

Public Document Pack
SOUTHEND-ON-SEA BOROUGH COUNCIL

Development Control Committee

Date: Wednesday, 1st March, 2017

Time: 2.00 pm

Place: Jubilee Room, Civic 1, Victoria Avenue

Contact: Tim Row - Principal Committee Officer

Email: committeesection@southend.gov.uk

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TO: The Chairman & Members of the Development Control Committee:
Councillor F Waterworth (Chair)
Councillors D Garston (Vice-Chair), B Arscott, M Assenheim, B Ayling, M Borton, M Butler, T Callaghan, F Evans, N Folkard, J Garston, R Hadley, A Jones, C Mulroney, D Norman MBE, P Van Looy and C Walker

PLEASE NOTE: The minibus for the site visits will depart from the bus stop at the front of the Civic Centre at 11.15 a.m.

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 14th December, 2016

Place: Committee Room 1 - Civic Suite

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Present: Councillor F Waterworth (Chair)
Councillors D Garston (Vice-Chair), B Arscott, M Assenheim,
B Ayling, M Borton, S Buckley*, M Butler, T Callaghan, N Folkard,
J Garston, R Hadley, A Jones, C Mulroney, D Norman MBE,
P Van Looy and C Walker
*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Councillor M Terry
J K Williams, D Hermitage, C Galforg, J Rowley, M Warren,
K Walters, I Harrison and T Row

Start/End Time: 2.00 - 5.45 pm

524 Apologies for Absence

Apologies for absence were received from Councillor Evans (Substitute: Councillor Buckley).

525 Declarations of Interest

The following interests were declared at the meeting:

(a) Councillor Ayling – Agenda Item No. 7 – 16/01256/FUL - 23 Blenheim Crescent, Leigh-on-Sea, SS9 3DT – Non-pecuniary interest: Knows the applicant;

(b) Councillor Arscott – Agenda Item No. 17 – 16/01661/FULH - 54 Glenbervie Drive, Leigh-on-Sea – Disqualifying non-pecuniary interest: Resident of Glenbervie Drive (withdrew);

(c) Councillor Assenheim – Agenda Item No. 7 – 16/01256/FUL - 23 Blenheim Crescent, Leigh-on-Sea, SS9 3DT – Non-pecuniary interest: Knows the applicant;

(d) Councillor Buckley – Agenda Item No. 12 – 16/02060/TPO - Land at Junction of Prince Avenue A127 and Rochford Road, Westcliff on Sea – Non-pecuniary interest: Ward Councillor;

(e) Councillor D Garston – Agenda Item No. 7 – 16/01256/FUL - 23 Blenheim Crescent, Leigh-on-Sea, SS9 3DT – Non-pecuniary interest: Applicant is known to him;

(f) Councillor Mulroney – Agenda Item No. 7 – 16/01256/FUL - 23 Blenheim Crescent, Leigh-on-Sea, SS9 3DT – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);

(g) Councillor Mulronee – Agenda Item No. 10 – 16/01572/FUL - The Sarah Moore Public House, 57-59 Elm Road, Leigh-on-Sea – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);

(h) Councillor Mulronee – Agenda Item No. 15 – 16/01693/FUL - 104 Salisbury Road, Leigh-on-Sea – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);

(i) Councillor Mulronee – Agenda Item No. 17 – 16/01661/FULH - 54 Glenbervie Drive, Leigh-on-Sea – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);

(j) Councillor Terry – Agenda Item No. 4 – 16/01580/FUL - Roslin Hotel, Thorpe Esplanade, Thorpe Bay, Southend-on-Sea, SS1 3BG – Non-pecuniary interest: Knows the applicant through the Southend Business & Tourism Partnership;

(k) Councillor Terry – Agenda Item No. 5 – 16/01757/FUL - 10 Clieveden Road, Thorpe Bay, Southend-on-Sea, SS1 3BL – Non-pecuniary interest: Knows the applicant through the Southend Business & Tourism Partnership;

(l) Councillor Van Looy – Agenda Item No. 7 – 16/01256/FUL - 23 Blenheim Crescent, Leigh-on-Sea, SS9 3DT – Non-pecuniary interest: Applicant is known to him;

(m) Councillor Walker – Agenda Item No. 4 – 16/01580/FUL - Roslin Hotel, Thorpe Esplanade, Thorpe Bay, Southend-on-Sea, SS1 3BG – Non-pecuniary interest: Applicants supported charity during his Mayoralty;

(n) Councillor Walker – Agenda Item No. 5 – 16/01757/FUL - 10 Clieveden Road, Thorpe Bay, Southend-on-Sea, SS1 3BL – Non-pecuniary interest: Applicants supported charity during his Mayoralty;

(o) Councillor Walker – Agenda Item No. 10 – 16/01572/FUL - The Sarah Moore Public House, 57-59 Elm Road, Leigh-on-Sea – Non-pecuniary interest: Applicant is known to him and has spoken with him regarding the application (Councillor Walker remained in the room but took no part in the debate or voting thereon);

Note: All Councillors declared a non-pecuniary interest in respect of Agenda Item No. 18 -16/01772/FULH - 20 Chadwick Road, Westcliff-on-Sea on the basis that a fellow Councillor resided in the street.

526 Supplementary Report

The Committee received a supplementary report by the Deputy Chief Executive (Place) that provided additional information on items referred to elsewhere on the Agenda.

527 16/01580/FUL - Roslin Hotel, Thorpe Esplanade, Thorpe Bay, Southend-on-Sea, SS1 3BG (Thorpe Ward)
Proposal: Erect ground floor extensions to the front elevation, extend and alter existing front porch incorporating revolving door and alterations to front entrance steps
Applicant: Roslin Beach Hotel
Agent: APS Design Associates

Mrs Kindley, a local resident, spoke as an objector the application. Mrs Dallimore responded on behalf of the Applicants.

Planning Permission GRANTED 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: 01b; 08; 09; 10; 07.

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, including balustrade. 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 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) policy DM1 and SPD1 (Design and Townscape Guide).

04 The development hereby approved shall not be occupied until detailed cycle for 20 cycles storage including siting have been submitted to and approved by the local planning authority, as installed and remain in situ thereafter.

Reason: To ensure that satisfactory off cycle off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management Document) policy DM15 and SPD1 (Design and Townscape Guide).

05 Sixty two (62) parking spaces shall be retained on site as shown on drawing 01b. These parking spaces shall be permanently retained for the parking of staff and visitors to the Roslin Hotel.

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

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

Informative

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

- 528 16/01757/FUL - 10 Clieveden Road, Thorpe Bay, Southend-on-Sea, SS1 3BL (Thorpe Ward)**
Proposal: Change of use of residential dwelling (Class C3) into 7 hotel rooms ancillary to existing Roslin Hotel (Class C1)
Applicant: Mrs J Dallimore
Agent: APS Design Associates Ltd.

Mr Chamberlain, a local resident, spoke as an objector to the application. Mrs Dallimore, the Applicant, responded.

Planning permission GRANTED 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: 01b; 02b; 11; 10.

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

03 The premises shall be used to provide sleeping accommodation for hotel guests and staff ancillary to the Roslin Hotel and for no other purpose.

Reason: To safeguard the character and amenities of the area and to protect the amenities of adjoining residential properties in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management Document) policy DM1 and SPD1 (Design and Townscape Guide).

04 The development hereby approved shall not be occupied until detailed cycle for 21 cycles storage including siting have been submitted to and approved by the local planning authority, as installed and remain in situ thereafter.

Reason: To ensure that satisfactory off cycle off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management Document) policy DM15 and SPD1 (Design and Townscape Guide).

05 External lighting shall be directed, sited and screened so as not to cause detrimental intrusion of light into residential property. Prior to installation of external lighting an assessment using the Institution of Lighting Engineers Guidance Note for the Reduction of Obtrusive Light shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers and adjacent residential occupiers in accordance with DPD1 (Core Strategy) policies KP2 and CP4, Policies DM1 and DM8 of the Development Management DPD2 and SPD1 (Design and Townscape Guide).

06 Details of any plant equipment to be installed shall be submitted to and agreed in writing by the local planning authority including an acoustic report to ensure protection 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.

Reason: To protect the amenities of future hotel guests and adjacent residential occupiers in accordance with DPD1 (Core Strategy) policies KP2 and CP4, policy DM1 of the Development Management DPD2 and SPD1 (Design and Townscape Guide).

07 Construction hours restricted to 8am – 6pm Monday to Friday, 8am – 1pm Saturday and not at all on Sundays or Bank Holidays.

Reason: To protect the amenities of future hotel guests and adjacent residential occupiers in accordance with DPD1 (Core Strategy) policies KP2 and CP4, policy DM1 of the Development Management DPD2 and SPD1 (Design and Townscape Guide).

08 All deliveries and collections shall take place at the site between 0900 hours and 1800 hours Monday to Saturday and between 0900 hours and 1700 hours on Sundays and bank holidays. No deliveries and collections shall take place from the front of No.10 Clieveden Road.

Reason: To protect the amenities of adjacent residential occupiers in accordance with DPD1 (Core Strategy) policies KP2 and CP4, policy DM1 of the Development Management DPD2 and SPD1 (Design and Townscape Guide).

09 Notwithstanding the details shown on the approved plans, prior to first occupation of the hotel rooms hereby approved 67 parking spaces shall be provided in accordance with drawing 01b, including 3 spaces to the front of no. 10 Clieveden Road. The parking spaces shall be permanently retained thereafter for the parking of staff and visitors of the Roslin Hotel.

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

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.

529 16/00889/FUL - Unit 6 New Garrison Road, Shoeburyness, SS3 9BF (Shoeburyness Ward)
Proposal: Change of use from offices (Class B1) to six dwellinghouses (Class C3), alter front and rear elevations with balconies to rear, layout refuse, cycle storage and associated parking and amenity space to rear
Applicant: The Garrison LLP
Agent: Pomery Planning Consultants Ltd

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

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

02 The development shall be carried out in accordance with the approved plans: 01 Revision B; 05 Revision B; 06 Revision B; 07 Revision B; 08 Revision B; 09 Revision B.

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

03 The development hereby approved shall be carried out in accordance with the Flood Risk Assessment prepared by Evans River and Coastal, referenced 1567/RE/02-16/01-Revision C and dated May 2016.

Reason: To ensure the site is protected to the standard that the development is designed and modelled to within the submitted Flood Risk Assessment NPPF and policy KP2 of Core Strategy.

04 The development hereby permitted shall operate at all time in accordance with the 'Flood Response Plan' dated July 2016 reference 1567/RE/02-16/02 carried out by Evans Rivers and Coastal.

Reason: To ensure that the Flood Warning and Evacuation Plan meets with the requirements of the Environment Agency's Flood Warning Service, and is safe in the event of a flood in accordance with Policy KP2 of the Core Strategy DPD2

05 The development hereby permitted shall operate at all times in accordance with the 'Flood Evacuation and Warning Plan' received 22.09.2016 reference CC/1687.

Reason: To ensure that the Flood Warning and Evacuation Plan meets with the requirements of the Environment Agency's Flood Warning Service and is safe in the event of a flood in accordance with Policy KP2 of the Core Strategy DPD2.

06 No development shall take place until samples of the materials to be used on all the external elevations including windows, window frame, doors, bricks, balcony detailing including screens and canopies, walls and fences, and on any external access way, driveway have been submitted to and approved by the local planning authority. The development shall only be carried out in accordance with the approved details.

Reason: To safeguard character and appearance of surrounding area in accordance with Policy DM1 of the Development Management Document DPD2 and KP2 and CP4 of the Core Strategy.

07 No dwelling shall be first occupied until parking spaces to serve that dwelling have been laid out, together with properly constructed vehicular access to the adjoining highway. The parking spaces shall be permanently retained thereafter for the parking of occupiers of and visitors to the development.

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

08 Final glazing, acoustic insulation, plant equipment and ventilation details for the dwellings hereby approved shall be submitted to and approved by the local planning authority prior to installation and first occupation of the dwellings hereby approved. Glazing and ventilation should be selected with relevant acoustic properties as outlined in the sharps gayler acoustic consultations noise assessment dated 12th October 2016 and email dated 21st October 2016 for new dwellings in this location. Appropriate mitigation must be given to ensure that construction of the development and cumulative noise levels are in accordance with BS4142:2014 to meet relevant internal noise criteria in accordance with BS8233:2014. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To protect the amenities of the occupiers from undue noise and disturbance in order to protect their amenities in accordance with DPD1 (Core Strategy) policies KP2 and CP4, Policies DM1 and DM8 of the Development Management DPD2 and SPD1 (Design and Townscape Guide).

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

Reason: To protect the amenities of the occupiers from undue noise and disturbance in order to protect their amenities in accordance with DPD1 (Core Strategy) policies KP2 and CP4, Policies DM1 and DM8 of the Development Management DPD2 and SPD1 (Design and Townscape Guide).

10 Details of the mitigation boundary treatments in relation to noise levels shall be installed to the west and east boundary to the south shall be submitted to and approved by the local planning authority prior to occupation of the dwellinghouses and remain thereafter.

Reason: To protect the amenities of the occupiers from undue noise and disturbance in order to protect their amenities in accordance with DPD1 (Core Strategy) policies KP2 and CP4, Policies DM1 and DM8 of the Development Management DPD2 and SPD1 (Design and Townscape Guide).

11 No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the local planning authority and 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.

With reference to ii above, the boundary walls to the south of the dwellings hereby approved shall be no higher than 1m from adjacent ground levels.

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

12 No development shall commence until a detailed Arboricultural Method Statement, Tree Protection Plan with the following information fencing type, piling, ground protection measures, access facilitation pruning specification, project phasing and an auditable monitoring schedule.

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

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order Amended 2016, or any order revoking and re-enacting that Order with or without modification, no development shall be carried

out within Schedule 2, Part 1, Class A, B, C, D, E, F, G, H and Part 2 Class A to those Orders.

Reason: To safeguard the character and amenities of the area, in accordance with Policy DM1 of the Development Management Document.

14 The development hereby approved shall be carried out in accordance with drawing to ensure the dwellinghouses comply with building regulation M4 (2)- 'accessible and adaptable dwellings' and remains in perpetuity.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

15 No development shall take place until a site investigation of the nature and extent of contamination (including ordnance risk) has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

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 DPD2 (Development Management document) policy DM14.

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

Reason: In the interests of the character and amenity of the area in accordance with NPPF; DPD1 (Core Strategy) 2007 policy KP2 and CP4; DPD2 (Development Management Document) policy DM1.

17 During construction works, the burning of waste material is prohibited given the sites location adjacent to other commercial and residential properties.

Reason: In the interests of the character and amenity of the area and nearby occupiers in accordance with NPPF; DPD1 (Core Strategy) 2007 policy KP2 and CP4; DPD2 (Development Management Document) policy DM1.

Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a Community Infrastructure Levy (CIL) Liability Notice for the attention of the applicant and any person who has an interest in the land. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought.

You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.

The Local Planning Authority has acted positively and proactively in determining this application by 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.

530 16/01256/FUL - 23 Blenheim Crescent, Leigh-on-Sea, SS9 3DT (Blenheim Park Ward)

Proposal: Demolish existing dwelling and erect three attached two storey chalet bungalows, lay out parking at front and form vehicular access onto Blenheim Crescent

Applicant: Mr M Miller

Agent: SKArchitects

Ms Barber, a local resident, spoke as an objector to the application. Mr Kearney, the applicant's agent, responded.

Planning permission REFUSED for the following reason:

01 The proposed development, by reason of its bulk, height, scale and proximity to the neighbouring dwelling, would result in a cramped form of development to the detriment of the character and appearance of the area and the amenities of neighbouring residents. This is contrary to the NPPF, policies CP4 of the Southend Core Strategy 2007, DM1 and DM3 of the Development Management DPD and guidance contained within the Design & Townscape Guide.

Informative

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

- 531 16/01503/FULM - 411-415 Sutton Road, Southend-on-Sea (Victoria Ward)**
Proposal: Demolish existing buildings, erect 3 storey block comprising of 44 flats, 252sq.m retail commercial floor space at ground floor, communal amenity space, landscaping, parking and associated works (Amended Proposal)
Applicant: Dove Jeffrey Homes Ltd
Agent: Phase 2 Planning & Development Limited

Mr Weedon, a local resident, spoke as an objector to the application. Mr Calder, the Applicant's Agent, responded.

(a) DELEGATED to the Deputy Chief Executive (Place), 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:

- A minimum of 9 units of affordable rented housing units (20% of overall provision) comprising 6.x1 bed and 3x2bed units.
- Traffic Regulation Order contribution of £4,000
- Public art provision/financial contribution (value and details to be agreed prior to first occupation)
- Provision of Travel Packs for residents.
- Retail Travel Plan.

(b) The Deputy Chief Executive (Place), 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: 001, 200 P4, 201 P3; 202 P3; 203 P3; 204 P3; 205 P3; 206 P3; 207 P3; 208 P3

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

03 No construction works above the floor slab level shall take place until samples of the materials to be used in the construction of the external elevations

of the building hereby permitted, including balconies, balustrades, screening, fenestration, front porches and hoods have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the BLP and Policy DM1 of the Development Management DPD 2015

04 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include: proposed finished levels or contours; means of enclosure (including any gates to the car parks); car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, loggia, bollards, play equipment, refuse and other storage units, signs, lighting etc.)

Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, the management of the site (e.g. the uncompacting of the site prior to planting) and the initial tree planting and tree staking details.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1 with CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.

05 The development shall not be occupied until space has been laid out within the site in accordance with drawing No. 200 P4 for cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. The parking spaces shall be permanently retained thereafter for the parking of occupiers, staff and visitors to the development.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

06 The development shall not be occupied until a car park management plan for the development has been submitted to and agreed in writing by the Local Planning Authority. The agreed management plan shall be carried out as approved.

Reason: To ensure that the car parking is satisfactorily managed in the interests of traffic management and highway safety in accordance with Policies KP2 and CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

07 The development shall not be occupied until a waste management plan and service plan has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall thereafter be carried out in accordance with the approved details.

Reason: to ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

08 The development shall not be occupied until details of the secure, covered cycle parking spaces to serve the residential development and cycle parking spaces to serve the retail/commercial unit have been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation and shall be retained thereafter.

Reason: To ensure that adequate cycle parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

09 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding
- v) measures to control the emission of dust and dirt during construction
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1 with CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.

10 Before the retail use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

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 Policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

11 With reference to BS4142, the noise rating level arising from all plant and extraction/ventilation equipment should be at least 5dB(A) below the prevailing background at 3.5 metres from ground floor façades and 1 metre from all other façades 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 Policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

12 The retail use hereby permitted shall not be open to customers outside the following times: 07:00 to 23:00 hours.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and amenities of the area in accordance with policies Policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

13 No deliveries or refuse collection shall be taken at or despatched from the retail unit outside the hours of 07:00-19:00hours Mondays to Fridays and 08:00-13:00hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and amenities of the area in accordance with policies Policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

14 Other than the demolition, grubbing up of foundations and site clearance, no development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any construction begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

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 and Policies DM1 and DM14 of the Development Management DPD 2015.

15 No development shall take place until details of the implementation, maintenance and management of a scheme for surface water drainage works have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) An investigation of the feasibility of infiltration SUDS as the preferred approach to establish if the principles of any infiltration based surface water drainage strategy are achievable across the site, based on ground conditions. Infiltration or soakaway tests should be provided which fully adhere to BRE365 guidance to demonstrate this. Infiltration features should be included where infiltration rates allow;
- ii) Drainage plans and drawings showing the proposed locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features;
- iii) a timetable for its implementation; and
- vii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with Policy KP2 and CP4 of the Core Strategy 2007 and area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policy DM2 of the Development Management DPD 2015.

16 Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the retail use hereby permitted begins and residential apartments are occupied. Development shall be carried out in accordance with the approved details. No additional external lighting shall be installed on the building without the consent of the Local Planning Authority.

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 Policies KP2 and CP4 of the Core Strategy DPD1 and with CP4 of the Core Strategy DPD1 and Policies DM1 of the Development Management DPD 2015.

17 No construction works above the level of the floor slab shall take place until a scheme for protecting the proposed dwellings from noise from road traffic has been submitted to and approved in writing by the Local Planning Authority. The details shall include the insulation scheme including predicted internal L_{max} and L_{Aeq} levels for the noise sources identified in the noise assessment. Glazing and ventilation shall be selected with relevant acoustic properties as outlined in the Noise Assessment dated 18 December 2014. The agreed noise prevention measures will be installed prior to first occupation of the dwellings and retained at all times thereafter.

Reason: In order to protect the amenities of future residents in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

18 Demolition or construction works shall not take place outside 07:30hours to 18:00hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with policies Policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

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

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.

20 No construction works above the level of the floor slab shall take place until details of the proposed Photovoltaic cells set out in the submitted Energy and Sustainability Statement by Fusion 13 have been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented and brought into use on first occupation of the development.

Reason: To ensure the development maximises the use of renewable and recycled energy, water and other resources, in accordance with Policy KP2 of the Core Strategy DPD1 and Policy DM2 of the Development Management DPD 2015.

21 Prior to the installation of any shopfront, the details of the design, materials, glazing, doors, shutters, signage and lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In order to protect the character and visual amenities of the area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.

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

Reason: In the interest of the visual amenities of the area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policy DM1 and DM13 of the Development Management DPD 2015.

23 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no structures such as canopies, fences, loggias, trellises or satellite or radio antennae shall be installed within the development or on the buildings unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the character and visual amenities of the development and surrounding area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.

24 The commercial floorspace hereby approved shall be used for A1 retail only and for no other purpose including any within Classes A, C3 or D1 of the Town and Country Planning (Use Classes) Order 1987 as amended (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force).

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and amenities of the area in accordance with Policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

25 No demolition shall take place until a Method statement (including details for protection of existing trees) and no works above the level of the floor slab shall take place until details of the Method Statements in relation to, Tree Protection and Tree Works have been submitted to approved by the Local Planning Authority and the development shall be carried in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason In the interests of amenity, to protect existing trees and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1 Policy DM1 of the Development Management DPD 2015

26 No construction works above the level of the floor slab shall take place until details of the new accesses, removal of the existing redundant crossovers and street furniture, loading bays, on street car parking spaces and public realm improvements (new street furniture and paving to the front of the site) as shown on plan ref 200 P4 have been submitted to Southend Borough Council (as local planning authority and highway authority) and the Council has approved in writing a full scheme of works and the relevant highways approvals are in place. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of sustainability, accessibility, highways management, efficiency and safety in accordance DPD1 (Core Strategy) 2007 policy KP2, KP3 and CP3, Policy DM1 and DM15 of the Development Management DPD 2015.

Informatives

01 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.

02 For further guidance on the control of odour and noise from ventilation systems you are advised to have regard to – Guidance on the Control of Odour

and Noise from Commercial Kitchen Exhaust Systems published by DEFRA. This can be downloaded free from www.DEFRA.Gov.UK

03 The applicant is reminded that this permission does not bestow compliance with the Licensing Act 2003. Applicants should contact the Council's Licensing Team for more advice on 01702 215005.

04 Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

05 An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

06 There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire and Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk of life, business continuity and limit the impact of fire on the environment and local economy. Even where not required under Building Regulation's guidance, ECFRS would strongly recommend a risk base approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We would also encourage developers to use them to allow design freedom, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the regulations are met.

07 The applicant is reminded that additional water supplies for fire fighting may be necessary for this development. The applicant is urged to contact the Water Technical Officer at Service Headquarters tel 01376 576342

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

09 In relation to Condition 26; you are advised to contact Highways Engineer – Martin Warren; (Tel: 01702 215003) to discuss the requisite Highways Licence/Agreements under the Highways Act 1980. You are advised that a Highways Licence/Agreement needs to be in place before any works are carried out to the public highway and any works to public transport infrastructure (e.g. bus stops) will need to be carried out by a Council approved contractor.

(c) In the event that the planning obligation referred to in part (a) above has not been completed by 22nd December 2016 the Head of planning and Transport or Group Manager (Planning & Building Control) be authorised to refuse planning permission for the application on the grounds that the development will not :- i) provide for improvements to the public highway and the public realm within the vicinity of the site; ii) provide an effective means of enforcing/delivering a Travel Plan; iii) provide for a satisfactory provision of public art and iv) provide for a satisfactory method of servicing the development vi) provide for affordable housing. As such, the proposal would not make a satisfactory contribution towards the quality of the built environment within the vicinity of the site, would increase traffic congestion and be to the detriment of highway safety and is likely to place increased pressure on public services and infrastructure to the detriment of the general amenities of the area, contrary to Policies KP2, KP3, CP3, CP4 and CP6 of the Core Strategy, Policies DM1, DM3, DM7, and DM15 of the Development Management DPD 2015.

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.

532 16/01765/FULM - Cecil Jones Academy, Eastern Avenue, Southend-on-Sea (St Luke's Ward)
Proposal: Site 10 temporary portacabins for use as classrooms ancillary to the main school building (Retrospective)
Applicant: Cecil Jones Academy
Agent: Portakabin Limited

Planning Permission GRANTED subject to the following condition:

01 The buildings subject of the permission shall be removed within 78 weeks of the date of this permission or on completion of the repair works to the fire damaged classrooms (whichever is sooner) and the affected playing field area reinstated to playing field use.

Reason: The application has only been made for permission for a temporary period and would be unacceptable on a permanent basis due to the loss of the playing field which is only acceptable in the particular circumstances of the application on a short term basis and should be reinstated upon completion of the main school building works.

Informatives

01 You are advised that in this instance the chargeable amount for the Community Infrastructure Levy (CIL) has been calculated as zero due to the specific nature of the use.

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.

- 533 16/01572/FUL - The Sarah Moore Public House, 57-59 Elm Road, Leigh-on-Sea (Leigh Ward)**
Proposal: Erect two storey roof extension comprising of six self-contained flats with balconies, relocate extraction flue, erect refuse and cycle stores and alter elevations (Amended Proposal).
Applicant: Mr M. Thornton (Stronghold Estates)
Agent: BGA Architects

DEFERRED

(Councillors D Garston and Walker took no part in the voting on this item.)

- 534 16/01831/BC3 - Bournes Green Infant School, Burlescoombe Road, Thorpe Bay, Southend-on-Sea (Southchurch Ward)**
Proposal: Erect conservatory to rear of existing after school club building.
Applicant: Bournes Green Infant School
Agent: Mr Nick Kenney

Planning Permission GRANTED 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: BG/NAK/01 and Site Location plan.

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

03. Unless otherwise agreed in writing with the local planning authority, the development hereby permitted shall be constructed entirely of the materials that are shown on the plans hereby approved.

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, DPD2 (Development Management) policy DM1, and SPD1 (Design and Townscape Guide).

04. Amplified music shall not be played at any time in the development hereby permitted.

Reason: In the interests of the protection of the amenity of neighbouring residents This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policies KP2 and CP4 and DPD2 (Development Management Document) policy DM1.

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

Informative

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

- 535 16/02060/TPO - Land at Junction of Prince Avenue A127 and Rochford Road, Westcliff on Sea (St Laurence Ward)**
Proposal: Fell 38 poplar trees (Application for works to trees covered by a tree preservation order)
Applicant: Southend-on-Sea Borough Council

Mr Goodridge, a local resident, spoke as an objector to the application. Mr Brown responded on behalf of the Applicants.

DELEGATED to the Deputy Chief Executive (Place), Head of Planning and Transport or the Group Manager Development Control and Building Control to GRANT CONSENT for 16/02060/TPO following the expiration of the public consultation period subject to the following conditions:

01 The works covered by this consent must be begun not later than the expiration of two years beginning with the date of this consent.

Reason: To enable the circumstances to be reviewed at the expiration of the period if the consent has not been implemented, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) Policy KP2 and CP4, Development Management Policy DM1 and SPD1 (Design and Townscape Guide).

02 The replacement tree planting scheme shall be that shown on 'Plan for Tree Planting – Bell Walk, Prince Avenue' which shows twenty replacement trees (10 tulip trees (*Liriodendron tulipifera*) and 10 Acer trees (*Acer freemannii*) of 10-12cm 45L container size) to be planted in this area (8 on Rochford Road and 12 on Prince Avenue) within the 2016/2017 planting season unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) policy KP2 and CP4, Development Management Policy DM1 and SPD1 (Design and Townscape Guide).

03 The works shall be carried out in accordance with BS 3998 (2010) by a suitably qualified person.

Reason: In the interests of visual amenity in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) policy KP2 and CP4, Development Management Policy DM1 and SPD1 (Design and Townscape Guide).

04 Within 6 months of the removal of first tree hereby given consent, details of a boundary hedge to the southern and eastern boundaries with the highway shall be submitted to and approved in writing by the Local Planning Authority. The hedge shall thereafter be planted within the next planting season or other time to be first agreed in writing by the Local Planning Authority.

Reason: In the interests of general amenities in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) policy KP2 and CP4, Development Management Policy DM1 and SPD1 (Design and Townscape Guide).

Informative

01 The applicant is advised that the traffic management issues related to the proposed works will need to be agreed with the Highways Section prior to commencement.

02 It is strongly recommended that air quality of the area be monitored given that the site is located within an Air Quality Management Area (AQMA).

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.

536 16/01752/FUL - Telecommunications Mast, Junction of Thorpe Esplanade and Thorpe Hall Avenue, Southend-on-Sea (Thorpe Ward)
Proposal: Remove existing tower and install 9m replacement tower with multi band antenna, associated cabinet and upgrade works (amended proposal)
Applicant: EE LTD & Hutchinson 3G UK LTD
Agent: Mr D. Hosker, WHP

Planning Permission GRANTED subject to the following conditions:

01. The development hereby permitted shall begin no later than 3 (three) years from the date of this decision.

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

02. The development hereby permitted shall be carried out in accordance with the approved plans: SOS022-01 Issue I, SOS022-02 Issue I, SOS022-03 Issue I, SOS022-04 Issue I, SOS022-05 Issue I.

