

# Southend-on-Sea Borough Council

Agenda  
Item

Report of the Corporate Director of Place  
To  
Development Control Committee  
On  
08<sup>th</sup> July 2015

## Report(s) on Planning Applications

### A Part 1 Agenda Item

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<b>Reference:</b>	15/00758/LBC
<b>Ward:</b>	Milton
<b>Proposal:</b>	Various Repairs and Maintenance to the Prince George Extension (Listed Building Consent)
<b>Address:</b>	The Pier, Western Esplanade, Westcliff-on-Sea, Essex, SS1 1EE
<b>Applicant:</b>	Southend Borough Council
<b>Agent:</b>	Mr Chris Stanyard, Hemsley Orrell Partnership
<b>Consultation Expiry:</b>	23 <sup>rd</sup> June 2015
<b>Expiry Date:</b>	27 <sup>th</sup> July 2015
<b>Case Officer:</b>	Abbie Greenwood
<b>Plan Nos:</b>	LP, SP, LBC GA,15, CPL/202/001, CPL/202/002, CLP/202/003
<b>Recommendation:</b>	<b>Refer the application for Listed Building Consent to the Secretary of State with a recommendation to GRANT LISTED BUILDING CONSENT</b>



## **1 The Proposal**

- 1.1 Listed Building Consent is sought in relation to proposed concrete repairs to the substructure of the Prince George Extension at the Pier Head.
- 1.2 A full condition survey of the Prince George Extension has been undertaken and this has identified the poor condition of the concrete sub structure and the embedded steel reinforcement. In addition to the visible cracking and spalling of the concrete surface (sections of concrete sheering off) the survey revealed that there was significant corrosion of the steel below the surface of the concrete (identified by a hollow sound in a sounding survey and signs of expansion) and that there was evidence of 'black rust' in places (Black rust is where the cross section of the steel has diminished but this has not caused expansion and is therefore difficult to detect from a visual survey.). Areas of extremely low concrete cover and exposed reinforcements were also noted.
- 1.3 The application proposes that the structure be repaired and that cathodic protection for the steel work be incorporated into the structure to significantly lengthen its life and reduce the need for costly maintenance in the future. It is proposed to trial both galvanic anode and impressed current methods to determine which would be most effective in this situation and in this harsh environment. The most effective method will then be rolled out to the whole of the Prince George Extension.
- 1.4 The repair will involve the removal of the outer concrete to a depth at or below the reinforcement steel as necessary. The steel that is corroded beyond reuse will be replaced with new steel and the reinforcement's continuity bonded to make a complete circuit which is necessary for both cathodic system to work. This will be followed by a full reinstatement of the concrete to match the existing design including chamfered edges and curved haunches. Both options will require the installation of a number of small junction boxes but these would be sited on the inner faces of the columns or behind the stairs so that they were not visible from the exterior of the structure
- 1.5 The work would involve the temporary removal of the exterior sacrificial timber fenders (rubbing strips) on the outside of the structure in order to repair the outer edges of the columns but these would be reinstated on completion of the concrete repairs. If any of the fenders were in such a poor condition as to make them unfit for purpose they would be replaced like for like in similar timber (green oak).

## **2 Site and Surroundings**

- 2.1 The Pier is situated at the bottom of Pier Hill to the southern end of the High Street. It projects approximately 1.33 miles south into the estuary. The northern end of the pier includes a modern entrance that enables public access on two levels to the decked walkway and pier train. At the pier head a new cultural centre, the Royal Pavilion, has recently opened.

- 2.2 The original Pier structure dates from 1830, with extensions added in 1897 and the concrete Prince George Extension in 1929 to which this application relates. This section of the pier contains a sun deck and the RNLI lifeboat station.
- 2.3 The Prince George Extension is a very different design to that of the main stem of the pier being constructed not of structural ironwork but of reinforced concrete columns and beams with an upper and lower deck. It is of a significant size and a key part of the development of the pier. Public access is only possible to the upper deck where the RNLI station is located but the exposed sides of the structure can be viewed from various points adjacent to the Royal Pavilion and from the sea. Large boats moor against the Prince George extension from time to time.
- 2.4 The Pier is a grade II listed building. The surrounding mudflats are designated as a RAMSAR site, SSSI and Local Nature Reserve.

### **3 Planning Considerations**

- 3.1 The sole consideration in relation to this application is the impact of the work on the character and appearance of the listed building.

### **4 Appraisal**

**Design and Impact on the Character of the Listed Building:  
NPPF; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies L1, L3, C2  
and C11, Emerging DM DPD Policies DM1, DM5 and DM6**

- 4.1 Paragraph 129 of the NPPF states that:

*‘Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimize conflict between the heritage asset’s conservation and any aspect of the proposal.’*

- 4.2 Core Strategy Policy KP2 seeks to ‘....respect, conserve and enhance ...the historic environment..’

- 4.3 Core Strategy Policy CP4 seeks to ‘....safeguard and enhance the historic environment, heritage and archaeological assets including listed buildings..’

- 4.4 Policy C2 of the Borough Local Plans states that:

*‘.....Development proposal will be required to pay special regard to the preservation and restoration of internal and external features which contribute to their character, ..... to the use of appropriate materials.’*

- 4.5 Policies L1 and L3 seek to protect and enhance the pier as a tourist attraction
- 4.6 The present pier dates from 1890 (cast iron and wrought iron) and has been extended over the years, the most important extension being the New Pier Head in 1897 (cast iron and wrought iron; timber) and the Prince George Extension in 1929 (reinforced concrete). Major damage due to fire or collision has resulted in the pier being repaired on more than 8 occasions since 1976 so that the present structure, whilst having a uniform overall appearance, includes a number of detail variations due to changes in structural materials and fabrication techniques during this time.
- 4.7 There is no doubt from the survey and from site visits that repairs to the Prince George Extension are required. The condition survey shows that both the outer concrete surface and inner steel reinforcement are in a poor condition and deteriorating. The justification for repair is therefore accepted. The only issue for consideration is whether the proposed methods and extent of repairs are necessary for the preservation of the pier and what impact they will have on the character and historic fabric of the structure.
- 4.8 It is noted from the Heritage Statement that extensive concrete repairs were carried out in the 1970s where significant amounts of the original outer concrete cover was removed and reinstated. It is therefore noted that much of the visible concrete present today is not the original outer fabric of the structure. Since the 1970s some minor concrete repairs have also been undertaken on a piecemeal basis but unfortunately the presence of new material has accelerated the corrosion in nearby areas where cracking and spalling defects can be seen.
- 4.9 It is therefore proposed to undertake extensive repairs which involve removing the outer skin of concrete to a level at or below the internal reinforcement and replace the fabric as necessary. As mentioned above, in order to significantly prolong the life of the structure and to reduce future maintenance costs it is proposed to introduce cathodic protection to the columns is proposed.. The application seeks to trial two methods of cathodic protection on two adjacent areas and monitors the results to determine which is most appropriate in this situation. The two trial methods are:

#### Galvanic Anodes

- 4.10 Galvanic or 'sacrificial' anode protection uses different metals (generally zinc) connected to the steel reinforcement to create an anode/cathode reaction. Turning the steel into a cathode means that chloride ions are repelled and preferential corrosion of the zinc anode occurs instead. Depending on the mass of zinc used a galvanic anode may be expected to provide 10-15 years of protection before a new anode needs to be installed. The anodes would be set into the concrete and therefore replacement will require the concrete to be broken off in places for new anodes to be installed Galvanic anodes do not require a power source and are self-regulating.

## Impressed Current

- 4.11 Impressed current cathodic protection uses an external power supply along with an anode type material to force the steel to become cathodic, thus protecting it from corrosion much the same way as the galvanic type protection. The use of an external power supply, however, means that the system can operate for much longer without the need for reinstating anodes (maybe 25-50 years). Impressed current systems are also monitored so that optimal conditions are supplied.
- 4.12 As mentioned above the outer skin of the concrete is likely to date from the 1970s rather than the construction in 1939 and the proposed repair work will reinstate the original distinctive chamfered design of the columns with curved haunches. It is noted that small junction boxes may be required but that these would be discretely located and would be removable so should not have a significant impact on the character of the structure or the historic fabric.
- 4.13 Although these systems would have a minimal impact on the overall visual character of the structure they would both involve introducing new modern technology internal to the columns and will therefore alter the built fabric of the structure. It is therefore necessary to determine whether this alteration to the listed structure is justified. There are two alternatives to this proposal. It would be possible to undertake further localised repairs to the structure as has been done in the interim period since the larger repair in the 1970s. This may work in the short term but the presence of 'black rust', which cannot be easily identified, makes this approach high risk as areas could easily go undetected until failure of the concrete occurs. The structural survey and site visits to the lower deck in 2013 and 2015 have revealed that the poor condition of the structure is extensive and accelerating.
- 4.14 The second alternative is to undertake more extensive concrete reinstatement and repairs to the reinforcement as proposed but not to install cathodic protection. Whilst this would increase the integrity of the structure and remove any black rust the harsh environment, the relatively thin cover of concrete to the reinforcement within and the ability of salts in the seawater to penetrate through the concrete would significantly limit the length of time before a similar scale of repairs was needed.
- 4.15 On balance therefore, given that the proposals for galvanic protection will significantly increase the life of the structure and that impact on the historic fabric will be less than substantial, the proposal for the trial of the two methods and eventual full galvanic protection of the structure is considered acceptable

- 4.16 As noted above the proposal will involve the temporary removal of the outer timber fenders to enable access to repair the outermost columns, however these will be reinstated on completion of the concrete repairs. Being located on the outer edge of the structure these are the most publically visible feature of the Prince George Extension so their reinstatement will preserve the existing character of the structure and this is welcomed. The application notes that there may be a few instances where the existing fenders, particularly on the south elevation where there is greater exposure, are in such a poor condition that they cannot be reinstated and these would be replaced with new fenders of a like for like design and material. It should be noted that the nature of these fenders is such that they are sacrificial and are designed to be replaced as and when required so this in principle is not objected to.
- 4.17 As noted in Section 2 the pier is situated within an area of nature conservation and therefore Natural England have been consulted on the proposed works. However, as the application is for Listed Building Consent, material considerations should relate only to the impact of the development on the character of the listed building. Natural England have not provided a response as yet but it should be noted that any recommendations received can only be imposed as informatives not as conditions as wildlife issues are not a material consideration for Listed Building Consent Applications

## **5. Planning Policy Summary:**

- 5.1 National Planning Policy Framework
- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles), CP4 (The Environment and Urban Renaissance).
- 5.3 Borough Local Plan Policies L1 (Facilities for Tourism), L3 (Southend Pier), C2 (Historic Buildings) and C11 (New Buildings, Extensions and Alterations).
- 5.4 Emerging Development Management DPD Policies DM1 (Design Quality), DM5 (Southend's Historic Environment) and DM6 (The Seafront)
- 5.5 Supplementary Planning Document 1: Design & Townscape Guide

## **6. Representation Summary**

### **Historic England**

- 6.1 No response received.

## Natural England

The Conservation of Habitats and Species Regulations 2010 (as amended) and The Offshore Marine Conservation (Natural Habitats, & c.) Regulations 2007 (as amended)

- 6.2 We can confirm that the proposed works are located adjacent to the internationally designated sites as listed above. Natural England advises that providing the works are carried out in strict accordance with the details of the application which have been submitted and the incorporation of the conditions below within the method statement, it can be excluded that the application will have a significant effect on the SPA or Ramsar site, either individually or in combination with other plans or projects. Therefore it is our view that an Appropriate Assessment of the implications of this proposal on the site's conservation objectives should not be required.

Wildlife and Countryside Act 1981 (as amended)

- 6.3 We can confirm that the proposed works are located within Benfleet and Southend Marshes SSSI. Natural England advises that the proposal, if undertaken in strict accordance with the details submitted and with the conditions below incorporated into the method statement, is not likely to damage the interest features for which the site has been notified
- 6.4 You will be aware that we were consulted on application 14/01841/LBC and that in our response dated 9 December 2014, Natural England required that the contractor must carry out work in accordance with the conditions recommended by Natural England and these conditions subsequently formed part of the method statement. Natural England has assessed application 15/00758/LBC and would like to draw your attention to these conditions again, noting that Condition 3 does not form part of the contractor's Heritage Statement for this application. The conditions are as follows below

### Condition 1

No construction shall take place during any periods of freezing weather conditions or whilst the ground remains frozen in order to minimise the risk of disturbance and thus to avoid causing additional stress to birds during periods when they are already subject to high levels of stress due to adverse weather conditions.

Reason: To avoid disturbance to overwintering birds that use the protected areas

### Condition 2

Between 1st October and 31st March inclusive, no usage of power tools or any percussive activity such as hammering shall take place on the Stem Extension or beyond during a period from one hour before each high tide until one hour after that high tide.



Reason: In order to minimise the risk of disturbance to the high-tide turnstone roost on the Pier.

### **Condition 3**

Ensure that any coatings/treatments on the materials used are suitable for use in the marine environment and are used in accordance with best environmental practice. Environment Agency guidelines (Pollution Prevention Guidelines) should be followed and all reasonable precautions are undertaken to ensure no pollutants enter the water body.

Reason: To avoid contamination of the marine environment

- 6.5 These 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 Site of Special Scientific Interest is notified
- 6.6 It is our understanding, also based on this previous submission, that 'The works do not involve the use of any heavy machinery and the use of power tools is limited as most of the heavier works would be carried out off-site. We would expect noise levels at worst to be comparable to that of the train travelling up and down the pier. With the works being carried out from deck level, most likely by rope access and so access to the mud flats is not required.' Subject to strict adherence to this methodology, we are satisfied that the works can avoid sensitive habitats and interest features of the intertidal SSSI, in particular, eelgrass beds. [Officer Comment: as this proposal is for Listed Building Consent only not planning permission it is only possible to impose conditions relating to the structure itself and therefore the conditions suggested above will be added as informatives.]

### *Other Advice*

- 6.7 We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:
- local sites (biodiversity and geodiversity);
  - local landscape character; and
  - local or national biodiversity priority habitats and species
  -
- 6.8 Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. **[Officer Note: Essex Wildlife Trust was consulted on this proposal]**

### *Protected Species*

- 6.9 We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species

#### Biodiversity enhancements

- 6.10 This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

### **Royal National Lifeboat Institution**

- 6.11 No response received

### **Essex Wildlife Trust**

- 6.12 No response received

### **Structural Engineer**

- 6.13 No response received

### **Asset Management**

- 6.14 No response received

### **Pier and Foreshore**

- 6.15 No response received

### **Public Consultation**

- 6.16 A site notice was posted – no representations have been received at the time of writing.

