscene to the east and west and the existing bungalow appears at odds currently and as such, is considered acceptable in principle.
- 4.3 Policy H3 (Retention of small family houses) states that *“in order to retain an adequate stock of small single family houses, the Borough Council will normally refuse permission for the redevelopment or conversion of such properties having gross floor area, as originally constructed, of 125 square metres or less”*. However, Policy H3 only applies to redevelopment or conversion and not extensions to existing houses and therefore, is not considered to be relevant in that case. 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 storeys dwelling is considered acceptable in principle, given that the prevailing character of the area is for two storey houses to the east and west of the site. The applicant has submitted details whereby drawings 1426/TP-11; 1426/TP-12 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 emerging 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 Woodside is a street of mixed character which contains properties of differing scales from bungalows to substantial detached houses. The properties are relatively closely spaced but have generous frontages giving the street an open and spacious character. The designs vary but common characteristics in this section include significant forward facing roof slopes, active frontages including front doors and large windows facing the street and feature gables/projections. Garages are not uncommon but are generally arranged to be subservient to the main property and are therefore not a dominant feature.
- 4.6 The existing site includes a narrow fronted bungalow with roof accommodation, situated between two large two storey properties to the east and west. Whilst it is acknowledged bungalows are opposite the site, material consideration has to be given to the existing property which is flanked by two storey properties to the east and west of the site. In light of this, no objection is raised to the scale of the development.
- 4.7 The proposed design is a modern interpretation of a traditional form. The design appears well detailed including the gable projections, which are well articulated, fenestration and the roof form appears well resolved and would make a positive contribution to the streetscene. The canopy to the front of the property and rear adds interest and the garage respects the existing building line. In general the palate of materials is considered appropriate given the contemporary design approach however the details of these can be controlled by condition.
- 4.8 The existing forecourt with hardstanding would remain together with the amenity area to the rear.

#### **Standard of Accommodation for Future Occupiers**

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

- 4.9 Policy DM8 of the Development Management DPD2 requires such a development to provide at least 100sqm internal floor space. The proposed dwellings would have 3 large bedrooms and associated living areas and 233sqm of internal floor space. The following is also prescribed including:
- Storage cupboard with minimum floor area of 1.5m<sup>2</sup> 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 7m<sup>2</sup> for a single bedroom, and 12m<sup>2</sup> 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. The dwelling would have amenity area of 579sqm which would be generous for a dwelling of this size.

### **Impact on Neighbouring Occupiers**

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

- 4.10 The proposal is considered in the context of Policy CP4 of the Core Strategy (DPD1) and Policy H5 of the Borough Local Plan, which requires all development within residential streets to be appropriate in its setting by respecting neighbouring development, existing residential amenities and the overall character of the locality.
- 4.11 With respect to impact on no. 68 Woodside to the east of the site, the development would project 2.6m beyond the rear wall of no. 68 with an overall height of 7.2m (stepped down from the front whereby there is a maximum height of 8.2m). There appear to be windows within the flank elevation at high level with obscure glazing and rooflights to no. 68. The development would comply with the notional 45 degree rule. Whilst the rearward projection will be to the west of the site, no. 68 will still benefit from sufficient daylight/sunlight given the orientation of the property as the rear elevation faces south. Thus, no objection is raised in terms of impact on the existing occupiers of no. 68 Woodside.
- 4.12 With regard to impact on the amenities of existing occupiers to the west of the site. No. 74 is an existing chalet bungalow. The dwelling is set 1m off the boundary to the west and there is a further 3.8m to the flank elevation of no. 74. The proposal will respect the notional 45 degree rule, although there will be some reduction in light. However, the existing occupiers of no. 74 have confirmed that to the ground floor there are secondary windows for the kitchen and dining room and a non-habitable utility room and to the first floor is a bathroom window and secondary window serving a 2<sup>nd</sup> bedroom, which benefits from a primary window to the south elevation. In light of this, primary windows will not be affected by the development and therefore no objection is raised. With respect to the scale of the development, the two storey element on the west elevation of the proposal will project 4.2m beyond the rear wall of no. 74, and whilst there will be some reduction in light from the east, no. 74 will still benefit from light from the south and west, which is considered sufficient to not mitigate against any harm to existing occupiers.