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

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

537 16/01469/FUL - Cambridge House, 121 Ness Road, Shoeburyness (West Shoebury Ward)

Proposal: Change of use from offices (Class B1) to six dwellinghouses (Class C3), alter front and rear elevations with balconies to rear, layout refuse, cycle storage and associated parking and amenity space to rear

Applicant: The Garrison LLP

Agent: Pomery Planning Consultants Ltd

WITHDRAWN

538 16/01693/FUL - 104 Salisbury Road, Leigh-on-Sea (West Leigh Ward)

Proposal: Demolish existing dwellinghouses at 104 - 106 Salisbury Road, erect three dwellinghouses with garages to rear and alter existing vehicular crossovers onto Salisbury Road (Amended Proposal)

Applicant: Mr D. MacDonald

Agent: Mr G. Coxall (Third Dimension Arch. Design Ltd)

Mr Colyer, a local resident, spoke as an objector to the application. Mr Coxall, the Applicant's Agent responded.

DEFERRED (PMSV)

539 16/01661/FULH - 54 Glenbervie Drive, Leigh-on-Sea (Blenheim Park Ward)

Proposal: Erect single storey side extension, hipped to gable roof extension, dormer and porch to front, extend rear dormer, form layout parking and vehicular access on to Glenbervie Drive

Applicant: Mr M. Parsons

Agent: Mr D. Perry (Stone Me! Design)

Planning Permission REFUSED for the following reason:

01 The proposed side extension, hip to gable roof extension, rear and front dormer windows would, by reason of their design, size, bulk and siting represent discordant, incongruous and overly dominant features which are detrimental to the character and appearance of the host property and the area more widely. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007); Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015); and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

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

Informative

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

allowed, the CIL liability will be applied. Any revised application might also be CIL liable.

- 540 16/01760/FULH - 78 Hadleigh Road, Leigh-on-Sea (West Leigh Ward)**
Proposal: Raise roof height to form habitable accommodation in roof, dormer to rear and alterations to front, side and rear elevations (Amended Proposal)
Applicant: Mr & Mrs Hall
Agent: Knight Gratrix Architects

Mr Richardson, a local resident, spoke as an objector to the application. Mr Hall, the Applicant, responded.

DEFERRED (PMSV)

- 541 16/01772/FULH - 20 Chadwick Road, Westcliff-on-Sea (Chalkwell Ward)**
Proposal: Erect part single/part two storey rear extension with Juliette balcony to first floor, alter elevations and relocate existing outdoor swimming pool (amended proposal)
Applicant: Mr & Mrs Cachia
Agent: Mr J. Collinson, New World Designers Ltd

Planning permission REFUSED for the following reason:

01. The proposed development would cause an unacceptable sense of enclosure and loss of natural light at the rear of no. 18 Chadwick Road, contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy and Policy DM1 of the Development Management Document.

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.

- 542 16/00121/UNAU_B - 30 Dawlish Drive, Leigh-on-Sea (Leigh Ward)**
Breach of Control: Without planning permission, the installation of a raised platform and external staircase to the rear.

The Committee considered a report by the Deputy Chief Executive (Place) which reported on an alleged breach of planning control.

Resolved: That ENFORCEMENT ACTION be AUTHORISED to secure the removal of the external raised platform and staircase on the grounds that the unauthorised development is detrimental to the amenities and character of the area by reason of unsightliness and its potential to enable overlooking resulting in the loss of privacy of the occupiers of adjacent residential properties and that it is

detrimental to the residential amenities of the ground floor flat by reason of its oppressive impact resulting in a loss of outlook by overshadowing the bedroom window and has the potential to afford any users views into the room contrary to the NPPF, Policies CP4 and KP2 of the Core Strategy DPD1, Policies DM1 and DM3 of the Development Management Document DPD2 and the Design & Townscape Guide.

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case the necessary remedial works would be easily achievable so a compliance period of 28 days is considered reasonable.

543 EN/16/00193/UNAU-B - Herschell House, 87 Leigh Hill, Leigh on Sea, Essex. SS9 1AR (Leigh Ward)

Breach of Control: The carrying out of various internal and external works to a listed building, operational development and engineering operations which constitute development, without the necessary planning permission and listed building consents being obtained. The removal of trees in a conservation area without serving an appropriate Section 211 notice.

The Chairman agreed that this item be considered at this meeting as an urgent additional item on the grounds that the unauthorised works have caused serious harm to heritage assets. It is considered important that prompt action is taken against these significant breaches of listed building and planning controls.

The Committee considered a report by the Deputy Chief Executive (Place) which reported on an alleged breach of planning control.

Resolved:

1. That ENFORCEMENT ACTION be AUTHORISED in respect of the breaches of planning and listed building controls identified as harmful in sections a) to g) (inclusive) of paragraph 4.9 of this report to secure their removal, making good, remediation or construction in full compliance with the terms of the planning permissions and listed building consents granted at the site in 2016 (as set out in Appendix 1 of this report) as appropriate. That ENFORCEMENT ACTION BE AUTHORISED to secure the planting of new trees of an appropriate size and species and in appropriate locations to replace the trees felled at the site without the appropriate notice being served (as identified in paragraph 4.9 h) of this report). It is considered reasonable, expedient, proportionate and in the public interest to pursue enforcement action for the reasons and in the ways set out in this report.

The authorised enforcement action to include (if and as necessary) the service of Listed Building Enforcement Notices under the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), Planning Enforcement Notices under the Town and Country Planning Act 1990 (as amended) and Notices requiring the planting of trees to replace those removed without the service of an

appropriate notice (under Section 211 of the Town and Country Planning Act (1990) as amended) and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of these Notices.

When serving a Planning or Listed Building Enforcement Notice or a Notice requiring replacement trees to be planted the Local Planning authority must ensure a reasonable time for compliance. In this case the necessary remedial works would be extensive and so a compliance period of 3 months is considered reasonable.

2. That officers be AUTHORISED to INVESTIGATE AND, WHERE THIS IS FOUND TO BE APPROPRIATE, PURSUE PROSECUTIONS for the carrying out of work, or causing works to be undertaken, to the listed building at the site without the necessary (where this work has materially affected its character as a building of special historic or architectural interest) listed building consent and the cutting down and wilful damaging of trees in a Conservation Area without the serving of the necessary notice on the Local Planning Authority.

Chairman: _____

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 11th January, 2017

Place: Committee Room 1 - Civic Suite

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Present: Councillor F Waterworth (Chair)
Councillors D Garston (Vice-Chair), B Arscott, M Assenheim,
B Ayling, M Borton, M Butler, T Callaghan, F Evans, N Folkard,
J Garston, S Habermel*, A Jones, C Mulrone, D Norman MBE,
P Van Looy and C Walker
(*Substitute in accordance with Council Procedure Rule 31.)

In Attendance: J K Williams, P Geraghty, C Galforg, M Warren, I Harrison, K Walters
and T Row

Start/End Time: 2.00 p.m. - 4.10 p.m.

609 Apologies for Absence

Apologies for absence were received from Councillor Hadley (Substitute: Councillor Habermel).

610 Declarations of Interest

The following interests were declared at the meeting:

(a) Councillor Arscott – Agenda Item No. 8 – 16/01773/FUL – 19 Kings Road, Westcliff-on-Sea, Essex, SS0 8LL – Non-pecuniary interest: Applicant is a co-opted Member of the Council’s People Scrutiny Committee;

(b) Councillor Assenheim – Agenda Item No. 8 – 16/01773/FUL – 19 Kings Road, Westcliff-on-Sea, Essex, SS0 8LL – Non-pecuniary interest: Applicant is a co-opted Member of the Council’s People Scrutiny Committee;

(c) Councillor Borton – Agenda Item No. 8 – 16/01773/FUL – 19 Kings Road, Westcliff-on-Sea, Essex, SS0 8LL – Non-pecuniary interest: Applicant is a co-opted Member of the Council’s People Scrutiny Committee;

(d) Councillor Butler – Agenda Item No. 8 – 16/01773/FUL – 19 Kings Road, Westcliff-on-Sea, Essex, SS0 8LL – Non-pecuniary interest: Applicant is a co-opted Member of the Council’s People Scrutiny Committee;

(e) Councillor Evans – Agenda Item No. 5 – 16/01693/FUL – 104 Salisbury Road, Leigh-on-Sea, Essex SS9 2JN – Non-pecuniary interest: Governor at St. Michael’s School which is attended by the applicant’s children;

(f) Councillor Evans – Agenda Item No. 9 – 16/02040/FULH – 43 Theobalds Road, Leigh-on-Sea – Non-pecuniary interest: Owns a property in the road;

- (g) Councillor D Garston – Agenda Item No. 8 – 16/01773/FUL – 19 Kings Road, Westcliff-on-Sea, Essex, SS0 8LL – Non-pecuniary interest: Applicant is a co-opted Member of the Council’s People Scrutiny Committee;
- (h) Councillor Habermel – Agenda Item No. 8 – 16/01773/FUL – 19 Kings Road, Westcliff-on-Sea, Essex, SS0 8LL – Non-pecuniary interest: Applicant is a co-opted Member of the Council’s People Scrutiny Committee;
- (i) Councillor Habermel – Agenda Item No. 13 – 16/00189/UNAU_B – 96 The Ridgeway, Westcliff-on-Sea – Non-pecuniary interest: Lives in the vicinity of the restaurant;
- (j) Councillor Jones – Agenda Item No. 8 – 16/01773/FUL – 19 Kings Road, Westcliff-on-Sea, Essex, SS0 8LL – Non-pecuniary interest: Applicant is a co-opted Member of the Council’s People Scrutiny Committee;
- (k) Councillor Mulroney – Agenda Item No. 5 – 16/01693/FUL – 104 Salisbury Road, Leigh-on-Sea, Essex SS9 2JN – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);
- (l) Councillor Mulroney – Agenda Item No. 7 – 16/01760/FULH - 78 Hadleigh Road, Leigh-on-Sea - – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);
- (m) Councillor Mulroney – Agenda Item No. 9 – 16/02040/FULH – 43 Theobalds Road, Leigh-on-Sea – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);
- (n) Councillor Mulroney – Agenda Item No. 10 – 16/01572/FUL – The Sarah Moore Public House, 57 - 59 Elm Road, Leigh-on-Sea – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);
- (o) Councillor Mulroney – Agenda Item No. 11 – 16/02097/AMDT - 50 Vernon Road, Leigh-on-Sea – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);
- (p) Councillor Mulroney – Agenda Item No. 12 – 16/02036/FULH - The Old Coach House, 2a Lymington Avenue, Leigh-on-Sea – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning) and resident of Southsea Avenue;
- (q) Councillor Norman MBE – Agenda Item No. 11 – 16/02097/AMDT - 50 Vernon Road, Leigh-on-Sea – Disqualify non-pecuniary interest: Lives opposite the application site (withdrew);
- (r) Councillor Van Looy – Agenda Item No. 13 – 16/00189/UNAU_B – 96 The Ridgeway, Westcliff-on-Sea – Non-pecuniary interest: Knows a person at the restaurant;
- (s) Councillor Walker – Agenda Item No. 10 – 16/01572/FUL – The Sarah Moore Public House, 57 – 59 Elm Road, Leigh-on-Sea, Essex – Non-pecuniary interest: Applicant is known to him and has spoken with him regarding the application (withdrew);

(t) Councillor Walker – Agenda Item No. 8 – 16/01773/FUL – 19 Kings Road, Westcliff-on-Sea, Essex, SS0 8LL – Non-pecuniary interest: Applicant is a co-opted Member of the Council’s People Scrutiny Committee, one of the applicant’s son is a member of the choir managed by his wife at West Leigh Junior School and another son is in the infants choir.

611 Minutes of the meeting held on Wednesday 9th November 2016

Resolved:

That the Minutes of the meeting held on Wednesday, 9th November 2016 be received, confirmed as a correct record and signed.

612 Supplementary Report

The Committee received a supplementary report by the Deputy Chief Executive (Place) that provided additional information on items referred to elsewhere on the Agenda.

**613 16/01693/FUL - 104 Salisbury Road, Leigh-on-Sea (West Leigh Ward)
Proposal: Demolish existing dwellinghouses at 104 - 106 Salisbury Road, erect three dwellinghouses with garages to rear and alter existing vehicular crossovers onto Salisbury Road (Amended Proposal)
Applicant: Mr D. MacDonald
Agent: Mr G. Coxall (Third Dimension Arch. Design Ltd)**

Mr Colyer, a local resident spoke as an objector the application. Mr Coxall, the applicant’s agent, responded.

Planning permission REFUSED for the following reason:

01. The proposed dwellings would, by reason of their elevational design, be out of context with and visually harmful to the character and appearance of the surrounding area. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Southend Core Strategy (2007), policies DM1 and DM3 of the Southend Development Management Document (2015) and the advice contained within the Southend Design and Townscape Guide (2009).

**614 16/01659/AMDT - 40 Westbury Road, Southend-on-Sea (St Lukes Ward)
Proposal: Application to vary condition 02 (Approved Plans) (Minor Material Amendment to planning permission 14/00198/FUL dated 21 May 2014)
Applicant: Dr Saqib Mahmud
Agent: Mr Graham Miles**

Planning permission REFUSED for the following reason:

01. The conservatory that has been erected, by virtue of its design, the materials used in its construction, its size and its relationship to the existing building, is harmful to the character and appearance of the existing building and the surrounding area more widely. The proposal is therefore unacceptable and

contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Southend Core Strategy (2007), policies DM1 and DM3 of the Southend Development Management Document (2015) and the advice contained within the Southend Design and Townscape Guide (2009).

The Committee also resolved that the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager for Planning and Building Control be DELEGATED to AUTHORISE ENFORCEMENT ACTION for the removal of the unauthorised development. This is because of the harm it causes to the character and appearance of the exiting building and the area more widely, contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Southend Core Strategy (2007), policies DM1 and DM3 of the Southend Development Management Document (2015) and the advice contained within the Southend Design and Townscape Guide (2009).

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. It is considered that a one month compliance period is reasonable in these circumstances.

- 615 16/01760/FULH - 78 Hadleigh Road, Leigh-on-Sea (West Leigh Ward)**
Proposal: Raise roof height to form habitable accommodation in roof, dormer to rear and alterations to front, side and rear elevations (Amended Proposal)
Applicant: Mr & Mrs Hall
Agent: Knight Gratrix Architects

Mr Richardson spoke as an objector to the application. Mr Hall, the applicant, responded.

Planning permission GRANTED 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: 1043 010 E, 1043 011 D

Reason: To ensure that the development is carried out in accordance with 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: To safeguard the visual amenities of the area, in accordance with National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, policy DM1 of Development Management Document DPD2 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.

Informative

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

616 16/01773/FUL - 19 Kings Road, Westcliff-on-Sea (Chalkwell Ward)
Proposal: Erect treehouse in rear garden (Retrospective)
Applicant: Mrs E. Lusty

Planning permission REFUSED for the following reason:

01. The treehouse development, by virtue of its size, scale, height, design and makeshift appearance, is considered to be harmful to visual amenity and out-of-keeping with the character and appearance of the application site and the surrounding area. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (NPPF), Southend Core Strategy (2007) policies KP2 and CP4, Southend Development Management Document (2015) policies DM1 and DM3, and the advice contained with the Southend Design and Townscape Guide (2009).

02. The treehouse development, by virtue of its height and design, is considered to be harmful to residential amenity as it enables unacceptable overlooking and causes a loss of privacy at Kingholme, Drake Road and 2 Drake Road to the detriment of the amenities of the occupiers of these properties. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (NPPF), Southend Core Strategy (2007) policies KP2 and CP4, Southend Development Management Document (2015) policies DM1 and DM3, and the advice contained with the Southend Design and Townscape Guide (2009).

The Committee also resolved that the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager for Planning and Building Control be DELEGATED to AUTHORISE ENFORCEMENT ACTION for the removal of the unauthorised development. This is because of the harm it causes to the character and appearance of the site and surrounding area and the amenities

of the occupiers of neighbouring properties (by reason of overlooking and loss of privacy) contrary to the National Planning Policy Framework, Southend Core Strategy (2007) policies KP2 and CP4, Southend Development Management Document (2015) policies DM1 and DM3 and the advice contained with the Southend Design and Townscape Guide (2009).

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. It is considered that a one month compliance period is reasonable in these circumstances.

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

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

617 16/02040/FULH - 43 Theobalds Road, Leigh-on-Sea (West Leigh Ward)
Proposal: Erect single storey outbuilding at rear to be used as a summer house
Applicant: Mr & Mrs Webb
Agent: Knight Gratrix

Mrs Webb, a local resident, spoke as an objector to the application. Mrs Webb, the applicant, responded.

Planning permission GRANTED 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: 1057/010/F

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

03. The facing materials used in construction of the development must be in accordance with submitted details.

Reason: To safeguard the appearance of the area, in accordance with National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, policy DM1 of Development Management Document DPD2 and SPD1 (Design and Townscape Guide).

04. The outbuilding hereby permitted shall not be occupied at any time other than purposes incidental to the residential use of the dwelling known as 43 Theobalds Road.

Reason: To ensure the use of the building remains incidental to the main dwelling in accordance with policies DM1 and DM3 of the Development Management Document DPD2.

618 16/01572/FUL - The Sarah Moore Public House, 57 - 59 Elm Road, Leigh on Sea (Leigh Ward)

Proposal: Erect two storey roof extension comprising of six self-contained flats with balconies, relocate extraction flue, erect refuse and cycle stores and alter elevations (Amended Proposal).

Applicant: Mr M. Thornton (Stronghold Estates)

Agent: BGA Architects

Planning permission GRANTED subject to the following conditions:

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

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

02. The development hereby permitted shall be carried out in accordance with approved plans 0-001, 0-002, 0-200, 1-001, 1-002 A, 1-003, 1-050, 2-001, 2-002, and 15-001

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

03. No development shall take place until samples of the materials to be used on the external elevations including walls, roof, windows, and balustrading shall be 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 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 National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, Development Management DPD Policy DM1 and SPD1 (Design and Townscape Guide).

04. The acoustic mitigation installations recommended within the submitted Noise Assessment (prepared by Sharps Redmore and dated 09/06/16) shall be installed prior to the first occupation of the flats hereby approved and retained in perpetuity.

Reason: In the interests of residential amenity for future occupants as set out in the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Development Management DPD Policy DM1.

05. Prior to the commencement of the development hereby approved, full details of refuse and bicycle storage facilities at the site shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, refuse and bicycle storage facilities shall be provided at the site in accordance with the approved details prior to the first occupation of any of the flats hereby approved.

Reason: In the interests of residential amenity for future occupants, the provision of adequate parking and visual amenity as set out in the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Development Management DPD Policies DM1, DM8 and DM15.

06. Prior to the occupation of the flats a scheme shall be submitted to and agreed in writing by the Local Planning Authority for the construction and laying out of six parking spaces to the north of the building at the application site. The parking spaces shall be provided in accordance with the approved details and made available for use by the occupants of the flats hereby approved from the time that they are first occupied and thereafter shall be retained and used for no other purpose than to serve the flats hereby approved.

Reason: To ensure that adequate residential parking is provided at the site. In accordance with the National Planning Policy Framework, policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2012), policies DM1, DM3 and DM15 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Council's Design and Townscape Guidance (SPD1).

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

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

08. Prior to occupation of the development hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

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

Informative

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

02. Please be aware that the residents of the flats will not be eligible to apply for parking permits within nearby restricted residential parking areas.

619 16/02097/AMDT - 50 Vernon Road, Leigh-on Sea (West Leigh Ward)
Proposal: Replace plan no. 30/16/A/Rev01 and 30/16/B with 1620 TP-01 to amend footprint of single storey rear projection (Application for variation of condition to planning permission 16/01126/FUL dated 14.9.2016)
Applicant: Mr & Mrs Smith
Agent: Metson Architects LTD

Planning permission GRANTED subject to the following conditions:

01. The development hereby permitted shall begin not later than three years from the date of the original permission (19.09.2016).

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

02. The development hereby permitted shall be carried out in accordance with the approved plans: 1620 TP-01; 1620 BC-01-A & 1620 BC-02-A.

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

03. No development shall take place until samples of the materials to be used on the external elevations of the dwellings, on any screen/boundary walls, fences and gates, and on any driveway, access road, forecourt or parking area have been submitted to and approved by the Local Planning Authority. Details of the proposed boundary treatments shall be provided. The development shall only be carried out in accordance with the approved details.

Reason: To safeguard character and appearance of the area and amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document and the Design and Townscape Guide, 2009 (SPD1).

04. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping. This shall include details of all the existing trees and hedgerows on the site and details of any to be retained, together with measures for their protection in the course of development; details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established; details of measures to enhance biodiversity within the site and details of the treatment of all hard and soft surfaces (including any earthworks to be carried out). The landscaping shall be implemented in accordance with the agreed details, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy, Policy DM1 of the Development Management Document and the Design and Townscape Guide, 2009.

05. All planting in the approved landscaping scheme shall be carried out within the first available planting season following the completion of the development. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

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

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

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy, the Design and Townscape Guide (SPD1) and Development Management Document Policy DM2.

07. Prior to the first occupation of the dwellinghouse, two car parking spaces for the dwellinghouse hereby approved and for no. 50 Vernon Road shall be provided and permanently retained in accordance with the approved plans. The car parking spaces shall be permanently retained for occupants and visitors of the application site and be used for no other purpose unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide satisfactory off-street parking for the dwellinghouses, in accordance with Policy DM15 of the Development Management Document.

08. Notwithstanding conditions 02 and 07 above, prior to the first occupation of the dwellinghouse, an amended site plan shall be submitted to and agreed in writing by the Local Planning Authority which shows the size of the crossover to measure no wider than 4.8m. The development shall only be carried out in accordance with the agreed site plan.

Reason: In the interest of highway and pedestrian safety in order to overcome the concerns of the Highway Authority in accordance with Policy DM15 of the Development Management Document and the Department for Place Vehicle Crossing Policy & Application Guidance.

09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, or any Order revoking or re-enacting that Order with or without modification, no development shall be carried out within Schedule 2, Part 1, Classes A, B, C, D or F of those Orders.

Reason: To safeguard the design and appearance of the dwellinghouses, in the interest of the standard of accommodation and to ensure that satisfactory amenity space remains for the amenities of future occupiers, in accordance with Development Management Document Policies DM1, DM3 and DM8 and the Design and Townscape Guide, 2009 (SPD1).

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

Reason: To protect the privacy and environment of people in neighbouring residential properties in accordance with Policy CP4 of the Core Strategy and Policy DM1 of the Development Management Document.

11. Demolition or construction works shall not take place outside 07:30 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect residential amenity and general environmental quality in accordance with Core Strategy Policies KP2 and CP4 and Policy DM2 of the Development Management Document.

12. No burning of construction or demolition waste is to take place on the site.

Reason: To protect the amenities of neighbouring properties and general environmental quality in accordance with Core Strategy Policies KP2 and CP4 and Policy DM1 of the Development Management Document.

13. Prior to first occupation of the development hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

14. The development hereby approved shall be carried out in a manner to ensure the proposed dwellinghouse comply with building regulation M4(2) 'accessible and adaptable dwellings'.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 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.

Informatives

01. Community Infrastructure Levy (CIL): This application, made pursuant to Section 73 of the Town and Country Planning Act 1990, is CIL liable. As there is an increase in floorspace since the original permission, and therefore a change in the amount of CIL payable, CIL Regulation 9(7) applies. The chargeable development is the most recently commenced chargeable development; hence a new CIL Liability Notice has been issued with this permission that supersedes CIL Liability Notice ref. 16/01126/FUL/0001.

02. Notwithstanding condition 08 above, the applicant is advised that separate consent of the Local Highways Authority would be required for works to extend the existing vehicular crossover.

620 16/02036/FULH - The Old Coach House, 2a Lymington Avenue (Leigh Ward)
Proposal: Install cladding to elevations (Retrospective)
Applicant: Mr Bryant
Agent: Mr Howell

Mrs Dooley, a local resident, spoke as an objector to the application.

Planning permission REFUSED for the following reason:

01. The cladding that has been installed to the elevations is not in-keeping with and harmful to the character and appearance of the existing building and the streetscene in Lymington Avenue. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Southend Core Strategy (2007), policies DM1 and DM3 of the Southend Development Management Document (2015) and the advice contained within the Southend Design and Townscape Guide (2009).

The Committee also resolved that the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager for Planning and Building Control be DELEGATED to AUTHORISE ENFORCEMENT ACTION for the removal of the unauthorised cladding.

This is because the unsympathetic use of materials creates an incongruous feature in the streetscene and harmfully conflicts with the character and appearance of the surrounding area and the neighbouring properties contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007); Policies DM1, DM3 and DM6 of the Southend-on-Sea Development Management Document (2015); and the advice contained within the Southend-on-Sea Design and Townscape guide (2009).

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. It is considered that a one month compliance period is reasonable in these circumstances.

621 16/00189/UNAU_B - 96 The Ridgeway, Westcliff-on-Sea (Chalkwell Ward)
Breach of Control: Without planning permission erection of canopies and other alterations to the frontage of the application site.

Resolved:

That ENFORCEMENT ACTION be AUTHORISED for the removal of the unauthorised canopies, heaters and the planters that have been affixed to the boundary enclosure at the frontage of the site.

This is because the use of the canopy covered part of the site, aided by the addition of outdoor heaters, would be intensified and create additional noise and

disturbance, which would be detrimental to the amenities of the occupiers of nearby residential properties. The development is therefore unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007); and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

It is also considered that the canopies, heaters and the elevated planters would, by reason of their size, design, siting and number, fail to integrate with the existing building and be out of keeping with and detrimental to the character and appearance of the existing building and the area more widely. The developments are therefore contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM13 of the Southend-on-Sea Development Management Document (2015); the advice contained within the Southend-on-Sea adopted Design and Townscape Guide (2009).

The Enforcement Action should only be taken after and depending on the outcome of the determination of the appeal against the refusal of application 16/01529/FUL.

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. It is considered that a one month compliance period is reasonable in these circumstances.

Chairman: _____

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 8th February, 2017

Place: Committee Room 1 - Civic Suite

5

Present: Councillor D Garston (Vice-Chair in the Chair)
Councillors D McGlone*, B Arscott, M Assenheim, M Borton, H Boyd*, F Evans, N Folkard, J Garston, R Hadley, A Jones, C Mulrone, D Norman MBE, P Van Looy, C Walker, and N Ward*
*Substitute in accordance with Council Procedure Rule 31.

In Attendance: J K Williams, P Geraghty, D Hermitage, C Galforg, J Rowley, M Warren and T Row

Start/End Time: 2.00 - 3.30 pm

744 Apologies for Absence

Apologies for absence were received from Councillors Waterworth (Substitute: Councillor McGlone), Ayling (Substitute: Councillor Ward), Butler (Substitute: Councillor Boyd) and Callaghan (no substitute).

745 Declarations of Interest

The following interests were declared at the meeting:

(a) Councillor Evans – Agenda Item No. 6 - 16/02213/FUL - 7-9 Landsdowne Avenue, Leigh on Sea – Non-pecuniary interest: Customer at the premises;

(b) Councillor Hadley – Agenda Item No. 4 - 16/02207/BC4M - Centurion Close, Shoeburyness – Non-pecuniary interest: Member of the Management Committee of the Community Centre;

(c) Councillor Hadley – Agenda Item No. 8 - 16/01497/FUL - 149 Leigh Road, Leigh-on-Sea – Disqualifying non-pecuniary interest: Chairman of the Licensing Committee (withdrew);

(d) Councillor Jones – Agenda Item No. 10 - 16/02061/FUL - Rear Of 2-10 Camper Road, Southend-on-Sea – Non-pecuniary interest: Objector/public speaker is known to her via Labour Party (RSE);

(e) Councillor McGlone – Agenda Item No.7 - 16/02066/FULM - Southend High School For Girls, Southchurch Boulevard – Non-pecuniary interest: Ex-employee of the School;

(f) Councillor McGlone – Agenda Item No. 8 - 16/01497/FUL - 149 Leigh Road, Leigh-on-Sea – Disqualifying non-pecuniary interest: Vice-Chairman of the Licensing Committee (withdrew);

(g) Councillor Mulroney – Agenda Item No. 8 -16/01497/FUL - 149 Leigh Road, Leigh-on-Sea – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);

(h) Councillor Van Looy – Agenda Item No. 8 -16/01497/FUL - 149 Leigh Road, Leigh-on-Sea – Non-pecuniary interest: Applicant is known to him;

(i) Councillor Van Looy – Agenda Item No. 10 - 16/02061/FUL - Rear Of 2-10 Camper Road, Southend-on-Sea – Non-pecuniary interest: Applicant is known to him;

(j) Councillor Walker – Agenda Item No. 6 - 16/02213/FUL - 7-9 Lansdowne Avenue. Leigh-on-Sea – Non-pecuniary interest: Applicant is known to him;

(k) Mr P Geraghty –Agenda Item No. 4 - 16/02207/BC4M - Centurion Close, Shoeburyness – Disqualifying non-pecuniary interest: Sits on the project board (withdrew).

746 Supplementary Report

The Committee received a supplementary report by the Deputy Chief Executive (Place) that provided additional information on items referred to elsewhere on the Agenda.

747 16/02207/BC4M - Centurion Close, Shoeburyness (Shoeburyness Ward)

Proposal: Demolish existing buildings and erect nursery and playground with ancillary community hall use (Class D1), erect nine dwellinghouses, layout parking, install vehicular access on to Centurion Close and associated landscaping

Applicant: Public Sector Partnership (Southend) LLP

Agent: Bidwells

Planning permission GRANTED subject to the following conditions:

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

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

02 The development shall be carried out in accordance with the approved plans:

729_P_700; 729_P_702; 729_P_703; 729_P_704; 729_P_705; 734_P_706; 734_P_707; 729_P_708; 729_P_710; 729_P_712; 729_P_713; 729_P_714; 729_P_718; 729_P_720; 729_P_721; 729_P_722; 729_P_723; 729_P_724; 729_P_725; 734_P_730; 734_P_731 ; 734_P_732; 734_P_73 P2; 734_P_734; 734_P_735; 734_P_737; 734_P_740; 734_P_741; 734_P_742; 734_P_743

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

03 No construction works for the nursery building above the floor slab level shall take place until samples and product details of the materials to be used in the construction of the external elevations of the nursery building hereby permitted, including cladding, fenestration, canopy and screening have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy and Policy DM1 of the Development Management DPD 2015 and the Design and Townscape Guide 2009

04 No construction works for the dwellings shall take place until samples and product details of the materials to be used in the construction of the external elevations of the buildings hereby permitted, including cladding, screening, balustrades, glazed brickwork and fenestration have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy and Policy DM1 of the Development Management DPD 2015 and the Design and Townscape Guide 2009

05 No construction works for the housing above the floor slab level shall take place until details of fenestration including reveals, brick patterning panels, and glazed brickwork within window frames, at a scale of at least 1:20 have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy and Policy DM1 of the Development Management DPD 2015 and the Design and Townscape Guide 2009

06 Prior to the display of any signage relating to the Nursery details shall be submitted to an approved by the Local Planning Authority and the signage shall be displayed only in accordance with the approved details.

Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy and Policy DM1 of the Development Management DPD 2015 and the Design and Townscape Guide 2009

07 No construction works for the nursery building above the floor slab level shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include: proposed finished levels or contours; means of enclosure, boundary treatment, forecourt, pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, benches, bollards, refuse or other storage units, lighting etc.)

Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, and landscape management plan, site preparation and planting details, long term design objectives, management responsibilities and maintenance schedules for all landscape areas

The hard landscaping shall be installed prior to first occupation of the development and the soft landscaping works shall be implemented prior to the end of the first planting season following first occupation of the development. Management of the landscaping shall be implemented in accordance with the agreed management plan.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1, Policy DM1 of the Development Management DPD 2015 and the Design and Townscape Guide 2009.

08 No construction works for the dwellings shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include: proposed finished levels or contours; means of enclosure, boundary treatment, forecourt, shared space and pedestrian access and circulation areas; details of the method of preventing vehicular access between the site and The Renown; hard surfacing materials; minor artefacts and structures (eg. planters, furniture, benches, bollards, refuse or other storage units, lighting etc.)

Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, and landscape management plan, site preparation and planting details, long term design objectives, management responsibilities and maintenance schedules for all landscape areas

The hard landscaping shall be installed prior to first occupation of the development and the soft landscaping works shall be implemented prior to the end of the first planting season following first occupation of the development and planting to all public areas permanently retained thereafter. Management of the landscaping shall be implemented in accordance with the agreed management plan.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1, Policy DM1 of the Development Management DPD 2015 and the Design and Townscape Guide.

09 The nursery shall not be occupied until 8 car parking spaces have been laid out within the site in accordance with drawing P_702 and shown as Nursery Staff Parking and Parent Drop - off. The parking spaces shall be permanently retained thereafter for the parking of staff and visitors to the development.

Reason: To ensure that adequate car parking is provided and retained to serve the nursery development in accordance with Policies CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

10 No dwelling shall be occupied until 2 parking spaces per dwelling and the "New Mews" shared surface has been laid out within the site in accordance with drawing P_702 to serve the dwellings and to allow vehicles to access the site and for vehicles to turn so that they may enter and leave the site in forward gear. The parking spaces/shared space shall be permanently retained thereafter, the parking shall be retained for occupiers and visitors to the development.

Reason: To ensure that adequate car parking and access is provided and retained to serve the houses development in accordance with Policies CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

11 Access to the Renown from the development shall be restricted to pedestrian and cycle access only.

Reason: In the interest of highway safety in accordance with Policies CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

12 The nursery development shall not be occupied until a parking management plan for the nursery development has been submitted to and agreed in writing by the Local Planning Authority. On first occupation of the Nursery development the agreed management plan shall be implemented as approved.

Reason: To ensure that the car parking is satisfactorily managed in the interests of traffic management and highway safety in accordance with Policies KP2 and CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

13 No construction works for the nursery building above the floor slab level shall take place until details of refuse store have been submitted to and approved by the Local Planning Authority. The refuse store shall be installed as in accordance with the approved details prior to first occupation of the development and permanently retained thereafter. Waste storage and collection from the development shall be carried out in accordance with details set out in the submitted Design and Access Statement dated December 2016

Reason: In the interest of visual amenity and to ensure that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

14 No construction works for the housing development above the floor slab level shall take place until details of the refuse stores shown on plan No P_702 have been submitted to and approved by the Local Planning Authority. The refuse stores shall be installed in accordance with the approved details prior to

first occupation of the housing development and permanently retained thereafter.

Reason: In the interest of visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

15 The Nursery development shall not be occupied until details of secure, covered cycle parking spaces to serve the development have been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented on first occupation and shall be permanently retained thereafter.

Reason: To ensure that adequate cycle parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

16 No development shall take place for any phase of the development (as defined in the Design and Access Statement dated December 2016) including any works of demolition, until a Construction Method Statement for that phase of the development has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period for the related phase of development. The Statement shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding
- v) measures to control the emission of dust and dirt during construction
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.

Reason: In the interests of visual amenity and the amenities of surrounding occupiers to Policies Policy DM1 and MD3 of the Development Management DPD 2015.

17. No mechanical plant or extraction/ventilation equipment to serve the Nursery shall be installed unless details of the proposed plant or extraction/ventilation equipment have previously been submitted to and agreed by the Local Planning Authority. The equipment shall be installed and retained thereafter in accordance with the approved plans and details. With reference to BS4142, the noise rating level arising from all plant and extraction/ventilation equipment should be at least 5dB(A) below the prevailing background at 3.5 metres from the ground floor façades and 1m from all other façades of the nearest noise sensitive property with no tonal or impulsive character. Appropriate mitigation should then be recommended as necessary.

Reason: In the interests of visual amenity and the amenities of surrounding occupiers to Policies Policy DM1 and DM3 of the Development Management DPD 2015.

18. No meter boxes shall be installed on the front of the dwellings or side elevations of the dwellings that face a highway. No meter boxes shall be installed on the eastern or northern elevation of the nursery building unless their design and location has previously been submitted to and agreed by the Local Planning Authority prior to installation and the meter boxes installed thereafter in accordance with the approved details.

Reason: In the interests of visual amenity in accordance with Policies DM1 and MD3 of the Development Management DPD 2015 and the Design and Townscape Guide 2009.

19 Prior to installation of any external lighting to the development, details of the lighting shall be submitted to and approved by the Local Planning Authority and the lighting shall only be installed and retained in accordance with the approved details.

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 KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015 and the Core Strategy 2009.

20 No development shall take place until details of the implementation, maintenance and management of a scheme for surface water drainage works have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) An investigation of the feasibility of infiltration SUDS as the preferred approach to establish if the principles of any infiltration based surface water drainage strategy are achievable across the site, based on ground conditions. Infiltration or soakaway tests should be provided which fully adhere to BRE365 guidance to demonstrate this. Infiltration features should be included where infiltration rates allow;
- ii) Drainage plans and drawings showing the proposed locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features;
- iii) a timetable for its implementation; and
- vii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with Policy KP2 and CP4 of the Core Strategy 2007 and area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policy DM2 of the Development Management DPD 2015.

21 Demolition or construction works shall not take place outside 07:30hours to 18:00hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

22 No construction works above the level of the floor slab of the Nursery shall take place until details of the proposed Photovoltaic cells set out in the submitted Energy and Sustainability Statement by Norman Bromley Partnership have been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented and brought into use on first occupation of the Nursery development.

Reason: To ensure the development maximises the use of renewable and recycled energy, water and other resources, in accordance with Policy KP2 of the Core Strategy DPD1 and Policy DM2 of the Development Management DPD 2015.

23 No construction works above the level of the floor slab of the dwellings shall take place until details of the proposed Photovoltaic cells set out in the submitted Energy and Sustainability Statement by Norman Bromley Partnership have been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented and brought into use on first occupation of the dwellings.

Reason: To ensure the development maximises the use of renewable and recycled energy, water and other resources, in accordance with Policy KP2 of the Core Strategy DPD1 and Policy DM2 of the Development Management DPD 2015.

24 Notwithstanding the provisions of Schedule 2 Part 1 Classes A, B, C, D or F and Schedule 2 part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development extensions or alterations to the dwellings or walls or fences or other means of enclosure shall be erected unless previously agreed in writing by the Local Planning Authority.

Reason: In order to protect the character and visual amenities of the development and the surrounding area and the amenities of occupiers in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policy DM1 and DM3 of the Development Management DPD 2015 and the Design and Townscape Guide 2009.

25 No construction works above the level of the floor slab shall take place until details of the new accesses, removal of the existing redundant crossovers and street furniture, carriageway widening, on street car parking spaces and public realm improvements (e.g new paving to the front of the site) as shown on plan ref 729 P_708 have been submitted to Southend Borough Council (as local planning authority and highway authority) and the Council has approved in writing a full scheme of works and the relevant highways approvals are in place.

The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of sustainability, accessibility, highways management, efficiency and safety in accordance DPD1 (Core Strategy) 2007 policy KP2, KP3 and CP3, Policy DM1 and DM15 of the Development Management DPD 2015.

26 The Nursery building shall only be used for purposes within Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force).

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers to protect the character the area in accordance and to ensure that parking provision to serve the development is sufficient, in accordance with KP2, CP3 and CP4 of the Core Strategy DPD1 and Policies DM1, DM3 and DM15 of the Development Management DPD 2015.

27 The rating level of noise for all activities associated with the Nursery/Community Hall (including amplified and unamplified music) should be at least 10dB(A) below the background noise (with no tonal elements) to ensure inaudibility in noise sensitive premises. If noise modelling software is used to calculate the likely levels or impact of the noise then any actual measurement taken such as LA90 must be taken in accordance with BS7445. The assessment should be carried out by a suitably qualified and experienced acoustic consultant who would normally be a member of the Institute of Acoustics.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

28 The Nursery/Community Hall building shall not be open for use outside the hours of 7:00 – 23:00 hours Monday to Friday, 9.00 to 23:00 Saturdays and 9.00 to 17:00 Sundays and Bank Holidays.

Reason: In order to protect the surrounding occupiers and to protect the character the area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

29 Prior to first occupation of the Nursery a Travel Plan must be submitted to and approved in writing by the local planning authority. The Travel Plan must include details of:

- (a) A comprehensive survey of all users of the nursery school;
- (b) Targets set in the Plan to reduce car journeys to the nursery school;
- (c) A timetable from implementation
- (d) Details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets identified in the Plan are not being met over a period of 5 years from the date the new Nursery school building is occupied.

At the end of the first and third years of the life of the Travel Plan, reports monitoring the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified problems must be submitted to and approved in writing by the local planning authority. The Travel Plan must be implemented in accordance with the approved details unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with Policies CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

30 The external intrusive noise mitigation measures for the residences set out in the acoustic report submitted by Hepworth Acoustics dated December 2016 (including double glazing, external fabric specification and boundary treatment) shall be implemented to ensure that internal and external noise levels will meet the recommended acoustic criteria based on the guidelines set out in BS 8233: 2014.

Reason: In order to protect the amenities of future occupiers of the dwellings in accordance with policies DM1 and DM3 of the Development Management DPD 2015.

31 The external intrusive noise mitigation measures for the Nursery set out in the acoustic report submitted by Hepworth Acoustics dated December 2016 shall be implanted to ensure that indoor noise levels meet the recommended acoustic criteria based on the guidelines set out in BB93.

Reason: In order to protect the amenities of future users of the Nursery in accordance with policies DM1 and DM3 of the Development Management DPD 2015.

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

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

33. A full asbestos survey of the building(s) to be demolished shall be carried out by a suitably qualified person prior to demolition. Any asbestos containing material(s) (ACM) must be removed and disposed off-site to a facility licenced by the Environment Agency. A waste transfer certificate must be submitted to the local planning authority prior to development commencing.

Reason: In order to protect the amenities of surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

34. Contaminated Land

1. Site Characterisation

With the exception of demolition, grubbing up of foundations and site clearance no development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local

Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

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

2. Submission of Remediation Scheme

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

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 14 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: In order to protect the amenities of surrounding and future occupiers in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

35. Prior to installation final specifications and acoustic properties of any landscaping/ fencing to be provided to the playground area shall be submitted to and approved by, the Local Planning Authority, the landscaping/fencing shall be installed in accordance with the approved details and subsequently retained thereafter.

Reason: In order to protect the amenities of surrounding and future occupiers in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

36. Deliveries and collections to the Nursery/Community Hall shall take place between: 08:00-19:00hrs Monday to Friday; and 08:00-13:00hrs Saturday only with no deliveries on Sundays or Bank Holidays.

Reason: In order to protect the amenities of surrounding and future occupiers in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

Informatives:

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

02 In relation to Condition 25; you are advised to contact Highways Engineer – Martin Warren; (Tel: 01702 215003) to discuss the requisite Highways Licence/Agreements under the Highways Act 1980. You are advised that a Highways Licence/Agreement needs to be in place before any works are carried out to the public highway and any works will need to be carried out by a Council approved contractor.

03 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.

04. The developer should also consider control measures detailed in Best Practice Guidance "The control of dust and emissions from construction and demolition". http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp

05. The applicant is advised that the application site is within the general vicinity of former MOD ranges and that site operatives should be mindful of the potential for unexploded ordnance when carrying out any excavations.

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.

748 16/02271/FULH - 31 Lynton Road, Thorpe Bay (Thorpe Ward)

Proposal: Demolish existing single storey rear extension and garage to side, raise ridge height with dormer to rear, erect two storey rear extension with juliette balcony at first floor, first floor front extension incorporating porch at ground floor, part single/part two storey side extension, outbuilding to rear, alter elevations, form outdoor swimming pool at rear, layout hardstanding to front and install vehicular access on to Lynton road (Amended Proposal)

Applicant: Mr and Mrs McCoy

Agent: Medusa Design

Mrs Holland, a local resident, spoke as an objector to the application. Mr McCoy, the Applicant, responded.

Planning permission REFUSED for the following reason:

01 The proposed development, by reason of its bulk, scale and proximity to the neighbouring dwelling, would result in limited spacing between properties and a cramped form of development which could be detrimental to character and appearance of the streetscene and contrary to the provisions of the NPPF, policies CP4 of the Southend Core Strategy 2007, DM1 and DM3 of the Development Management DPD and guidance contained within the Design and Townscape Guide.

749 16/02213/FUL - 7-9 Lansdowne Avenue. Leigh-on-Sea (Chalkwell Ward)

Proposal: Demolish existing buildings and erect two semi-detached dwellinghouses with roof extension's and pergola's to rear, layout parking, hard and soft landscaping (Amended Proposal)

Applicant: Mr G. Hutchinson

Agent: Mr S. Milne, The Livemore House

Planning permission GRANTED subject to the following conditions:

01. The development hereby permitted shall begin no later than 3 (three) years from the date of this decision.

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

02. The development hereby permitted shall be carried out in accordance with the approved plans: 15015-01(B) (Dated 12/12/16), 15015-04 (B) (Dated 12/12/16) and 15015-05 (B) (Dated 15/12/16)

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

03. No development shall take place until samples of the materials to be used on the external elevations of the dwellings, on any screen/boundary walls, fences and gates, and on any driveway, access road, forecourt or parking area, and details of the window design and detailing to the pillars to the front bay windows have been submitted to and approved by the local planning authority. The development shall only be carried out in accordance with the approved details before it is brought into use.

Reason: To safeguard character and appearance of the area and amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document and the Design and Townscape Guide, 2009 (SPD1).

04. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping. This shall include details of all the existing trees and hedgerows on the site and details of any to be retained, together with measures for their protection in the course of development; details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established; details of measures to enhance biodiversity within the site and details of the treatment of all hard and soft surfaces (including any earthworks to be carried out) and means of enclosing the site. The landscaping shall be implemented in accordance with the agreed details, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy, Policy DM1 of the Development Management Document and the Design and Townscape Guide, 2009.

05. All planting in the approved landscaping scheme shall be carried out within the first available planting season following the completion of the development or before it is brought into use of occupied. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

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

06. A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources shall be submitted to and agreed in writing by the Local Planning Authority and

implemented in full prior to the occupation of the dwellinghouse. This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy, the Design and Townscape Guide (SPD1) and Development Management Document Policy DM2.

07. Prior to the first occupation of the dwellinghouse, the existing dropped kerbs to the front of the site shall be reinstated as footway and the parking spaces shown on the plans hereby approved shall be provided and made available for use by the occupants of the dwellings hereby approved. The parking spaces provided shall not be used for any purpose other than in relation to the occupation of the dwellings hereby approved.

Reason: To provide adequate parking and in the interest of visual amenity, in accordance with Policies DM1 and DM15 of the Development Management Document.

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, or any Order revoking or re-enacting that Order with or without modification, no development shall be carried out within Schedule 2, Part 1, Classes A, B, D, E or F of those Orders.

Reason: To safeguard the design and appearance of the dwellinghouses, in the interest of the standard of accommodation and to ensure that satisfactory amenity space remains for the amenities of future occupiers, in accordance with Development Management Document Policies DM1, DM3 and DM8 and the Design and Townscape Guide, 2009 (SPD1).

09. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

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, in the interest of the amenities of future occupiers in accordance with Core Strategy Policies KP2 and CP4, Development Management Document Policies DM1 and DM3.

10. Prior to occupation of the development hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development

Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be undertaken in accordance with the approved details and retained in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

11. Hours of construction related to the development hereby approved shall be restricted to 8am – 6pm Monday to Friday, 8am – 1pm Saturday and not at all on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbouring residents in accordance with the National Planning Policy Framework, Policy DM1 of the Development Management Document and the Design and Townscape Guide, 2009.

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.

Informatives

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

02. 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. Please contact 01702 215005 for more information.

03. The developer should also consider control measures detailed in Best Practice Guidance "The control of dust and emissions from construction and demolition". <http://www.london.gov.uk/priorities/planning/supplementary-planning-guidance>

**750 16/02066/FULM - Southend High School For Girls, Southchurch
Boulevard (Southchurch Ward)**

Proposal: Erect two storey teaching block, repositioning of tennis courts and store and layout parking.

Applicant: Southend High School For Girls

Agent: PCH Associates Ltd

Planning permission GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the approved plans 188-3_PL_007.R1; 188-3_PL_006.R0; 188-3_PL_002.R1; 188-3_PL_004.R1; 188-3-PL_005.R01.

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

03 No development shall take place until samples of the materials to be used on all the external elevations and parking area have been submitted to and approved by the local planning authority. The development shall only be carried out in accordance with the approved details.

Reason: 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 surrounding locality. This is as set out in DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management Document) 2015 policy DM1 and SPD1 (Design and Townscape Guide)

04 No development of the replacement tennis courts shall commence until details of the design and layout of the replacement tennis courts, including details of surfacing, line marking, fencing and enhancements have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The replacement tennis courts shall not be constructed other than in accordance with the approved details.

Reason: To ensure the satisfactory, quality of compensatory provision and to ensure that the development is fit for purpose and sustainable and to accord with Development Plan Policy CP7 of the Core Strategy DPD1.

05 The replacement tennis courts shall be completed and made available for use within 3 months of the practical completion of the teaching block hereby permitted.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use [phasing provision] and to accord with Development Plan Policy CP7 of the Core Strategy DPD1.

06 No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the local planning authority and 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: To ensure that the development is satisfactory in terms of its appearance and that it makes a positive contribution to the local environment and biodiversity in accordance with DPD1 (Core Strategy) policy KP2 and CP4, DPD2 (Development Management) emerging policy DM1 and SPD1 (Design and Townscape Guide).

07 The 129 car parking spaces shall be provided in accordance with drawing 188-3_PL_006.RO hereby approved and shall thereafter be permanently retained, unless otherwise agreed in writing by the local planning authority. Permeable paving shall be used for the hardstanding area.

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

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

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

09 A scheme detailing how at least 10% of the total energy needs of the new building 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 building. 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).

10 The development hereby approved shall be carried out in accordance with the Drainage Strategy carried out by Barter Hill October 2016. The sustainable drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: In order to ensure a satisfactory standard of sustainable drainage and to prevent environmental and amenity problems arising from flooding in accordance with Policies KP2 and CP4 of the Core Strategy DPD1, DPD2 (Development Management) policy DM2.

11 No development or preliminary groundwork of any kind shall take place until the applicant has secured the implementation of a programme of Archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority and shall allow them to observe the excavations and record items of interest and finds.

Reason: To allow for the excavation and recording of any information of archaeological importance, pursuant to DPD2 (Development Management Document) 2015 policy DM5.

Informatives

01 You are advised that in this instance the chargeable amount for the Community Infrastructure Levy (CIL) has been calculated as zero due to the specific nature of the use.

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

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

Proposal: Change of use of first floor from offices (Class A2) to restaurant (Class A3) and ground floor restaurant (Class A3) to Bar/Restaurant (Mixed use Class A3/A4), erect single storey extension and external staircase at rear, install replacement shopfront at ground floor, alter existing extraction duct and alter elevations

Applicant: Mr A. Artemi, The Vine

Agent: Mr A. Merry, Design Associates

Planning permission REFUSED for the following reasons:

01 The Council has received a number of noise complaints in relation to the current use of the premises and the applicant has failed to provide satisfactory evidence to demonstrate that the proposed development (including the existing ground floor bar/restaurant) would not give rise to further undue noise and disturbance to neighbouring occupiers, to the detriment of the amenities thereof. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework; DPD1 (Core Strategy) Policies KP2 and CP4; Development Management Document Policy DM1, and the Design and Townscape Guide SPD1.

02 The existing extract and ventilation system, by reason of the enlarged kitchen and increased number of covers would be inadequately to prevent the spread of noise and odours. This would be detrimental to the amenities of local residents and the environmental quality of the local area, contrary to the National Planning Policy Framework; DPD1 (Core Strategy) Policies KP2 and CP4; Development Management Document Policy DM1, and the Design and Townscape Guide SPD1.

03 The proposed development by virtue of the increased parking demand would exacerbate existing on-street parking stress, to the detriment of highway safety and efficiency, contrary to the National Planning Policy Framework; DPD1 (Core Strategy) Policies KP2, CP4, CP3; Policy DM15 of the Development Management Document, the Design and Townscape Guide SPD1.

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

Informatives

01. Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning

permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.

2. The applicant is reminded that this permission does not bestow compliance with the Food Safety and Hygiene (England) Regulations 2013 or any other provision so enacted, such as those located within the Food Safety Act 1990. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215005 or at Regulatory Services Department, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ZG.

3. For further guidance on the control of odour and noise from ventilation systems you are advised to have regard to – Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by DEFRA. This can be downloaded free from www.DEFRA.gov.uk

752 16/01901/FUL - 1 Mayfair Place, Southend-on-Sea (Thorpe Ward)

Proposal: Erect two storey side extension to form terraced house and layout parking

Applicant: Stockvale Properties Limited

Agent: SKArchitects

DEFERRED

753 16/02061/FUL - Rear Of 2-10 Camper Road, Southend-on-Sea (Thorpe Ward)

Proposal: Replace plan 151-02-13 2, 151-02-13 P01 with 151-02-13 2A, 151-02-13 P01B to amend parking layout (Variation of conditions 2 and 4 of planning application 13/01753/FUL dated 17/02/14) (retrospective)

Applicant: Stockvale Properties LTD

Agent: SKArchitects

Ms Sanders, a local resident, spoke as an objector to the application. Mr Kearney, the applicant's agent, responded.

Planning permission GRANTED subject to the following conditions:

01 The development hereby permitted shall be carried out in accordance with the following approved plans: P01 Revision C; P02(4) Revision A P02 Revision B and P03 Revision B.

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

02 Notwithstanding the submitted plan P02(4), within three months of the date of this permission five marked car parking spaces shall be provided and shall thereafter be permanently retained for the parking of private motor vehicles solely for the benefit of the occupants of the dwelling(s) of which it forms part and their visitors and for no other purpose unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management Document) policy DM15, and SPD1 (Design and Townscape Guide).

03 Within three months of the date of this permission, photovoltaic panels shall be installed carried out in accordance with details of renewable energy statement carried out by pemxq September 2013 and drawings P02 Revision B and P03 Revision B relating to the photovoltaic panels and permanently retained thereafter.

Reason: In the interest of sustainable development and in accordance with Policy KP2 of the Southend on Sea Borough Core Strategy.

04 The development hereby permitted shall operate at all times in accordance with the 'Flood Evacuation and Warning Plan' project 151-02-13 submitted with this application.

Reason: To ensure that the habitable development remains dry in the event of flooding for the adequate protection of the occupants in accordance with the NPPF.

05 The development hereby permitted Trentside Geotechnical Testing and Site Investigations Limited report dated 22.04.2016 reference JB/TGT/010 is agreed, unless otherwise agreed in writing by the local planning authority.

Informative

01 You are advised that as the proposed external alterations does not result in the creation of new floorspace given that it equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

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.

754 16/02206/FULH - 3 Parkside, Westcliff-on-Sea (Chalkwell Ward)

Proposal: Erect two storey side extension, single storey rear extension, alterations to elevations and erect porch canopy to front

Applicant: Mr And Mrs Whyte

Agent: Knight Gratrix Architects

Planning permission GRANTED 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: 1085 010 C & 1085 011 C (C01D)

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan. (R01D)

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. (C23D)

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, Development Management DPD policy DM1, and SPD1 (Design and Townscape Guide).

04 Notwithstanding the approved plans (condition 02), the proposed flat roof section shall be set lower from the ridge of the hipped roof and ridge tiles shall be installed at the edges of this flat roof section, in accordance with the details which shall be previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, Development Management DPD policy DM1, and SPD1 (Design and Townscape Guide).

05 The roof of the building/extension hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless otherwise agreed in writing by the local planning authority. The roof can however be used for the purposes of maintenance or to escape in an emergency. (C17A)

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, Development Management DPD policy DM1 and SPD1 (Design and Townscape Guide).

06 The first floor bathroom window in the east 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. (C17B)

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, Development Management DPD policy DM1 and SPD1 (Design and Townscape Guide).

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

Informative

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

755 16/02252/FULH - 215 Carlingford Drive, Westcliff-on-Sea (Prittlewell Ward)

Proposal: Single storey side and rear extension (Retrospective)
Applicant: Mr Biju Matthew
Agent: Mr Graham Miles

Planning permission GRANTED subject to the following conditions:

01 The development hereby permitted shall be retained in accordance with the following approved plans: 1497/10-A, 1497/00, 1497/11

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

02 The roof of the building/extension hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless otherwise agreed in writing by the local planning authority. The roof can however be used for the purposes of maintenance or to escape in an emergency.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4 and SPD1 (Design and Townscape Guide).

756 16/00044/UNAU_B - 313 Rayleigh Road, Eastwood, Leigh-on-Sea (Eastwood Park Ward)

Breach of Planning Control: Without planning permission, the construction of a single storey part side/part rear extension.

Resolved: That ENFORCEMENT ACTION be AUTHORISED to secure the removal of the single storey part side/part rear extension on the grounds that the unauthorised development is detrimental to the amenities and character of the area in that its design and materials do not respect the existing character and appearance of the building and that its appearance results in demonstrable harm to the visual amenities of the area contrary to the NPPF, Policies CP4 and KP2 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document and the advice contained within the Design & Townscape Guide.

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case the necessary remedial works would probably require quotations to be sought and contracts agreed so a compliance period of 3 months is considered reasonable.

757 17/00067/TCA - 29 Hadleigh Road, Leigh on Sea, Essex SS9 2DY (Leigh Ward)

Proposal: Fell one Bay tree (T4). two Yew Trees (T5 &T6), one Pear Tree (T7) and fell Leylandii between two Sycamore Trees (T27 and T28) at 29.-33 Hadleigh Road (Application for works to trees within a conservation area)

Applicant: Mr Jeremy Holmes

The Chairman agreed that this item be considered at this meeting as an urgent additional item on the grounds that a decision on this matter was required before the following meeting of the Committee.

DELGATED to the Deputy Chief Executive (Place), Head of Planning & Transport or the Group Manager Planning Control and Building Control to REFUSE PRIOR APPROVAL in respect to T5 and T6 and serve a provisional Tree Preservation Order and undertake any necessary steps to protect the loss of the two yew trees (T5 and T6) shown on the submitted plans.

Chairman: _____

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DEVELOPMENT CONTROL COMMITTEE

INTRODUCTION

- (i) **Recommendations in capitals at the end of each report are those of the Corporate Director of Place, are not the decision of the Committee and are subject to Member consideration.**
- (ii) All plans have been considered in the context of the Borough Council's Environmental Charter. An assessment of the environmental implications of development proposals is inherent in the development control process and implicit in the reports.
- (iii) Reports will not necessarily be dealt with in the order in which they are printed.
- (iv) The following abbreviations are used in the reports:-

BLP	- Borough Local Plan
DAS	- Design & Access Statement
DEFRA	- Department of Environment, Food and Rural Affairs
DPD	- Development Plan Document
EA	- Environmental Agency
EPOA	- Essex Planning Officer's Association
DCLG	- Department of Communities and Local Government
NPPF	- National Planning Policy Framework
NPPG	- National Planning Practice Guidance
SPD	- Supplementary Planning Document
SSSI	- Sites of Special Scientific Interest. A national designation. SSSIs are the country's very best wildlife and geological sites.
SPA	- Special Protection Area. An area designated for special protection under the terms of the European Community Directive on the Conservation of Wild Birds.
Ramsar Site	- Describes sites that meet the criteria for inclusion in the list of Wetlands of International Importance under the Ramsar Convention. (Named after a town in Iran, the Ramsar Convention is concerned with the protection of wetlands, especially those important for migratory birds)

Background Papers

- (i) Planning applications and supporting documents and plans
- (ii) Application worksheets and supporting papers
- (iii) Non-exempt contents of property files
- (iv) Consultation and publicity responses
- (v) NPPF and NPPG
- (vi) Core Strategy
- (vii) Borough Local Plan

NB Other letters and papers not taken into account in preparing this report but received subsequently will be reported to the Committee either orally or in a supplementary report.