## **7 Relevant Planning History**

- 7.1 The site has extensive planning history. Those relevant to this application are:
- 7.2 14/01841/LBC – structural repairs to Pier (Listed Building Consent) - granted 2015
- 7.3 10/01563/LBC Structural repairs to Pier (Listed Building Consent) - granted 2010
- 7.4 05/01685/LBC Remove fire damaged structural steel units, timber decking and debris. Replace with new structural steel units and timber decking (Listed Building Consent) - granted 2006.

## **8. Recommendation**

**Because the Pier is owned by the Council the application for Listed Building Consent will need to be referred to the Secretary of State.**

**Members are therefore requested that the application be delegated to the Head of Planning and Transport to REFER THE APPLICATION FOR LISTED BUILDING CONSENT to the Secretary of State.**

- 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990**

- 02 The development hereby permitted shall be carried out in accordance with the approved plans LP, SP, LBC GA,15, CPL/202/001, CPL/202/002, CLP/202/003**

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

- 03 Any junction boxes, wiring or monitoring shall be sited in discrete locations so that they are not publically visible.**

**Reason: To safeguard the appearance of the listed building in accordance with the NPPF, Core Strategy Policies KP2 and CP4, Borough Local Plan Policies C2 and C11 and The Design and Townscape Guide (SPD1).**

- 04 The existing sacrificial timbers to the outer columns of the Prince George Extension shall be reinstated or replaced like for like if required on completion of the concrete repairs**

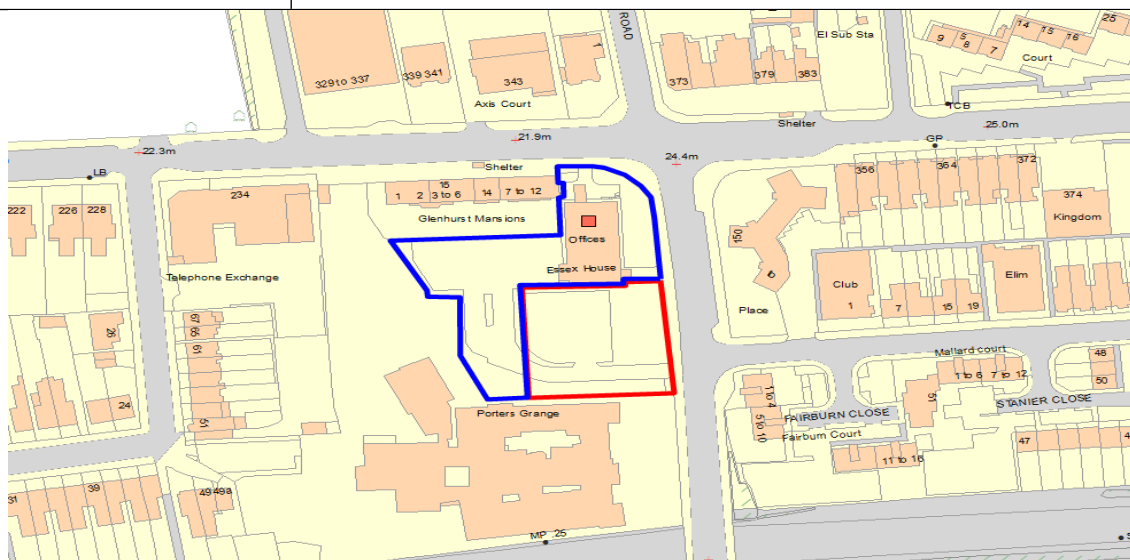
**Reason To safeguard the appearance of the listed building in accordance with the NPPF, Core Strategy Policies KP2 and CP4, Borough Local Plan Policies C2 and C11 and The Design and Townscape Guide (SPD1).**

**Informatives:**

- 01 No construction shall take place during any periods of freezing weather conditions or whilst the ground remains frozen in order to minimise the risk of disturbance and thus to avoid causing additional stress to birds during periods when they are already subject to high levels of stress due to adverse weather conditions**
- 02 Between 1st October and 31st March inclusive, no usage of power tools or any percussive activity such as hammering shall take place on the Stem Extension or beyond during a period from one hour before each high tide until one hour after that high tide**
- 03 Ensure that any coatings/treatments on the materials used are suitable for use in the marine environment and are used in accordance with best environmental practice. Environment Agency guidelines (Pollution Prevention Guidelines) should be followed and all reasonable precautions are undertaken to ensure no pollutants enter the water body**

**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>	<b>15/00521/FULM</b>
<b>Ward:</b>	<b>Kursaal</b>
<b>Proposal:</b>	<b>Erect five storey building comprising of 22 flats, layout 39 car parking spaces including undercroft parking, cycle store, bin store, hard and soft landscaping, changes to ground levels and install access gate to front.</b>
<b>Address:</b>	<b>Lloyds TSB, Essex House, Southchurch Avenue, Southend-On-Sea, Essex, SS1 2LB</b>
<b>Applicant:</b>	<b>Weston Homes Plc</b>
<b>Agent:</b>	
<b>Consultation Expiry:</b>	<b>11/05/15</b>
<b>Expiry Date:</b>	<b>15/07/15</b>
<b>Case Officer:</b>	<b>Ian Harrison</b>
<b>Plan Nos:</b>	<b>WH166/15/P/35.01, WH166/15/P/35.02, WH166/15/P/50.01, WH166/15/P/05.01, WH166/15/P/10.01, WH166/15/P/10.02, WH166/15/P/25.01, WH166/15/P/30.01, WH166/15/P/30.02 and WH166/15/P/30.03.</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 application site comprises part of the former car park, access and landscaping area of Essex House, a thirteen storey building located at the junction of Southchurch Road and Southchurch Avenue. The application proposes the erection of a six storey building with undercroft parking to provide 22 flats at the application site.
- 1.2 The main part of the proposed building would measure 14.8 metres deep and 20.4 metres wide with a 1.8 metre deep and 9.7 metre wide front projection and a 1 metre deep and 7.2 metre wide rear projection. The flank walls of the proposed building would project to the front and rear to match the depth of the rear projection and project 0.7 metres less than the front projection. In the space between the flank walls and the central front and rear projections would be balconies measuring between 3.5 and 6.4 square metres. The main part of the building would measure 14.1 metres tall at the front elevation. At each of the five floors of the main building, three flats would feature two bedrooms and one flat would have one bedroom.
- 1.3 Two flats would be provided at the sixth storey in the form of penthouses that would measure 13.2 metres deep and 16.9 metres wide. The top floor would be built to a maximum height of 16.1 metres. The two penthouse flats would each contain three bedrooms and be served by a roof terrace.
- 1.4 The proposed building would be positioned a minimum distance of 9.3 metres from the Southchurch Avenue frontage of the site, 12.7 metres from the boundary that is shared with Porters Grange school to the South and 7.6 metres from Essex House (not including the single storey cycle store)
- 1.5 A single storey projection is proposed at the North side of the proposed building that would measure 3.4 metres by 7.1 metres with a flat roof built to a height of 2.6 metres.
- 1.6 The proposed materials are a mixture of two shades of grey bricks and off-white fibre cement cladding, with white UPVC windows.
- 1.7 A total of 39 car parking spaces are proposed together with 22 cycle parking spaces. The site would be accessed from the existing access to the site on Southchurch Avenue.
- 1.8 A detached refuse storage building would be erected at the South East corner of the site and an access gate would be provided at the frontage of the site.

## **2 Site and Surroundings**

- 2.1 As set out above, the application site currently comprises part of the former car park, access and landscaping area of Essex House. Whilst currently unoccupied, the building at the host site was last used for office purposes falling within Use Class B1(a). Following the grant of prior approval under the terms of application 15/00056/PA3COU, the applicant has commenced the conversion of the existing building to form 75 flats under permitted development.
- 2.2 The application site currently contains no buildings but features changing ground levels with the Southchurch Avenue frontage of the site being 2.3 metres above the East edge of the application site. The bottom of a retaining wall that exists at the South West of the wider site is 3.9 metres lower than the frontage of the site.
- 2.3 The changing ground levels and building heights is an important feature of the character of the area.
- 2.4 The scale and character of the buildings within the surrounding area is very mixed. The height of the buildings in the surrounding area changes significantly and it is noted that the architecture of the buildings also changes significantly.

## **3 Planning Considerations**

- 3.1 The main planning considerations are the principle of redevelopment of the site for residential use, the impact on the character of the area, detailed design, traffic generation, parking and highways issues, impact on surrounding occupiers, living conditions for future occupiers, sustainability, and developer contributions.

## **4 Appraisal**

### **Principle of development**

**National Planning Policy Framework 2012, Core Strategy Policies KP1, KP2, CP1, CP4 and CP8, Borough Local Plan Policies E1, E4, H5 and H7 and Emerging Development Management DPD Policies DM1, DM3 and DM8**

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

- 4.2 Borough Local Plan (Policy E4) and Core Strategy (Policies KP2 and CP1) policies generally seek to protect existing retail and employment generating uses. Policy CP1, of the Core Strategy, states that permission will not be granted for proposals involving the loss of business uses unless this would bring clear benefits. These benefits could include the creation of jobs, the extinguishment of a use which is incompatible with the amenity of the area or when the premises are no longer suitable for industrial or warehouse use. It should also be noted that the NPPF outlines the commitment of the Government to the promotion of a strong stable and productive economy.
- 4.3 The proposal would result in the loss of land that has previously been used in conjunction with employment generating uses within the borough. There is a limited amount of employment land, and it is the policy of the Council to protect such uses unless evidence can be provided that the business use has been marketed and found to be no longer viable.
- 4.4 Policy CP1 also states that a loss of employment will only be allowed when the proposal clearly demonstrates it will contribute to the objectives of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and contribution to the local area.
- 4.5 Under the terms of permitted development rights, the applicant has commenced the conversion of the former offices to residential use. In this context it is considered that the land at the application site would no longer serve an employment generating use and as such can be put to a new use without causing the loss of employment within the Borough. Therefore, it is considered that it would be unrealistic to expect that this land should be put to employment use and it would be in accordance with the principles of ensuring the most effective and efficient use of land to support residential development on this surplus former employment land.
- 4.6 Policy CP8 identifies that 6500 dwellings will be provided within the Borough over the plan period and that 2550 of those dwellings should be provided through the intensification of the use of land. The policy also identifies that 80% of residential development should occur on previously developed land, such as the application site. The effective and efficient use of land is also encouraged by emerging policy DM3 and, although the application site was not allocated for employment use, it is considered relevant to note that the NPPF states that “Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.” The fact that the site was not allocated for employment use means that it is even more suitable to be put to an alternative use.
- 4.7 Taking all these factors into account, it is considered that, provided that the submitted scheme would regenerate the area in a suitable manner to uplift it, then no objection is raised in principle to a residential development on this site.



## **Housing mix**

- 4.8 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. Policy DM7 of the Council's Emerging Development Management DPD states that the preferred mix of residential development within Southend Borough would be for 9% of dwellings to be 1 bedroom dwellings, 22% to be two bedroom dwellings and 49% would be three bedroom dwellings. In the case of affordable housing, the preferences change to 16%, 43% and 37% respectively.
- 4.9 The application proposes a mix of one, two and three bed dwellings, with the emphasis being on 2 bedroom dwellings (68% or 15 of the 22 dwellings). Whilst this mix does not replicate the preference that is set out within the policy, it is considered that the mix does provide a suitable mix for a flatted residential development and as there is not a single size of dwellings, it is considered that it would be unreasonable to object to the application on the grounds of the mix of units that are proposed.

## **Affordable Housing**

- 4.10 Policy CP8 of the Core Strategy requires that the Local Planning Authority seeks affordable housing provisions of not less than 20% of the residential units provided at a site. In this case this equates to 4.4 units and as such 5 units are required to be affordable to comply with the content of the abovementioned policy.
- 4.11 The Council's Housing Team have supported the provision of five units at the site which would need to be secured under the terms of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990. It is preferable for units to be provided on site and in the absence of any evidence to demonstrate that units at the site would not be taken up by a Registered Provider it is considered that there is no reason to deviate from this requirement.

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

### **National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Borough Local Plan Policies C11 and H5, Emerging Development Management DPD Policies DM1 and DM3 and SPD1**

- 4.12 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.
- 4.13 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.”
- 4.14 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 DM1.
- 4.15 A critique of the proposed development has been undertaken by the Council’s Design and Regeneration Officer and is included in the consultation section below. No objection has been raised to the scale or appearance of the proposed development, but it is considered that it would be preferable for the building to be positioned in line with the front elevation of Essex House and not 2 metres further forward.
- 4.16 There is not an established building line within Southchurch Avenue as Essex House is positioned closer to the highway than Porters Grange school and the properties to the South of the railway bridge being positioned closer to the highway than either of those buildings. On the opposite side of Southchurch Avenue, the properties of Fairburn Close and Lauriston Place are positioned a minimum of 3.5 metres from the public footpath.
- 4.17 Due to the changing ground levels and the presence of boundary treatments and street furniture, it is considered that there would be few opportunities to view the building line and due to the separation distance between properties, it is considered that there is scope to vary the building line without such deviation causing harm to the character and appearance of the street-scene. Although the proposed building would project forward of the landmark building of Essex House, it is considered that this would not make the building unduly prominent within the street-scene and as such the existing building (being significantly taller) would still dominate the character and appearance of the surrounding area.

- 4.18 As set out within the table above, the area features buildings of very mixed scale and as such it is considered that there is not a definitive building height that should be replicated. It is considered that the building suitably reflects the height of the building at Lauriston Place and it is considered that this is the most appropriate building to replicate in terms of scale. Matching the height of Essex House or Porters Grange school would give the building too much or too little scale and would therefore represent either the over or under development of the site. In the circumstances, it is considered that the height of the building proposed by the applicant is sensible and not out of scale with the nearby residential buildings.
- 4.19 The design advice received is generally supportive of the detailing of the proposed building. It is however a concern of Officers that the use of grey bricks would be an unusual design approach that would not harmonise with the character of the surrounding area. Whilst it is noted that Essex House is the subject of grey cladding, it is considered that this building is a unique landmark building and as such its appearance should not be replicated at this site. A condition could be imposed to address this matter, requiring the use of materials that harmonises with the surrounding residential buildings that are of a scale that is similar to the proposed building.
- 4.20 The concerns that have been raised with respect to the provision of such an extensive undercroft are noted. However, it is considered that this would be obscured from most public views and would therefore not cause material harm to the character or appearance of the development or the surrounding area. Noting that an overprovision of parking is compliant with the Council's Emerging Parking Standards, it is considered that no objection should be raised to the visual impact of the parking spaces in this instance.

### **Impact on Highway Safety and Parking Provision**

#### **National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Borough Local Plan Policies C11, H7 and T11, Emerging Development Management DPD Policies DM1, DM3 and DM15 and SPD1**

- 4.21 The site is set in a sustainable location. It is located within walking distance of Southend Central, Southend East and Southend Victoria stations which connect to London and is adjacent to cycle routes and bus routes. The site is within ready walking distance of the town centre and its associated amenities and is also located close to the A13 and A127, Southend to London arterial roads.
- 4.22 The Highway Authority is satisfied that the scheme is accompanied by a Traffic Assessment which identifies that the proposed use reduces the traffic movements significantly when compared to the existing use. This has also taken into consideration the recently approved 75 flats. The site is accessed via an existing vehicle crossover which was previously served the office parking and it is considered that no objection should be raised to the continued use of the access.