Concern has been raised in relation to windows proposed in the west elevation at ground floor, however any potential overlooking and loss of privacy could be mitigated against with boundary treatments to be dealt with by condition.

- 4.13 With regard to overlooking, it is noted that windows are proposed within the side elevations at first floor however these serve a bathrooms and as such could be obscure glazed. The balcony to the rear following an amendment has been recessed within the roof, which will not result in overlooking or loss of privacy to the residents to the east and west of the site. It is not considered the proposal will result in overlooking or loss of privacy to the front of the site taking into account the existing two storey dwellings to the east and west of the site. Furthermore, given the site backs onto Belfairs Park to the south the proposal will not adversely affect the amenities of nearby residents.

### **Traffic and Transportation**

#### **National Planning Policy Framework Section 4, Development Management DPD2 emerging policy DM15, Core Strategy Policies KP2 and CP4, Borough Local Plan Policies T8 and T11 and the Design and Townscape Guide (SPD1)**

- 4.14 Policy T11 of the BLP states that *“In considering planning applications for development (including changes of use) the Borough Council will require the provision of off-street car parking spaces.”* The EPOA Vehicle Parking Standards state that a maximum parking provision of 1.5 spaces per dwelling.
- 4.15 Material consideration now has to be given to the emerging Policy DM15 of Development Management DPD2. Given that DPD2 has been found sound policies now carry significant weight in the determination of planning applications. This is supported by paragraph 216 of the NPPF which states that; *“the more advance the preparation of the emerging plan the greater the weight that may be given.”* The emerging policy states that garages need to be large enough to accommodate a modern, family sized car and some storage. Garages that have an internal dimension below 7m x 3m will not be considered or counted as a parking space. The garage proposed falls short of the emerging standards at 5.4m x 3.7m. However, at the front of the site there is sufficient space for at least two or three vehicles which is line with policy DM15, which requires 2 parking spaces per dwelling with 2 bedroom plus.
- 4.16 In light of this, the development provides satisfactory off street car parking for the occupants of the new dwellings and would not lead to an increase in demand for on street parking in accordance with policy CP3 of the Core Strategy, emerging DM15 of the Development Management DPD2, policies T8 and T11 of the Borough Local Plan.

Cycle storage could be accommodated within the rear garden.

## **Use of On Site Renewable Energy Resources**

### **Core Strategy Policies KP2, CP4 and CP8, Borough Local Plan Policy C11, H5 and SPD1**

- 4.17 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.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework, 2012.
- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles), CP1 (Employment Generating Development), CP4 (The Environment and Urban Renaissance) and CP8 (Dwelling Provision).
- 5.3 Emerging Development Management Plan policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources) DM3 (Efficient and Effective use of land), DM7 (Dwelling Mix, size and type), DM8 (Residential Standards), DM15 (Sustainable Transport Management)
- 5.4 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), C14 (Trees and Landscaping).
- 5.5 Design & Townscape Guide, 2009 (SPD1).

## **6 Representation Summary**

### **Highways**

- 6.1 Consideration has been given the emerging policy DPD policy and the requirement to provide 2 spaces per dwelling and no objection is raised.

### **Design and Regeneration**

- 6.2 Woodside is a mixed street which contains a range of property scales from

bungalows to substantial detached houses. The properties are relatively closely spaced but have generous frontages giving the street an open and spacious character. The design vary but common characteristics in this section include significant forward facing roof slopes, active frontages including front doors and large windows facing the street and feature gables/projections. Garages are not uncommon but are generally arranged to be subservient to the main property and are therefore not a dominant feature.

The proposal site is a narrow fronted bungalow, with roof accommodation, situated between two larger properties. The erection of a house in this location would not be out of character in principle.

The proposal is a traditional form with a modern twist. There is no objection to this in principle in this location. The feature gable to the front will provide an interesting focal point for the building but there is a concern that the garage is rather dominant as it projects forward of the main building, has resulted in an awkward area of flat roof to the front and is preventing an active frontage at ground floor. A more subservient garage arrangement or omission of the garage altogether would enable a better resolved design and a significant window into the property at ground level which would be more in keeping with local character. Otherwise there is no objection to the rest of the design which seems to be well resolved and detailed.