DEVELOPMENT CONTROL COMMITTEE

Use Classes

- Class A1 - Shops
- Class A2 - Financial & Professional Services
- Class A3 - Restaurants & Cafes
- Class A4 - Drinking Establishments
- Class A5 - Hot Food Take-away

- Class B1 - Business
- Class B2 - General Industrial
- Class B8 - Storage or Distribution

- Class C1 - Hotels
- Class C2 - Residential Institutions
- Class C3 - Dwellinghouses
- Class C4 - Small House in Multiple Occupation

- Class D1 - Non-Residential Institutions
- Class D2 - Assembly and Leisure
- Sui Generis - A use on its own, for which any change of use will require planning permission

DEVELOPMENT CONTROL COMMITTEE

SITE VISIT PROTOCOL

1. Necessity

A site visit is only likely to be necessary if either:

- (i) The proposed development is difficult to visualise from the plans, photographs and supporting material; or
- (ii) There is good reason why the comments of the applicant and / or objector(s) cannot be expressed adequately in writing; or
- (iii) The proposal is particularly contentious; or
- (iv) A particular Member requests it and the request is agreed by the Chairman of DCC.

2. Selecting Site Visits

- (i) Members can request a site visit by contacting the Head of Planning and Transport or the Group Manager for Planning; providing the reason for the request. The officers will consult with the Chairman.
- (ii) If the agenda has not yet been printed, notification of the site visit will be included on the agenda. If the agenda has already been printed, officers will notify Members separately of the additional site visit.
- (iii) Arrangements for visits will not normally be publicised or made known to applicants or agents unless access is required to be able to go on land.

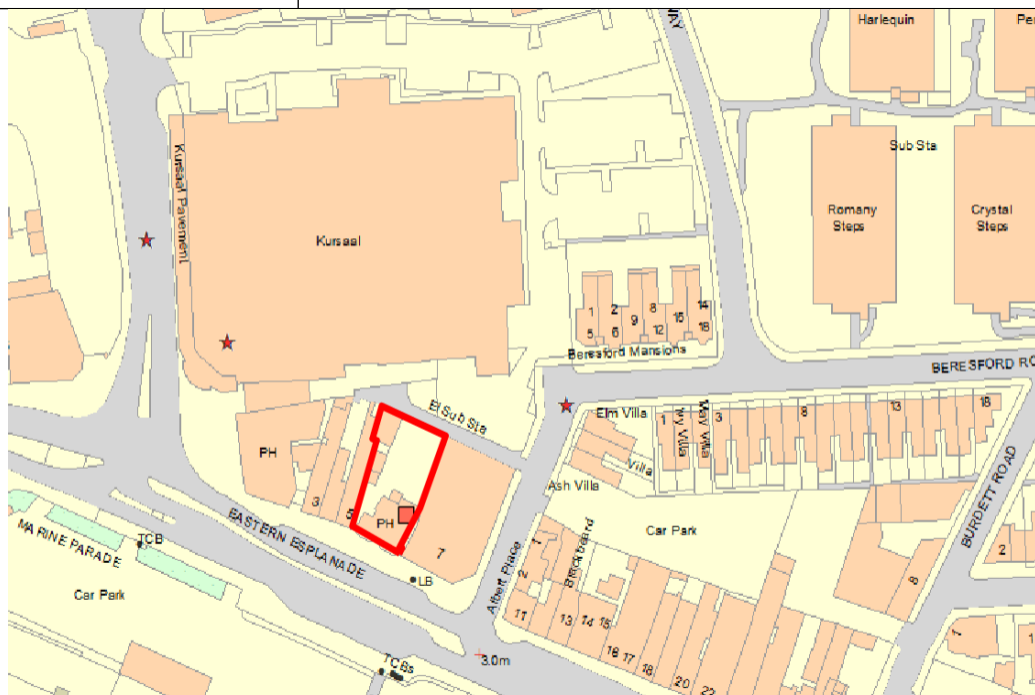
3. Procedures on Site Visits

- (i) Visits will normally take place during the morning of DCC.
- (ii) A planning officer will always attend and conduct the site visit, and will bring relevant issues to the attention of Members. The officer will keep a record of the attendance, and a brief note of the visit.
- (iii) The site will normally be viewed from a public place, such as a road or footpath.
- (iv) Representations will not be heard, and material will not be accepted. No debate with any party will take place. Where applicant(s) and/or other interested person(s) are present, the Chairman may invite them to point out matters or features which are relevant to the matter being considered having first explained to them that it is not the function of the visit to accept representations or to debate.

Version: April 2016

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Reference:	16/02277/FUL	7
Ward:	Kursaal	
Proposal:	Retain front facade, part demolish rear of existing public house, demolish all outbuildings, erect three self-contained flats with ground floor restaurant use (Class A3), install dormers to front elevation, erect four storey block comprising of six self-contained flats to rear with balconies to front, layout parking, cycle store and bin stores (Amended Proposal)	
Address:	The Britannia, 6 Eastern Esplanade, Southend-on-Sea, Essex, SS1 2ER	
Applicant:	Stockvale Investments Ltd	
Agent:	SKArchitects Ltd	
Consultation Expiry:	25.02.2017	
Expiry Date:	08.03.2017	
Case Officer:	Janine Rowley	
Plan Nos:	303/P01 Revision C; 303P07 Revision A; 303P03 Revision B; 303P02 Revision B; 303P08 Revision A; 303P05 Revision B; 303P04 Revision A; 303P06 Revision C	
Recommendation:	GRANT PLANNING PERMISSION	



The Proposal

- 1.1 Planning permission is sought to retain the front façade of the existing building and part demolish the rear together with demolition of all outbuildings to erect three self-contained flats with ground floor restaurant use (Class A3), install dormers to front elevation, erect four storey block comprising of six self-contained flats to rear with balconies to front, layout parking, cycle store and bin stores.
- 1.2 The building fronting Eastern Esplanade is 12.3m wide x 11.1m-16.5m deep x 8.6m. The rear element of the proposed development is 16m-17.8m wide x 11.6m deep x 11.6m-13.1m high.
- 1.3 The internal floorspace of the proposed flats is as follows:

	Flat type 1	Flat type 2	Flat type 3	Flat type 4	Flat type 5
	2 bed (3 person)	2 bed (3 person)	1 bed (2 person)	1 bed (2 person)	1 bed (2 person)
	61sqm	63sqm	73sqm- 2 floors	73sqm- 2 floors	70sqm- 2 floors
National technical Housing Technical Standards	61sqm	61sqm	58sqm	58sqm	58sqm

- 1.4 To the rear is an amenity 107sqm at first floor. Refuse and cycle storage is located to at ground floor to the rear of the commercial premises with 9 parking spaces accessed from Beach Road.
- 1.5 The application is accompanied by a design and access statement, structural report, noise impact assessment, flood risk assessment, heritage statement.
- 1.6 It should be noted since the application has been received a number of amendments and clarifications have been provided and neighbours re-notified the main changes from the original submission include:
 - Extending side gables to meet the new ridge of the existing building
 - Cross section of the flank elevation showing the set back and angle between the gables to understand roof design;
 - Corrected elevations and floorplans as windows appeared inconsistent
 - Demolition clarified with a demolition plan;
 - Revised dormer design to a traditional approach

2 Site and Surroundings

- 2.1 The site is a two storey locally listed building, located on the northern side of Eastern Esplanade between Beach Road and Southchurch Road. The Britannia dates from the late 18th and early 19th century and is one of 3

notable buildings in the Kursaal Conservation Area (the others being the Kursaal and the former Minerva (now Bourgee)). The adjacent buildings include a single storey building to the east of the site currently used as an arcade and to the west are two storey buildings. The western edge of the block is Grade II listed building the Kursaal.

- 2.2 The site is designated within the Development Management Document as being sited in the Kursaal Conservation Area, and is a locally listed building and within flood risk zone 3. The site falls within the Southend Central Area as designated by the Southend Central Area Action Plan.

3 Planning Considerations

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

4 Appraisal

Principle of Development

National Planning Policy Framework, Core Strategy Policies KP2, CP4, and CP8, Development Management DPD2 policy DM1, DM3, DM5 and DM6, and the Design and Townscape Guide DP1 (2009)

- 4.1 This site is in a prominent location on the seafront and can be viewed from a considerable distance in both directions along the promenade. The site is located within The Kursaal Conservation Area and the proposal includes the retention of the existing façade of the building and the demolition of the rear of the building including all existing outbuildings. Paragraph 131 of the NPPF relating to conserving and enhancing the historic environment states:

“In determining planning applications, local planning authorities should take account of:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness”.*

- 4.2 Paragraph 128 of the NPPF, states that when determining applications, Local Planning Authorities should require applicants to describe the significance of the heritage assets affected and the contribution made by their setting. The level of detail provided should be proportionate to the significance of the asset and sufficient to understand the impact of the proposal on this significance. This is supported by paragraph 129 of the NPPF, which requires local planning authorities to identify the significance of any heritage assets.

Paragraphs 132 to 136 of the NPPF consider the impact of a proposed development upon the significance of a heritage asset, emphasising the importance of conserving heritage assets and that harm or loss to a heritage asset requires clear and convincing justification.

4.3 The Kursaal Conservation Area was formed around 1896-1901. Although small the conservation area also includes two other significant buildings. The Minerva was built in 1792 and is much older than the Kursaal and the Britannia public house was built originally as a house in the 18th Century. The Britannia was originally built as a house but was changed to an Inn in the mid-19th century and remained so until it closed a few years ago. It has been a long standing feature of the seafront and as such is an important part of its history. Whilst the Britannia has altered in its original character, it is still evident and is considered to make a positive contribution to the character of the conservation area, primarily relating to the public views of front of the existing building.

4.4 Part 3 of Policy DM6 of the Development Management Document requires all new development within the Seafront Area to ensure that:

“Existing buildings along the seafront form a cohesive frontage, have a historic context or are recognised as key landmarks and/or contribute to a distinctiveness Southend sense of place will be retained and protected from development that would adversely affect their character, appearance, setting and the importance of the Seafront.”

4.5 Part 3 of Policy DM5 of Development Management Document states:

“3. Development proposals that result in the loss of or harm to the significance of a non-designated heritage asset, such as a locally listed building or frontages of townscape merit, will normally be resisted, although a balanced judgement will be made, having regard to the scale of any harm or loss, the significance of the asset and any public benefits”.

4.6 The Design and Access Statement accompanying this application states the public house ceased trading in the first few months of 2015 due to continued flooding and the structural condition of the main building. The original building dates back to the 1880s and had original red brick, multi paned timber sash windows, Georgian door and fanlight detail including a parapet, which is raised and pedimented.

The building has had a number of unsympathetic alterations to the front including the application of rough cast cement render, upvc windows, the replacement of original slates with cement tile and the loss of the parapet and signage, which has resulted in a detrimental impact on the character of the building and the wider conservation area.

4.7 The structural report carried out by Richard Jackson Engineering Consultants (referenced: JM/AJL/47690) concludes there is some historic fabric within the

building which structurally can be retained in terms of the front elevation and right hand flank wall and left hand flank wall. The first floors have changed in historic fabric and a number of areas are failing in terms of their structural integrity. The main findings of the report states there is significant bowing in the western stack caused by the lack of restraint of the first floor and eaves level. Modern timbers and a steel frame have been installed in the front section. There is spalling of front brickwork, loose bricks and cracking on the internal flanks and upstairs. The front façade could be retained but would need steel restraint internally during construction and water ingress has occurred at ground floor during the flooding of the seafront and this may have affected the integrity of the base of the walls.

4.8 Notwithstanding the submitted details, Council officers have also carried out a site visit to inspect the condition of the existing building and have noted the appearance the building has been substantially altered internally and to the rear including a significant opening up inside which had impacted on the original plan form and a significant loss of historic fabric including most of the lath and plaster on the walls and ceilings and associated features such as skirting boards, cornices and fire surrounds. The removal of the ceilings had exposed the joists and rafters and there were a significant proportion of new timbers throughout the building. New timber stud walls were also noted as well as the installation of a modern concrete floor at ground level. Access was not available to the first floor for safety reasons but supporting evidence in the form of photos of this area show evidence of deflection of the western gable where gapping can be seen to the floor, significant cracking, loss of historic fabric as noted above and replacement with modern fabric similar to the ground floor. Remnants of the rear weather boarded wing were also evident albeit in a poor condition and significantly extended including poor quality modern additions and partially rebuilt with concrete blockwork in the original extension.

4.9 Historic England have also reviewed the proposals and considered due to the extent of alterations to the existing Britannia Public House it would not meet the criteria for listing.

- 4.10 In light of the above, whilst the development proposals are seeking to demolish the rear of the existing locally listed building it has been demonstrated that a significant amount of historic fabric has been lost over the years and not worthy of preservation. The retention of the front façade is welcomed and considered to be the most significant element of this non-designated heritage asset and will continue to provide a positive contribution to the Kursaal Conservation Area.

Flood Risk

National Planning Policy Framework; DPD1 (Core Strategy) policies KP1, KP2

- 4.11 The site is located within Flood Zone 3a (high probability of flooding) and the applicant has submitted an FRA which considers risk of flooding, access and resilience measures.

- 4.12 Paragraph 103 of the NPPF states:

“When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- *within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and*
- *development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.”*

- 4.13 The proposed site falls within the Central Seafront Area under Policy KP1 of the adopted Core Strategy. This area is promoted as an area for regeneration and growth. The preamble to KP1 notes there are limited options to achieve regeneration and growth within the borough and that development on flood plains would be considered. Policy KP1 directs development into the area in which the site falls. This policy was adopted following The Thames Gateway South Essex Partnership Strategic Flood Risk Assessment. A total of 550 new dwellings have been earmarked for the seafront area between 2001-2021. It is considered further development in the central seafront area is acceptable in

principle subject to a site specific investigation.

The proposal is therefore considered to pass the requirements of the sequential test.

- 4.14 For the exceptions test to be passed it must be demonstrated that
- a) The development provides wider sustainability benefits to the community that outweigh flood risk
 - b) The development should be on developable, previously developed land
 - c) A flood risk assessment must demonstrate that the development will be safe, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.
- 4.15 The proposal would provide sustainability benefits by resulting in a more efficient use of land. The site is also previously developed land. Parts A and B of the exceptions test of the NPPF are therefore, considered to be satisfied in this instance.
- 4.16 Part C of the exception test set out in in the NPPF, requires development to be safe. The Environment Agency advises that the safety of residents is reliant upon either evacuation prior to floodwater reaching the site or safe refuge, above the flood level.
- 4.17 The Flood Risk Assessment prepared by SLR Consulting Limited, referenced 405.06372.00001 issue 1 dated May 2016 has been submitted for consideration. The Environment Agency has recommended first floor levels to be set to 6.3m AOD ensure that future residents are protected from any possible overtopping and breaching of defences and this can be dealt with by condition. A flood evacuation plan is required by condition and the applicant will be advised to sign up to the Environment Agency's early flood warning service.

Design and impact on the Kursaal Conservation Area

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4, CP3; policies DM1, DM3, DM5, DM6 of the DPD2 (Development Management Document) and the Design and Townscape Guide SPD1.

- 4.18 Policy DM5 of the Development Management Document states:

"All development proposals that affect a heritage asset will be required to include an assessment of its significance, and to conserve and enhance its historic and architectural character, setting and townscape value".

4.19 Part 3 of policy DM5 of the Development Management states:

“Development proposals that result in the loss of or harm to the significance of a non-designated heritage asset, such as a locally listed building or frontages of townscape merit, will normally be resisted, although a balanced judgement will be made, having regard to the scale of any harm or loss, the significance of the asset and any public benefits”.

4.20 As stated above, the development proposals are seeking to demolish the rear of the existing locally listed building and it has been demonstrated that a significant amount of historic fabric has been lost and not worthy of preservation.

Historic building

4.21 Given the condition of the existing building the applicant is now proposing to retain the front façade, east gable and part of the west gable with a new extension to the rear. A two storey rear extension is proposed including a raise in roof height to enable the roof to accommodate habitable accommodation with front and rear dormers of traditional design. The proposed increase in height of the ridge would remain of a reasonable scale in relation to the proportion of the front façade. The dormers appear modest in scale and align with the existing windows, ensuring the proposed development will not appear top heavy or over dominant. The proposal also includes a number of changes to the front elevation of the locally listed façade include the replacement of render with lime render, new timber sash windows to match the traditional style, reinstatement of traditional slate on the roof and parapet design together with the removal of a modern porch and reinstatement of the original door and fanlight design.

4.22 There is a high risk the retention of the whole building would itself require significant rebuilding and is very unlikely to be viable in this case and could result in high risk for further deterioration of the building. Overall, it is considered the proposed changes to the existing building will retain the most prominent and public elevation of the Britannia conserving the historic façade and enhancing its historic and architectural character, setting and townscape value having a positive impact on the Kursaal Conservation Area and contribute to regenerating the wider seafront in accordance with the NPPF, Core Strategy policies KP2 and CP4, Development Management Document policies DM1, DM3, DM5, DM6 and the Design and Townscape Guide.

New flatted block to the rear

4.23 The four storey flatted block proposed to the rear of the site is a simple modern design with interest and articulation with an angled footprint and

angled roof with high quality cladding metal shingles (similar to that used in Leigh Hill historic buildings within the Leigh Conservation Area reference: 14/00974/FUL). The main fenestration is proposed to the front including set in balconies adding shadowing and depth to the elevation. Given the set back from the frontage the proposed building appears modest at four storeys and would not appear out of place in this context given the significant massing of the Kursaal extension. The building will help to screen the existing Kursaal extension, which adds little interest to the streetscene and the visuals illustrate the proposal will have low impact on the skyline and the Britannia frontage will remain the principle elevation. Whilst there is a change in the character between the two buildings it is considered the contrasting modern solution is the most appropriate option. The overall simplicity of form and quality of detailing and materials of the new block will not compete with the historic frontage of the Britannia, the Kursaal and the wider conservation area.

- 4.24 In relation to the overall layout, the residential units are accessed via a gate to the side of the historic building via a staircase to the deck or via the parking area to the rear of the site. The gate to the side of the existing building is an original feature and the retention is welcomed given there is no reasonable opportunity to have a residential entrance in the historic façade. The staircase is set back from the frontage and will not be readily visible in the streetscene. The amenity deck at first floor will provide opportunity for a high quality useable amenity space and full details of the landscaping will be dealt with by condition. The parking, cycle and refuse storage is proposed to the ground floor within the undercroft area, which is welcomed and further details on the cycle and refuse storage will be dealt with by condition.

**Living Conditions for Future Occupiers
National Planning Policy Framework 2012, Development Management
Policy DM8, The National Technical Housing Standards DCLG 2015**

- 4.25 The proposed internal floor spaces for the flats are set out in paragraph 1.3 above and meet the National Technical Housing Standards. The proposed units are in excess of the minimum standards and all habitable rooms would be served by sufficient windows which would provide acceptable light and outlook for potential future occupiers.
- 4.26 Policy DM8 (iii) states that all new dwellings should meet the Lifetime Home Standards, unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Home Standards has now been superseded by the National Technical Housing Standards and all new dwellings are required to meet building regulation M4 (2)- 'accessible and adaptable dwellings'.

Sufficient information has been submitted to demonstrate that the proposal meets the criteria for the Building Regulation M4 (2). Drawing 303P06 Revision C proves the development would be accessible and adaptable for older people or wheelchair users, in accordance with the NPPF, Policy DM8 of the Development Management DPD and National Housing Standards 2015.

4.27 One of the core planning principles of the NPPF is that the planning system should “*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*”. Policy DM8 of the Development Management Document states that all new development should make provision for usable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space. Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances, the reasons for which will need to be fully justified and clearly demonstrated.

4.28 The Council’s Design and Townscape Guide states:

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

4.29 Drawing 303P02 Revision D illustrates an amenity deck at first floor equating to 107sqm, approximately 11.8sqm per unit. Whilst no landscaping details have been provided to detail how this communal area will be used, this can be dealt with by condition. The three flats proposed above the restaurant fronting Eastern Esplanade will not have any provision for private amenity space. However, the rear element of the proposal, where 6 flats are proposed will benefit from balconies, which are considered useable amenity space in addition to the amenity deck at first floor. Taking into account the location of the site on the seafront in the central area of Southend, the provision of amenity space is considered acceptable in this instance.

Traffic and transportation

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

4.30 The existing site is accessed from Beach Road via an existing access road to the rear of the site and does not benefit from off street parking for the existing use.

4.31 Policy DM15 of the Development Management Document states that a minimum 1 car parking space per flat shall be provided in this location and 1 space per 6sqm for the A3 restaurant use. The proposed development will include 9 spaces for the residential flats, which is policy compliant and there is sufficient turning area to enable vehicles to manoeuvre effectively within the site. Whilst the restaurant use will not benefit from off street parking, consideration has to be given for the existing use, which does not benefit from off street parking and taking into account the location of the site with access to public transport including a number of public car parks within walking distance and therefore no objection is raised on highway grounds.

4.32 Bike storage will be located within the basement for 18 cycle spaces which is

welcomed and complies with policy DM15 of the Development Management Document, however a further condition will be imposed to ensure full details are submitted and agreed with the local planning authority.

Refuse storage

- 4.33 The refuse store will be located to the ground floor within the undercroft parking area including both commercial and residential refuse storage. Whilst the location of the refuse store exceeds current policy guidance, a suitable condition can be imposed to ensure full details of waste management collection and storage are provided.

Impact on Residential Amenity:

NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Southend-on-Sea; DPD2 (Development Management Document) policy DM1 SPD 1 (Design & Townscape Guide (2009)

- 4.34 Policy DM1 of the Development Management Document states that any new development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.
- 4.35 The existing building is site 1.5m away from the boundary with no. 5 Eastern Esplanade to the west of the site. The adjacent buildings to the west of the site have commercial premises to the ground floor and residential flats to the first floor. To the north of the site is Kursaal building, which is also a commercial building. The overall height of the building 8.6m fronting Eastern Esplanade and the rear element of the proposed development is between 11.6m-13.1m high. It is not considered the development will be overbearing, result in overshadowing or loss of light to any nearby residential occupiers given the location of the site.
- The nearest residential dwellings in Beach Road are located in excess of 30m, which is sufficient to mitigate against any material harm.

Sustainable Development

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

- 4.36 National guidance and relevant planning policy statements together with the Policy KP2 of the Core Strategy and advocate the need to ensure design maximises the use of sustainable and renewable resources in the construction of development. It also states that all development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources and at least 10% of the energy needs of

new development should come from on-site renewable options and sustainable urban drainage systems shall be successfully integrated. Policy DM2 advocates the need to ensure the delivery of sustainable development whereby all development proposals should contribute to minimising energy demand and carbon dioxide emissions.

- 4.37 The applicant has confirmed photovoltaic panels will be mounted to the flat roof of the rear block not visible from the public domain, which is welcomed. However, a condition will be imposed to ensure full details of the calculations are provided to ensure the proposal meets the requirements of policy KP2 of the Core Strategy.
- 4.38 Policy KP2 of the Core Strategy advocates the need for sustainable drainage. No details accompany this application however this can also be dealt with by condition in this case.
- 4.39 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. Whilst details have not been submitted for consideration at this time, this can be dealt with by condition.

Other issues

Noise

- 4.40 Paragraph 123 of the National Planning Policy Framework states:

“Planning policies and decisions should aim to:

- *avoid noise from giving rise to significant adverse impacts 27 on health and quality of life as a result of new development;*

- *mitigate and reduce to a minimum other adverse impacts 27 on health and quality of life arising from noise from new development, including through the use of conditions;*

- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby*

land uses since they were established; 28 and

- *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason”.*

- 4.41 The application is accompanied by an Environmental Noise Impact Assessment carried out by Impact Acoustics (report reference: IMP5005-1). The assessment states the development will be compliant with the relevant BS standards for sound insulation and noise reduction in buildings. Given the current use of the existing building as a public house, the impact of the new development, which will be built to modern construction standards, is likely to be less than currently. The report provides a number of mitigation measures to ensure the proposal protects the amenities of existing and future residential occupiers and will be dealt with by condition.
- 4.42 The positioning of the ventilation and extraction plant for the restaurant use is proposed to the to exit via ducting on the rear building between the proposed flats expelling from the roof. Whilst the specific details of the equipment have not been provided this can be dealt with by condition to ensure the amenities of future occupiers are safeguarded. The Councils Environmental Health Officer is currently reviewing Environmental Noise Impact Assessment and further comments will be reported in the supplemental report.

Ecology

- 4.42 The development is sufficiently distanced from the estuary SSSI and Ramsar site and would not detract from the local ecological assets.

Community Infrastructure Levy (CIL) Charging Schedule.

- 4.43 This application is CIL liable and there would be a CIL charge payable if approved. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. The existing floorspace of the buildings to be demolished is 216.48sqm. The proposed development will result in a net increase in gross internal area of 588.71sqm for the nine flats (Class C3) and 150.78sqm for the restaurant/café use (Class A3). The CIL rate for the residential use is £22 per sqm and commercial use at £11 per sqm which equates to approximately £9971.88. This is subject to confirmation.

Conclusion

- 4.44 In light of the above, no objection is raised to a mixed use development in this location given the proposal complies with the emerging Southend Central Area Action Plan. The proposed development will retain the front façade of the existing locally listed building. The demolition of the rear of the existing public house is regrettable however; given the current condition is no longer worthy of preservation. The site is located in a flood risk zone 3a, however subject to conditions no objections have been raised by the Environment Agency in relation to flood risk issues and the site is located within the central area which is promoted for regeneration and growth. The overall design and scale of the proposed development is considered acceptable and will provide a contrasting

modern solution not competing with the existing historic façade, Kursaal Conservation Area and streetscene. The parking for the residential flats is policy compliant. The proposed development will continue to preserve and enhance the Kursaal Conservation Area in accordance with the National Planning Policy Framework, Policies KP1, KP2 and CP4 of the Core Strategy (DPD1), Policies DM1, DM3, DM5 and DM8 of the Development Management Document and the Design and Townscape Guide (SPD1).

5 Planning Policy Summary

- 5.1 National Planning Policy Framework
- 5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance)
- 5.3 Development Plan Document 2: Development Management Document Policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (The Efficient and effective use of land), DM5 (Southend on Sea Historic Environment), DM7 (Dwelling Mix, size and type), DM8 (Residential Standards), DM15 (Sustainable Transport Management)
- 5.4 SPD1 Design & Townscape Guide 2009
- 5.5 Waste Management Guide
- 5.6 Community Infrastructure Levy (CIL) Charging Schedule
- 5.7 National Technical Housing Standards DCLG 2015

6 Representation Summary

Design and Regeneration

- 6.1 The Britannia dates from the late 18th / early 19th century and is one of 3 notable buildings in the Kursaal Conservation Area the others being the Kursaal itself and the former Minerva (now Bourgee). It was built as a house but was changed to an Inn in the mid-19th century and remained so until it was closed a few years ago. It has been a long standing feature of the seafront and as such is an important part of its history. A photo of the building dated 1880 shows its original red brick, multi-paned timber sash windows, Georgian door and fanlight detail as well as the parapet which is raised and pedimented and was added to enable signage for the Inn. The bay windows were also added later just prior to conversion.

Unfortunately the building has suffered a number of unsympathetic alterations to the front including the application of rough cast cement render, upvc windows, the replacement of original slates with cement tile and the loss of the parapet and signage and this has had a detrimental impact on the character of the building and the wider conservation area. However, there is the potential for these aspects to be reinstated and for the frontage and were this to happen the building would be significantly enhanced and make a more positive contribution to the conservation area and wider streetscene.

The site visit revealed that, in addition to the change to the external appearance, the building had been substantially altered internally and to the rear including significant opening up inside which had impacted on the original plan form and a significant loss of historic fabric including most of the lath and plaster on the walls and ceilings and associated features such as skirtings, cornices and fire surrounds. The removal of the ceilings had exposed the joists and rafters and here too there was a significant proportion of new timbers throughout the building. New timber stud walls were also noted as well as the installation of a modern concrete floor at ground level. Access was not available to the first floor for safety reasons but photos of this area show evidence of deflection of the western gable where gapping can be seen to the floor, significant cracking, loss of historic fabric as noted above and replacement with modern fabric similar to the ground floor. It was also noted a number of unauthorised structural alterations had been made to the building internally which was threatening its integrity.

Remnants of the rear weather boarded wing seen in the photo of 1880 also still survive, albeit in a poor condition and significantly extended including poor quality modern additions and partially rebuilt with concrete blockwork in the original extension. The photo shows that this element of the building was originally visible to the street and part of the seafront character but is now obscured by the neighbouring building and as such does not make a visible contribution to the character of the conservation area.

Whilst the building appears to be in a reasonable state of repair from the front, this is misleading and the current condition of the building is a concern and as such this building is can be classed as at risk.

Given the age of the building and its history, if it was intact it may be considered suitable for national listing but enquiries with Historic England have confirmed that because of the extent of alteration to the building it would not be eligible. The local historic importance of the building is, however, recognised in its status as a locally listed building and as a positive contributor to the Kursaal Conservation Area where its front façade is an important part of the streetscape.

Following concerns raised by the Council and by the public to the total loss of the building the application for total demolition was withdrawn the building was reappraised by a new structural engineer with experience of historic buildings. This report found that:

- There is a significant bowing in the western stack caused by the lack of restraint of the first floor and eaves level - the report states that this gable needs to be rebuilt.
- The eastern gable appears reasonable
- Modern timbers and a steel frame have been installed in the front section
- Some spalling of front brickwork, loose bricks and cracking on the internal flanks and upstairs (viewed where the internal plaster has been stripped) and this will need to be repaired in places where bricks are missing
- The front façade could be retained but would need steel restraint internally during construction which will be costly
- Water ingress has occurred at ground floor during the flooding of the seafront and this may have affected the integrity of the base of the walls

It seems that the most significant problem is the bowing and lack of stability of the western flank such that this would require rebuilding. Discussions with the Councils Structural Engineer have confirmed that this is indeed the case and that the situation is compounded by the lack of stability in the rear wall which is only timber. It would therefore seem that an element of demolition would be required whatever the proposal.

Given the condition of the building and the general desire from all parties to see it retained in some form the applicant is now proposing a scheme of façade retention which would see the front elevation, east gable and part of the west gable retained with a new extension behind. This would require the elements to be retained to be propped whilst repairs and extension works were undertaken. They are also proposing a number of significant enhancements to the front facade including replacement of the render with breathable lime render, new timber sash windows to match the original style, reinstatement of traditional slate on the roof, reinstatement of the parapet, removal of modern porch and reinstatement of the original door and fanlight design.