- 4.23 Policy H7 states that all proposals should be provided with satisfactory means of access and off-street parking facilities.
- 4.24 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, contained within policy DM15, would require the development to be served by a minimum total of 22 parking spaces as the standard requires one parking space per flat. The provision of one parking space for each of the proposed residential units and 17 additional spaces is therefore in accordance with content of the emerging parking standards.
- 4.25 The applicants have shown the provision of adequate cycle parking spaces within the proposed development.

**Impact on Residential Amenity:**

**NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Southend-on-Sea Borough Local Plan Policies H5, C11; Emerging Development Management DPD Policies DM1 and DM3 and SPD 1 (Design & Townscape Guide (2009))**

- 4.26 Policy H5 of the Borough Local Plan requires that developments respect existing residential amenities, and Policy C11 requires that developments reflect the need to protect residential amenity. Similar advice is contained within policies DM1 and DM3 of the Council’s Emerging Development Management DPD.
- 4.27 The proposed building would be positioned 37 metres from Lauriston Place, 33 metres from Fairburn Court and 100 metres from the properties of Lancaster Gardens to the West of the site. Due to these separation distances and despite the height of the proposed building, it is considered that the proposed development would not cause a loss of light or outlook within the neighbouring properties to an extent that would justify the refusal of the application on those grounds.

4.28 Prior Approval to utilise permitted development has recently been granted with respect to Essex House to enable the conversion of the existing building to form 75 flats. The proposed building would be 7.6 metres from that building and as such it is considered that the proposed building would have an impact on the light and outlook of the lower floors of that building. However, as the windows in the side elevation of that building mostly serve bedrooms and secondary windows to living rooms it is considered that the impact on residential amenity would not be harmful to an extent that would justify the refusal of the application. This impact only relates to one flat on each of the first, second and third floors of the existing Essex House building as the other floors would be higher than the proposed building and the lower floors do not include residential units at that side of the building. In this respect it is noted that Essex House is currently unoccupied and as such there are not currently any established residential properties within that building. Any new occupants should be aware of the development proposed by this application and this knowledge prior to the purchase or occupation of the proposed residential units satisfies officers that the impacts would not be imposed on existing residents.

### **Living Conditions for Future Occupants**

#### **National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy, Policy H5 of the Southend on Sea Borough Local Plan, Emerging Development Management DPD Policies DM1, DM3 and DM8 and the Design and Townscape Guide.**

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

#### Policy Table 4: Indicative Residential Space Standards

- (a) 1 bedroom (2 bed spaces) 45 square metres
- (b) 2 bedroom (3 bed spaces) 57 square metres
- (c) 2 bedroom (4 bed spaces) 67 square metres
- (d) 3 bedrooms (5 bed spaces) 75 square metres
- (e) 3 bedrooms (6 bed spaces) 85 square metres

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.

4.30 The proposed flats would comply with the abovementioned size standards and the bedrooms would accord with the minimum bedroom sizes.

4.31 Adequate waste storage facilities, cycle parking and domestic storage facilities are provided within the development and each flat would be served by private amenity space in the form of a balcony. It is therefore considered that the proposed development complies with the requirements of the abovementioned policy and provides suitable living conditions for the future occupants of the proposed building.

### **Sustainable Construction**

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

4.32 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. It is stated 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...”*

- 4.33 The applicants have not submitted any details of how this renewable energy requirement will be met at the site. Whilst this is considered to be regrettable, it is considered that there is scope to provide solar panels on the roof of the proposed building and other energy generating equipment within the proposed development that would meet the above requirement without causing harm to the character or appearance of the building or the surrounding area. This matter can therefore be satisfactorily addressed through the imposition of a condition. Similarly, it is considered that the achievement of Code for Sustainable Homes Level 3, as required by emerging policy DM2, can be the subject of a condition.
- 4.34 Planning Practice Guidance has recently been amended to require major developments to include sustainable drainage systems unless it has been demonstrated that such an approach is inappropriate.
- 4.35 The Lead Local Flood Authority has considered the submissions of the applicant in this regard and noted that they consider that it would not be practical to retrospectively create a sustainable drainage solution at this previously developed site. Given that the site is already covered with hardstanding and it will not be possible to incorporate large landscaping areas in the proposed development without causing an unacceptable loss of parking, in this instance it is considered that the provision of a comprehensive sustainable drainage solution would not be feasible. It is however noted that the provision of a brown roof at the site would assist surface water drainage and it is considered that there may be scope to include permeable hardstanding within the development. These matters can be addressed through the imposition of a condition.

**Developer contributions.**

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

- 4.36 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 14/02043/FULM

- 4.37 The Core Strategy Policy KP3 requires that:  
“In order to help the delivery of the Plan’s provisions the Borough Council will:  
2. Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed.  
This includes provisions such as; a. roads , sewers, servicing facilities and car parking; b. improvements to cycling, walking and passenger transport facilities and services; c. off-site flood protection or mitigation measures, including sustainable drainage systems (SUDS); d. affordable housing; e. educational facilities; f. open space, ‘green grid’, recreational, sport or other community development and environmental enhancements, including the provision of public art where appropriate; g. any other works, measures or actions required as a consequence of the proposed development; and h. appropriate on-going maintenance requirements.”
- 4.38 As set out at paragraph 4.11 above, it is considered necessary and reasonable to secure the provision of five affordable housing units at the application site, in accordance with Core Strategy policy CP8 and under the terms of a Section 106 Agreement.
- 4.39 Similarly, to meet the education needs derived from the proposed development, it is considered necessary and reasonable to seek a financial contribution of £33,852.80 towards primary and secondary education facilities.
- 4.40 The Highway Authority have also requested a contribution of £3,000 towards the upgrade of a bus stop near to the application site.
- 4.41 The contributions proposed are considered to meet the tests set out in the CIL Regulations 2010. Discussions are on-going with the applicant with regard to these contributions and the outcome will be reported. 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 Matters**

- .42 The neighbouring school has raised concerns with respect to overlooking from the proposed development and the safeguarding of school children. In this respect it is noted that the development would be separated from the school grounds by a distance of 12.6 metres. Whilst it is possible that the occupants of the proposed building would be able to view the school and its grounds, it is considered that the overlooking would not be materially worse than could be achieved from the public domain around the school and the amount of overlooking possible would not be entirely different to any overlooking that would have occurred within the existing Essex House building when occupied as offices. There are no planning policies to safeguard the privacy of school grounds and as such it is considered that this would not form a valid reason for the refusal of the application.
- 4.43 The neighbouring school has also raised concerns that the proposed development will cause a loss of light within the school building and its grounds and the refuse store will attract vermin and cause smells. It is considered that the position of the proposed building 15 metres to the North of the school would not cause a loss of direct sunlight and would not cause a loss of general daylight or appear unduly overbearing for the users of the school.

## **5.0 Conclusion**

- 5.1 This development represents an opportunity to redevelop and regenerate a vacated employment site, to provide additional dwellings within the Southend Borough. The proposal would not have a detrimental impact on highway safety and would include adequate parking and living conditions for future occupiers. The development is sited sufficiently distant from neighbouring residential properties to avoid overlooking and loss of light or other amenity. Therefore, subject to completion of a suitable S106 Agreement, the development is considered to be in accordance with National and Local Planning Policies and is considered to be acceptable.

## **6.0 Planning Policy Summary**

- 6.1 National Planning Policy Framework.
- 6.2 DPD1 (Core Strategy) 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).
- 6.3 BLP Policies; C11 (New Buildings, Extensions and Alterations, C14 (Trees, Planted Areas and Landscaping), H5 (Residential Design and Layout Considerations), H7 (Formation of Self-Contained Flats), T1(Priorities), T8 (Traffic Management and Highway Safety), T11 (Parking Standards), T12 (Servicing Facilities); T13 (Cycling and Walking) and U1 (Infrastructure Provision).

- 6.4 Emerging Development Management DPD 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) and DM15 (Sustainable Transport Management).
- 6.5 Supplementary Planning Document 1: Design & Townscape Guide (2009).
- 6.6 Supplementary Planning Document 2: Planning Obligations (2010)
- 6.7 EPOA adopted Vehicle Parking Standards 2001.

## 7.0 Representation Summary

- 7.1 **Anglian Water** – There is adequate capacity within existing infrastructure to handle the additional requirements caused by the development. Additional information should be sought, by way of condition, to address the requirement to provide a sustainable drainage solution at the application site.
- 7.2 **Essex County Fire & Rescue Service** – It has been advised that the proposal will be required to comply with Building Regulations.
- 7.3 **Traffic and Highways** – The site is access via an existing vehicle crossover which was previously served the office parking. The applicant has provided a detailed transport statement which provides TRICS analysis which demonstrates that the proposed use reduces the traffic movements significantly when compared to the existing use. This has also taken into consideration the recently approved 75 flats.

Arrangements will need to be made on the days of refuse collection to ensure that the refuse stores are accessible.

39 car parking spaces have been provided and 22 cycle secure spaces have also been provided. This parking level is considered acceptable given the sustainable location of the site. Travel packs should be provided for future residents.

Given the above there are no highway objections to this proposal

- 7.4 **Design and Regeneration Team** – It is considered that as a minimum the building should align with Essex House, rather than projecting in front of it as proposed (including the cycle store), which is particularly noticeable in views from Southchurch Road as demonstrated by the plan provided.

The front and rear elevations of the proposed building are well articulated with a strong provision of fenestration and private amenity space in the form of modest balconies for residents, and there are no design objections on these grounds. It is considered that it may be possible to provide stronger focus to the main entrance to the building by extending the canopy for example.

Details of boundary treatments, window detailing, balcony balustrades and materials should be agreed through the imposition of a condition as well as details of the proposed bin store, which should be set further back from the highway if possible.

Conditions should also be imposed to required details of renewable energy generation and landscaping to be submitted and agreed with the Local Planning Authority.

It is considered regrettable that the development comprises mostly of 1 and 2 bed dwellings, with only two 3 bedroom units provided. In accordance with Development Management DPD Policy DM7, a stronger provision of family size accommodation (3-4 bed for example) should be encouraged within the building, and the residential space standards set out in Policy DM8 and associated policy tables should be achieved in order to ensure satisfactory living conditions for future residents.

It is also considered that the provision of tandem parking spaces in a large undercroft area is regrettable in terms of the dark void that this will create to the rear of the building. It is considered that there is currently an overprovision of parking which could be addressed to reduce the need to provide such a large area of undercroft parking.

- 7.5 **Education** – A contribution of £33,852.80 has been sought towards primary and secondary education facilities as existing facilities are extremely restricted with an expansion programme underway.
- 7.6 **Environmental Health** – No objection has been raised subject to the imposition of conditions relating to land decontamination, the prevention of unacceptable noise from the use of plant at the site, external lighting and construction hours.
- 7.7 **Private Sector Housing** – The requirement to comply with design standards set out within Building Regulations and emerging policy DM8 has been set out along with other similar standards.
- 7.8 **Housing** – The provision of five affordable housing units at the site is considered to be acceptable, 60% of which should be rented and 40% should be intermediate housing. The affordable units should achieve Level 4 of the Code for Sustainable Homes and comply with the Homes and Community Agency standards.
- 7.9 **Lead Local Flood Authority** - The site is fully developed and there appears to be little opportunity to install retro-fitted SuDS elements. If there were no viability issues, it may be possible to re-construct all or some of the car-park areas with permeable paving, however there is no viability information in the documentation provided. I note that the developer is looking to provide a brown roof on the new building, and assuming there is no requirement from Anglian water for a reduced discharge rate, this will at least marginally reduce the run-off rate from the site. More could be done, and if the viability is robust should be considered.

## **8.0 Public Consultation**

8.1 Site notices were posted at the site and 40 neighbours were notified. One letter of objection has been received from Porters Grange School which objects on the grounds that the proposed development will overlook children and cause safeguarding issues. It is also considered that the proposed development will cause a loss of light within the school building and its grounds and the refuse store will attract vermin and cause smells.

## **9.0 Relevant Planning History**

9.1 The application has been granted prior approval to use permitted development rights to convert the existing building of Essex House to 75 flats under the terms of application 15/000563/PA3COU

### **Recommendation**

## **10.0 Members are recommended to:**

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

- **5 units of affordable housing.**
- **A financial contribution of £33,852.80 towards primary and secondary education.**
- **A £3,000 contribution towards the upgrade of a nearby bus stop.**

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

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

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

**02 The development shall be carried out in accordance with the approved plans: WH166/15/P/35.01, WH166/15/P/35.02, WH166/15/P/50.01, WH166/15/P/05.01, WH166/15/P/10.01, WH166/15/P/10.02, WH166/15/P/25.01, WH166/15/P/30.01, WH166/15/P/30.02 and WH166/15/P/30.03.**

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

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

**Reason: To safeguard character and appearance of surrounding area in accordance with Policies H5 and C11 of the BLP and KP2 and CP4 of the BLP**

- 04 The development shall not be occupied until 39 car parking and 22 cycle parking spaces have been provided on hardstandings within the curtilage of the site, together with properly constructed vehicular accesses to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently retained thereafter for the parking of occupiers of and visitors to the development.**

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

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

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

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

**Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and visual amenities of the area in accordance with policies H5 and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.**

## **07 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.**

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

**Reason: In the interest of the visual amenities and character of the area, and to protect the amenities of surrounding occupiers in accordance with policies H5, C4 and C11 of the Borough Local Plan and Policies KP2 and CP4 of the Core Strategy DPD1.**

- 9. 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**

- 10. 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**

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

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

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

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

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

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



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

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

- 14 Prior to commencement of development details of the treatment of the undercroft area, including internal elevations, materials/finishes and lighting shall be submitted to and approved by the Local Planning Authority, the development shall be carried out in accordance with the approved details.**

**Reason: In order to protect the character and visual amenities of the area and the environment for residents in accordance with policies H5, H7 and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.**

- 15 The dwellings shall achieve a Code Level 3 (or higher) in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that Code Level 3 (or higher) has been achieved unless otherwise agreed in writing by the local planning authority.**

**Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (DPD1) and emerging Development Management DPD Policy DM2.**

- 16 Prior to the commencement of development at the site, a scheme of surface water run-off attenuation measures to be included within the development shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the proposed development shall only be undertaken in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In the interests of providing sustainable development and encouraging sustainable drainage at the site in accordance with the NPPF and Policy KP2 of the Core Strategy (DPD1).**

## **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” available at:  
[http://www.london.gov.uk/thelondonplan/guides/bpg/bpg\\_04.jsp](http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp)