**[Officer Comment: Amended plans have been received whereby the garage has been set in line with the main entrance to the dwelling].**

#### Materials

Whilst a red roof would relate better to local character generally, it is noted that there are a few instances of slate in the streetscene. The brick colour will need to be conditioned.

#### Sustainability

This proposal will be required to provide 10% renewables and this will therefore need to be conditioned.

### Public Consultation

6.3 A site notice displayed on the 31<sup>st</sup> March 2015 and 5 neighbours notified of the proposal. 3 letters of representation have been received stating:

- Pretty bungalow would be lost.
- Replacement house will overlook properties to the front and lose light and view of the woods.
- The building line at the rear far exceeds existing buildings on either side.
- The balcony will result in overlooking **[Officer Comment: Amended plans have been received whereby this has now been recessed within the roofscape].**

- Existing windows to the east side of no. 74 will be severely affected including loss of light and the roof should be lowered to reflect this **[Officer Comment: Refer to paragraph 4.10 above]**.
- Windows to the west elevation at ground floor will result in overlooking and loss of privacy **[Officer Comment: Officers consider the windows at ground floor will not result in overlooking or loss of privacy and material consideration has to be given to part 2 of schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 where a 2m fence could be installed along the rear western boundary without the benefit of planning permission it is therefore not reasonable to impose such a condition]**.
- It took 2 years to demolish and rebuild no. 68, two years of dust, dirt and mud on the road together with broken pavements, cars, vans and lorries causing disruption.
- Loss of value to surrounding properties **[Officer Comment: This is not a material planning consideration]**.
- Development is a blot on the landscape.
- Heavy vehicles are damaging surrounding pavements and large containers and skips are left on the roads for months.

6.4 Cllr. Evans has requested that this application go before the Development Control Committee for consideration.

## 7 Relevant Planning History

7.1 Erect single storey front and rear extension, convert hipped roof to form gable ends, erect roof extension at rear, dormers to front and convert existing flat roof to side to form part pitch (Amended Proposal)- Granted (11/00234/FULH).

7.2 Erect single storey front and rear extensions, raise and alter pitched roof to form half hipped roof, erect dormers to front and rear and alter existing flat roof side dormer to form pitched roof (Amended Proposal)- Refused (10/01388/FULH)

7.3 Erect single storey front and side extensions, alter pitched roof to form half hipped roof, erect dormers to front and rear and alter existing flat roof side dormer to form pitched roof (Amended Proposal)- Refused (08/01320/FUL).

7.4 Erect single storey front and side extensions, alter pitched roof to form half hipped roof, erect dormers to front, side and rear and alter existing flat roof side dormer to form pitched roof- Refused (08/00526/FUL).

7.5 Erect single storey front and side extension, install dormer windows to front and rear and alter existing flat roof side dormer windows to form pitched roofs- Granted (02/01389/FUL).

7.6 Erect single storey rear extension- Granted (97/0473).

## 8 Recommendation

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

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

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

- 2 The development hereby permitted shall be carried out in accordance with the approved plans TP-01B and 1426/TP-11; 1426/TP-12.

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

- 3 Prior to commencement of the development hereby approved. Details and sample of materials to be used in the construction of the external elevation of the dwelling, boundary treatments and hardstanding surfaces, which should be constructed from a permeable surface hereby approved shall be submitted to and agreed by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is set out in National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, emerging policy DM1 of DPD2 (Development Management). Borough Local Plan 1994 policy C11, and SPD1 (Design and Townscape Guide).