A new two storey extension is proposed to the northern side of building which will extend the depth of the building at both levels to be effectively double the width of the central section. It is also proposed to raise the ridge of the roof to enable roof accommodate with front and rear dormers and a flat roof section in between. The ground floor is proposed as a Fish and Chip restaurant with 3 x 1b flats on the upper floors.

To the rear a new modern block of 4 storeys is proposed to provide the enabling development for the scheme. This is set well back and will not be prominent from the street although would be partially visible in longer views. Parking for the residential units and refuse and cycle parking for all uses is provided at ground level behind the front building. An amenity deck is proposed above linking the two buildings.

Generally the changes to the front elevation, if well detailed, will retain the historic streetscene and enhance the public face of the Britannia and this will have a positive impact on the conservation area and help to regenerate the wider seafront. The only alteration proposed to the front elevation is the raising of the ridge and the insertion of 3 dormers to the front roofslope. Whilst this unlikely be acceptable for a listed building, given that the building is only locally listed and at significant risk there is more scope for sympathetic alterations which are respectful to the historic character of the building. It is noted that the existing roof is very shallow and the proposed increase would remain of a reasonable scale in relation to the proportion of the front facade. The dormers are modest in scale and aligned with the existing windows which should ensure that the proposal will not appear top heavy or over dominant. Overall, therefore, it is considered that, although this is not the original design, this change will appear convincing in the streetscene provided design of the dormers and windows are well detailed.

It is noted that, whilst the western flank will be screened by the neighbouring terrace, the extended form of the building may be glimpsed from distance across the top of the adjacent building to the east. It is likely that this corner will be redeveloped in the future and this view will then be obscured but this is by no means certain so the proposal has been amended to improve the detailing of this flank to better fit with the character of the existing building.

On balance, given the condition of the building and the fact that it is not listed or of listable quality, a scheme of façade retention with the improvements proposed to the frontage would seem a reasonable outcome for the building and for the conservation area. It seems that a scheme for the retention of the whole building would in itself require significant rebuilding and is very unlikely to be viable in this case, and if this was sought there would be a high risk for further deterioration of the building which is already at risk. It is therefore recommended that, in this instance, the principle of façade retention and extension be accepted subject to the conditioning and approval of various key details to ensure the historic integrity of the frontage.

To the rear a new 4 storey flatted block is proposed to provide the enabling development for the scheme. This is a simple modern design with interest and articulation provided through the angled footprint and angled roof and in its cladding with high quality metal shingles (similar to that used at Waterloo Villas 20-26 Leigh Hill). The main fenestration is proposed to the front including set in balconies adding shadowing and depth to the elevation. In principle, given the set back from the frontage it is considered that a modest building of 4 storeys would not appear out of place in this context against the back drop of the significant massing of the Kursaal extension, indeed given the poor quality of this extension, any screening of this would be welcomed. The visuals show that it would have a low impact on the skyline and that the Britannia frontage will remain the principle elevation to the street. The scale of the proposal is therefore accepted in this location.

Although the change in character between the two buildings is clear it is considered that a contrasting modern solution is the most appropriate option as a traditionally designed building of this scale would most likely appear unconvincing and bulky in this context. The simplicity of form and the quality of detailing and materials should ensure that this proposal is high quality and understated in the streetscene such that it will not compete with the finer detail of the historic frontage of the Britannia, the Kursaal and wider conservation area.

In terms of layout, it is noted that the residential units are to be accessed via a gate to the side of the historic building and via a staircase to the deck or via the parking area. This seems reasonable in this context as the gate is existing and part of the historic setting of the building and there is no opportunity for a residential entrance in the main frontage. Good landscaping of the deck should ensure a pleasant environment and a useable amenity area for the units. The rear block also has an access via the core on the northwest corner. This will need to be accessed via the car park or rear access route but given the constraints of the site this is considered acceptable. It is pleasing to see that the lobby will benefit from natural light as this will make it appear more welcoming. It is noted that a bin store is proposed on the north frontage across the front of this full length window. This would seem to be a conflict and should be re-sited within the undercroft or at least enclosed within a well detailed store to the side of the window.

The flats themselves are not generous but seem useable in their layout. It is pleasing to see that the ducting for the restaurant will be directed away from the front building and contained within a void on the roof of the rear block. It is understood that this void, which also contains the lift overrun, is to be covered by a perforated roof so will be hidden from view. This should ensure a neat profile for this building which is appropriate for the design approach proposed. It is noted that pvs are proposed to the roof to provide the required renewables and this location is also preferable to any roof installations to the front building.

Overall it is considered that this scheme is a significant improvement over the previously withdrawn proposal both in terms of the impact on the historic building and conservation area and in its overall design and detailing.

The proposal is therefor considered acceptable subject to conditions relating to its detailing and materials as outlined below.

Traffic and Transportation

- 6.2 The existing use does not have any off street parking provision. However a number public car parks and on street pay and display parking are available within the local area.

The proposal provides 9 dwellings with 100% off street parking provision, 18 cycle spaces and refuse collection point for residential and commercial waste. Access to the parking area is via a private access way. The internal parking layout enables vehicles to enter and manoeuvre effectively within the site. the refuse storage is located outside of the current policy guidance for waste collection so alternative arrangement will have to be made on the day of collection.

Consideration has been given to the sustainable location of the site which has local public transport links in close proximity, national cycle route 16 running parallel to the site and a number of public car parks within close proximity.

Given the above information it is considered that the proposal will not have a detrimental impact on the public highway. Therefore no highway objections are raised.

Environmental Health

- 6.3 The application is for a prominent seafront building to be converted into an A3 use – restaurant with a number of residential units sited above. Further residential properties are to be erected to the rear of the existing building.

In relation to the demolition no asbestos survey appears to have been submitted **[Officer Comment: This can be dealt with by condition]**

A full asbestos survey shall be carried out by a suitably qualified person on the building(s) to be demolished. Any asbestos containing material(s) (ACM) must be removed and disposed off site to a facility licenced by the Environment Agency. A waste transfer certificate must be submitted to the local planning authority prior to development commencing.

The proposal site is in close proximity to a number of late night commercial/entertainment venues. The proposed residential premises may be subject to noise and disturbance from the existing and proposed commercial/entertainment sources.

In order to assess this proposal fully a suitably qualified and competent person who would normally be a member of the Institute of Acoustics shall evaluate all the potential noise impacts to the future occupiers of the development. This report shall include any necessary mitigation measures required to meet relevant internal noise criteria in accordance with BS8233:2014 **[Officer Comment: A noise assessment has been submitted for consideration concluding subject to appropriate conditions and mitigation measures no objection is raised].**

Bedrooms in particular within the scheme should be provided with an adequate standard of façade sound insulation to protect amenity at night and in the early hours of the morning.

The noise assessment should also assess the proposed amenity areas of the development in line with the WHO guidelines for outdoor areas.

Also limited information has been provided regarding the proposed ventilation/extraction plant for the development. It is unclear from the plans if the extract is located internally or externally. This needs to be clarified.

The proposed ventilation and extraction plant will also need to be assessed in accordance with BS4142:2014 for day and night periods and compared with the background levels obtained when assessing the existing environment. Appropriate mitigation should then be recommended as necessary **[Officer Comment: This can be dealt with by condition].**

Any mechanical extraction, ventilation or air conditioning plant would need to be carefully located and designed in order to prevent statutory noise and odour nuisance. **[Officer Comment: This can be dealt with by condition]**

Environment Agency

6.4 Tidal Flood Risk

Our maps show the site lies in Flood Zone 3a, the high probability zone. The Flood Risk Assessment (FRA) states that the site is located within Flood Zone 3b. This is incorrect as the site benefits from defences set above the 5% Annual Exceedence Probability (AEP) flood level. The 5% flood extent would therefore not impact the site so it is considered to be Flood Zone 3a.

The proposal is to part demolish the rear of existing public house and all outbuildings to erect three self-contained flats with a restaurant on the ground floor. A new four story block will also be constructed comprising six self-contained flats.

The restaurant is considered to be less vulnerable and the residential use is considered to be more vulnerable development in line with Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance: Flood Risk and Coastal Change.

Therefore, to comply with national policy, the application is required to pass the Sequential and Exception Tests and to be supported by a site specific FRA which meets the requirements set out in the National Planning Policy Framework (NPPF).

Sequential and Exception Tests

The requirement to apply the Sequential Test is set out in Paragraph 101 of the National Planning Policy Framework (NPPF). The Exception Test is set out in Paragraph 102.

These tests are your responsibility and should be completed before the application is determined. Additional guidance is also provided on Defra's website and in the Planning

Flood Risk Assessment

A FRA prepared by SLR Consulting Limited, referenced 405.06372.00001, version no: Issue 1, dated May 2016 has been submitted in support of this application. We have reviewed this FRA and consider it provides you with sufficient information to assess the acceptability of flood risk at this site. Further information is provided as a technical appendix to this letter.

We had no objection to a similar application referenced 16/01274/FUL in August 2016 at this site and it is understood that this application will involve the creation of a new block of six flats which was not previously considered. The same FRA prepared by SLR Consulting Limited, referenced 405.06372.00001, version no: Issue 1, dated May 2016 has been submitted in support of this application. This FRA has not been amended to reflect the new block of flats but our position remains the same as all new habitable space will be on the first floor or above. We therefore have no objections on flood risk grounds. It should be noted that this is an intensification of development and there will be a greater number of people on site to consider in a flood event **[Officer Comment: The Environment Agency have confirmed there is no requirement for an updated Flood Risk Assessment].**

Historic England

- 6.5 From the photos, plan provided the building has been substantially altered both externally and internally, but mostly the later. Internal photos show that most of the wall plaster has been removed, leaving exposed brickwork, fireplaces are blocked and no fireplace surrounds or internal detail survives. A very few original timbers and beams appear in place, but the studwork appears modern. Due to the extent of alteration, the Britannia Public House can't be considered to be of national importance and it would not meet criteria for listing. However, enough external detail survives for it to be clearly identifiable with the building shown in the 1880s photo and based on the information provided it appears to be of considerable local historical importance.

Public Notification

- 6.6 A site notice has been displayed on the 19th January 2017 and neighbours notified of the proposal. 7 letters of representation have been received with 2 resident objections and 5 association and society objecting as follows:

Two residents objected stating:

- Car parking access is to the rear and this is unregistered land and already congested;
- The building should be retained and restored in full including the roof form

6.7 *Milton Conservation Society*

- Building should not be demolished – significant historical asset
- Historic fabric, interior features and historical meaning would be lost by just retaining the façade
- Building is important for the historical and economic sustainability of the Kursaal conservation area
- Heritage statement submitted does not satisfy the statutory requirements of NPPF
- the proposal does not meet the historic environment policies of the LDF including, those contained in the SCAAP
- residential block design, whilst acceptable in principle is poorly designed, not respecting nor referencing the cons area context and not uplifting to the neighbouring residential roads
- the proposal includes a completely new and enlarged building behind

the façade and the claim to retain an historical asset is misleading

Following the re-notification of amendments the planning application further comments were received from the Milton Conservation Area

- The additional photographs provided show clear lath marks, that there are extensive original timbers in the walls, floors, ceiling and roof structure. The back wall, where boarded over, is evidently original. Even if the boarding may have been replaced early in the 20th century the wall is original. The timbers should be perfectly suitable for retention with appropriate surveying, treatment and strengthening as required. The walls can be retained and the applicant agrees the front and much of the side walls can be retained therefore the Britannia can be saved;
- The rear needs clearance and some reconstruction but the historic rooms of the main range, in which much of the buildings historical significance rests, can be saved. This historic importance is acknowledged by local historians, and society.
- Consent must not be given to demolish the building and all efforts should be to save the building
- As for clarification to show the extract duct, dormers, these only serve to highlight the design problems. The large duct will sit below the undercroft roof and integer with the quality of space to access the flats and the amenity space, the dormers do not work in terms of siting
- The rear proposal remains incongruous, with no contextual relationship to the conservation area nor surrounding dwellings and reminds use of the Essex University student housing in London Road with no sense of context.
- Southend has made too many mistakes and lost too many fine buildings in the past, buildings that make up heritage of the town to buildings of no urban quality.
- Heritage should remain and build better modern buildings to fulfil the SCAAP aim to transform the perception and image of Southend

[Officer Comment: The agent has provided a response to the comments from Milton Society stating:

There are some original timbers; they are by no means extensive original timber framework. There are two walls that have some semblance of originality but can't be authenticated, or dated as original.

In relation keeping the Britannia as a Public House – events have clearly

prevailed and the market for a Public House in that location has been borne out by the evidence of the Brewery selling their asset. Another public house along the Central Seafront is not delivering the aims of the SCAAP and is not helping to transform the Central Seafront into a family friendly, safe, high quality location for furthering tourism.

The Britannia has been surveyed by a specialist heritage engineer with full access to the site.

In retaining the façade and side flank the Britannia is being saved as per this application.

In relation to the suggested carbuncle to the rear of the site- the proposals mask the over scaled and inconsiderate addition to the rear of the Kursaal.

The proposal to the rear creates a clean, crisp simple contemporary form with a modern material which is complementary to the historic fabric of the Britannia and the Kursaal Conservation Area.

In relation to ducting and dormers, the Conservation Society do not want the building to be altered in any shape or form, which would see the building fall into further disrepair and eventually collapse.

By introducing a new sustainable use with appropriate servicing and improving the accommodation utilising the roof form ensures that the Britannia will remain in perpetuity.

We are aware that an approach has been made to Historic England with a view to Nationally Listing the Britannia. Historic England have chosen not to list the Britannia due to the extensive changes i.e. removal of extensive historic fabric and alterations.

The salvageable and working elements of the Britannia are indeed being saved to preserve Southend's Seafront Heritage".]

6.8 *Belfairs Residents Association*

- historic part of Southend seafront and building should be saved in its entirety and do not want to lose any more heritage buildings

6.9 *The South Essex Building Preservation Trust Ltd*

- Although the building is not grade 2 listed it is locally listed and a significant building of this town (1807)
- representatives of the trust have been inside and the interior has been

completely stripped out before the applicant bought the building

- An engineer states the front elevation appears to be fairly modern, the trust disagrees with this statement, it is original. Of course there have been some alterations and repairs would urge the planners to insist on the following and comments are fundamental to the approval of the application. Should the below items not lead to the amendments to the scheme then the trust believes that the current application must be refused
- show the extent of the retention of the building. The drawings show chimney stacks which suggest that the side walls will be kept
- The windows at first floor will be returned to the original wooden double hung sashes as the early photos show **[Officer Comment: Amended drawings have been received and the exact details of the windows will be dealt with by condition]**
- The existing sand and cement render removed and rendered with Hydraulic lime render
- There should not be an attic storey. The applicant has the opportunity of creating a new building at the rear so only the first floor should be used for apartments above the proposed restaurant
- The pediment sitting on the front wall should be reinstated **[Officer Comment: Amended drawings have been received and the specific details will be dealt with by condition]**
- The east side timber framing should be retained **[Officer Comment: This is proposed to be demolished and the applicant has demonstrated it is not structurally sound. It should also be noted this element is not listed]**
- Not enough cogent thought has gone into the retention of this building and report does not give evidence that condemns the structure

6.10 *Essex County Preservation Trust Ltd*

- To leave just the façade and part of the shell is not acceptable in this day and age with so much of our heritage lost
- In the trusts long experience, Developers always cited that a building is beyond repair as was stated in their first application clearly this must have been untrue as they can now incorporate part of the building into their new build and should be seen as pure financial gain.

- The building in question easily lends itself to be fully retained
- The increase in volume should be rejected on grounds that anybody buying these historic buildings are fully aware of cost implications and have a duty of care to retain them
- Any new build should respect and enhance the historic structure and in our experience this is quite often an asset.
- Application should be refused and request that the applicants re-submit an application retaining the entire Britannia pub house within any new build

6.11 *Save Britain's Heritage*

- Will cause considerable harm to a locally listed building and Kursaal cons area and request application to be refused
- The proposed new building to the rear is considered not in keeping with the cons area and will be visible behind the retained façade of Britannia and from eastern esplanade and beach road
- although accepting the building has been altered over time and much of the original material lost in the process it is noted within the engineers report that it makes many references to surviving historic elements including timber studding, brickwork, stud walling and remnants of dormer windows. The loss of these elements as proposed would be harmful to the locally listed building and cons area
- Para 128 of the NPPF – applicants heritage statement fails to fully assess the impact and its conclusion the proposal will enhance and protect the building is clearly false as the proposal is for significant demolition
- Para 132 of NPPF – great weight should be given to the asset's conservation and that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting
- Refers to para 132 138 and 138 of NPPF, policy c2, c4 and that they do not consider this proposal meets these requirements and should be refused results in harm caused to a locally listed building within a very tightly bounded cons area and in clear breach of local planning policies and believes that application is not suitable and therefore should be refused

6.12 Councillor Walker has requested this application be dealt with by development control committee.

7 Relevant Planning History

7.1 Demolish existing public house and outbuildings and erect a four storey building comprising of ground floor restaurant (Class A3) with 5 flats to upper floors, erect two storey building to rear comprising of two self-contained flats, layout cycle store, bin stores and parking to rear- Withdrawn (16/01274/FUL)

7.2 Demolish existing public house and outbuildings and erect new 4 storey building comprising A3 restaurant to ground floor, inclusive of residential 2 - 3 storey block to rear to create 7no self-contained flats- (15/01970/PREAPF)

8 Recommendation

8.1 Members are recommended to GRANT PLANNING PERMISSION subject to the following reason:

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: 303/P01 Revision C; 303P07 Revision A; 303P03 Revision B; 303P02 Revision B; 303P08 Revision A; 303P05 Revision B; 303P04 Revision A; 303P06 Revision C.

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

03 The development hereby permitted shall operate at all time in accordance with the 'Flood Risk Assessment' dated May 2016 reference 405.06372.00001 carried out by SLR Global Environmental Solutions.

Reason: To ensure that the Flood Warning and Evacuation Plan meets with the requirements of the Environment Agency's Flood Warning Service, and is safe in the event of a flood in accordance with Policy KP2 of the Core Strategy DPD2

04 Finished first floor levels are to be set no lower than 6.30 metres above Ordnance Datum (AOD).

Reason: To ensure ground floor levels are provided above the flood level with the NPPF and policy KP2 of Core Strategy.

- 05** No development shall take place until samples of the materials to be used on all the external elevations, including front building-lime render mix, plinth, brick, slate, windows, doors, cills, parapet, roof, guttering, external staircases, signage and design details including sash windows, door, fanlight, dormers, parapet, signage, roof to bays. Rear building-materials, and product detailing for cladding, balconies, roof, windows, doors, coping, balustrade, guttering, edge detailing of roof and undercroft area, and on any screen/boundary walls and fences, and on any external access way, driveway, forecourt or parking area and steps have been submitted to and approved by the local planning authority. 0The 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 DM1, DM5 and DM6 of the Development Management DPD and KP2 and CP4 of the Core Strategy.

- 06** No development shall take place until a detailed design and method statement relating to the front façade retention has been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved design and method statement unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard character and appearance of surrounding area in accordance with Policies DM1, DM5 and DM6 of the Development Management DPD and KP2 and CP4 of the Core Strategy.

- 07** Final glazing, acoustic insulation and ventilation details for the scheme are to be submitted to, and approved by, the Local Planning Authority prior to installation. Glazing and ventilation should be selected with relevant acoustic properties as outlined in the Noise Impact Assessment dated 3rd-8th February 2017. Appropriate mitigation must be given to ensure that cumulative noise levels in accordance with BS4142:2014 meet relevant internal noise criteria in accordance with BS8233:2014, along with tonal and impulsive penalties where necessary and remain in perpetuity.

Reason: To protect the amenities of the residential occupiers from undue noise and disturbance in order to protect their amenities in accordance with DPD1 (Core Strategy) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the DM DPD and SPD1 (Design and Townscape Guide).

- 08** Before the A3 use hereby permitted is occupied, details of any equipment to be installed to control the emission of fumes and smell

from the premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented before the unit is brought into use. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

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 KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

- 09 With reference to BS4142, the noise rating level arising from all plant and extraction/ventilation equipment installed at the site shall be at least 5dB(A) below the prevailing background at 3.5 metres from ground floor façades of the nearest noise sensitive property and 1 metre from all other façades 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 Policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

- 10 The Use Class A3 use hereby permitted shall not be open to customers outside the following times: 07:00 to 00:00 hours.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and amenities of the area in accordance with policies Policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

- 11 The development shall not be occupied until a waste management plan and service plan has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD

2015.

- 12 The development shall not be occupied until 9 car parking and 18 cycle parking spaces have been provided, all in accordance with the approved plans. The parking and cycle spaces shall be permanently retained thereafter for the parking of occupiers of residential flats.**

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

- 13 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide, amongst other things, for:**

- i) the parking of vehicles of site operatives and visitors**
- ii) loading and unloading of plant and materials**
- iii) storage of plant and materials used in constructing the development**
- iv) the erection and maintenance of security hoarding**
- v) measures to control the emission of dust and dirt during construction**

- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.**

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1 with CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.

- 14 Details of any external lighting to be installed in the development shall be submitted to and approved in writing by the local planning authority before the development is occupied or brought into use. Development shall be carried out in accordance with the approved details before the development is occupied or brought into use. No additional external lighting shall be installed on the building without the consent of the Local Planning Authority.**

Reason: To protect the amenities of the residential occupiers from undue noise and disturbance in order to protect their amenities in accordance with DPD1 (Core Strategy) policies KP2 and CP4, Policies

DM1, DM3 and DM8 of the DM DPD and SPD1 (Design and Townscape Guide).

- 15 Construction hours restricted to 8am – 6pm Monday to Friday, 8am – 1pm Saturday and not at all on Sundays or Bank Holidays.**

Reason: To protect the amenities of the residential occupiers from undue noise and disturbance in order to protect their amenities in accordance with DPD1 (Core Strategy) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the DM DPD and SPD1 (Design and Townscape Guide).

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

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

- 17 A full asbestos survey of the building(s) to be demolished shall be carried out by a suitably qualified person prior to demolition. Any asbestos containing material(s) (ACM) must be removed and disposed off-site to a facility licenced by the Environment Agency. A waste transfer certificate must be submitted to the local planning authority prior to development commencing.**

Reason: In order to protect the amenities of surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

- 18 No meter boxes shall be installed on the front of the building or side elevations of that face a highway and the meter boxes installed thereafter in accordance with the approved details.**

Reason: In the interests of visual amenity in accordance with Policies DM1 and MD3 of the Development Management DPD 2015 and the Design and Townscape Guide 2009.

- 19 No development shall take place until details of the implementation, adoption, maintenance and management of the sustainable drainage system have been submitted to and approved in writing by the local**

planning authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

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

- 20 Prior to occupation of the development hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

- 21 The development hereby approved shall be carried out in a manner to ensure the houses comply with building regulation M4 (2) 'accessible and adaptable dwellings'.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 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

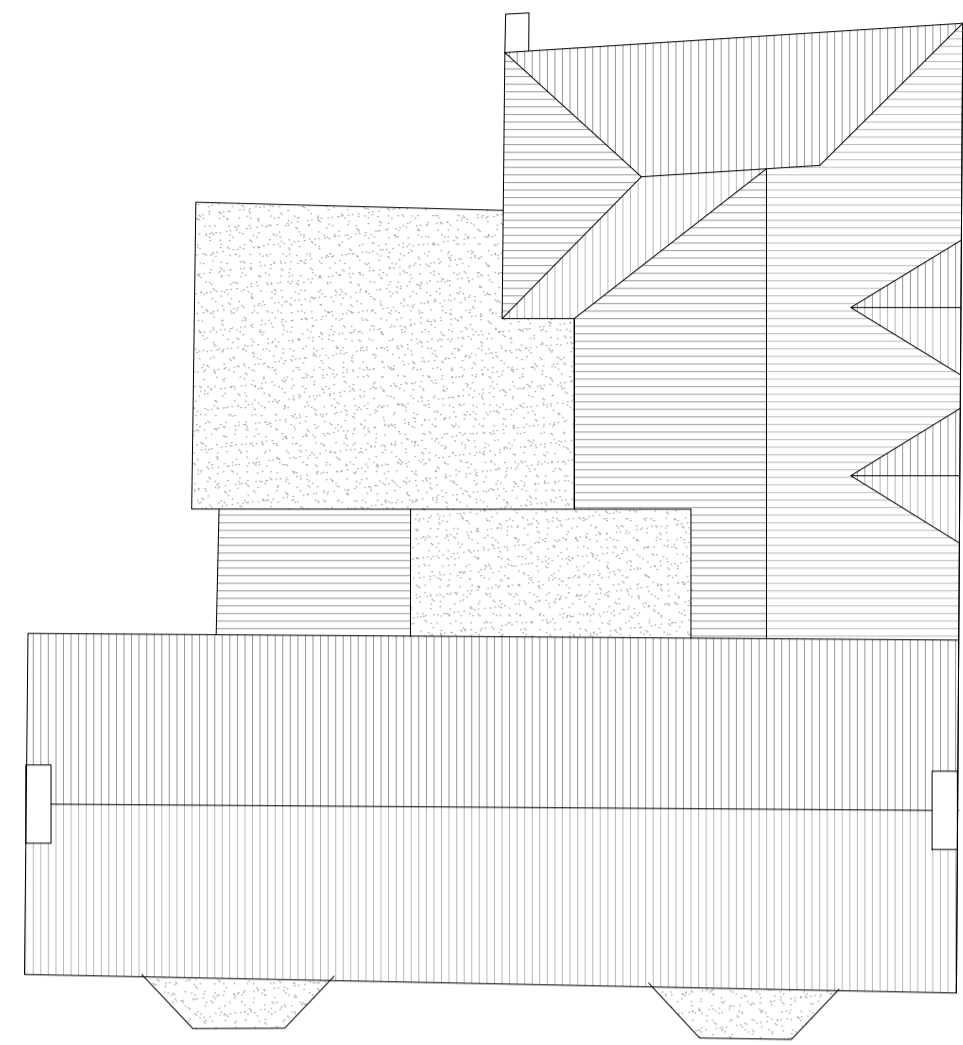
report on the application prepared by officers.

Informative

- 1 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a Community Infrastructure Levy (CIL) Liability Notice for the attention of the applicant and any person who has an interest in the land. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development.**

Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.