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>	15/00443/OUT
<b>Ward:</b>	Milton
<b>Proposal:</b>	Erect two storey building comprising two retails units, one dwelling house and two self-contained flats, layout parking, cycle store, bin store and hard and soft landscaping (Outline)
<b>Address:</b>	Land adjacent Alexandra Street Car Park, Alexandra Street Southend-on-Sea, Essex
<b>Applicant:</b>	Mr George Hues
<b>Agent:</b>	Hedgehog Development
<b>Consultation Expiry:</b>	31.05.2015
<b>Expiry Date:</b>	12.06.2015
<b>Case Officer:</b>	Janine Rowley
<b>Plan No's:</b>	Second floor and roof plans P1008; Ground and first floor plans proposed P1007; Site plan P1001; Side elevation P1007; Side elevation Proposed P1006; P1004 Second and roof plans proposed P1004; Front elevation proposed P1005; Ground and First Floor plans P1003; P1000 OSMAP
<b>Recommendation:</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>



## 1 The Proposal

- 1.1 Outline planning permission is sought to erect a two storey building comprising two retail units, one dwelling house and two self-contained flats, layout parking, cycle store, bin store and hard and soft landscaping.
- 1.2 The application seeks outline permission and the reserved matters to be agreed at this juncture are access, layout and scale. Appearance and landscaping are reserved for future consideration.
- 1.3 The building proposed is 7.4m wide x 17.1m deep x 8.6m high. The two retail units to the ground floor would have an internal floorspace of 25sqm each including a toilet each. A loading area is also proposed to the south of the building adjacent to the garden areas. The two self-contained flats will be above the retail units set over the first floor and rooms within the roof. Each flat would include a kitchen and living area and toilet together with one bedroom. The internal floorspace of the self-contained flats equates to 45sqm each. A communal garden area equating to 51sqm is proposed for the two flats.
- 1.4 The proposal also includes one 4 bedroom house with 99sqm of internal floorspace over the ground, first floor and second floor. A private garden area is proposed to the rear equating to 27sqm including the refuse storage area.
- 1.5 It should be noted there is an extensive history on this site. The previous application 10/01597/OUT to redevelop the site and erect a 3 storey building including offices (Class B1) with balconies was refused outline planning permission for the following reasons:

1. *“The proposed development by reason of its height, mass and siting would result in a development that would overshadow, overlook and dominate the adjoining residence to the detriment of the amenity of the occupants contrary to Policies C11, E5 and H5 of the Borough Local Plan, Policies KP2 and CP4 of the Core Strategy and advice contained within the adopted Design and Townscape Guide (SPD1)”.*
2. *“The proposed development would conflict with the comprehensive redevelopment of the Clifftown Quarter, as identified in the Southend Central Area Masterplan. This would impair the wider regeneration of the Southend Central Area and thus be detrimental to future of the town centre as a retail, employment and tourist attraction, contrary to Policy KP1 of the Southend on Sea Core Strategy 2007”.*

1.6 The application was subsequently dismissed at appeal (APP/D1590/A/11/2148082/NWF). The inspector concluded that the proposed development would adversely affect the living conditions of neighbouring residents, contrary to the policies and guidance. Furthermore, the Inspector concluded that the development of the appeal site in the scale and form would be prejudicial to the overall strategy for the area (Southend Central Area Masterplan).

## **2 Site and Surroundings**

2.1 The application site is an approximately square area of land on the west side of Royal Mews and is surrounded by a car park. The site comprises an area of hard standing with a detached garage.

2.2 Immediately to the western and northern boundaries is a public car park which wraps around the site. Further to the west is relatively new five storey development of flats. To the north is the rear of the premises fronting onto Alexandra Street. To the east is a public car park and mews style cottages which are within the Clifftown Conservation Area (the site itself is however, not within the Conservation Area).

## **3 Planning Considerations**

3.1 The main issues for consideration include the principle of the development, design and impact on the character of the streetscene, standard of accommodation for future occupiers, traffic and transportation issues, impact on residential amenity, sustainable construction and planning obligations.

## **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, H7 and the Design and Townscape Guide SPD1 (2009), Southend Central Area Action Plan consultation draft (SCAAP).**

4.1 Government policy seeks to maximise the use of urban land. The site is currently used as a private car parking area. Previously garages occupied the site but have since been demolished (12/00411/FUL). The site is located in an area of previously developed land, in a town centre location.

4.2 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."*

- 4.3 The Southend Central Area Action Plan (SCAAP) provides a more detailed and comprehensive planning policy framework for the town centre to guide all future development decision. Within the SCAAP the application site falls within the Clifftown Quarter. The SCAAP was last consulted on at proposed submission stage in 2011 but has not been formally adopted and is currently being reviewed for a further round of public consultation.
- 4.4 Policy DS1 2(iii) of the SCAAP seeks to promote small niche retail development in the Clifftown quarter, prioritising proposal sites PS6a (Clarence Road car park) and PSB (Alexandra Street car park), Policy DP6 (1b) which sets the development principles for the Clifftown Quarter, within which the site located which promotes independent retailing, boutiques, café culture, restaurants, bars, and small studio style workshops together with residential uses above ground floor level. There are other relevant criterion within this policy including 1c and 1e which promotes uses that create an area with strong cultural identity and reinforce the fine grain historic street form and attractive historic character of the area. It is noted that the site itself does not fall within the boundaries of the proposal site policy PS6B Alexandra Street Car Park which is adjacent to this site.
- 4.5 Previous permissions on this site have been refused due to the impact on the comprehensive development of the Clifftown Quarter as considered by Inspector (APP/D1590/A/11/2148082/NWF) following the refusal of application 10/01597/OUT to redevelop the site for offices. The Inspector concluded that *“Having regard to the proximity of this comprehensive redevelopment, I consider it is likely that development of the appeal site in the scale and form now proposed would be prejudicial to the overall strategy for the area. It would thus conflict with the objectives of the Southend Central Area Masterplan”*.
- 4.6 Since the previous applications it is noted the SAM has not been formally progressed. The SCAAP is currently being reviewed for a further round of public consultation so at this stage has limited weight. As such at this time there is no indication as to when the wider redevelopment of this area will come forward.
- 4.7 In light of the above, the site is not allocated for a specific use by the Borough Local Plan, Core Strategy and the emerging Development Management DPD2. The proposal is considered to make efficient and effective use of the land in accordance with the emerging Development Management Plan policy DM3. The mix of retail and residential units meets the general aspirations as set out in the SCAAP above for the wider Clifftown Quarter. Therefore, no objection is raised to the principle of a mixed use of retail and residential development, provided it meets all other policy requirements.

- 4.8 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 one 4 bedroom house and two 1 bedroom self-contained flats, which is considered acceptable.

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

**National Planning Policy Framework; DPD1 (Core Strategy) Policies KP2 and CP4; Development Management Plan DPD2 emerging policy DM1, DM5; Borough Local Plan Policies C4, C11, H5; and the Design and Townscape Guide SPD1 (2009).**

- 4.9 The site is located adjacent to the Clifftown Conservation Area and it is considered that any development would need to preserve or enhance the character of the conservation area in accordance with policy C4 of the Borough Local Plan. This is further supported by the emerging policy DM5, which also seeks to conserve and enhance its historic, character, setting and townscape value.
- 4.10 In relation to scale, the proposed development is two storeys with rooms in the roof with an overall height of 8.6m, which is considered appropriate for this location. The development would not be out of scale with the surrounding area.
- 4.12 Whilst appearance has been reserved as a future consideration, an indicative design has been shown on the plans for the mixed use development. The elevations show glazed gables as the main feature on 3 sides of the proposal. Whilst there is no objection to this in principle, subject to detailing of the eaves and windows, they need to be complemented by the appropriate articulation in building footprint and complementary fenestration so that the development as a whole appears cohesive. The south elevation is particularly important as it faces the conservation area and the listed buildings in Royal Terrace and will require a high quality design (as opposed to the indicative design submitted). The north elevation would be fully visible from the main street (Alexandra Street), the elevation is completely blank and inactive and this is a concern also given that this is the main approach to the site. The materials are proposed as cedar cladding, white render, artificial slate, dark grey aluminium windows and dark grey doors. Cedar cladding can be found on the flats to the west of the site so this is part of the local context. White render can be found in the vicinity so this may be acceptable but it is noted that the properties to the south, which form the principle context for the site are both brick. Given the proximity to the conservation area natural slate would also be preferred to artificial slate. If permission is granted, an informative should be added with regards to 'appearance'.

- 4.12 With respect to the layout, the site is an unusual shape and location and is exposed to public view on all sides but it is considered that the eastern frontage is the principle frontage of the site and therefore the massing of the development to this side as proposed is acceptable. As an 'island' site and there are no obvious references for building lines. Whilst there is lack of forecourt to the northern retail unit and the lack of frontage around the dwelling to the south, this is characteristic of the area, therefore no objection can be raised in this instance to this element. The general layout of the site would respond well to its context.
- 4.13 Policy C14 of the Borough Local Plan advocates the need for landscaping to be integral to any new development. The planting appears rather limited confined to the garden areas to the rear of the site. A brick wall to the north is the only positive feature of the site at present and is characteristic of the area. Given the exposure of the site it is considered that brick wall would be more appropriate than timber fences generally to enclose the amenity areas. It is unclear what is proposed on the south side as gates are shown to the parking and loading area but it appears to be without enclosure to the side, this should be clarified. This will be dealt with under a reserved matters application.

### **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)**

- 4.14 Emerging Policy DM8 of the Development Management requires 1 bedroom (2 bed spaces) to have a minimum of 45sqm and 108 for 4 bedroom (7 bed spaces) dwellings. The two 1 bed self-contained flats have approximately 45sqm per unit and the 4 bedroom house has 99sqm, 9sqm less than the policy requirement. Whilst the self-contained flats appears to meet policy requirements of 45sqm, there is concern in terms of useable floorspace for potential future occupiers, particularly with reference to the bedroom sizes within the second floor roof space and height restrictions together with the area for staircases. Policy DM8 goes on to prescribe the following:
- 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.



It is noted that storage for the potential future occupiers is limited and bedroom 3 serving the 4 bedroom house is below the aforementioned standard in relation to minimum floor areas for bedrooms with only 5sqm rather than 7sqm as prescribed. In light of the above, there is concern the proposed development would 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.

4.15 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”.*

4.16 The two self-contained flats will include 2.8sqm balconies to the west elevation together with a communal garden area 51sqm. The 4 bedroom house would have access to a private garden area equating to 27sqm. Whilst it is acknowledged the site is in a town centre location given the nature of the family accommodation proposed i.e. A 4 bedroom house and the overall usability of the amenity space for potential future occupiers limited at 27sqm. This is not considered an acceptable standard for potential future occupiers. Furthermore, the communal garden area and private amenity space will be overlooked by existing occupiers at the flats 5 storey flats to the west of the site, which is approximately 12m away and both areas are in close proximity to the service areas for the retail use. This would result in a poor living environment for existing occupiers and be contrary to the National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy, emerging policy DM3 of the Development Management, policy H5 of the Southend on Sea Borough Local Plan and advice contained within the adopted Design and Townscape Guide (SPD1).

### **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 The emerging policy DM15 of the Development Management Plan requires each flat to have 1 space per unit and for 2+ bedroom dwellings 2 spaces together with 1 space per 14m<sup>2</sup> for A1 retail units. The proposed layout shows 1 parking space and loading area for the retail units. The development would have a shortfall of 6 spaces (3 for the residential and 3 for the retail units). 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. Taking into account the location of the site within walking distance of Southend bus station and Southend Central Station together with the amenities available in the high street, no objection is raised.

Furthermore, reference should be made to a recent appeal decision at 3-5 High Street (APP/D1590/A/14/2212527) where the Inspector concluded no parking provision for 18 flats was acceptable taking into account the nearby car parks and level of accessibility to public transport would constitute a satisfactory and convenient alternative provision to the car parking. There appears to be sufficient space within the site to accommodate cycle storage whereby 1 space for the retail units would be required and 3 for the residential units in accordance with the emerging Development Management Plan requirements.

## **Refuse Storage**

### **National Planning Policy Framework, BLP Policy U2 (Pollution Control)**

- 4.18 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, to the rear of the retail units and a small store to the house. There is concern to how the waste will be separated between commercial, however this can be dealt with by condition if this application is deemed acceptable.

### **Impact on future and neighbouring occupiers**

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

- 4.19 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.
- 4.20 It is not considered the proposed development will result in an overbearing form of development given the overall scale of the development and siting. Furthermore, taking into account the separation distance from the nearest properties to the north, west and south of the site the proposal will not result in overlooking or loss of privacy.
- 4.21 In order to preserve the amenities of future occupiers above the retail units, conditions will be imposed in relation to the opening hours.

## **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 states:

*“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”.*

4.23 The provision of renewable energy resources should be considered at the earliest opportunity to ensure an intrinsic design in this instance no details have been submitted for consideration. Emerging policy DM2 requires new development to achieve Code Level 3 under the Code for Sustainable Homes. It is considered any proposed technologies could have a significant impact upon design, scale and overall appearance of the development together with impact on the surrounding neighbouring properties and Clifftown Conservation Area given the site location of this site. This is contrary to the National Planning Policy Framework, Policy KP2 of the Core Strategy (DPD1) and the Design and Townscape Guide, 2009 (SPD1).

4.24 Policy KP2 further suggests that all new development should demonstrate how ‘sustainable urban drainage’ systems (SUDS) to mitigate the increase in surface water run-off and where relevant how they will avoid or mitigate tidal or fluvial flood risk shall be submitted to and agreed with the local planning authority. Given the nature of the scheme proposed it is considered this can be dealt with by condition if the scheme is deemed acceptable.

## **Planning Obligations**

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

4.25 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.

4.26 No contributions have been identified that would meet the tests.

## **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)
- 5.7 Community Infrastructure Levy draft charging schedule consultation document November 2014
- 5.8 Southend Central Area Action Plan DPD (SCAAP) consultation draft proposed submission

## **6 Representation Summary**

### **Design and Regeneration**

- 6.1 The proposal seeks to demolish the existing single storage buildings on the site and erect a new 2 ½ storey building comprising 1x 4 bed house and 2 ground floor retail units with flats above facing east. The proposal is 2 full storeys with a significant amount of accommodation and glazing in the roofscape covering the eastern side of the site.

The existing site is an unusual as it appears to be an island of private car parking surrounded by a public car park. There is a small garage in the NE corner which is currently in use as a retail unit but which seems to have no active frontage. Its nearest neighbours are the properties to the rear of 16-17 Royal Terrace to the south of the site which includes an attractive late Victorian cottage currently in use a dentists and a more recent modern two storey house. Diagonally opposite the site to the south east is 1-15 Royal Mews the former stable buildings to the listed Georgian houses in Royal Terrace.