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

Reason: To protect the privacy and environment of people in neighbouring residential properties, DPD1 (Core Strategy) 2007 policy

**CP4, emerging policy DM1 of DPD2 (Development Management), Borough Local Plan 1994 policy H5, and SPD1 (Design and Townscape Guide).**

- 5 Prior to the commencement of development a renewable energy assessment shall be submitted to and agreed in writing with the Council to demonstrate how at least 10% of the energy needs of the development will come from onsite renewable options (and/or decentralised renewable or low carbon energy sources. Details of Code for Sustainable Homes Level 3 or achieving BREEAM ‘very good’ should also be submitted and agreed with the local planning authority. The scheme as approved shall be implemented and brought into use on first occupation of the development unless otherwise agreed in writing with the Local Planning Authority.**

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

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

**Reason: To ensure satisfactory drainage of the site in accordance with policy KP2 of the Core Strategy DPD1 and emerging policy DM15 of DPD2 (Development Management).**

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

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

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

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

## **Local Plan 1994.**

### **Informatives**

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

**The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.**



<b>Reference:</b>	15/00404/S106BA
<b>Application Type:</b>	S106 Variation of Affordable Housing Element
<b>Ward:</b>	Westborough
<b>Proposal:</b>	Modification of planning obligation dated 28/03/2012 pursuant to planning permission 11/01349/FULM to remove the requirement to provide affordable housing.
<b>Address:</b>	Brookside Works Springfield Drive And, 279 Fairfax Drive, Westcliff-On-Sea
<b>Applicant:</b>	St John's Road Properties Ltd
<b>Agent:</b>	Michael Calder (Phase 2 Planning And Development Ltd)
<b>Consultation Expiry:</b>	27 <sup>th</sup> March 2015
<b>Expiry Date:</b>	7 <sup>th</sup> May 2015
<b>Case Officer:</b>	Amanda Rogers
<b>Recommendation:</b>	<b>Delegate to the Head of Planning and Transport or Group Manager for Planning and Building Control to GRANT A MODIFICATION OF THE PLANNING OBLIGATION DATED 28/03/2012 pursuant to planning application 11/01349/FULM</b>



# 1 Introduction

1.1 This application seeks to remove the affordable housing provision (4 units) previously secured under planning application 11/01349/FULM.

1.2 The National Planning Policy Framework (NPPF) 2012 specifically defines “Affordable Housing” in its Glossary as follows (underlining added):

*Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.*

*Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.*

*Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).*

*Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.*

*Homes that do not meet the above definition of affordable housing, such as “low cost market” housing, may not be considered as affordable housing for planning purposes.*

1.3 The Growth and Infrastructure Act 2013 inserted a new Section 106BA, BB and BC into the 1990 Town and Country Planning Act (TCPA). These sections introduced an application and associated appeal procedure for the review of planning obligations (Section 106 agreements) on planning permissions which relate to the provision of affordable housing.

1.4 This procedure allows local authorities 28 days to make a determination under Section 106BA to re-assess the viability of affordable housing requirements unless both parties agree, in writing, to extend this period. To date, the applicant has not

formally agreed any further extensions of time although the Council is not aware of any appeal being lodged at the time of writing this report.

- 1.5 The Government is very clear in the NPPF and associated guidance that local planning authorities should not subject sustainable development to obligations that threaten their viability. The NPPF states that willing land owners and developers are entitled to competitive returns. However, section 106BA is not intended to allow affordable housing obligations to be reduced arbitrarily or altered automatically, nor should section 106BA be a reason to permit unsustainable development. Hence, a detailed analysis of the applicant's viability evidence is required.

## **2 The Proposal**

- 2.1 Planning permission was granted on 28<sup>th</sup> March 2012 to "*Erect 4 two bedroom, 7 three bedroom and 11 four bedroom dwellinghouses, lay out parking spaces amenity areas and re-position sub station*" (hereafter referred to as the "2012 scheme"). This permission has commenced on site.

- 2.2 This permission was subject to a Section 106 (s.106) agreement dated 28<sup>th</sup> March 2012 to secure the following:

- Four affordable housing units including 3 three bedroom houses and 1 four bedroom house.
- Education contribution of £69,435.91
- S106 monitoring free

- 2.3 Under S106BA the applicant is seeking to remove the requirement for the provision of affordable housing on viability grounds. The applicant has stated that the S106 agreement was agreed in a different economic climate and now the affordable housing is considered to undermine the viability of the scheme thus preventing completion of the 22 housing units proposed.