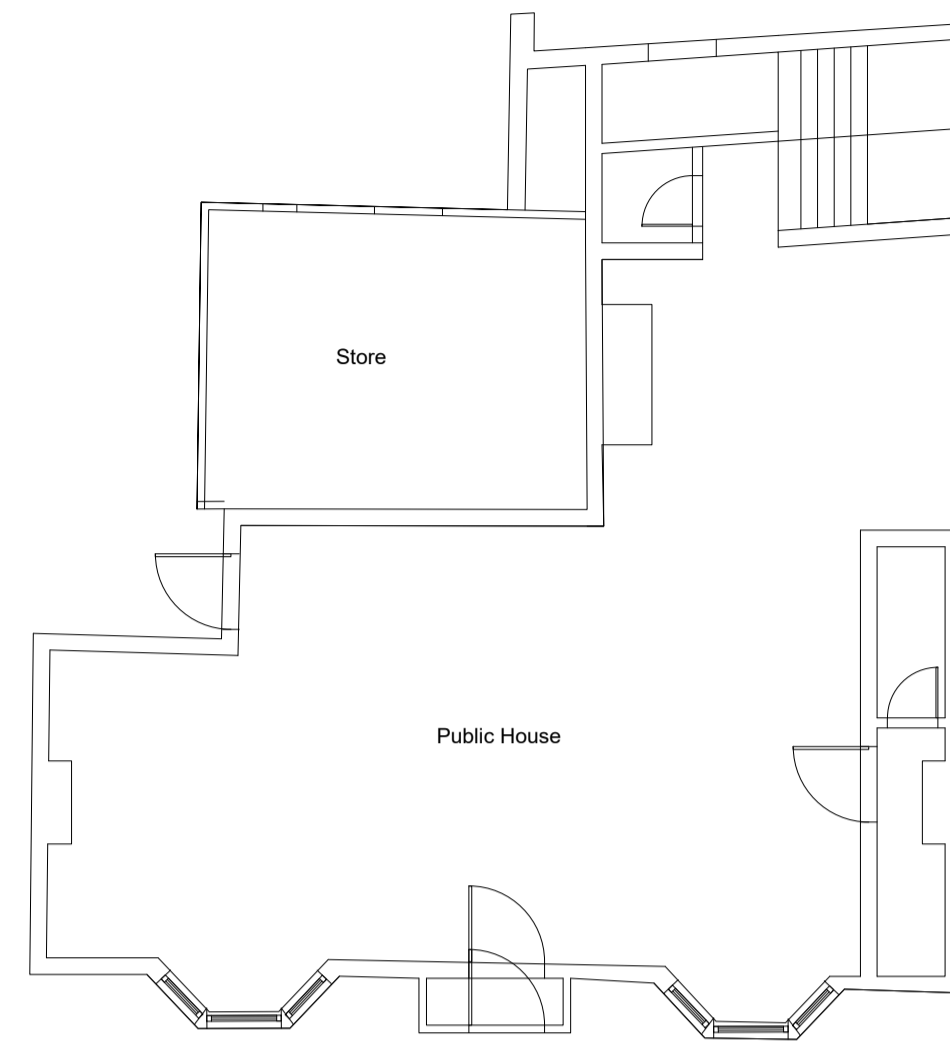
- 2 Compliance with this decision notice does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. Contact 01702 215005 for more information.**
- 3 The applicant is reminded that this permission does not bestow compliance with the Food Safety and Hygiene (England) Regulations 2013 or any other provision so enacted, such as those located within the Food Safety Act 1990. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215005 or at Regulatory Services Department, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ZG.**
- 4 For further guidance on the control of odour and noise from ventilation systems you are advised to have regard to – Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by DEFRA. This can be downloaded free from www.DEFRA.Gov.UK**



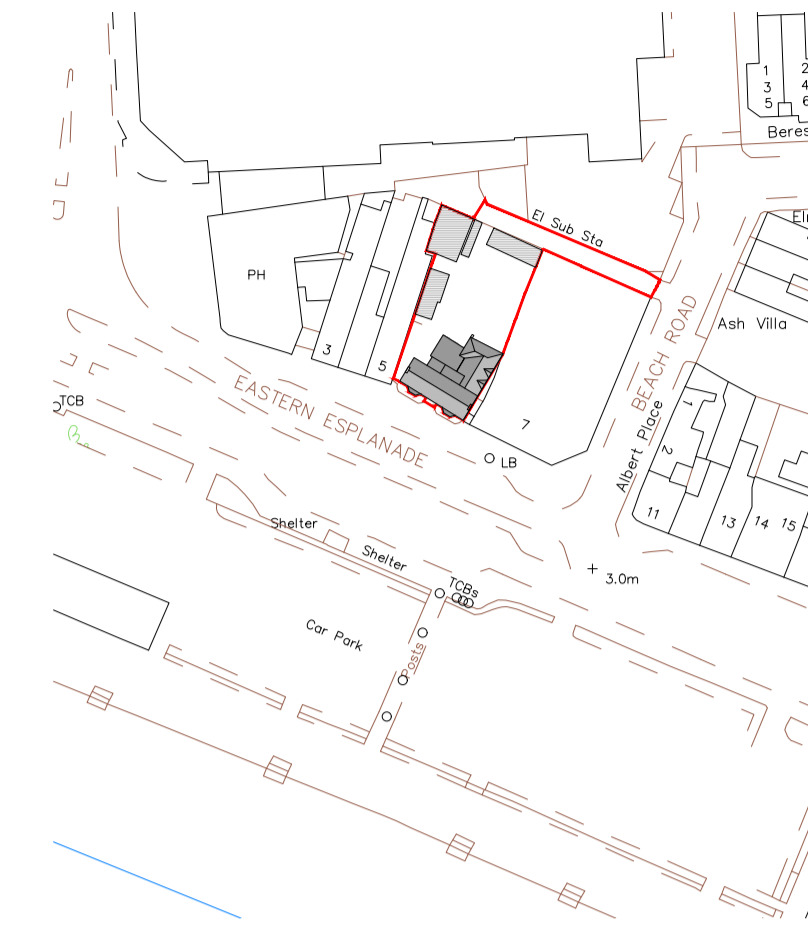
Existing Roof Plan 1:100



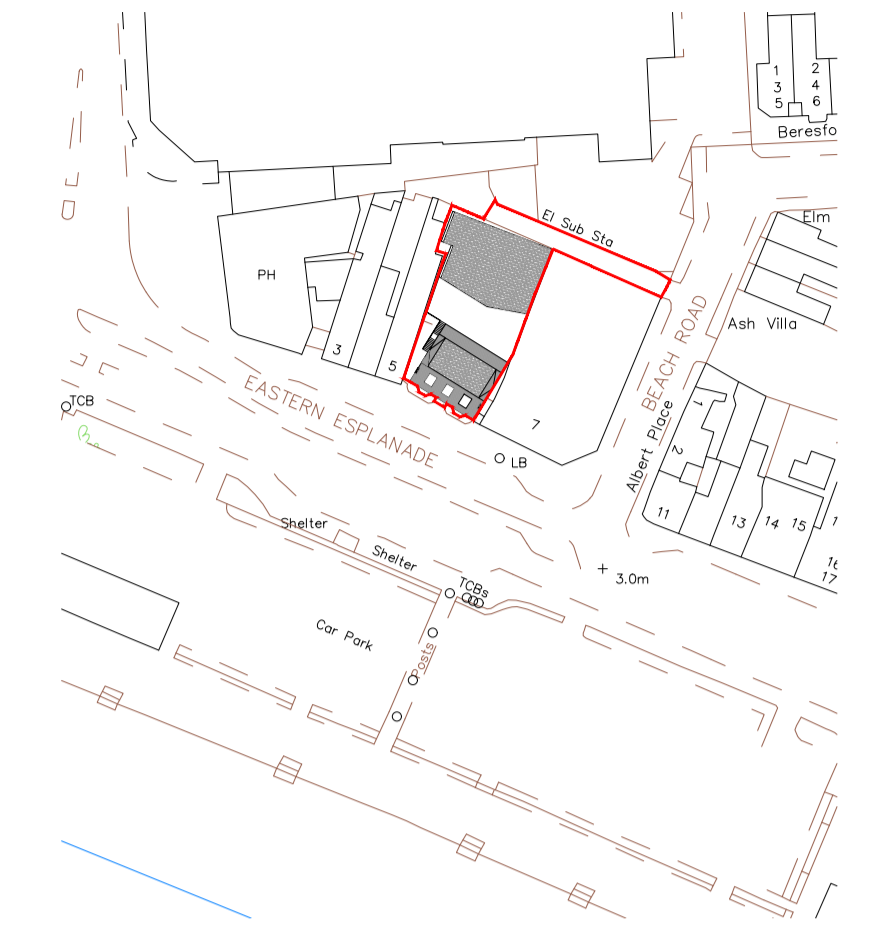
Existing 1st Floor Plan 1:100



Existing Gnd Floor Plan 1:100



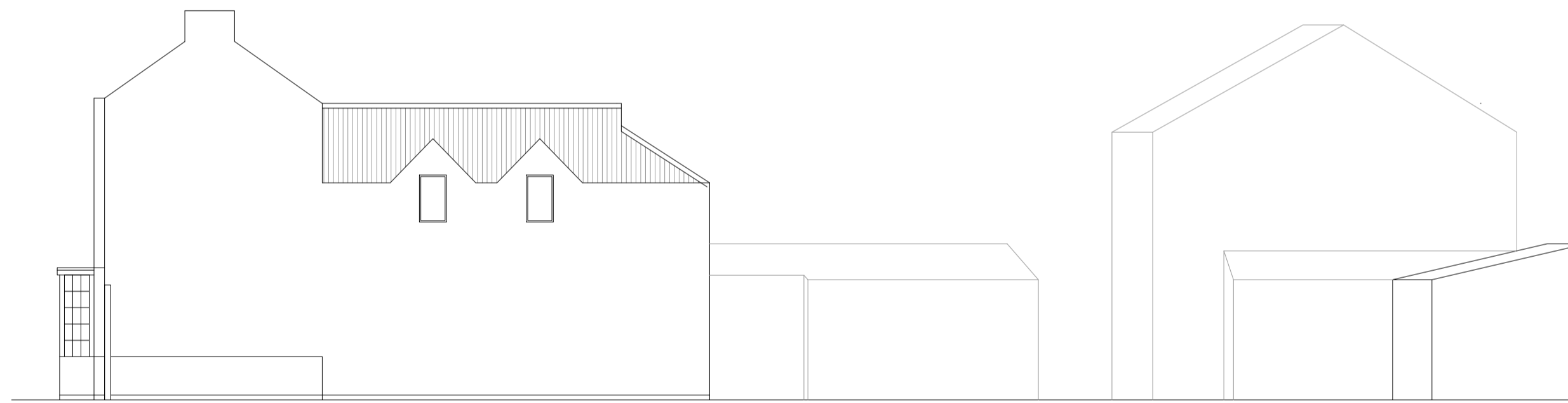
Existing Location Plan 1:1250 North



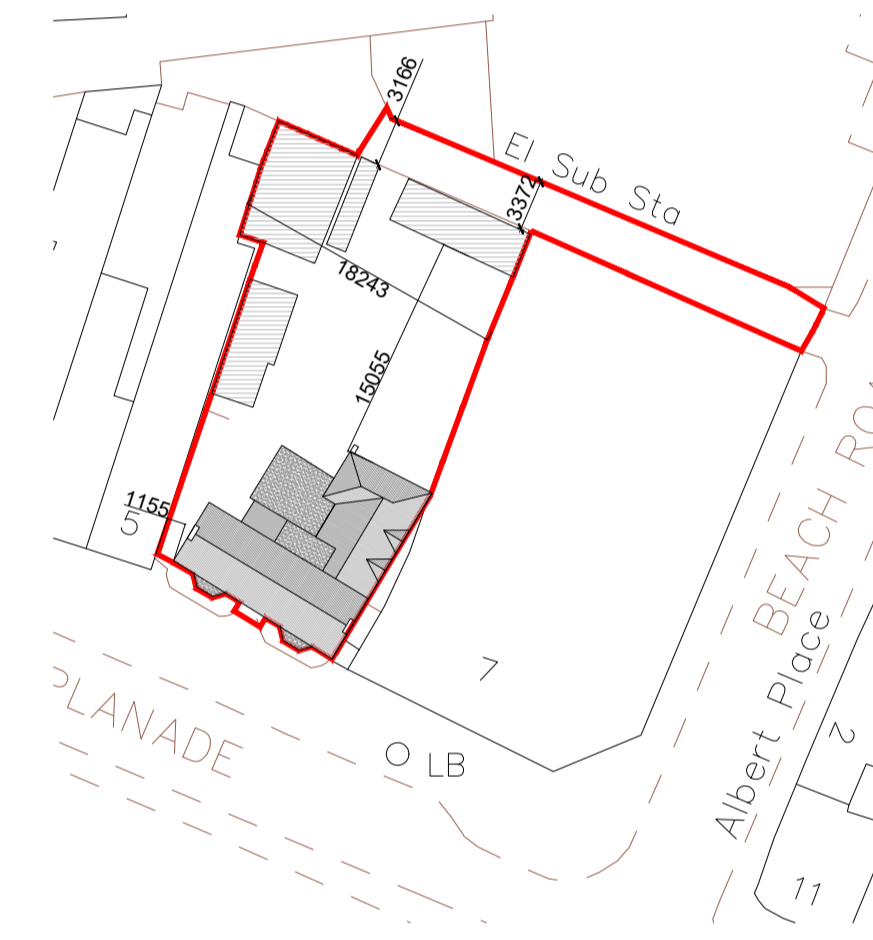
Proposed Location Plan 1:1250 North



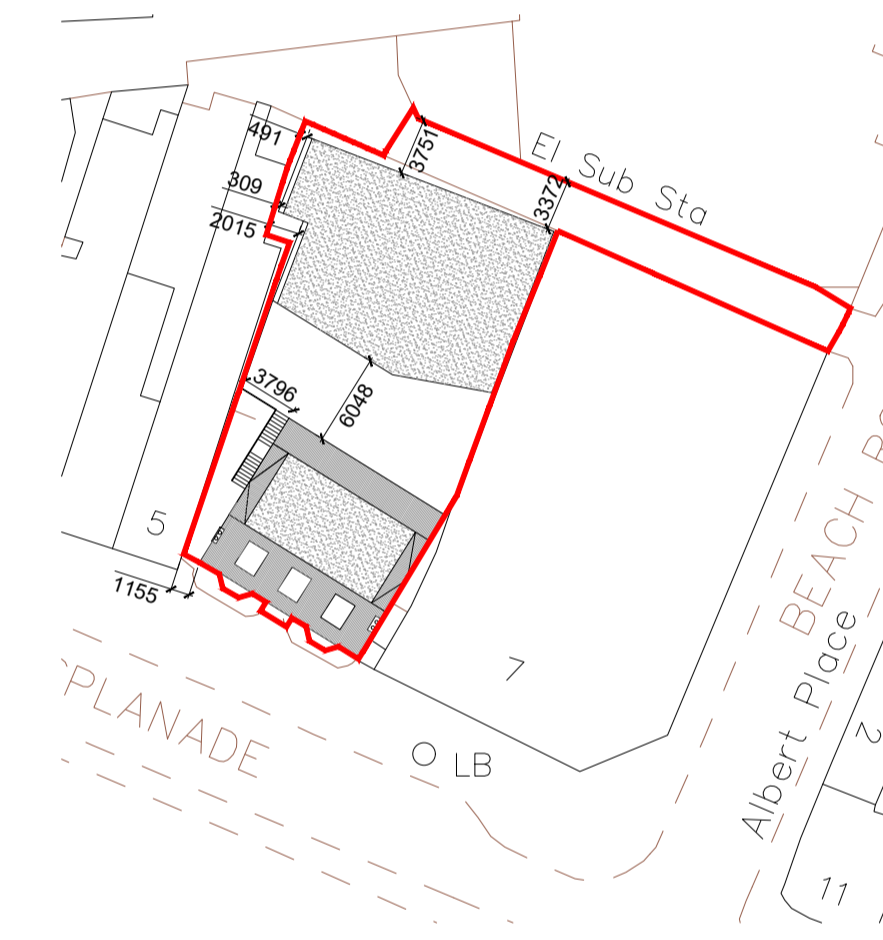
Existing South Facing Elevation 1:100



Existing East Facing Elevation 1:100



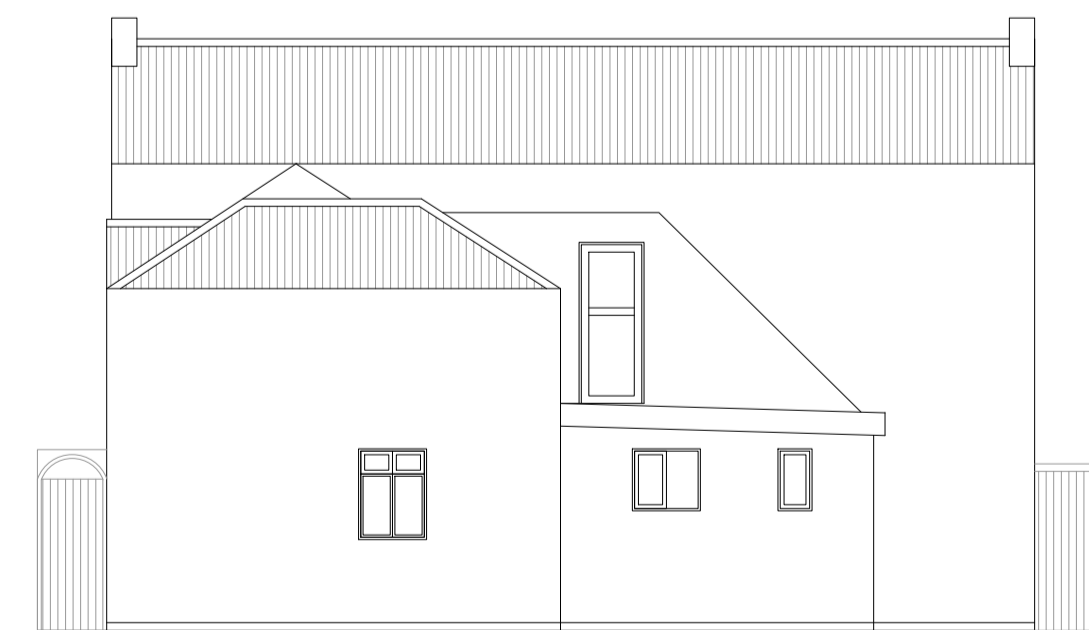
Existing Block Plan 1:500 North



Proposed Block Plan 1:500 North



Existing West Facing Elevation 1:100



Existing North Facing Elevation 1:100

STATUS: AWAITING APPROVAL

PROJECT STAGE: S3 - Planning	DRAWN BY: WRS	CHKD BY: []
CLIENT: P Millar		
PROJECT: Britania Public House	Postcode: xxx	
PROJECT NO: 303	PAGE NO: 303PD1	REVISION: D
DRAWING: Existing, Site and Block plans		

SCALE:
1:100, 1:500, 1:1250 on A1

BUILDER INFORMATION:
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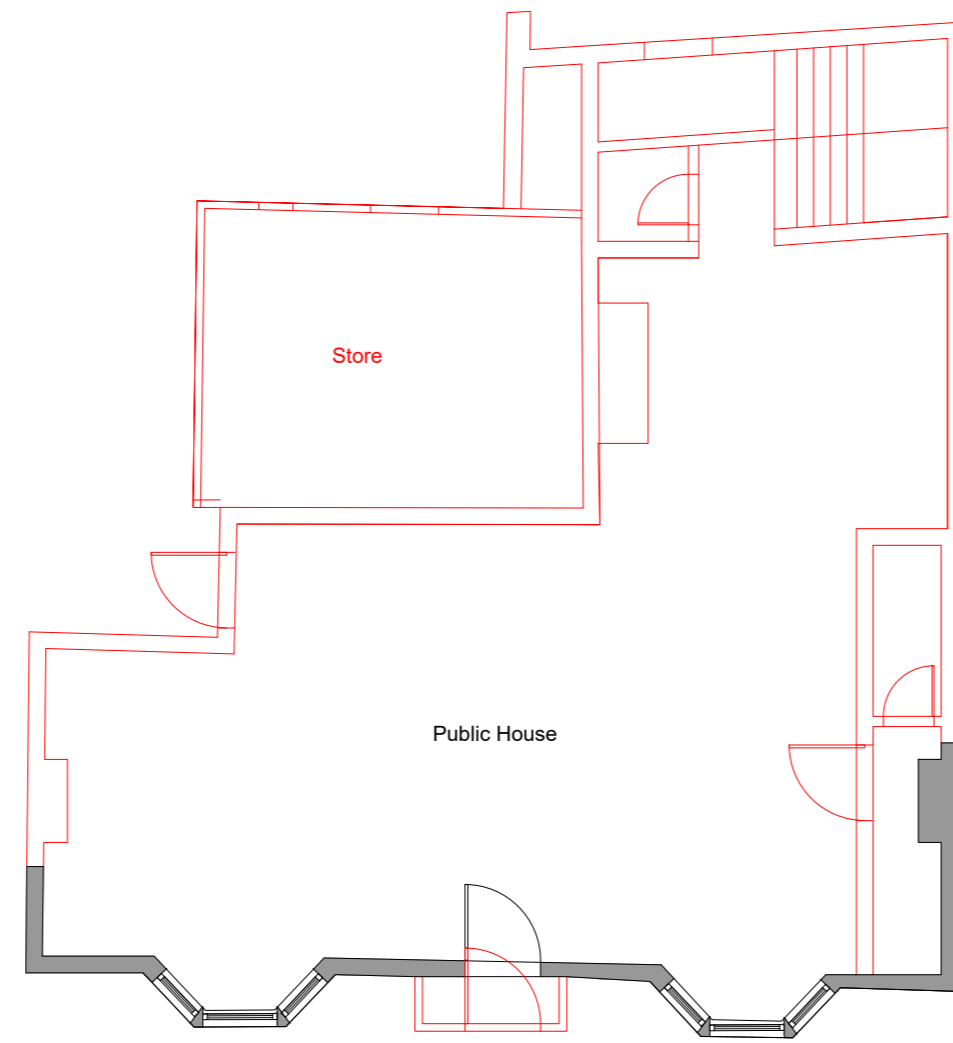
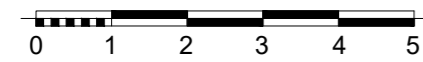
DRAWING NOTES:
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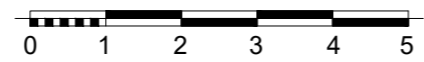
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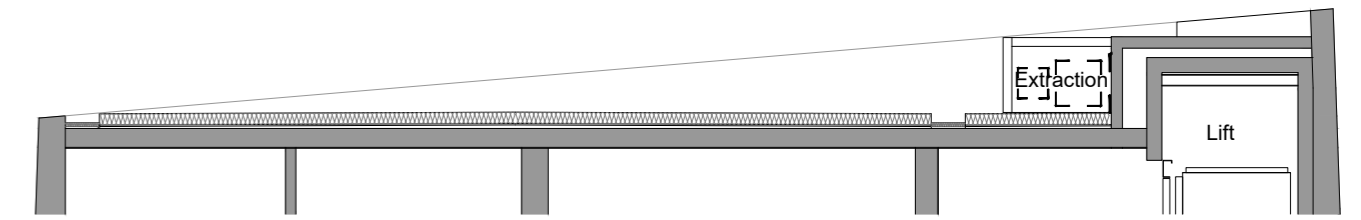
1st Floor Plan 1:100



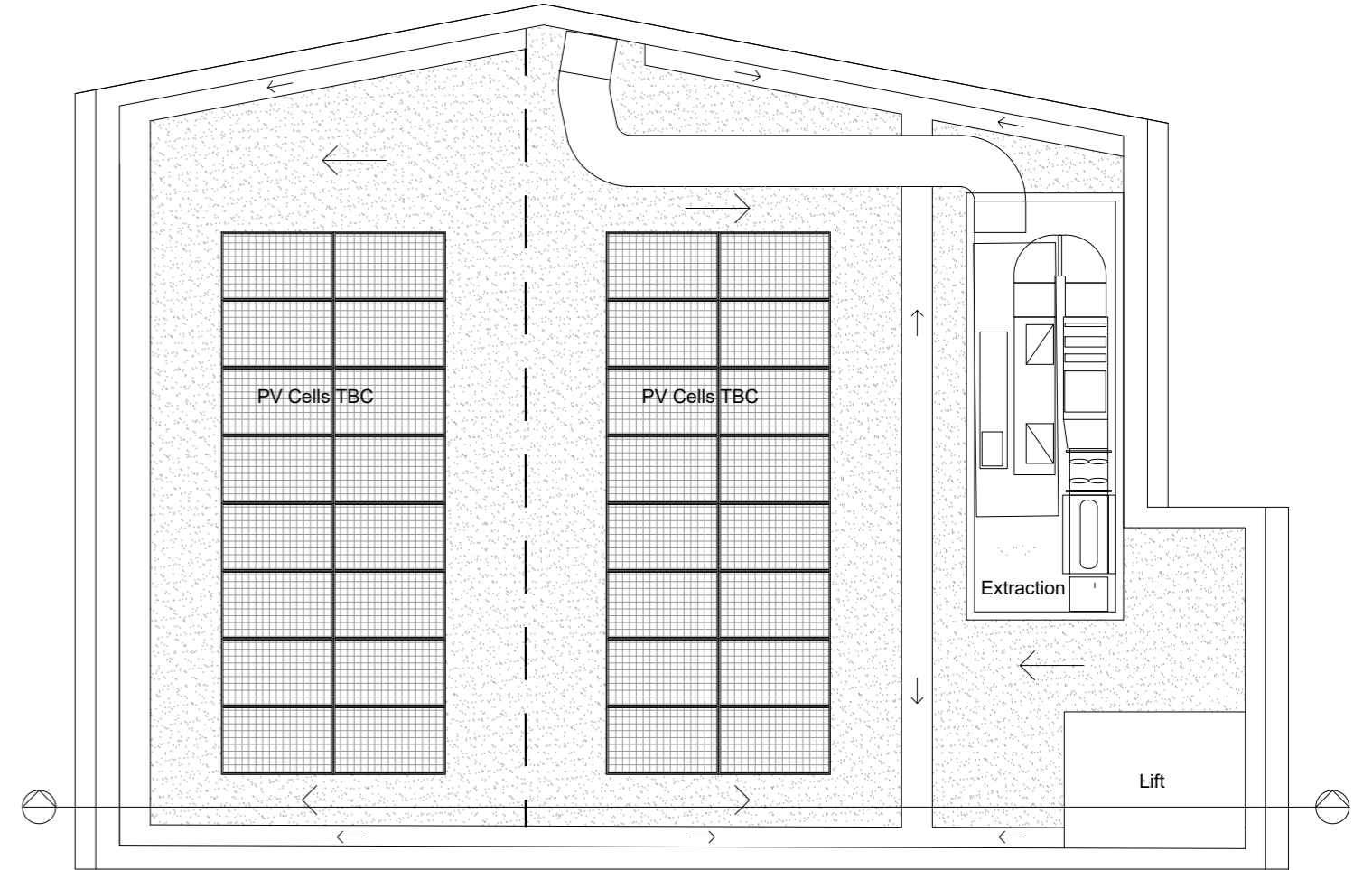
Gnd Floor Plan 1:100



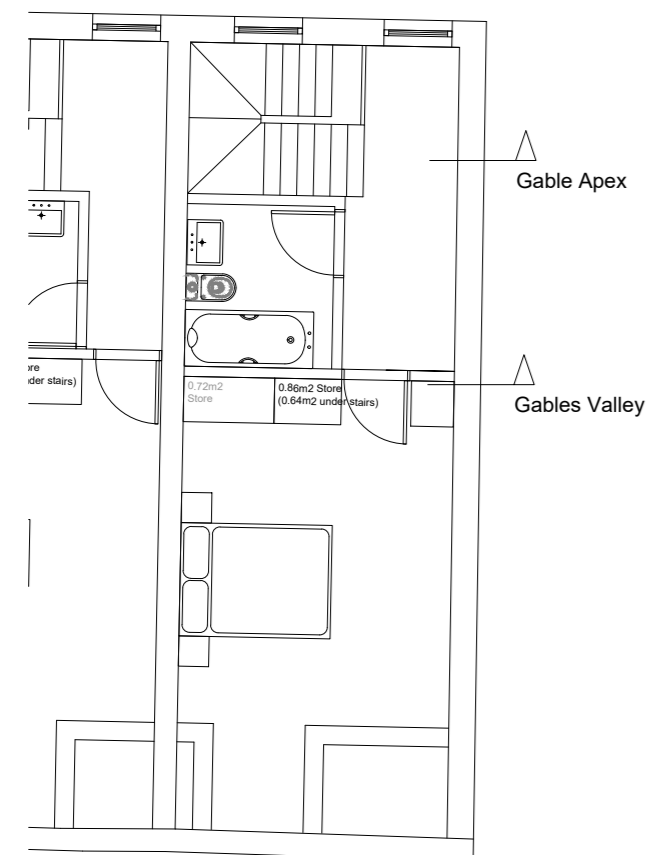
Front Building Demolition Plans



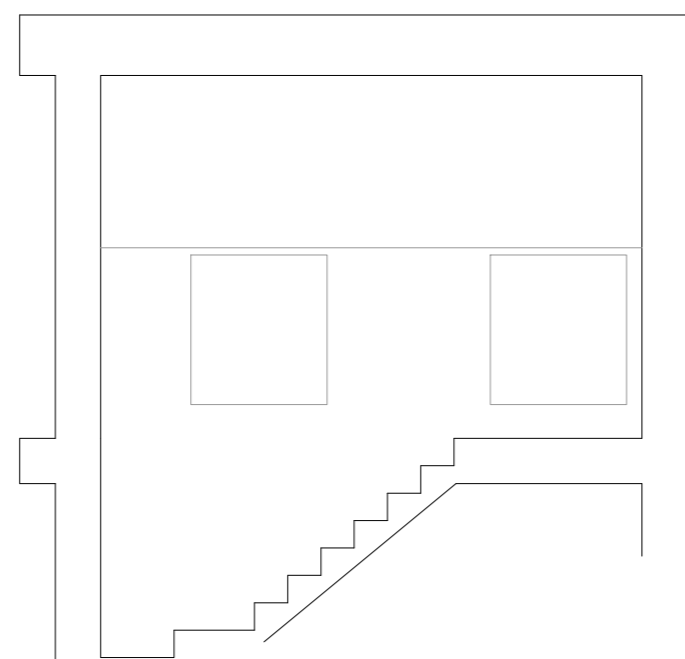
Proposed Rear Building Roof Section 1:100



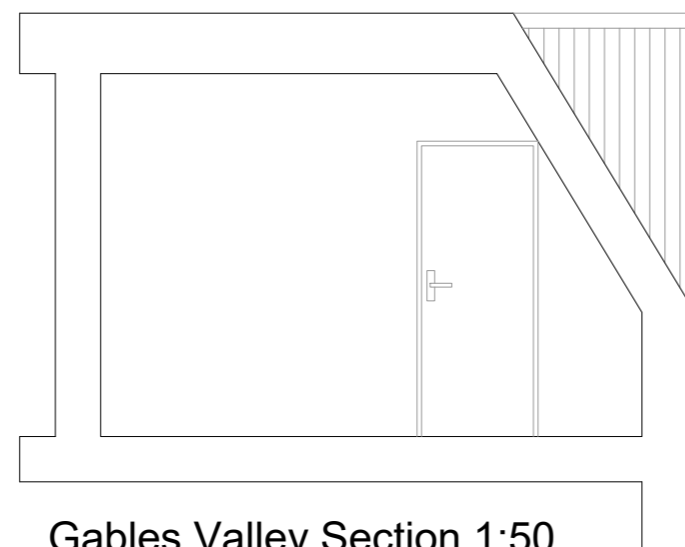
Proposed Rear Building Roof Plan 1:100



End Gable Plan 1:100



Gable Apex Section 1:50



Gables Valley Section 1:50

STATUS: Awaiting Approval

PROJECT STAGE: S3 - Planning
 CLIENT: P Millar
 PROJECT: Britania Public House
 PROJECT NO: 303
 DRAWING: Additional information

DRAWN BY: WRS
 CHKD BY: []