These buildings form the boundary of Clifftown Conservation Area. Views from the town centre, from Royal Terrace to the south and Alexandra Street to the north will see the proposal site in the context of these smaller scale properties. Further west is a larger modern flatted block although this is set back behind the site and forms more of a backdrop to it rather than its immediate context. To the north the buildings in Alexandra Street are taller shopping parades but these turn their backs on the site so their relationship to the site itself is weaker.

In townscape terms the current car park does not make a positive contribution to the local streetscape or the setting of the adjacent conservation area and listed buildings and therefore the redevelopment of this site for a high quality mixed used development is not objected to in principle. The proposed commercial uses in particular should provide a positive link to the town centre and are compatible with the emerging scaap vision for this area which is for mixed use including small scale niche business units.

The site is an unusual shape and location and is exposed to public view on all sides but it is considered that the eastern frontage is the principle frontage of the site and therefore it is right to locate the massing of the development to this side as proposed. However, although as an island site and there are no obvious references for building lines, the proposal should still look to provide a buffer to the road for safety reasons and to provide an appropriate setting for the building. As proposed there are significant concerns regarding the lack of forecourt to the northern retail unit and the lack of frontage around the dwelling to the south. It is therefore recommended that the frontage be set back to accommodate a buffer area along the whole frontage which is landscaped appropriately.

In terms of scale and bulk the proposed height and form of the proposal generally would not be out of scale with the surrounding area although this needs to be combined with an appropriate setting and layout. There are concerns, however, with regard to the external appearance and detailed layout of the proposal.

The elevations show glazed gables as the main feature on 3 sides of the proposal. Whilst there is no objection to this in principle, subject to detailing of the eaves and windows, they need to be complemented by the appropriate articulation in building footprint and complementary fenestration so that the development as a whole appears cohesive. There is particular concern regarding the flatness of the gable feature to the south elevation, the internal division within this gable which will create an awkward detail and the general weak arrangement of fenestration around this feature which has resulted in an unbalanced and top heavy elevation and an inactive ground floor and in the conflict of proportions in the design on this side. Normally the gable would be a main projecting vertical feature running full height with a significant window to ground level and the entrance would provide a balancing element to the side. This would give the elevation a more vertical emphasis which would relate better to local character. It is also considered that there would be scope for additional fenestration above the shopfront further back on this side. This elevation is particularly important as it faces the conservation area and the listed buildings in Royal Terrace **[Officer Comment: Appearance is reserved for a future consideration]**.

To the east the gables themselves are better defined as they project forward and are balanced by the shopfronts below but the rest of the elevation is very horizontal which seems to conflict with the verticality of the gables. To the north, which is fully visible from the main street (Alexandra Street), the elevation is completely blank and inactive and this is a concern also given that this is the main approach to the site **[Officer Comment: Appearance is reserved for a future consideration]**.

The materials are proposed as cedar cladding, white render, artificial slate, dark grey aluminium windows and dark grey doors. Cedar cladding can be found on the flats to the west of the site so this is part of the local context but there is a concern regarding how this has been applied to the building as there are a number of instances where it terminates inappropriately for example at a corner or within the middle of a flat elevation, which may appear logical in two dimensions, but in reality the cladding will create rather an awkward detail leaving the edge exposed and proud of the render where it may not be appropriate to do so. White render can be found in the vicinity so this may be acceptable but it is noted that the properties to the south, which form the principle context for the site are both brick so this may be work considering as an alternative. Given the proximity to the conservation area natural slate would also be preferred to artificial slate. For a modern proposal aluminium fenestration would be acceptable **[Officer Comment: Appearance is reserved for a future consideration]**.

With regards to the internal layout it is noted that bed 4 in the dwelling is below the emerging DM standard of 7m<sup>2</sup>, that the amenity for this unit is rather small for a 4 bed house, that the main bathroom is also very small, that the amount of glazing to bedrooms may be impractical and that the loading bay is rather remote from the retail units. It maybe that an amended layout can improve these issues as well as addressing the concerns raised in respect of the lack of frontage to the east and south of the building.

With regard to the boundaries and landscaping it is considered that brick wall to the north is the only positive feature of the site at present and is characteristic of the area and this should, if possible, be retained and extended. Given the exposure of the site it is considered that brick wall would be more appropriate than timber fences generally to enclose the amenity areas. It is unclear what is proposed on the south side as gates are shown to the parking and loading area but it appears to be without enclosure to the side, this should be clarified **[Officer Comment: Landscaping is reserved for a future consideration]**.

#### Sustainability

This proposal would be required to provide 10% renewables in line with KP2. This should be considered at an early stage to ensure they are well integrated into the design given the sensitivity of the setting.

## **Highways**

- 6.2 2 car parking spaces have been provided which is below the current policy requirement; however consideration has been given to the town centre location of the site which has good public transport links and public car parking in close proximity. No cycle parking has been provided there would be an objection to this and should be included as part of the development. Refuse storage has been provided but alternative arrangements would need to be made on the day of collection as the location of the refuse storage is outside of collection guidance.

## **Parks**

- 6.3 No comments.

## **Public Consultation**

- 6.4 Neighbours notified and site notice displayed and press notice published. At the time of writing this report one representation has been received in support of the proposal.
- 6.5 Councillor Ware-Lane has requested this application be dealt with by Development Control Committee.

## **7 Relevant Planning History**

- 7.1 14/01466/PREAPF- Residential Units With Independent Retail Units To The Ground Floor.
- 7.2 12/00411/FUL- Demolish garages and layout 12 parking spaces- Granted
- 7.3 10/01597/OUT - Demolish existing garage and erect 3 storey building comprising offices (Class B1) with balconies (Outline) (Amended Proposal). Refused. Dismissed on appeal.
- 7.4 09/01793/OUT - Demolish existing garages and erect 2 storey building comprising a bar and restaurant to basement and ground floor with integral loading bay, juliette balconies and offices to upper floor (Outline). Refused.
- 7.5 09/00188/OUT - Demolish existing garages and erect a 3 storey building comprising a bar and restaurant to basement and ground floor with integral loading bay, juliette balconies and terraces and offices to upper floors. Refused.
- 7.6 07/00421/FUL - Erect three storey block of 5 flats with balconies and lay out associated parking and amenity areas. Not proceeded with.
- 7.7 06/01030/FUL - Demolish existing garages and erect 3 three storey dwellinghouses with integral garages and balconies to front and rear and lay out parking and amenity areas. Refused.

- 7.8 02/0636 - Erect one 3 storey house Not proceeded with.
- 7.9 86/0133 - permission granted to demolish buildings and layout public car park with access off proposed service road from Alexandra Street (SOS/86/0133).

## **8 Recommendation**

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

- 1 The proposal, by reason of limited internal size of the flats and dwellinghouse, and limited size and position of the outdoor amenity space (particularly its relationship with other development) would result in cramped living conditions and lack useable amenity space for the family dwellinghouse would be contrary to the NPPF, emerging policy 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.**
- 2 The proposed development fails to provide adequate information regarding the use of renewable energy resources which given the scale of the proposal could have a significant impact on design, the appearance, surrounding area and impact on adjacent Clifftown Conservation Area. This is contrary to the National Planning Policy Framework, Policy DM2 of DPD2, Policy KP2 of the Core Strategy 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 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**

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



<b>Reference:</b>	15/00858/BC4
<b>Ward:</b>	Milton
<b>Proposal:</b>	Use shelter as café (class A3), erect refuse and plant room to side, construct underground service trench for ventilation system to rear of building, alter elevations and erect railing to southern boundary and layout hard and soft landscaping (Amended Proposal) (Part Retrospective)
<b>Address:</b>	Shelter Western Esplanade Westcliff-On-Sea Essex
<b>Applicant:</b>	Ms Antonia Waite
<b>Agent:</b>	SKArchitects
<b>Consultation Expiry:</b>	24 <sup>th</sup> June 2015
<b>Expiry Date:</b>	27 <sup>th</sup> July 2015
<b>Case Officer:</b>	Abbie Greenwood
<b>Plan Nos:</b>	PO1M, PO2M, PO3M, PO4M
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## **1 The Proposal**

- 1.1 The proposal relates to the conversion of the former Edwardian public shelter on Western Esplanade to a café. Planning permission was granted for this conversion in June 2014 (ref: 14/00540/BC4) and this application seeks an amendment to that consent. Works have commenced on the development and therefore the application is partly retrospective. The amended plans relate to alternative arrangement for the kitchen extraction. The approved plans proposed that the extraction is internally ducted along the ceiling of the building to a ground level screened service yard at the western end of the building. The current application is seeking to relocate the plant into a trench dug into the cliff to the rear of the building existing via a vent into the service yard to the west of the building. All the equipment including fans, motors, two silencers and UV filters will be contained within the trench duct.
- 1.2 The trench is 1.2-1.5m wide and 1.2m deep and runs behind the building from the centre to the western end. It would be entirely buried beneath the ground with the upper face at pavement level. It will have a concrete top with a tarmac finish to match that of the path. Two 600mm x 600mm grills are proposed in the top of the trench to enable air to be drawn into the system.
- 1.3 The applicant states that the original intention to duct the plant internally along the ceiling of the building became unviable as the floor had to be raised to provide sufficient insulation for the building. In addition, an amendment to the timescales for the current cliff stabilisation works surrounding the building have resulted in the construction of the west service yard being delayed. As a temporary measure permission was granted for 1 year only to locate the plant on the roof of the shelter to enable the restaurant to operate whilst a more permanent solution is designed and constructed (ref 15/00481/AMDT). This current application is seeking to provide the permanent solution.

## **2 Site and Surroundings**

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

2.3 This is a council owned building which is being leased to a third party for conversion to a café. This site was subject to a Development Brief and subsequent tendering process and construction works to the building are now under way.

### **3 Planning Considerations**

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

### **4 Appraisal**

#### **Principle of the Development**

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

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

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

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

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

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

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

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

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

- 4.6 Policy C2 of the Borough Local Plan states that development proposals for locally listed buildings will be required to pay special regard to their preservation and restoration including *'to the maintenance of their scale and proportions, to the preservation of their setting and to the use of appropriate materials.'*
- 4.7 Policy C3 of the Borough Local Plan supports the conversion of Locally Listed building where *'the proposed use and any associated building alterations are sympathetic to its historic or architectural character.'*
- 4.8 Policy C4 of the Borough Local Plan says *'All buildings, open spaces, gardens, trees, views from public places and other aspects of the environment which contribute to the character of Conservation Areas will be protected and enhanced.'*
- 4.8 Policy C11 of the Borough Local Plan states that *'extensions or alterations to existing buildings should be designed to create a satisfactory relationship with their surroundings in respect of form, scale, massing, height, elevational design and materials. Where appropriate they should contribute to and enhance public pedestrian areas and open spaces.'*
- 4.9 Policy L1 of the Borough Local Plan supports the development of new facilities on the seafront that cater for the needs of tourists.
- 4.10 This proposal is the same as the previously approved plans with the exception of the plant equipment being relocated into a service trench to the rear of the building. This will then form part of the footpath to the gardens behind the building. At the end of the trench a discrete vent into the rear wall of the service yard to the western end of the building is proposed which will discharge the filtered air.
- 4.11 It is considered that this proposal for the kitchen extract equipment will have a minimal impact on the historic character of the locally listed building, The Leas Conservation Area and on the openness of the surrounding public space and seafront generally. All other aspects of the scheme have been previously agreed. This proposal is therefore considered to be acceptable.

#### **Impact on Residential Amenity**

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

- 4.17 Policy E5 of the Borough Local Plan requires that the character and amenities of residential areas be safeguarded from overlooking, noise, smell, parking, traffic and other activities.
- 4.18 Policy U2 of the Borough Local plan recognises that development can, if not adequately controlled, result in unacceptable levels of environmental pollution. This policy seeks to prevent or reduce noise and other forms of airborne pollution.

- 4.19 The relocation of the plant equipment from its temporary position on top of the roof into the service trench just behind the building. This will be a similar distance from the residential properties (approx. 30m) but the proposed design will mean that it will be more enclosed and controlled. This should therefore reduce any potential impact of any potential nuisance on local residents. It should be noted that the Council's Environmental Health Officer does not foresee any cause for concern with this proposal.
- 4.20 Although it is unlikely to cause disturbance to the neighbours, which are over 30m away, as with the previous temporary permission it is proposed that a precautionary condition be imposed restricting the level of noise from this equipment.
- 4.21 With regard to any fumes generated by the extract it is considered that there is still sufficient separation between the extract and the nearest residents in Clifton Drive (at least 30m) for the filtered waste air to dissipate and this should therefore not cause nuisance. In addition, it is also noted that the orientation of the grille will mean that waste air will be discharged towards the sea not the residential area. However, should any complaints be received regarding this issue, they could be dealt with under Environmental Nuisance Legislation.
- 4.22 Environmental Health have also advised that the onus is on the applicant to ensure that they do not cause a nuisance to neighbours and have suggested that informatives be added to the decision to ensure that the applicant is aware of this legislation.
- 4.23 Notwithstanding any other issues, it is considered that this proposal will not have any adverse impact on the amenity of residents in Clifton Drive.

#### **Impact on Public Open Space**

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

- 4.24 The Council's Estates Section has confirmed previously that, in order to facilitate the lease, the Council extinguished the public open space rights to the building including the roof and the forecourt following a period of public consultation in August 2014. Therefore, the roof of the building can no longer be classed as public open space. However, this area is still surrounded by the cliff gardens which have views across the roof of the building towards the estuary and is protected by BLP Policy C4. This view is also considered to be an important view out of the character of The Leas Conservation Area and is noted as such in the Conservation Area Appraisal.
- 4.25 The proposed design however will not obstruct views out of the open space to the rear of the shelter. The only visible indication of the trench will be the two grilles in the footpath. This is considered to have a neutral impact on the open space.

## **5 Conclusion**

- 5.1 It is considered that the amended permanent design for the extraction equipment within a trench to the rear of the building is much more sensitive to the historic character of the building and the wider conservation area and respects the open character of the cliff gardens and the seafront generally. It is also considered that this proposal would not have an adverse impact on neighbouring properties. The amended design for the extraction plant is therefore 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), CP4 (The Environment and Urban Renaissance), CP7 (Sport, Recreation and Green Space).
- 6.3 Borough Local Plan Policies L1 (Facilities for Tourism), C2 (Historic Buildings), C3 (Conversion of Historic Buildings), C4 (Conservation Areas) and C11 (New Buildings, Extensions and Alterations), C15 (Retention of Open Spaces), E5 (Non Residential Uses Located Close to Housing) and U2 (Pollution Control).
- 6.4 Emerging Development Management DPD Policies DM1 (Design Quality), DM5 (Southend-on-Sea's Historic Environment) and DM Policy DM6 (Seafront).
- 6.5 Supplementary Planning Document 1: Design & Townscape Guide.