- 2.4 The applicant has submitted the following evidence in support of their application:

- Covering letter dated 12 March 2015
- Financial Viability Report by KIFT Consulting dated March 2015
- Methodology Statement – Financial Viability Assessment based on 2012 extant planning consents by KIFT Consulting dated April 2015
- Financial Viability Assessment based on Southend-on-Sea Borough Council's comments of 15<sup>th</sup> May 2015 dated 19<sup>th</sup> May 2015

## **3 Detailed policy background**

- 3.1 Guidance published by the Department for Communities and Local Government (hereafter referred to as 'DCLG guidance') in April 2013, "Section 106 affordable housing requirements: Review and appeal", sets out the context for this application as follows (underlining added):

1. *The Government encourages a positive approach to planning to enable appropriate, sustainable development to come forward wherever possible. The National Planning Policy Framework establishes that the planning system ought to proactively drive and support sustainable economic development. It also requires that local planning authorities should positively seek to meet the development needs of their area.*
2. *Unrealistic Section 106 agreements negotiated in differing economic conditions can be an obstacle to house building. The Government is keen to encourage development to come forward, to provide more homes to meet a growing population and to promote construction and economic growth. Stalled schemes due to economically unviable affordable housing requirements result in no development, no regeneration and no community benefit. Reviewing such agreements will result in more housing and more affordable housing than would otherwise be the case.*

3.2 The DCLG guidance is clear that; *“The application and appeal procedure will assess the viability of affordable housing requirements only. It will not reopen any other planning policy considerations or review the merits of the permitted scheme.”* The document sets out details of what evidence should be submitted with any application and discusses the viability test and delivery.

3.3 The document states at paragraph 10 that; *“The test for viability is that the evidence indicates that the current cost of building out the entire site (at today’s prices) is at a level that would enable the developer to sell all the market units on the site (in today’s market) at a rate of build out evidenced by the developer, and make a competitive return to a willing developer and a willing landowner.”*

3.4 It goes on to state at paragraph 11 that; *“The developer will need to demonstrate to the planning authority, and to the Planning Inspectorate on appeal, that the affordable housing obligation as currently agreed makes the scheme unviable in current market conditions”.*

3.5 Paragraph 13 states; *“The developer will need to submit clear, up-to-date and appropriate evidence. Wherever possible, this should take the form of an open book review of the original viability appraisal and should clearly demonstrate, by reference to evidence, that the proposals are not viable in current market conditions. The “original viability appraisal” is that which is the most recently agreed by the local planning authority and developer.”*

3.6 And paragraph 14 states that; *“In those cases where an original viability appraisal was not prepared prior to planning permission being granted, the developer must clearly demonstrate through evidence why the existing scheme is not viable. A proposal to bring the scheme into viability should be submitted.”*

3.7 The requirement to support any application seeking a revised affordable housing

obligation under Section 106BA with relevant viability evidence is similar to the approach currently adopted by the Council in respect of negotiating planning obligations.

- 3.8 As context to policy CP8, paragraph 10.17 of the Core Strategy states the following (underlining added):

*Within Southend, the nature and scale of development sites that are likely to contribute to housing provision during the period 2001-2021 (i.e. high density development on small sites comprising previously developed land) suggests that a balanced approach is needed to the setting of targets and thresholds for affordable housing provision. This balanced approach should take on board, amongst other things, the scale of need and issues of financial viability. Whilst the Council would wish to send a clear message about what will be required of development schemes... there is clearly a responsibility to adopt a reasonable stance with regard to affordable housing provision. There is also a need to recognise that a range of tenures and types of affordable housing should be considered.*

- 3.9 Paragraph 2.2 of “Supplementary Planning Document: Planning Obligations” (SPD2) reiterates the fact that *“The precise scale and scope of a planning obligation will be determined, by negotiation, in relation to the specific circumstances of the development, including viability.”* If a developer requests a concession in respect of planning obligations the Council requires them to adopt an ‘open book’ approach, whereby relevant development finances are shared with the Council to support such a request.