Postcode: xxxx
 REVISION: A

PAGE NO: 303P07

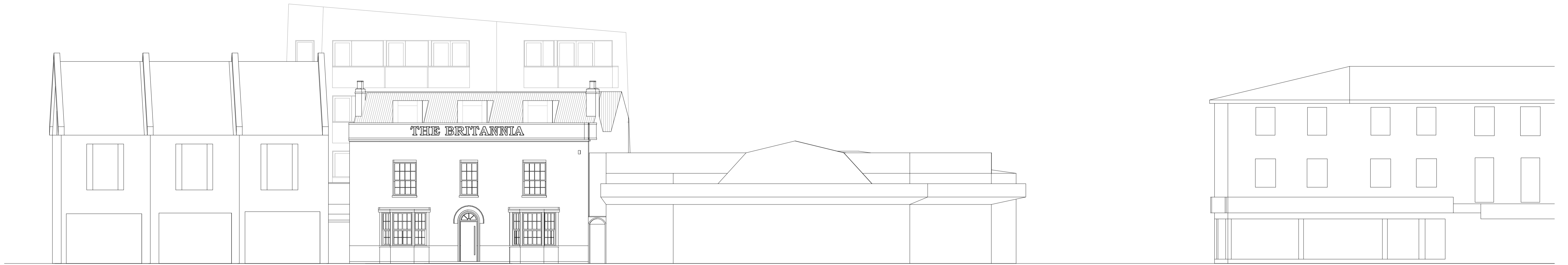
SCALE: 1:100 on A2

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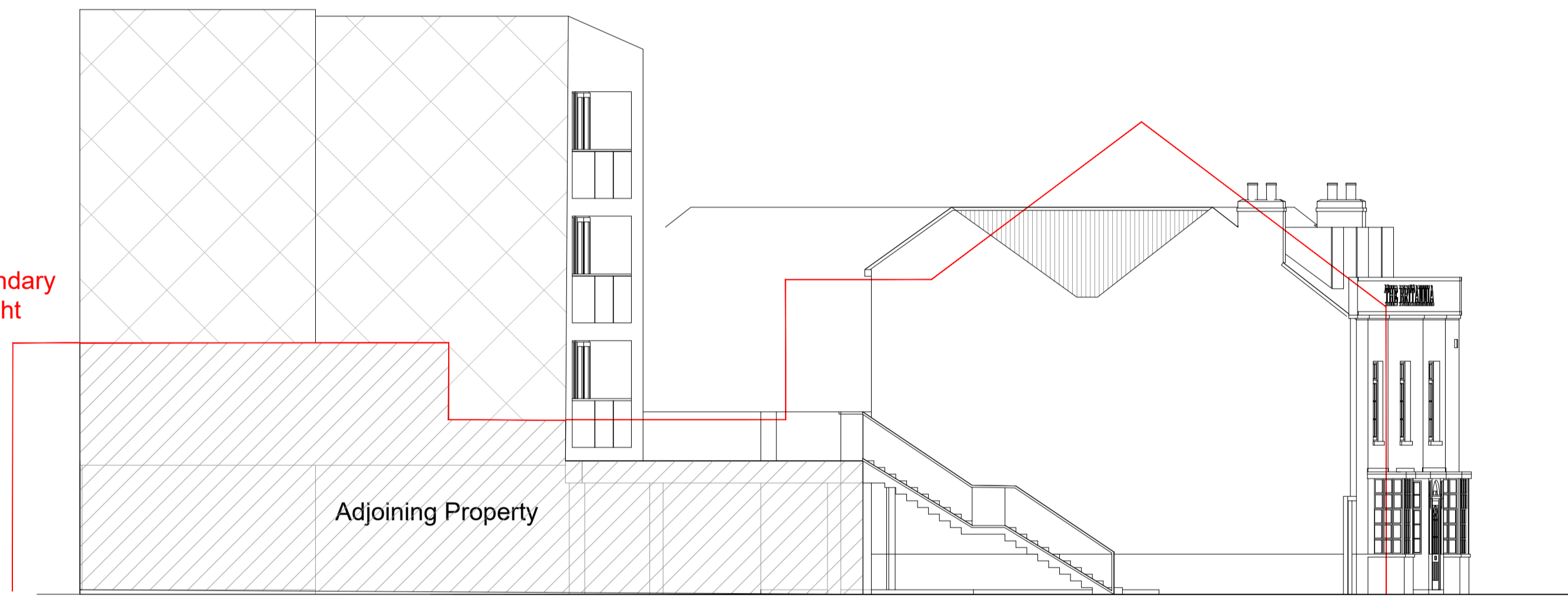
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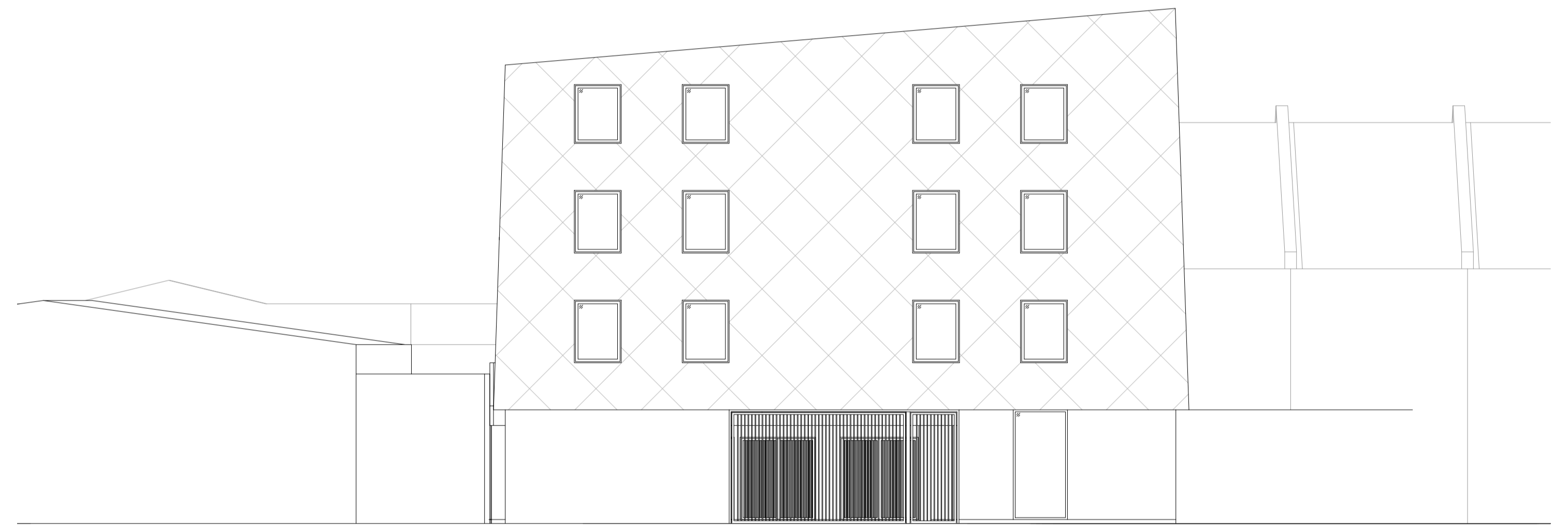
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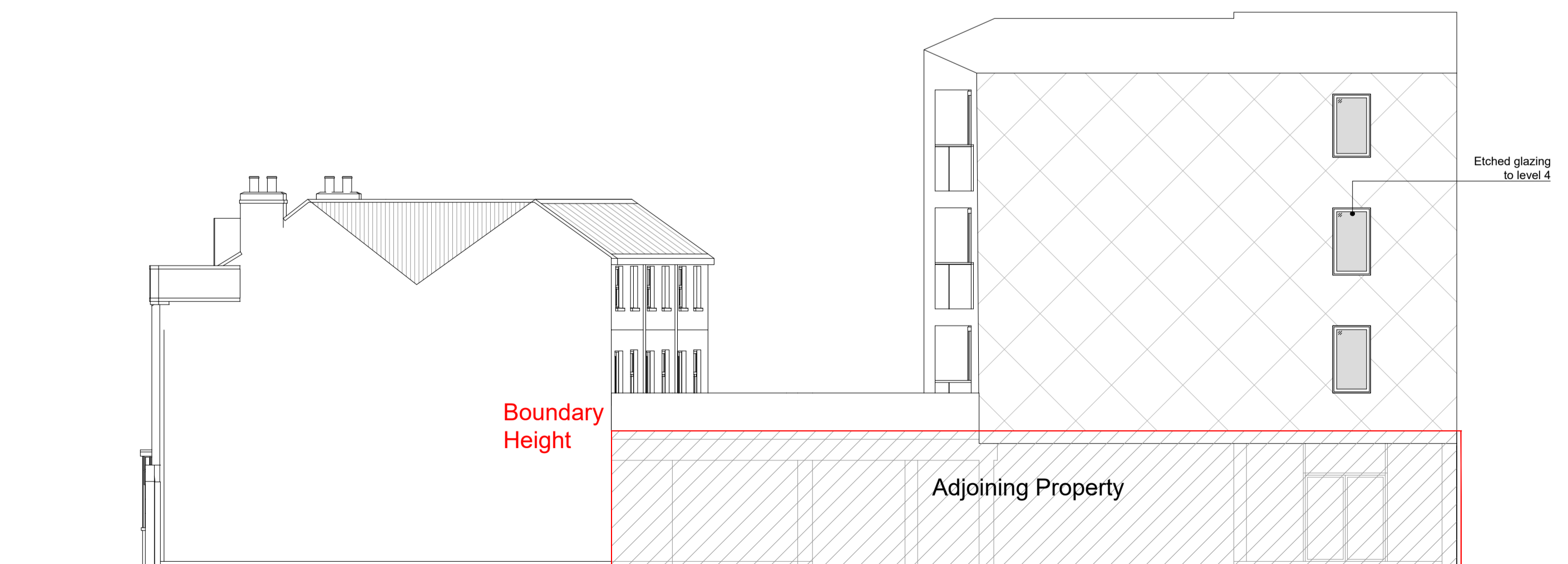
Proposed South Facing Elevation 1:100



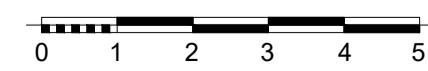
Proposed West Facing Elevation 1:100



Proposed North Facing Elevation 1:100



Proposed East Facing Elevation 1:100



STATUS: AWAITING APPROVAL

PROJECT STAGE: S3 - Planning
 CLIENT: P Millar
 PROJECT: Britania Public House
 PROJECT NO: 303
 DRAWING: Proposed elevations
 SCALE: 1:100 on A1

DRAWN BY: WRS
 CHECKED BY: []

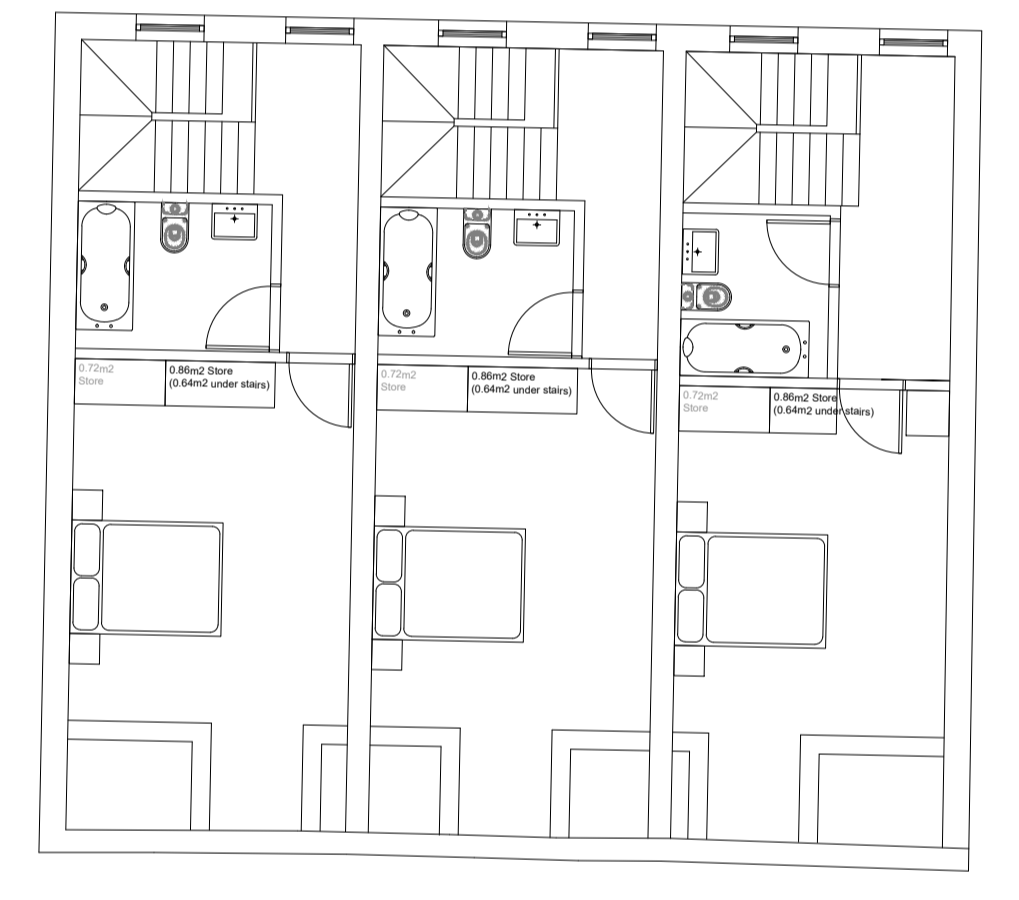
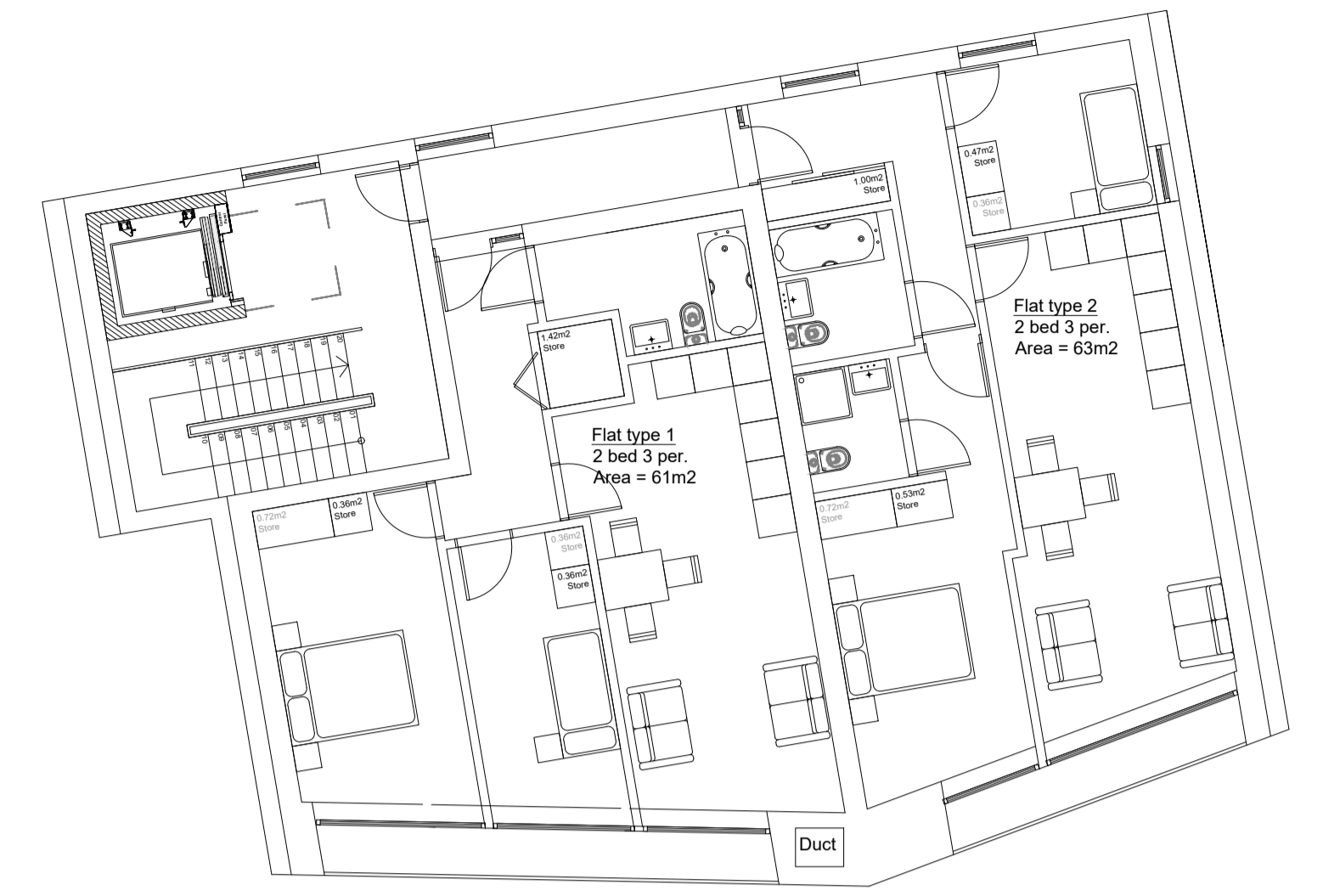
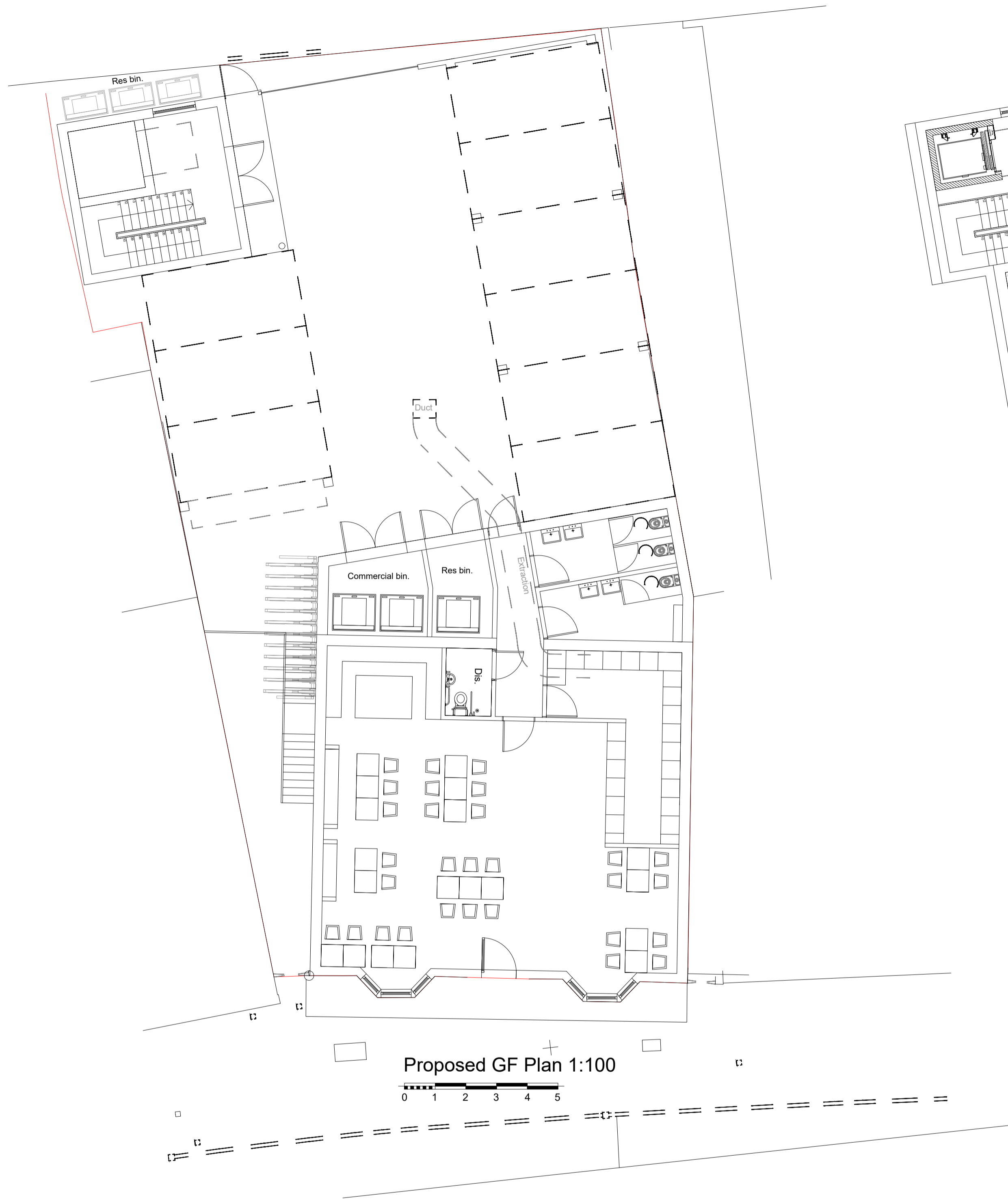
Postcode: xxx
 PAGE NO: 303P03
 REVISION: B

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STATUS: AWAITING APPROVAL

PROJECT STAGE: **S3 - Planning** DRAWN BY: **WRS** CHKD BY: _____
 CLIENT: **P Miller**
 PROJECT: **Britannia Public House** Postcode: **xxxx**
 PROJECT NO: **303** PAGE NO: **303P02** REVISION: **B**
 DRAWING: **Proposed Floor Plans**

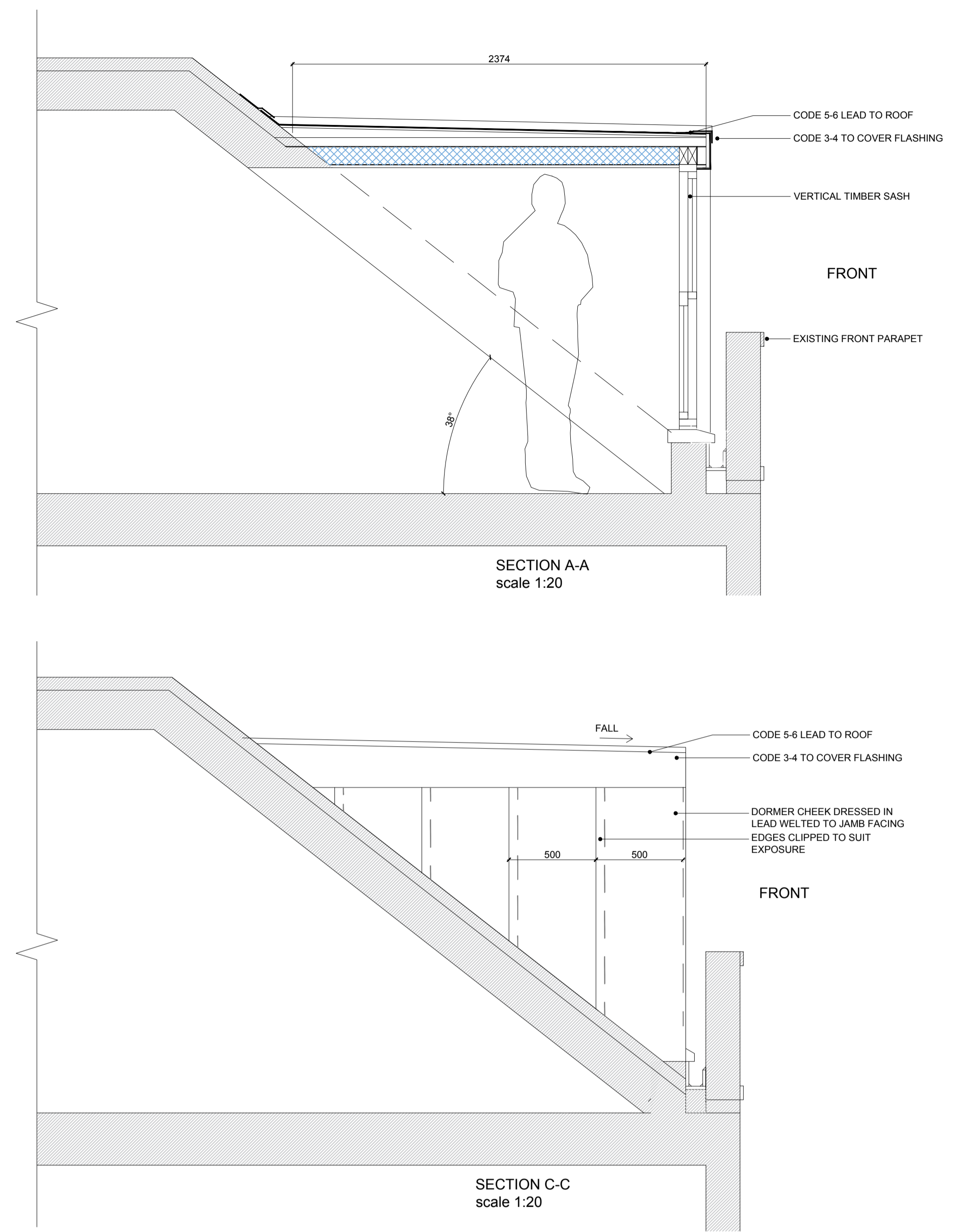
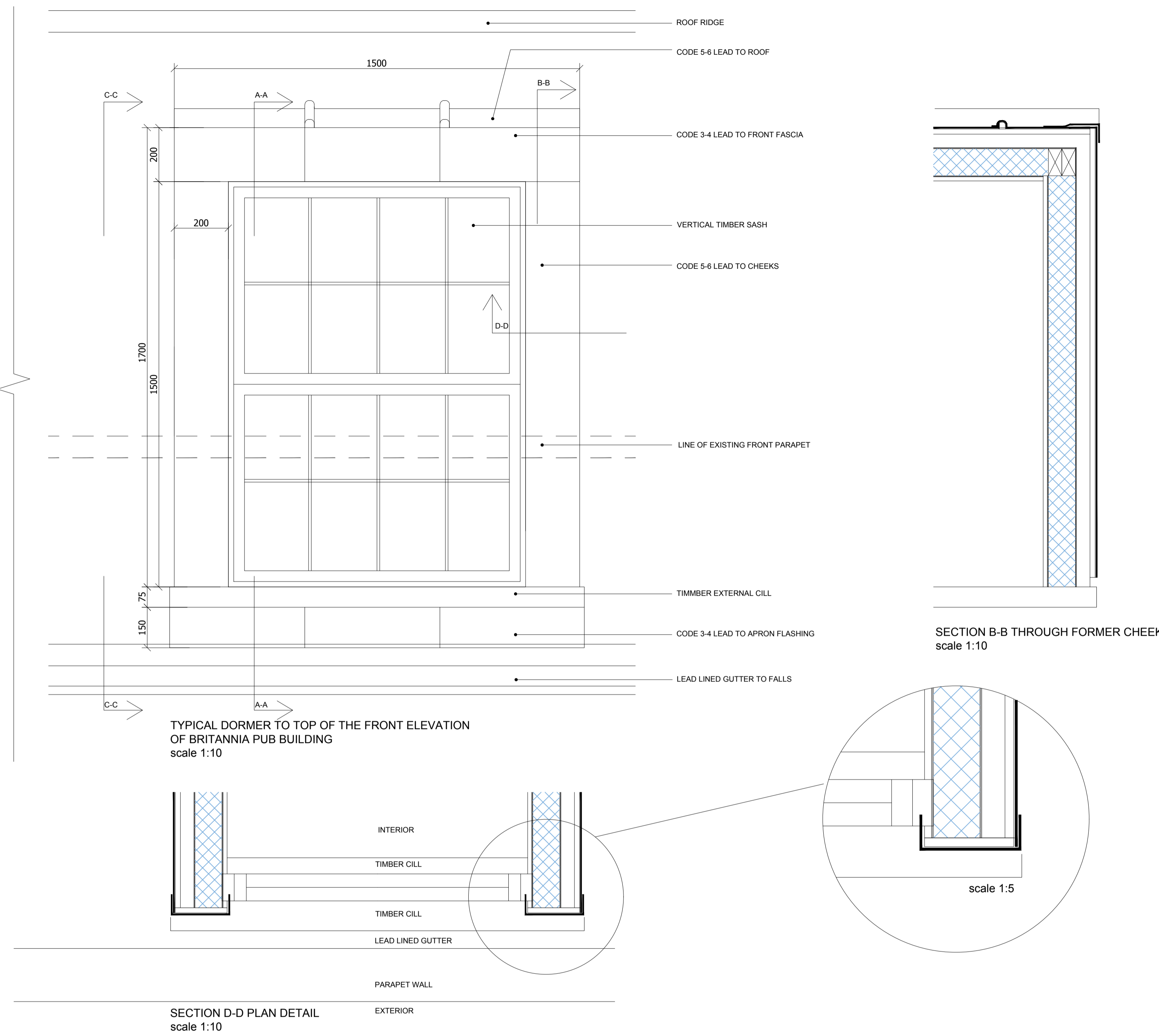
SCALE: **1:100 on A1**

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EXAMPLES OF SIMILAR LEAD DORMER WINDOWS



STATUS: **AWAITING APPROVAL**

PROJECT STAGE: S3 - Planning
DRAWN BY: MM
CHKD BY: SK
CLIENT: P Miller
PROJECT: Britannia Public House
PROJECT NO: 303
PAGE NO: P08
DRAWING: TYPICAL DORMER DETAIL AS PROPOSED