## **7 Representation Summary**

### **Environmental Protection**

- 7.1 There is a requirement for commercial kitchens to remove heat, fume and steam so that the kitchen is a comfortable working environment, only marginally above normal room temperature, and to mitigate any potential nuisance for nearby residents. It is up to the applicant to determine whether the chosen system complies with this having regard to the proposed menu and predicted volume of meals produced.
- 7.2 In relation to potential nuisance it is noted that there is some distance [at least 30m] between the unit and the nearest residences. This makes it less likely that smell or noise nuisance will occur. I therefore have no adverse observations from the Environmental Protection aspect, but recommend that the following informatives be attached to any consent that may be granted:-
- 7.3 *'The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and construction noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215810 or at Regulatory Services, P.O. Box 5558, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6ZQ.'*
- 7.4 *'The applicant is reminded that this permission is separate to the need to comply with Food Safety and Health & Safety at Work laws. These will include the Food Safety Act 1990 (as amended), the Food Hygiene (England) Regulations 2006, Regulation (EC) 852/2004 and the Health and Safety at Work Etc. Act 1974. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215812 or at Business Regulation, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6ZG.'*

- 7.5 The following standard background noise levels conditions should also be included in any consent:

*'Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential property.'*

### **Asset Management**

- 7.6 No comments received.

### **Parks**

- 7.7 No comments received.

### **Transport and Highways**

- 7.8 There are no highway objections to this proposal, I have consulted with our coastal engineer who is working with the applicant on the construction detail for the extraction duct, he also has raised no objections.

### **The Southend Society**

- 7.9 No response received.

### **Conservation Association Westcliff Seaboard**

- 7.10 As this is a conservation building and a particularly beautiful one, residents would expect that the council will preserve the integrity, grace and grandeur of this lovely building so that the open decking space above can be used by the public and local people as it was originally intended. We feel it is important to use this building and agree with the council's suggested use of it as a café, which will offer the Shelter a new lease of life, but we also feel it would detract from the overall integrity of this building if it were to house extraction fans, whether they are feeding internal air in or out of the Air Conditioning unit. This is a building that we hope can be enjoyed by many further generations to come and feel it is a duty of us all to preserve it intact for this to happen.

- 7.11 It is also important that any Air Conditioning unit that is installed should not cause noise or disruption to the neighbours close by.

### **Public Consultation**

- 7.13 2 site notices were posted. At the time of writing 1 letter of objection was received. The objectors concerns are summarised as follows:

- *Concern that the toilet extraction would be too close to the air intake for the kitchen. [Officer Comment: The applicant has confirmed that the soil vent pipe will be concealed within the duct run the length of the trench existing into the plant area at the western end of the building. This will avoid contamination with the air intake]*
- *Concern that the air conditioning units on the western elevation of the building are detrimental to its historic character. [Officer Comment: These units do not form part of this application and has been passed to Planning Enforcement for investigation]*

### **Members**

- 7.14 This application was called in by Cllr Garston, ward councillor for Milton.

## **8 Relevant Planning History**

- 8.1 15/00418/AMDT- Replace plan numbers P01, P02, P03D, P04 Rev D to include addition of temporary structure on roof of sun shelter to house extraction equipment for one year (variation of condition 02 of planning permission 14/00540/BC4 dated 11th June 2014) – granted June 2015
- 8.2 15/00220/AD - Application for approval of details pursuant to conditions 4 (materials) and condition 5 (hard/soft landscaping) of planning permission 14/00540/BC4 dated 11/06/2014 – permission granted March 2015.
- 8.3 14/01507/BC4 - Use shelter as Cafe (class A3), erect refuse and plant room to side, alter elevations and erect railings to southern boundary and layout hard and soft landscaping, erect single storey glazed rotunda above shelter – refused September 2014.
- 8.4 14/00540/BC4 - Use shelter as Cafe (class A3), erect refuse and plant room to side, alter elevations and erect railings to southern boundary and layout hard and soft landscaping – permission granted April 2014.



**9 Recommendation**

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

- 01 The development hereby permitted shall begin not later than three years from the date of this decision. (C01A)**

**Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990. (R01A)**

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans PO1M, PO2M, PO3M, PO4M**

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

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

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

- 04 The grilles to the roof of the duct and to the end shall be metal powder coated or painted black unless otherwise agreed in writing with the local planning authority.**

**Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of this part of the Leas Conservation Area. This is as set out in DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy C4 and C11, and SPD1 (Design and Townscape Guide)**

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

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

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

**Reason:** In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of this part of the Leas Conservation Area. This is as set out in DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy C4 and C11, and SPD1 (Design and Townscape Guide)

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

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

- 08 Within 6 months of the date of this permission, separate stores for waste and materials for recycling must be provided as shown on drawing Proposed Plan PO3M. These stores must be clearly marked and made available at all times. Waste must be stored inside the designated store area only. The stores must not be used for any other purpose.**

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

- 09 Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential property.**

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

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

**Reason: In the interests of visual amenity, to ensure that the appearance of the building makes a positive contribution to the character of The Leas Conservation Area and to retain unobstructed access onto the roof of the building. This is set out in DPD1 (Core Strategy) 2007 Policy KP2 and CP4, Borough Local Plan 1994 Policy C4 and C11 and SPD1 (Design and Townscape Guide).**

### **INFORMATIVES**

- 01 You are advised that this permission does not grant consent for any advertisements which require separate advertisement consent**
- 02 You may need separate licensing approval for the premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission.**
- 03 Please contact the Council's Waste Service on 01702 215006 about your arrangements for storing and collecting waste and recyclable materials.**
- 04 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding etc. on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that the Council can tell your neighbours the likely timing of building activities. For more advice, please phone our Highway and Traffic Management Service on 01702 215003.**
- 05 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and construction noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215810 or at Regulatory Services, P.O. Box 5558, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6ZQ.**
- 06 The applicant is reminded that this permission is separate to the need to comply with Food Safety and Health & Safety at Work laws. These will include the Food Safety Act 1990 (as amended), the Food Hygiene (England) Regulations 2006, Regulation (EC) 852/2004 and the Health and Safety at Work Etc. Act 1974. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215812 or at Business Regulation, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6ZG.**

- 07 The applicant is advised that the air conditioning units on the west side of the building have been installed at a high level without the benefit of planning permission and should be recited in the approved location.**

**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>	14/01649/FUL
<b>Ward:</b>	Thorpe
<b>Proposal:</b>	Erect two storey and first floor rear extensions to form rear entrance and Spa facilities with terrace to front
<b>Address:</b>	Roslin Hotel, Thorpe Esplanade, Thorpe Bay, Essex, SS1 3BG
<b>Applicant:</b>	Mr N Gould
<b>Agent:</b>	BDA
<b>Consultation Expiry:</b>	21.05.2015
<b>Expiry Date:</b>	10.07.2015
<b>Case Officer:</b>	Janine Rowley
<b>Plan Nos:</b>	15.121/02; 15.121/03; 15.121/04; 15.121/06; 15.121/07
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## **1 The Proposal**

- 1.1 The application proposes to erect two storey and first floor rear extensions to form rear entrance and Spa facilities with a terrace to front at the Roslin. The rear extension is 29m wide x 19m deep x 6.5m high.
- 1.2 The proposed materials of the extension will include horizontal cladding to the external elevations to match the existing building. It will have a flat roof and upvc windows and doors. The spa will partly project above existing parking spaces.
- 1.3 This application is accompanied by a travel plan and transport statement.
- 1.4 The existing hotel currently offers spa facilities, this proposal will enable the hotel expand its services to hotel guests and the local community.

## **2 Site and Surroundings**

- 2.1 The application site is located on the northern side of Thorpe Esplanade and is occupied by a much extended two storey building that features third storey accommodation within the roofspace of the central part of the building. The frontage of the site includes a number of raised outdoor amenity/dining areas that are used in conjunction with the building, referred to by the applicant as a terrace, a deck and a patio. These are enclosed with glazed screens.
- 2.2 The site is not the subject of any site specific planning policy allocations.

## **3 Planning Considerations**

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

## **4 Appraisal**

### **Principle of Development**

**NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; DPD 2 (Development Management) emerging policy DM1, Southend-on-Sea Borough Local Plan Policies C11, L1, L6.**

- 4.1 Although not located within the Central Seafront Area and being located within a residential area, the proposed development is considered to be complementary to an existing hotel use and would expand the hotel facilities available at the site. Developments related to hotel provision are encouraged by the Development Plan and therefore it is considered that similar encouragement should exist for developments ancillary to existing facilities. 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; DPD2 (Core Strategy) emerging policy DM1, Southend-on-Sea Borough Local Plan Policies C11 and H5; SPD 1 (Design & Townscape Guide (2009))**

- 4.2 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policy C11 of the Borough Local Plan and in the Policies KP2 and CP4 of the Core Strategy. 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 In the NPPF it is stated 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 In the Borough Local Plan it is stated 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 C11) and 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.”* (Policy H5)
- 4.5 Policy KP2 of Core Strategy (CS) states that 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 Emerging policy DM1 of the Development Management (DPD2) states that *“The Council will support quality, innovative design that contributes positively to the creation of successful places. All development should draw references from the design principles set out in the Design and Townscape Guide SPD, where applicable”*.
- 4.7 The proposed extension is in terms of its scale successfully integrates within the existing building appearing subservient. The design of the extension is different but complementary to the existing building. The re-design of the front element of the proposal appears a more subservient structure providing a modest link between two of the existing buildings. The elevations to the side and rear provide a more consistent approach. The integration of the cladding and materials to match the existing building, together with the simplified fenestration design, provide articulation and interest.

## 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).**

- 4.8 The existing hotel has 58 useable bedrooms and 63 parking spaces available on site. This proposal is for an ancillary spa facility to the hotel resulting in the loss of 3 bedrooms and three parking spaces. The emerging policy DM15 of the Development Management Plan requires 1 space per bedroom therefore the existing parking provision is in excess of the policy requirement by 5 spaces. The 60 car parking spaces available on site, if this spa facility was granted permission, would still be in excess of the policy requirements. The 60 spaces accommodate all aspects of the Roslin Hotel operations. As part of the development, 10 additional staff will be employed, whilst no additional parking spaces have been allocated for the new members of staff a travel plan has been submitted for considerations detailing alternative modes of transport.
- 4.9 The transport statement accompanying the application suggests that 90% of future customers of the spa facilities will already be guests of the hotel although there is no evidence to support this. Linked trips will occur as a result of the development, the proposed use is likely to attractive trip generation outside of normal peak hours so is unlikely to have a negative impact on the free flow of traffic on the public highway in the surrounding area.
- 4.10 The applicant has provided a staff travel plan. A staff house at 29 Whitegate Road has capacity for 7 members of the Roslin Staff to reside and the applicant contends the majority of staff and members who reside there travel to the Roslin Beach Hotel by bicycle or on foot. In addition, members of staff can utilise the public car parking spaces available nearby including the rear of Camelia Guest House (10 minutes away), parking bays to the east front the seafront (15 minutes away) and Uncle Tom's car park (25 minutes) away. In addition, there is currently a dedicated cycle storage area within the hotel grounds and the hotel are implementing a 'ride to work' scheme together with encouraging and arranging car share arrangements and ensuring all relevant information and time tables for public transport is available for both staff and guests alike. A condition will be imposed to ensure full details in relation to a travel plan including off street staff parking.
- 4.11 The proposed development is considered ancillary to the main hotel use and therefore no additional parking is required in accordance with the emerging policy DM15 of the Development Management DPD2. Furthermore, the Highways Officer has raised no objection. A number of actions to encourage 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:**

**NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; DPD2 (Core Strategy) emerging policy DM1, Southend-on-Sea Borough Local Plan Policies C11 and E5; SPD 1 (Design & Townscape Guide (2009))**

- 4.13 Policy E5 states that *“proposals 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....would not adversely affect residential amenity in terms of appearance, overlooking, noise, smell, parking, traffic or other activity”*
- 4.14 Objections have highlighted disturbance that has been derived through the operation of the site and the new extension for spa facilities. The proposed opening hours include 0900-2200 Monday to Saturday and 0900-1800 Sundays and Bank holidays. A suitable condition can be imposed to ensure the spa facilities do not exceed the opening hours proposed in order to safeguard nearby residents from potential noise and disturbance. It is not considered the proposal will be to dissimilar to the vehicle movements already visiting the hotel; as such no objection is raised.
- 4.15 In order to safeguard the amenities of properties to the north of the site, a condition will be imposed to ensure the windows on the north elevation are obscure glazed to mitigate against any potential overlooking or loss of privacy.
- 4.16 It is not considered the development will be overbearing to the immediate neighbours to the north of the site in terms of loss of light or overshadowing. There is sufficient separation distance of 9m to the northern boundary to mitigate against any potential harm.

## **5 Conclusion**

- 5.1 The proposed development, subject to appropriate conditions, is considered to be in accordance with the Development Plan. The design and scale of the extension together with materials satisfactorily relates to the existing hotel building and would not be harmful to the character and appearance of the area, or the streetscene. Whilst the development will result in the loss of three parking spaces, the proposal will not result in significant harm on the highway network in terms of parking following the submission of the transport statement and travel plan.

## **6 Planning Policy Summary**

- 6.1 The National Planning Policy Framework (2012)
- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance)

- 6.3 Emerging Development Management Plan policies DM1 (Design Quality), DN6 (The Seafront), DM15 (Sustainable Transport Management)
- 6.4 Southend-on-Sea Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), E5 (Non-Residential Uses Close to Housing) H5 (Residential Design and Layout Considerations), L1 (Facilities for Tourism) and L6 (Hotels and Guest Houses), T8 (Highway Safety), T11 (Parking Standards), T13 (Cycling and Walking)
- 6.5 Supplementary Planning Document 1: Design & Townscape Guide (2009)

## **7 Representation Summary**

### **Design and Regeneration**

- 7.1 The amendments made to the proposed plans are generally positive and have sought to address previous concerns regarding the scale of the extension and its integration with the existing buildings. The re-design of the front element of the scheme has, for example, provided a more subservient structure that provides a neat and modest link between two of the existing buildings. To the sides and rear, generally the layout of the extension has been improved and a more consistent approach adopted to its design. The integration of the cladding and materials to match the existing building, together with the simplified fenestration design, provide articulation and interest.

### **Transport and Highways**

- 7.2 The proposal seeks to incorporate existing spa facilities within the Roslin Beach Hotel to a new Spa facility located at the rear of the site but still within the Roslin Beach Hotel. The proposal will result in the loss of 3 hotel bedrooms and 3 off street parking spaces bringing the total off street parking provision to 60 spaces. The 60 car parking spaces will accommodate all aspects of the Roslin Beach Hotel operations. As the class use is C1 this does not require any additional parking for the spa facility.

As part of the development 10 additional staff will be employed. No additional car parking spaces have been allocated for the new staff members but 14 cycle parking stands are to be provided within the site for staff, guests and members of the public. The site is well served by a number of bus services, bus stops are located almost directly outside the site as well as national cycle route 16.