## **4 Appraisal**

### **The National Planning Policy Framework, April 2013 DCLG guidance, DPD 1 (Core Strategy) , policies KP3, CP6 and CP8; and SPD2**

- 4.1 As with the NPPF, the April 2013 DCLG guidance makes it clear that *“The test for viability is that the evidence indicates that the current cost of building out the entire site (at today’s prices) is at a level that would enable the developer to sell all the market units on the site (in today’s market) at a rate of build out evidenced by the developer, and make a competitive return to a willing developer and a willing landowner.”* (paragraph 10).
- 4.2 The key variables in a viability appraisal are stated in the DCLG guidance as follows:
- Land Value
  - Related Land Costs and Fees
  - Site Investigation, Preparation and Infrastructure Costs
  - Abnormal Construction Costs
  - Building Costs

- Taxes and Duties
- Planning and other Obligations
- Costs of Capital/Debt Finance
- Grants
- Gross Development Value (GDV)
- Sales Costs
- Developers' Return
- Landowners' Return
- Contingency

Details in respect of the above variables have been provided in support of the application. The viability assessments submitted by the applicant have been based on residual appraisals of both the permissions that were extant at the time the 2012 scheme was submitted for planning permission (see details of schemes in paragraphs 9.8 and 9.9 below), and the 2012 scheme with current costs and values.

- 4.3 The **residual method** of valuing development land is generally accepted as the correct approach to be used when assessing the viability of individual planning applications (RICS guidance "Financial viability in planning" (August 2012)). This approach involves the assessment of the value of the scheme as completed and deduction of the costs of development (including developer's profit) to arrive at the underlying residual land value (RLV). This value is then benchmarked against the market value of the land (Land Value) without the benefit of planning permission. The rationale for assessing the land value with and without the benefit of planning permission is that it is necessary to identify any uplift in value that can reasonably be achieved to cross fund planning contributions including the provision of affordable housing.
- 4.4 The DCLG guidance defines the Land Value as; *"the agreed land value in the original appraisal. If there was no original appraisal the market value at the date of the original planning permission should be used."* In this instance, planning permission had already been granted on the land in 2009 and was extant at the time the revised planning application was submitted in 2012. It is therefore, reasonable for the land value to reflect the extant planning permissions in this instance.
- 4.5 The appraisals in the March 2015 viability report (as referred to in paragraph 2.4), which was initially submitted with the application, are superseded by the appraisals in the report submitted in April 2015. The reason being that initially the applicant had failed to appraise the scheme taking into account the fact that the land value should have reflected the extant planning permissions from 2009. In addition, a nil value had been specified for the affordable housing units in the appraisals. The applicant's later viability appraisals were updated and demonstrate a range of scenarios with regard to affordable housing provision within the development and the effects on its profitability.

- 4.6 According to the applicant's appraisals, the 2009 permissions generated a residual land value of £218,664. In the absence of any evidence of market transactions this is taken as the applicant's benchmark land value. The applicant's appraisals show that in today's market the 2012 scheme with four affordable housing units, will generate a profit of 10.7% of GDV. In revising the appraisal to a full commuted sum for affordable housing of £285,627 (assessed by the Housing Department), a 12.9% profit of GDV would be realised; but without affordable housing, the scheme would return a profit of 19% of GDV. It has been established through a number of appeal decisions that where profit levels of between 15-25% can be achieved, the scheme is generally considered to be viable, although each site's circumstances will vary. Therefore, based on the applicant's initial appraisals, it is suggested that the development is only viable with no provision of affordable housing.
- 4.7 However, officers raised the following concerns with the applicant in respect of the inputs into the initial appraisals:
- i. The build costs included in all appraisals seem particularly high when compared with the Building Cost Information Service (BCIS) average upper quartile costs for Essex
  - ii. The Benchmark Land Value
  - iii. The scale of External Works & Infrastructure Costs
- 4.8 Since the submission of the initial information and the Council's assessment, discussions have taken place with the applicant and they have agreed to use the Council's benchmark land value and build costs. The applicant has also provided further information to justify the external works and infrastructure costs. The scheme has incurred costs over and above what would be considered standard external works and infrastructure costs due to a long internal access road with associated drainage, removal of a sub-station and dual crossovers to the highway for vehicular access. The provision of garages on the site is also a cost which falls outside the BCIS figures. The applicant has also reduced their profit level within the viability appraisal to 17.5% of GDV (down from 19%). In applying the revised land value, adjusted costs and profit level, it has been determined that the scheme is capable of supporting a commuted sum payment of £150,000 for affordable housing.
- 4.9 With regard to the provision of affordable housing on site, the applicant has demonstrated that there is no interest from Registered Providers (RP's) for small scale provision. The same issue has been encountered recently on another site within the borough where a small number of affordable units were to be provided. It is therefore, considered appropriate to allow a commuted sum payment in lieu of on site affordable housing provision.