The transport statement states the 90% of future customers will already be guests of the Hotel it is unclear how this can be guaranteed as the facility will be open to non-guests. Linked trips will occur as a result of the development, the proposed use is likely to attractive trip generation outside of normal peak hours so is unlikely to have a negative impact on the free flow of traffic on the public highway in the surrounding area.

Currently the surrounding roads (Walton Road/Clievedon Road/Linton) have seasonal parking restrictions 9am-6pm March-October. However, it is recognised that parking stress can be experienced in the summer period consideration has been given to this but this is to be expected within a seafront location.

Consideration has been given to the information supplied with the application and existing highway conditions therefore no highway objections are raised.

### **Public Consultation**

7.3 Three site notices displayed and 9 neighbours notified of the proposal. The following objections and letters of support have been received.

8 letters of objection stating:

- Increased impact on surrounding roads;
- Parking is already an issue in Walton Road and this proposal will result in the loss of spaces;
- The development is in extreme view of the site due to the size and surrounding locality;
- The Council should request adequate parking facilities.
- No staff parking;
- Inadequate parking for guests and diners to the hotel;
- The spa facilities will not have minimal visitors as it will be available for the general public. On the hotels website that already advertise lunch and a spa day to attract more visitors, which has also been advised nationally on groupon.
- 14 cycle's stands is not sufficient and visitors to the spa will not use them.
- Noise pollution from the vehicle movements and people leaving the hotel.
- Watermans transport statement is inaccurate, it suggests hotel guests will use the facility but given it is 75% bigger surely non-residents will be attracted.
- The additional traffic will result in road hazard and nuisance in the area.
- Construction works will disrupt neighbours.
- Overdevelopment of the site.
- Scale and massing of the development will over dominate the area and appear out of character with the surrounding area.
- Proposed changes have little architectural merit and would look like a large industrial unit.
- The outside terrace to the front of the site will increase noise and disturbance.
- The hotel is an agglomeration of buildings with differing styles and structure.

5 letters of support from 3 members of the public, Southend Hospital and Genting Club, Westcliff have been received stating:

- The hotel has great accommodation, fine dining and excellent spa facilities and therapists and to expand the facilities would offer residents to Southend a great experience and to visitors also.
- Express support to the extension and have visited the Roslin Hotel Spa on a regular basis in the past few years. The hotel is a massive benefit to the local community.
- The hotel has received many awards and accolades and contributes greatly to the local community.

150 names signed petition of support for the application to expand the current spa facilities on offer at the hotel.

## **8 Relevant Planning History**

- 8.1 The site is the subject of an extensive planning history, which is considered to be of little relevance to the determination of this application.

## **9 Recommendation**

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

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.**

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 15.121/02; 15.121/03; 15.121/04; 15.121/06; 15.121/07.**

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

- 3 No development shall take place until details 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 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** 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.

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

**Reason:** In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with the NPPF, DPD1 (Core Strategy) 2007 policy KP2, CP3 and CP4, DPD2 (Development Management) emerging policy DM15, Borough Local Plan 1994 policy T8, and SPD1 (Design and Townscape Guide).

- 6** The spa facility hereby approved shall not be open outside the following hours: - 0900 hours to 2200 hours Monday –Saturdays and 0900 to 1800 Sundays and Bank Holidays.

**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).

- 7 Prior to occupation of the development hereby approved, details and the siting of 14 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).**

- 8 The windows to the north elevation of the extension hereby approved at first floor level as indicated on drawing 15.121/03 shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.**

**Reason: To protect the privacy and environment of people in neighbouring residential properties, DPD1 (Core Strategy) 2007 policy CP4, emerging policy DM1 of DPD2 (Development Management), 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 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>	15/00740/FULH
<b>Ward:</b>	Leigh
<b>Proposal:</b>	Demolish existing garage and erect second floor to form a two storey dwelling, erect part single, part two storey rear extension incorporating garage to side and first floor front extension and porch to front elevation (Amended Proposal)
<b>Address:</b>	11 Cliffsea Grove, Leigh-On-Sea, Essex, SS9 1NG
<b>Applicant:</b>	Mr M Fulcher
<b>Agent:</b>	Robin Duffy
<b>Consultation Expiry:</b>	18 <sup>th</sup> June 2015
<b>Expiry Date:</b>	8 <sup>th</sup> July 2015
<b>Case Officer:</b>	Anna Tastsoglou
<b>Plan Nos:</b>	14525/02(Rev. A); 14525/03(Rev. A); 14525/SK10 &14525/SK11
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## 1 The Proposal

- 1.1 Planning permission is sought to erect a second floor to an existing bungalow to form a two storey dwelling, erect part single-part two storey rear extension, incorporate garage to side, erect first floor front extension and open porch to front (amended proposal). Materials to be used would include plain tiles to the roof and the external walls would be finished in render and face brickwork detailing. Windows and doors materials have not been specified.
- 1.2 The maximum height of the dwelling would be increased by 3.2 metres (9.4m) and the eaves would be raised up to 6.2 metres. The footprint of the dwelling would be increased by 26m<sup>2</sup>. The proposed second floor would create an internal gross floor space of 83 m<sup>2</sup>.
- 1.3 The proposed single storey side extension would have a flat roof with a small pitch to the front and it would measure 2.7m wide x 8.8m deep, with a maximum height of 3.9m. The proposed two storey rear extension would be 9.4m wide x 1m deep x 6.2m high to the eaves, with a maximum height of 7 metres (given the sloping roof). The single storey rear extension would have a pitched roof and it would measure 9.4m wide x 3.1m deep x 2.6m high to the eaves, with a maximum height of 4m.
- 1.4 The first floor front extension would create a two storey front bay window feature, which would have a maximum height of 8.5 metres. An open porch is proposed to the front elevation, in front of the main entrance door.
- 1.5 The proposed two storey dwelling would accommodate an open kitchen/family area, a study, a living room, a WC, a utility and garage at ground level and four bedrooms with two en-suites at first floor.
- 1.6 The applicant has also submitted a design criteria checklist and proposed floor plans in relation to Lifetime Homes requirements.
- 1.7 The main amendments to the last refused application include the following:
  - The previously proposed first floor side extension to the northern boundary has been excluded from the proposal.
  - The width of the proposed first floor has been reduced by 2.5 metres to the northern boundary.
  - The maximum height of the proposed dwelling would be in line with the maximum heights of the neighbouring dwelling. Therefore, 200mm higher than the last proposal.
  - The first floor rear extension would extend up in line with the north flank wall of the dwelling.
  - Internal and external alterations have been incorporated to the proposal.



## **2 Site and Surroundings**

- 2.1 The site is occupied by a detached chalet bungalow located on the western side of the Cliffsea Grove, north of Leigh Road. The property has an average size rear garden, relative to the area and an attached garage to the north side of the dwelling. The front curtilage of the property is predominantly soft landscaped, divided from the public footpath by a low brick wall, while in front of the existing garage there is a hard surfaced area providing one more off-street parking space. Both neighbouring properties to the north and south are bungalows with roof accommodation. Both adjacent properties to the south and north are two storey dwellinghouses. The neighbouring properties have single storey rear extensions. The dwelling to the south has also a two storey outbuilding to the rear.
- 2.2 The area is residential in character. The immediate streetscene of this part of the road comprises predominantly of two storey semi-detached and terraced houses. Although properties within the streetscene are not of a uniform design, they have similar architectural characteristics, such as front bay windows with gable roofs above, render finishing with brick detailing and low brick front walls. The site is located in close proximity to Leigh Road's secondary shopping frontage area.

## **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 H3, H5; Policy DM3 of the emerging Development Management DPD**

- 4.1 The dwelling is located within a residential area and extensions to the property are considered acceptable in principle. Other material planning considerations are discussed below.
- 4.2 The site is located within an area mainly occupied by two storey dwellings. Furthermore, both properties to the south and north are two storey dwellings. On that basis a two storey dwelling in that location would not break the continuity of the streetscene 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”*. Policy DM3 (4) quotes that *“The conversion or redevelopment of single storey dwellings (bungalows) will generally be resisted. Exceptions will be considered where the proposal:*
- (i) Does not create an unacceptable juxtaposition within the streetscene that would harm the character and appearance of the area; and*
  - (ii) Will not result in a net loss of housing accommodation suitable for the needs of Southend’s older residents having regard to the Lifetime Homes Standards.”*
- 4.4 As noted above the proposed two storey dwelling is considered acceptable in principle, given that the prevailing character of the area is for two storey houses.
- 4.5 The applicant has submitted design criteria checklist and relevant floor plans in relation to Lifetime Homes. Apart from the first of the design criteria checklist, with regard to the width of off-street parking spaces, it has been demonstrated that the rest of the design criteria would be met.
- 4.6 Principle 1<sup>st</sup> of the list requires car parking spaces within the plot should be capable to be enlarged up to 3.3 metres in order to allow space for a wheelchair when opening the vehicle’s doors. The proposed off-street parking space of the dwelling can provide a 3.3 metres enlarged width only within 3 metres adjacent to the front boundary. As such, access to a wheelchair can be provided either if the car is parked in a reverse gear, when the wheelchair user is the driver, or in a forward gear, when the wheelchair user would seat at the back vehicle seats. In light of the above and given that the proposal is not for a redevelopment of the site, but for extensions to the existing bungalow, on balance, not providing the 3.3 metres width of the off-street parking space, it is considered acceptable. Furthermore, the existing bungalow, which is a two bedroom dwelling, does not comply with the minimum parking standard requirements and as noted above the proposal is related to extensions to the dwelling and not to redevelopment.
- 4.7 All other Lifetime Homes standards, including the provision of a space at entrance level that could be used as bed space, wheelchair accessible toilet and shower at entrance level and the provision of a future floor lift, have been tested and it has been demonstrated that the proposed two storey dwelling could be used within these design criteria for Lifetime Homes and suitable for older residents.

## 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 (Design & Townscape Guide (2009)); Policies DM1 & DM3 of the emerging Development Management DPD**

- 4.8 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.”*
- 4.9 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.”*
- 4.10 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.”*
- 4.11 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”*.
- 4.12 Paragraph 375 of the Design and Townscape Guide states that *“in a few cases it may be possible to extend a property upward by adding an additional storey however this will only be acceptable where it does not conflict with the character of the street. For example adding another storey to a bungalow will not be considered appropriate where the street comprises predominately of single storey dwellings or where there is a regular pattern of bungalows and other style of properties which is part of the local character. ”* It is also added that *“where it is considered acceptable in principle, in order to achieve a cohesive development it is essential that the additional storey draws strong references from the lower floors and adjacent properties, or an overall integrated design is developed.”*

- 4.13 Paragraph 351 of The Design and Townscape Guide (SPD1) states that *“side extensions should be designed to appear subservient to the parent building. This can generally be achieved by ensuring the extension is set back behind the existing building frontage line and that its design, in particular the roof, is fully integrate with the existing property.”*
- 4.14 It is proposed to erect a second floor above the existing bungalow and form a two storey dwellinghouse, which maximum and eaves height would not be set higher than the adjacent properties to south and north and as such, the development would not conflict with the two storey character of the properties within the vicinity. The design of the first floor would draw reference from the ground floor and the neighbouring properties. Following amendments, the width and bulk of the proposed dwelling has been reduced significantly and as such, it is considered that it would create a satisfactory relationship with the surrounding area in respect of mass, form and scale of the neighbouring properties. Furthermore, given the 2.6m separation distance to the northern boundary, it is not considered that it would result in a terracing affect. Although the separation distance to the southern boundary, has not been increased, given that the proposed first floor would be erected above the existing bungalow (no demolition of the existing dwelling is involved), on balance, the limited separation distance is considered acceptable. The previously proposed two storey side extension is not part of the current proposal. A single storey garage would be located to the north side of the dwelling, which would be set back from the frontage line of the dwelling and would appear subordinate in form. Materials would match the existing and therefore, the proposed side extension would be acceptable in design terms.
- 4.15 Paragraph 360 of The Design and Townscape Guide (SPD1) advices that *“extensions to the front of properties are generally discouraged as they can alter the relationship of property within the street and may be detrimental to the wider townscape. Where front extensions are considered not to harm the local townscape care must be taken to ensure that they are of an appropriate size and scale, that they show consideration for the established street frontage and do not unreasonably obstruct light to habitable rooms within the existing property or on the flank or front walls of adjoining properties.”*
- 4.16 According to the Design and Townscape Guide the design of the porch should be of *“an appropriate scale, well integrated with the parent building and does not obscure or conflict with existing features such as bay windows”* (paragraph 361).

- 4.17 With regard to the proposed front elevation, it is considered that the first floor front bay windows feature would complement the design of the proposed dwelling and it would relate satisfactorily to the design of the neighbouring properties within the streetscene. The proposed open entrance porch would have limited size and it would draw reference from the neighbouring properties, it would integrate with the parent building and it would not conflict with any feature of the proposed dwelling. As such, it would not result in a material harm to the appearance of the dwelling or the surrounding area. Following the requested amendments the width of the front elevation has been reduced and hence, it is not considered to appear disproportionate in relation to the dwellings in the immediate streetscene and it would result in a material harm in the appearance and character of the area.
- 4.18 Paragraph 348 of The Design and Townscape Guide (SPD1) states 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.*”
- 4.19 With respect to the proposed part single part two storey rear extension, it is considered acceptable, in terms of its size and design. The roof forms of both single and two storey rear extensions would integrate with the dwelling. Given also the limited visibility of the development from public vantage points, it is not considered to have a detrimental impact on the appearance of the dwelling or the streetscene.

### **Traffic and Transport Issues**

#### **NPPF; Borough Local Plan Policies 8 and T11; EPOA adopted Vehicle Parking Standards 2001; Policy DM15 of the emerging Development Management DPD**

- 4.20 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.
- 4.21 The development would increase the number of bedrooms resulting in a four bedroom two storey dwelling. There is a provision of a garage and a one off-street parking space. Although the garage is smaller than the minimum requirement set in Policy DM15 of the emerging Development Management DPD, given that the property has an existing garage of same width to the northern side of the dwelling and that the proposal does not relate to the demolition of the existing bungalow, on balance, in that particular instance is considered acceptable.

## Impact on Residential Amenity

### **NPPF; Borough Local Plan Policies C11 and H5; SPD 1 (Design & Townscape Guide (2009)); Policy DM1 of the emerging Development Management DPD**

- 4.22 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.”* The Design and Townscape Guide (SPD1) also quotes that *“extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.”* (Paragraph 343 - Alterations and Additions to Existing Residential Buildings).
- 4.23 The proposed development would be located 2.5 metres off the northern boundary. The first floor extension would project 1 metre past the rear walls of the two storey dwellings to the north. Given the separation distance to the boundary, the limited rearward projection and that the neighbouring property No. 13 Cliffsea Grove has no windows to the south side elevation, it is not considered to result in any unacceptable loss of light or in an overbearing impact. The rear wall of the single storey side extension would be in line with the rear wall of the rear extension of the adjacent property to the north and as such, no adverse impact would be caused by the side extension on the residential amenities of the neighbours to the north. Furthermore, the proposed front extension would not breach a notional 45° angle taken from the edge of the northeast edge of the front extension and extend it horizontally. With regard to the first floor window to the north flank elevation, it would be a bathroom window and it is considered reasonable to be glazed in obscure glass. A condition will be imposed for that purpose.
- 4.24 The development would be sited up to the southern boundary; however, it would not extend beyond the front wall of the two storey dwelling to the south. It would marginally extend past its rear wall (around 800mm), which is considered acceptable. No. 9 Cliffsea Grove has a single storey rear extension in line with the north flank wall of the original dwelling. Given also the orientation of the proposal to the north of the neighbouring dwelling, it is not considered that the development would result in a material harm on the amenities of the neighbours to the south, by way of overshadowing or domination. The development would not obstruct light to the neighbouring property to the south, considering that there are no windows located to its north flank elevation.
- 4.25 The windows to the front elevation would overlook the highway and the neighbouring front gardens, which is considered acceptable.
- 4.26 The development would be located 12.3 metres away from the rear boundary. This separation distance is considered to mitigate against any detrimental impact on the amenities of the neighbouring properties to the rear.

## **5 Conclusion**

- 5.1 The proposed development, subject to appropriate conditions, is considered to be in accordance with 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), H3 (Retention of Small Family Houses) 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), May 2015: DM1 (Design Quality), DM15 (Sustainable Transport Management) & DM3 (Efficient and Effective Use of Land)

## **7 Representation Summary**

### **The Airport**

- 7.1 No objection received.

### **Transport and highways**

- 7.2 There are no highway objections to this proposal as it provides a garage and 1 space for off street parking.

### **Leigh Town Council**

- 7.3 The building of a substantial extension will create a dominant structure on this site and the loss of a further bungalow will be detrimental to the local housing stock.

7.4 Additional comments have been received on behalf of the residents as follows:

- Although the visual separation of the proposal from the property to the north has been increased and improved, that from the property to the south is still minimal, leading to a terracing effect. **[Officer comment: Please see paragraph 4.14]**
- This large 4 bedroom house should have 2 parking spaces but, in practice, the garage cannot comply with the size requirements of the parking standards. This means that only the one off-street parking space will probably be used, leading to an increase in on-street parking in an area which already suffers from parking stress, being close to the Church and shops. **[Officer comment: Please see paragraph 4.21]**

### **Public Consultation**

7.5 Twelve neighbours were consulted and four representations have been received as follows:

- Parking and highways implications.
- The provision of such a large dwelling would result in a lot of on-street parking in an already congested road. **[Officer comment: It is noted that there is a provision of two off-street parking spaces, which is in accordance with Policy DM15 of the Development Management DPD]**
- Overdevelopment.
- Loss of a small bungalow. **[Officer comment: The loss of the existing bungalow has been assessed in paragraphs 4.3- 4.7]**
- The application appears to be the same as the previously refused proposal.

7.6 Councillor Crystall has requested that this planning application go before the Development Control Committee for consideration.

## **8 Relevant Planning History**

8.1 15/00379/FULH - Demolish existing garage and erect second floor to form a two storey dwelling, erect two storey extension incorporating new garage and erect part single, part two storey rear extension and first floor front extension and porch to front elevation. Planning permission refused for the following reasons:

- *The proposal, by reason of its scale, bulk, design and proximity to the boundaries would result in a terracing affect and in a development out of keeping with neighbouring dwellings and the streetscene in general to the detriment of the character of the area, contrary to The NPPF; Policies KP2 and CP4 of the Core Strategy; Policies C11 and H5 the Borough Local Plan, advice contained within the adopted Design and Townscape Guide (SPD1) and Policy DM1 of the emerging Development Management DPD.*



- *Insufficient information has been submitted to demonstrate that the proposal meets the design criteria for the Lifetime Homes. Thus the development fails to prove that it will not result in a net loss of housing accommodation suitable for the needs of Southend's older residents contrary to the NPPF and Policy DM3 of the emerging Development Management DPD.*

## 9 Recommendation

**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: 14525/02(Rev. A); 14525/03(Rev. A); 14525/SK10 &14525/SK11.

**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 (NPPF), 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 flank elevation 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 (NPPF), 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>	14/01117/AMDT
<b>Ward:</b>	Victoria
<b>Proposal:</b>	Application for removal of condition 11 (details of energy efficiency) and condition 13 (public art) of planning permission 13/00618/FULM dated 10/09/2013
<b>Address:</b>	319 – 321 Sutton Road, Southend-on-Sea, SS2 5PF
<b>Applicant:</b>	UK Construction Ltd
<b>Agent:</b>	Mr T. Hart, RG&P London
<b>Consultation Expiry:</b>	12.08.14
<b>Expiry Date:</b>	07.10.14
<b>Case Officer:</b>	Louise Cook
<b>Plan Nos:</b>	L4003/033A
<b>Recommendation:</b>	<b>Grant Planning Permission</b>



## **1 The Proposal**

- 1.1 The application seeks the removal of conditions 11 and 13 of planning permission 13/00618/FULM. The relevant conditions read:

*“11. Prior to the commencement of the development hereby approved, full details of energy efficiency and other sustainability measures, including the provision of at least 10% of the development's energy needs being provided from on-site renewable sources, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out and permanently retained in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.*

*Reason: To contribute towards sustainable development, in accordance with Policy KP2 of the Southend-on-Sea Borough Core Strategy and the National Planning Policy Framework*

*13. No development shall take place until details of a scheme of public art, has been submitted to and approved in writing by the local planning authority. The scheme must be carried out in accordance with the approved details before anyone occupies the development. The approved public art must be permanently retained on this site and not moved or removed unless otherwise agreed in writing by the local planning authority.*

*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, and SPD1 (Design and Townscape Guide).”*

- 1.2 Planning permission ref. 13/00618/FULM relates to a three storey building comprising of 34 flats supported housing (class C2 use) with training suite/communal lounge and office. The development is currently under construction.

## **2 Site and Surroundings**

- 2.1 The site lies to the northeast of the town centre and forms part of an area allocated for industry and warehousing (employment) area as designated by the Core Strategy and Borough Local Plan.
- 2.2 The site is located on the western side of Sutton Road centrally between the two junctions of Redstock Road and Vale Avenue. The site is adjacent to a row of retail units, 295 – 307 Sutton Road and industrial units at 401 Sutton Road. To the east, south and west of the site are residential dwellinghouses.

### **3 Planning Considerations**

3.1 The judgement of whether the condition should be removed depends on whether the conditions meet the following tests. Paragraph 206 of the National Planning Policy Framework states that planning conditions should only be imposed, or in this case retained, where they are:

1. Necessary
2. Relevant to planning and;
3. To the development to be permitted;
4. Enforceable;
5. Precise and;
6. Reasonable in all other respects.

3.2 However, in this instance the applicant states that the imposition of conditions 11 and 13 contribute to making the application unviable.

### **4 Appraisal**

4.1 With regard to public art, Policy C11 of the Borough Local Plan states that *“in appropriate cases the Council will encourage the provision of new works of art as part of development proposals and in considering planning applications will have regard to the contribution made by any such works to the appearance of the scheme and to the amenities of the area.”*

4.2 Policy CP3 of the Core Strategy addresses planning obligations and public art stating that obligations will be entered into with developers to ensure the provision of *“environmental enhancements, including the provision of public art where appropriate”*. Moreover, SPD2 (Planning Obligations) states that *“interesting and innovative buildings, quality streets, good relationships between new and existing development, the use of public art and soft and hard landscaping can all help local identity, create places which people are proud of, and thereby, improve their quality of life and a sense of belonging. Accordingly, there is a need for greater emphasis on the use of buildings, streets, open spaces and landscaping – the public realm – and an understanding of how these elements relate to each other to create a unique ‘sense of place’ and identity. Indeed the public realm, comprising both ‘physical’ and ‘social’ elements, has a significant role to play in creating a quality environment, as it encapsulates the spaces and settings which facilitate and support social interaction and public life.”*

4.3 With regard to renewables, Paragraphs 17 and 97 of the NPPF state that Local Planning Authorities should encourage the use of renewable resources to help increase the use and supply of renewable and low carbon energy.

4.4 *Policy KP2 of the Core Strategy states:*

*“All new development...should contribute to economic, social, physical and environmental regeneration in a sustainable way throughout the Thames Gateway Area...This must be achieved in ways which...include appropriate measures in design, layout, operation and materials to achieve:*

*a. 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 SPD1 Design and Townscape Guide, wherever feasible...”*

4.5 Paragraph 173 of the National Planning Policy Framework states;

*“Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viability is threatened. To ensure viability, the costs of any requirements likely to be applied to the development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”*

4.6 It should be noted that the applicants raised concern regarding the provision of renewables on site due to the viability of the development under the previous application and no renewables were proposed. Notwithstanding this, the requirements of Policy KP2 were sought by condition.

4.7 The applicant has submitted a Financial Viability Assessment for the scheme which has been independently assessed by BNP Paribas Real Estate (BNP).

4.8 In summary, the Applicant contends that the addition of costs for renewable energies and public art (£154,000) has a negative effect on the Applicant's profit making the development financially unviable. The reports confirm a negative land value of £305,821.

4.9 On that basis, BNP's report concludes that the proposed scheme cannot support a payment towards renewable energies of £110,000 and public art of £44,000.

4.10 However, it should be highlighted that when the payments for renewable energies and public art are removed from the appraisal, the proposed scheme still generates a negative land value of c. £150,000.

- 4.11 Taking into account NPPF guidance with regard to viability, together with the need for sheltered housing, in this case it is recommended that both conditions 11 and 13 are removed from planning permission 13/00618/FULM.

### **Planning Policy Summary**

- 4.12 National Planning Policy Framework, 2012.
- 4.13 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (The Environment & Urban Renaissance), CP8 (Dwelling Provision).
- 4.14 Southend-on-Sea Borough Local Plan Policies C7 (Shop and Commercial Frontages and Fascias), C11 (New Buildings, Extensions and Alterations), C14 (Trees, Planted Areas and Landscaping), C18 (Commercial Floorspace), H5 (Residential Design and Layout Considerations), H8 (Sheltered Housing and Residential Areas), E1 (Employment Promotion), E3 (Secondary Offices), E4 (Industry and Warehousing), E5 (Non Residential Uses Close to Housing), T8 (Traffic Management and Highway Safety), T11 (Parking Standards), T12 (Servicing Facilities), T13 (Cycling and Walking), U2 (Pollution Control).
- 4.15 Design & Townscape Guide, 2009 (SPD1).
- 4.16 Supplementary Planning Document 2: Planning Obligations, 2010.
- 4.17 Emerging Development Management Document Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM9 (Specialist Residential Accommodation), DM15 (Sustainable Transport Management).

## **5 Representation Summary**

- 5.1 None required.

### **Public Consultation**

- 5.2 Neighbours notified and a site notice displayed – No letters of representation have been received.

## **6 Relevant Planning History**

- 6.1 13/00618/FULM: Erect three storey building comprising of 34 flats supported housing (class C2 use) with training suite/communal lounge and office, layout vehicular access, car parking and amenity space – Approved.

- 6.2 10/01121/OUTM: Demolition of existing building and erect part 3/part 4 storey building incorporating Class A2 (Financial and Professional Services), Class B1 (Office), 27 self-contained flats with balconies, roof terrace, car parking, cycle storage and refuse storage at basement level (Outline) – Approved.
- 6.3 09/00761/OUTM: Demolish existing building, erect part 3/part 4/part 5 storey block of 31 flats incorporating B1/A2 units to ground floor and part basement parking (outline) – Refused permission.

## **7 Recommendation**

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

**01. The development hereby permitted shall be carried out in accordance with the following approved plans: L4003/040, 041, 033A, 034B, 042, 043, 044.**

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

**02. The accommodation hereby approved shall only be used as supported housing. It must not be used for any other purpose, including any within Class C2 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force.**

**Reason: To ensure that the accommodation is used for the specified purpose only, and to ensure future compliance with policies KP2, KP3 and CP4 of the Core Strategy and policies C11, H5, H8, T11, T12 and U2 of the Borough Local Plan**

**03. The materials to be used on the external elevations of the building and hardsurfaced areas shall be carried out in accordance with the following drawings: Side & Rear Elevations dated 11-02-2014, Side & Front Elevations dated 11-02-2014 and the sample of 'All About Bricks' Red Multi Stock (as agreed under approval of details application 13/01630/AD).**

**Reason: To safeguard the character and visual amenities of the area, Policies KP2 and CP4 of DPD1 (Core Strategy) and Policy C11 of the Southend on Sea Borough Local Plan and the Design and Townscape Guide SPD1.**

**04. The proposed landscape works shall be carried out in accordance with drawing AE1323-01 (as agreed under approval of details application 13/01630/AD).**



**Reason: To ensure a satisfactory standard of landscaping and circulation, pursuant to policies C14 and T8 of the Southend-on-Sea Borough Local Plan and CP4 of the Core Strategy.**

**05. The parking layout shall be carried out in accordance with drawings titled Ground Floor GA Plan and Bin and Bicycle Storage (as agreed under approval of details application 13/01630/AD).**

**Reason: To ensure adequate provision for off-street parking and cycle storage in the interests of highway safety and efficiency, in accordance with policy CP3 of the Core Strategy and policy T11 of the Southend-on-Sea Borough Local Plan.**

**06. The surface of the access road to the side of the building shall be capable of sustaining a minimum load of 12.5 tonnes. Parking restrictions shall be provided to the access road prior to the first occupation of the building.**

**Reason: To ensure satisfactory fire vehicle access to the site in the interest of amenity of future occupiers and highway safety in accordance with policies C11, H5, T8 and T12 of the Southend-on-Sea Borough Local Plan.**

**07. Prior to the first occupation of the development, details of a scheme to protect residents against road traffic noise shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In the interest of the amenity of future residents in accordance with policies H5 and H8 of the Borough Local Plan.**

**08. The noise omitted from the plant room shall be at least 5db(A) below the prevailing background at 3.5m from the ground floor facades and 1m from all other facades of the nearest property. There shall be no tonal or impulsive characteristics.**

**Reason: In the interest of amenity of future and nearby residents and general environmental quality from the intrusion of noise (including tonal and impulsive sounds) in accordance with policies KP2 and CP4 of the Core Strategy and policies C11 and H5 of the Borough Local Plan.**

**09. Demolition or construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays and not at any time on Sundays or Bank Holidays.**

**Reason: To maintain the character of the area and amenities of nearby occupiers in accordance with policies H5 and C11 of the Southend-on-Sea Borough Local Plan.**