## **5 Conclusion**

- 5.1 It is considered that sufficient viability evidence has been provided to justify a revised provision of affordable housing in the form of a commuted sum payment of

£150,000. It is therefore recommended that a deed of variation be completed in relation to the existing section 106 agreement to reflect this modification.

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework (NPPF) 2012 and National Planning Practice Guidance (NPPG).
- 6.2 Development Plan Document 1 (2007): Core Strategy Policies KP3 (Implementation and Resources), CP6 (Community Infrastructure) and CP8 (Dwelling Provision).
- 6.3 Supplementary Planning Document 2: A Guide to Section 106 & Developer Contributions (2010).

## **7 Representation Summary**

- 7.1 **Housing:** *“The supply of land within Southend on Sea is limited and therefore to develop this site without the provision of affordable housing would be a lost opportunity in meeting the pressing need for affordable housing within the borough. To allow this development to proceed without the provision of affordable housing could lead to a precedent that invariably other developers would follow, therefore risking the Council’s ability to meet the affordable housing needs of the Borough now and in the future”.*

## **8 Public Consultation**

- 8.1 None required.

## **9 Relevant Planning History**

- 9.1 9 February 2015 (15/00033/NON): “Alterations to plot 4, plots 15-18 and remove parapet at roof level between plots 13 and 14 (Non-Material amendment to planning permission 12/01326/AMDT dated 24.01.2013)” allowed.
- 9.2 5 March 2015 (15/00032/AD): “Application for Approval of Details pursuant to condition 3 (facing materials), condition 6 (landscaping), condition 9 (public art), condition 10 (contamination) of Planning Permission 12/01326/AMDT dated 24.01.2013” approved.
- 9.3 16 December 2014 (14/01740/AD): “Application for Approval of Details in pursuant to condition 06 (Landscaping) and condition 10 (Public Art) of planning permission 11/01349/FULM dated 28.03.2012” approved.
- 9.4 26 November 2014 (14/01311/AD): “Application for Approval of Details pursuant to condition 03 (details of facing materials) of planning permission 11/01349/FULM dated 28/03/2012” approved.



- 9.5 9 July 2014 (14/00652/AD): "Application for approval of details pursuant to condition 11.1 (Land Contamination) and 11.2 (Remediation Scheme) of planning permission 11/01349/FULM dated 28.03.2012" approved.
- 9.6 24 January 2013 (12/01326/AMDT): Conditional permission granted to "Move the siting of dwellings 17-21 by approximately 500mm (minor material amendment to planning permission 11/01349/FULM dated 28/03/12)".
- 9.7 **28 March 2012 (11/01349/FULM): Conditional permission granted to "Erect 11 three bedroom and 11 four bedroom dwellinghouses, lay out parking spaces amenity areas and re-position sub station"**.
- 9.8 **12 August 2009 (09/01048/FULM): Conditional permission granted to "Demolish existing buildings, erect one 3 storey block comprising of 3 commercial units (113 sqm, 58 sqm and 79sqm) and 4 self-contained flats (Block A), 4 three storey attached dwellings with garages and 3 self-contained flats (Block B), and 2 three storey attached dwellings (Block C), lay out 16 car parking spaces, cycle spaces, landscaping , amenity area, form refuse stores and lay out vehicular access onto Springfield Drive"**.
- 9.9 **20 April 2009 (08/01576/FULM): Conditional permission granted to "Demolish buildings and erect 3 storey building comprising commercial floor space and 8 self-contained flats (Block A) and 6 three storey attached houses (Block B), lay out parking spaces, cycle stores, refuse store, amenity areas and alter vehicular access onto Fairfax Drive (Amended Proposal)"**.

## **10 Recommendation**

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