Postcode: SS1 2ER
REVISION: A

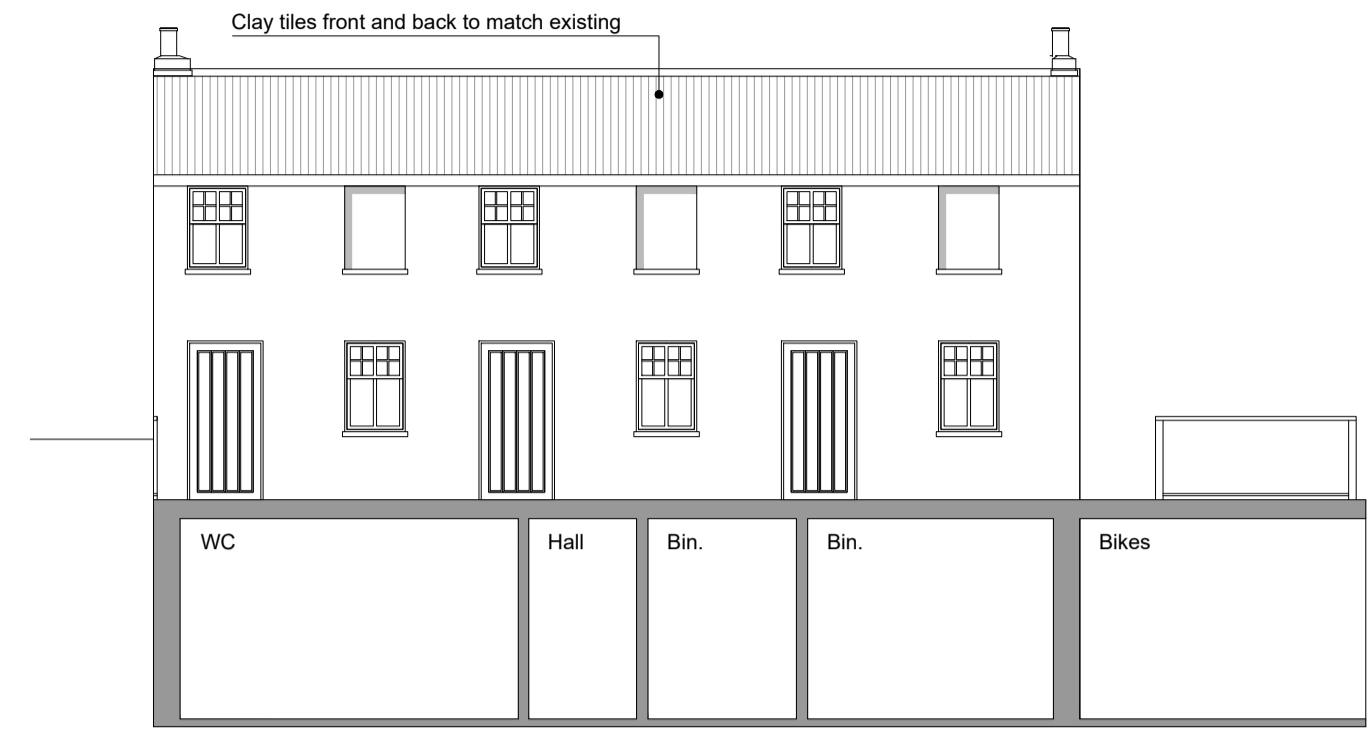
SCALE: 1:5,10,20@A1

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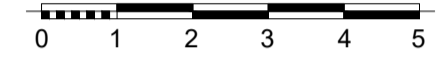
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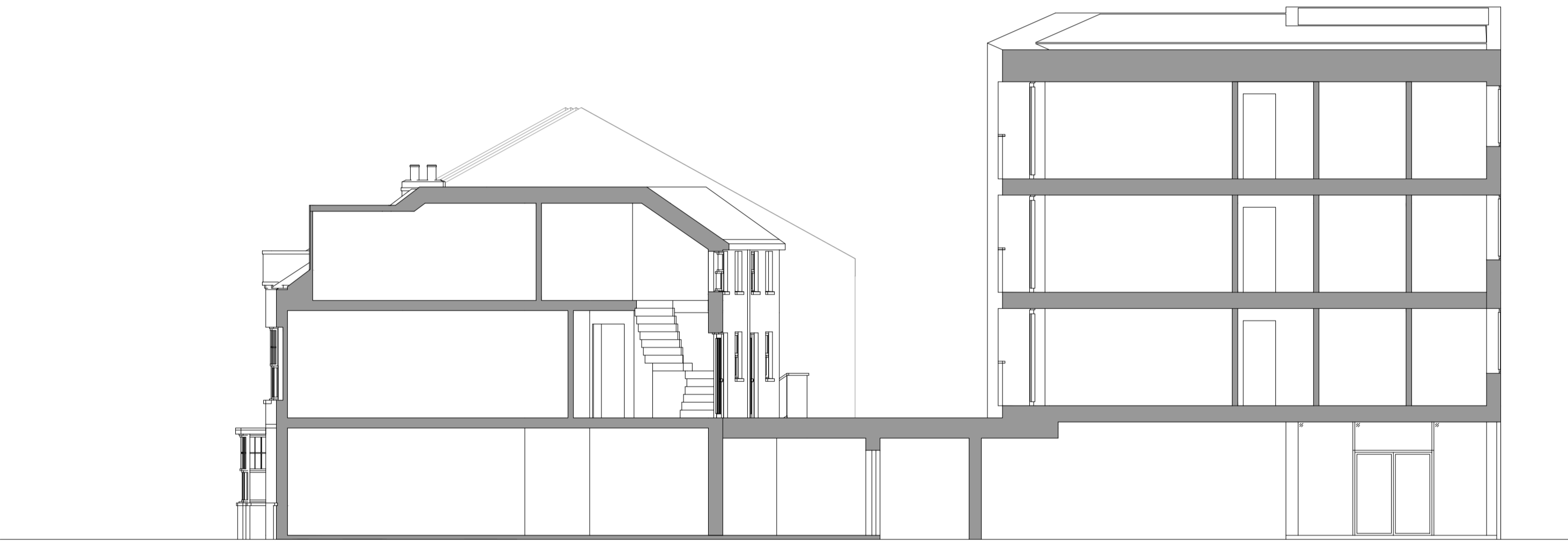
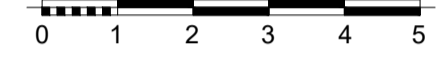
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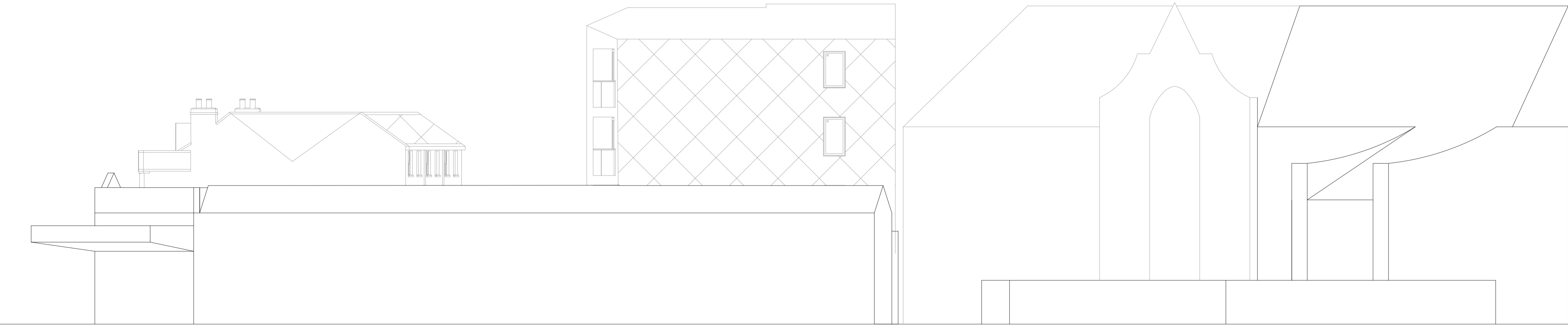
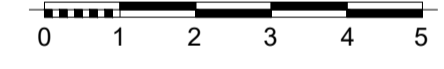
Rear elevation in full of the back of The Britannia 1:100



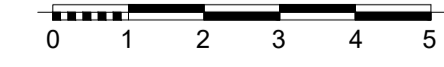
Front elevation in full of the block with six flats 1:100



Proposed Longitudinal Section - Including section through roof of The Britannia 1:100



Proposed East Facing Elevation 1:100



STATUS: AWAITING APPROVAL

PROJECT STAGE: S3 - Planning DRAWN BY: WRS CHKD BY:

CLIENT: P Millar

PROJECT: Britannia Public House Postcode: xxxx

PROJECT NO: 303 PAGE NO: 303P05 REVISION: B

DRAWING: Proposed Sections

SCALE: 1:100 on A1

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119

STATUS: AWAITING APPROVAL

PROJECT STAGE: S3 - Planning DRAWN BY: **WRS** CHKED BY:

CLIENT: P Millar

PROJECT: **Brittania Public House** Postcode: **xxxx**

PROJECT NO: **303** PAGE NO: **303P04** REVISION: **A**

DRAWING: **Visuals**

SCALE: **NA (@A3)**



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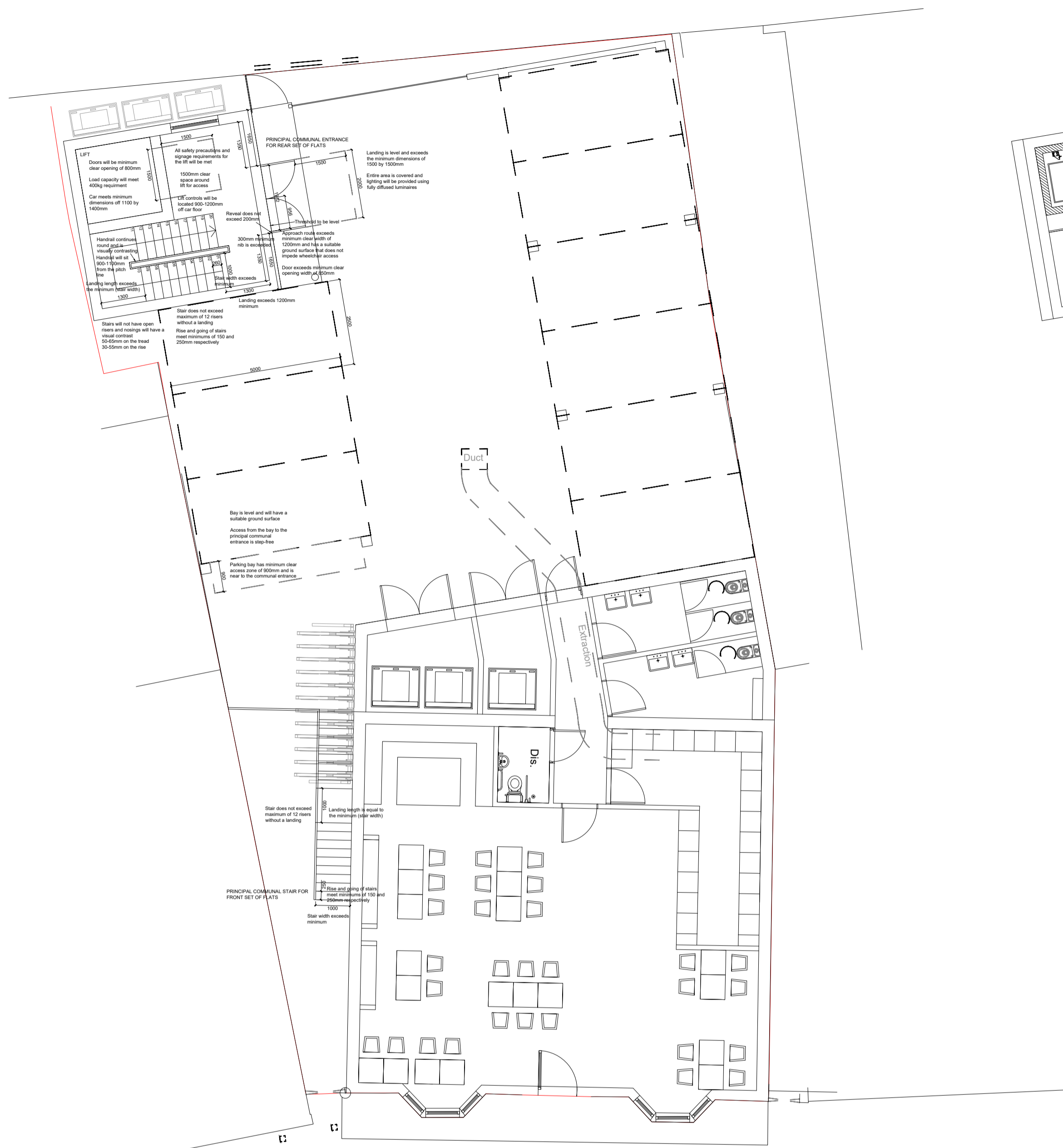
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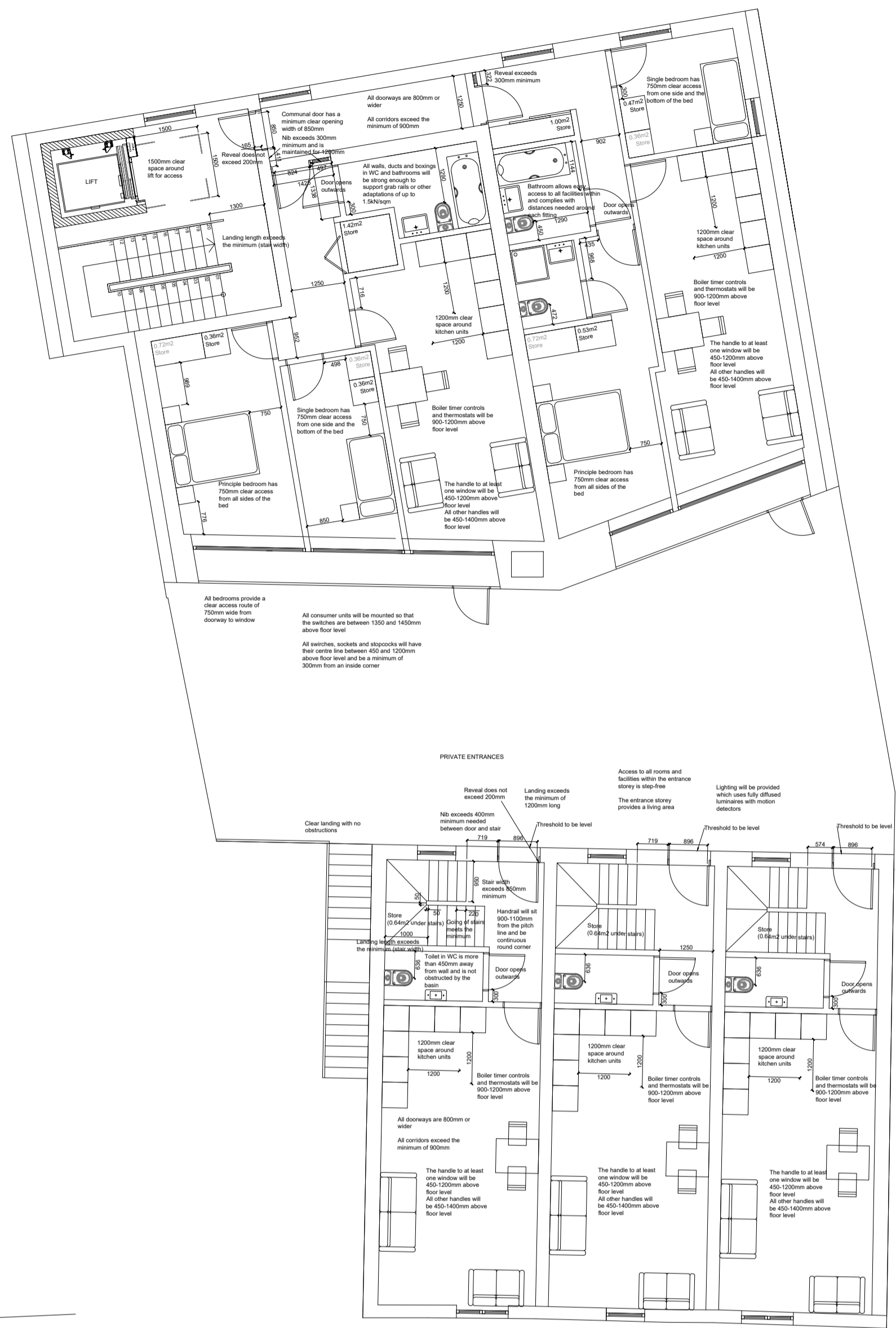
SKARCHITECTSLTD

853-855 London Road Tel: 01702 509250
 Westcliff-on-sea E-mail: info@skarchitects.co.uk
 SS0 9SZ

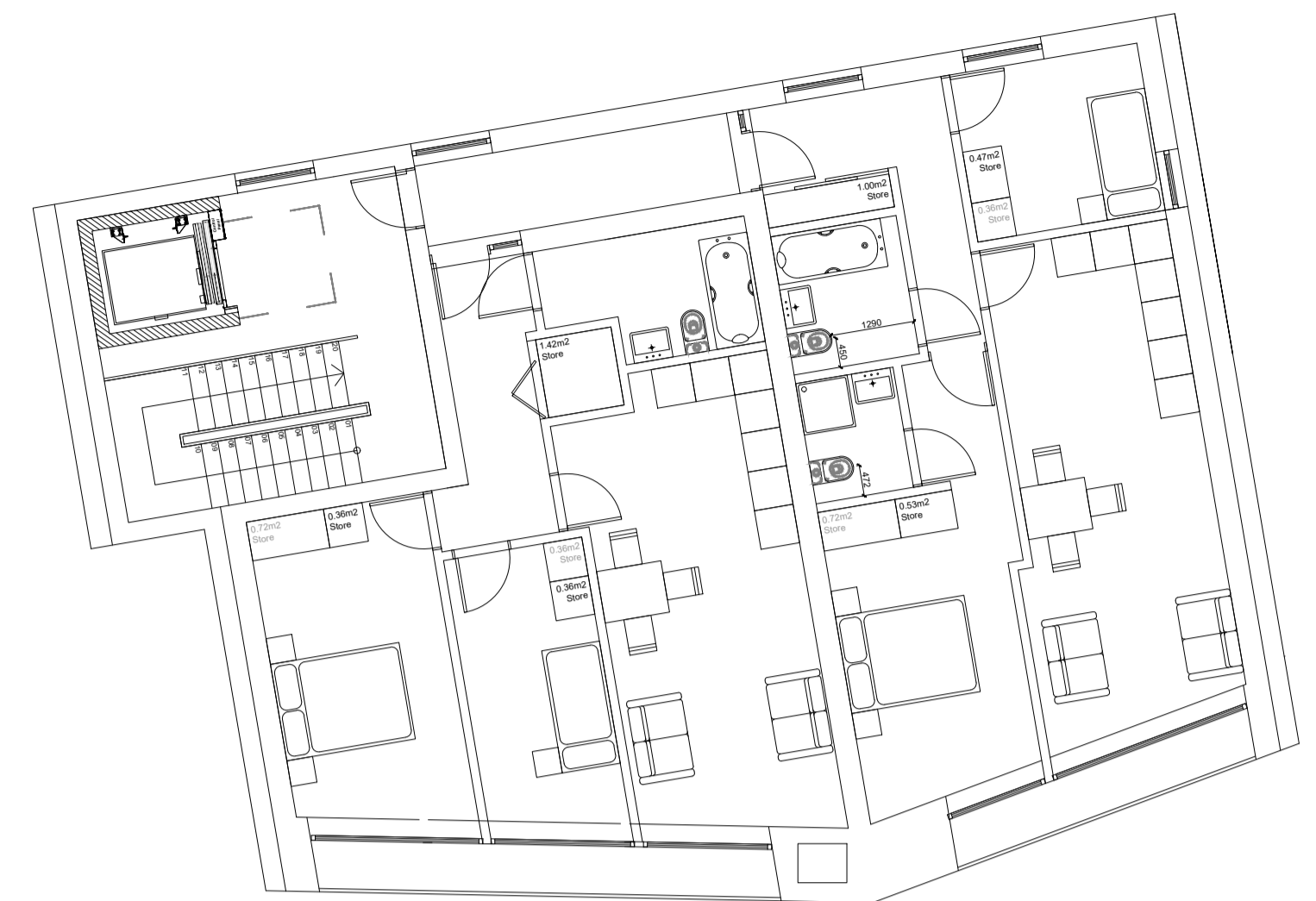
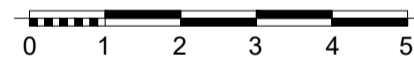
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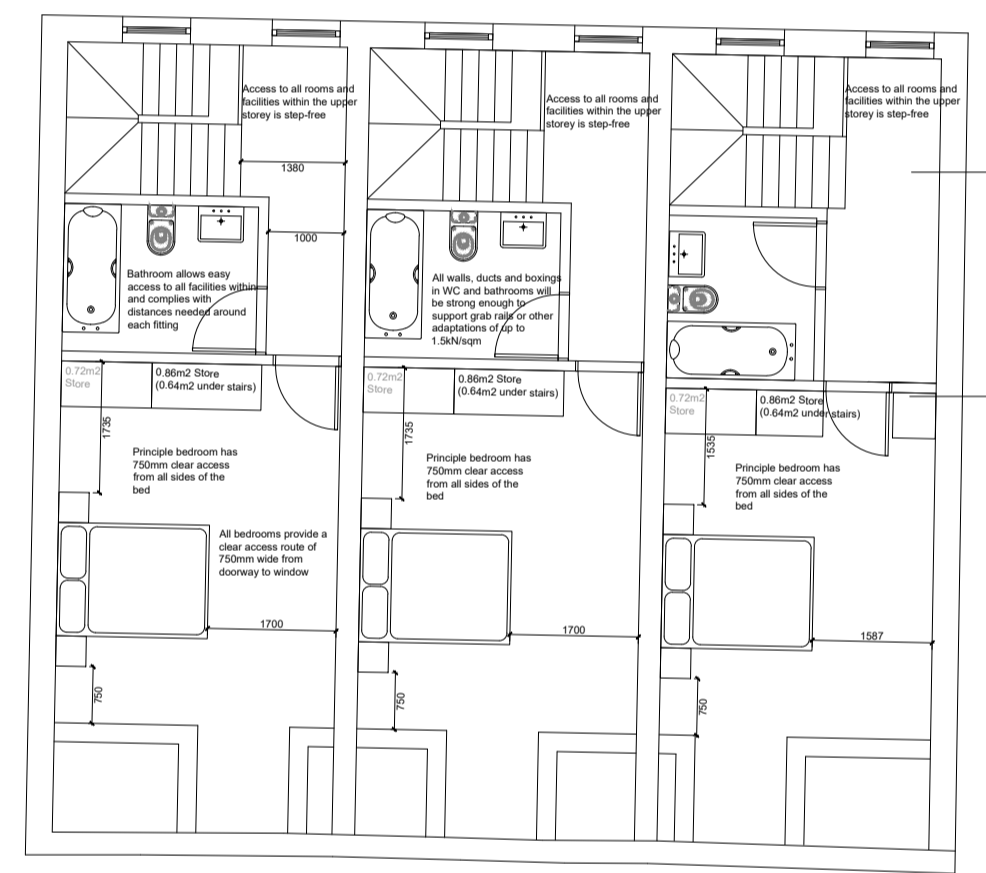
Proposed GF Plan 1:100



Proposed 1st Floor Plan 1:100



Proposed 2nd/3rd Floor Plan 1:100



Proposed 2nd Floor Plan 1:100



121

STATUS: AWAITING APPROVAL

PROJECT STAGE: S3 - Planning
 DRAWN BY: WRS
 CHKD BY: []
 CLIENT: P Miller
 PROJECT: Britania Public House
 PROJECT NO: 303
 PAGE NO: 303P06
 DRAWING: Proposed - Part M(2) Compliance plan
 SCALE: 1:100 on A1
 POSTCODE: []
 REVISION: C

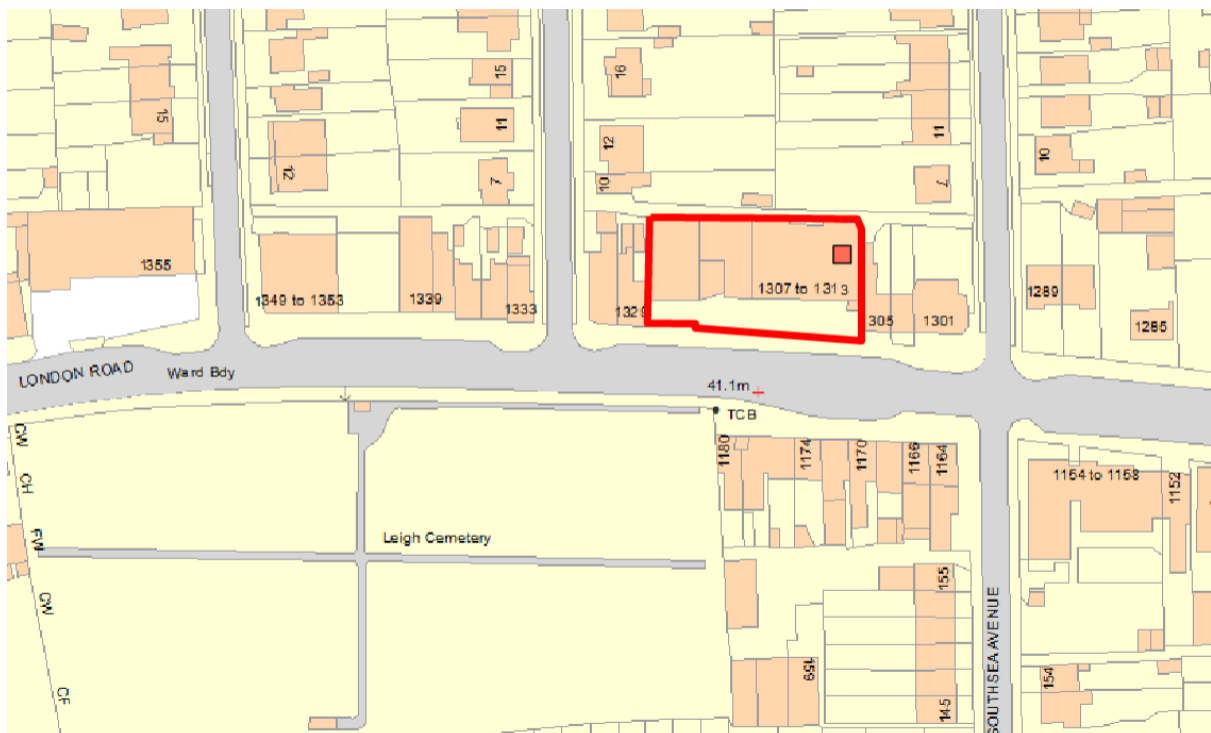
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Reference:	16/01780/FULM	<h1>8</h1>
Ward:	Belfairs	
Proposal:	Demolish existing building and erect three storey building comprising of 16 self-contained flats on first and second floor with balconies and roof terrace with retail unit on ground floor, lay out parking bin store and alter vehicular access at 1307-1313 London Road	
Address:	1307 London Road, Leigh-on-Sea, Essex, SS9 2AD	
Applicant:	Dove Jeffry Homes	
Agent:		
Consultation Expiry:	03/11/16	
Expiry Date:	10/01/17	
Case Officer:	Ian Harrison	
Plan Nos:	001 P1, 200 P5, 201 P1, 202 P2 and 203 P1.	
Recommendation:	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).	



1 The Proposal

- 1.1 Permission is sought to demolish the existing buildings at the application site and replace them with a three storey building comprising of 16 flats and a ground floor retail unit.
- 1.2 The existing warehouse building at the west part of the application site measures 18 metres by 10.7 metres with a maximum height of 8.6 and is of two storey scale. The majority of the remainder of the buildings at the site are shown to be single storey with a footprint of approximately 560 square metres and a maximum height of 4.8 metres.
- 1.3 The application proposes the erection of linear building that would have an overall width of 45.8 metres. The west half of the building would measure 13.6 metres deep and 22.8 metres wide with a flat roof built to a height of 10 metres. 3.9 metre wide, 1.2 metre deep indents would be included at the front and rear elevations, forward of which would be framed structures that would provide balconies at first and second floor which would project 0.3 metres forward of the building. Two box-style oriel windows would be provided at each of the front and rear elevations and four Juliet balconies would be provided at each elevation. At ground floor would be the 247 square metre unit proposed to be used for purposes falling within Use Class A2.
- 1.4 The western main block would be 3.6 metres from the side of the block described above. This would measure 14.6 metres deep and 13.4 metres wide with 1.25 metre deep and 4 metre wide indents at the front and rear elevations with similar framed balcony projections. The block would be built to a flat roof height of 10.8 metres. The two blocks described above would be linked by a section that would measure 3.6 metres wide, 13.2 metres deep at ground floor and 11.7 metres deep at first and second floor, with balconies projecting forward to match the ground floor depth. The link section would be positioned in line with the main rear elevations and therefore being set back from the main front elevation of the two other blocks by 0.3 metres and 1.3 metres. Balconies would be provided at first and second floor at the front elevation and the main entrance to the residential part of the building would be provided at ground floor. To the east of the building would be a 11.8 metre deep and 6 metre wide projection that would have two balconies to the front elevation and incorporate the undercroft access to the parking at the rear of the site at ground floor. The side projection would feature a flat roof built to a height of 10.1 metres.
- 1.5 The proposed building would be constructed from a mixture of render and brickwork.
- 1.6 The proposed vehicular access to the site is located at the east end of the site, measuring 4.6 metres wide at the London Road frontage with curved kerbs. The access would then pass through the undercroft section of the building described above which would lead to a parking court at the rear of the site which would contain 18 parking spaces, one for each flat and two for the commercial unit.

1.7 The proposed 16 flats would feature the following accommodation:

Flat	Beds	People	Required GIA	Measured GIA	Bed 1	Bed 2	Bed 3	Balcony
1	2	4	70	71.5	12.5	11.5		9.7
2	2	4	70	71	12	11.5		4.7
3	2	4	70	75	14.2	12.4		5.6
4	3	4	74	74.5	11.6	8.3	7.9	5.6
5	2	3	61	61.3	12	9		5.3
6	1	2	50	53.5	12.4			0
7	2	4	70	71.7	12.8	12.3		4.7
8	2	4	70	70.7	12.8	12.5		5.0
9	2	3	61	65.4	12.5	10.5		10.4
10	3	4	74	75	11.6	8.2	8.1	5.6
11	3	4	74	74.6	11.6	8.2	8.1	5.6
12	2	3	61	61	12	9.5		5.3
13	1	2	50	53.6	12.7			0
14	2	4	70	71.3	12.5	11.9		4.7
15	2	4	70	71.3	12.7	12.3		5.0
16	2	3	61	64.4	12.7	10		10.4

All Measurements in Square Metres

- 1.8 A total of 310.3 square metres of amenity space would be provided at the site, 80.3 square metres in the form of balconies and 230 square metres as a rooftop terrace area that would be positioned at the front of the rooftop, 9.5 metres from the west edge of the building, 6 metres from the east and 4.5 metres from the north. A 1.8 metre tall glazed screen is proposed at the north edge of the amenity area and solar panels are proposed on the roofspace to each side of the amenity area. The roof would also feature a 25 square metres, 2.8 metre tall projection that would provide the lift core for the building.
- 1.9 A bin store is proposed to be provided at the north west corner of the car park and refuse storage and cycle storage are also shown within the lobby area of the residential element of the building.

2 Site and Surroundings

- 2.1 The application site currently contains two storey and single storey buildings that are described above and used for the sale of cars. Vehicular access is currently provided directly from London Road.
- 2.2 The site is located within an area of mixed uses and buildings built to a mix of architectural styles and different scale. To the North of the site is a residential area that consists of rows of two storey residential buildings that front Kingswood Chase and Tankerville Drive. To the east of the site is a group of three buildings that include a hot-food takeaway restaurant, a retail premises and an accountants office. To the west of the site is a two storey building that appears to be used as a dwelling and a two storey building that is used as a dry cleaners at ground floor and a residential property at first floor. Opposite the site to the south is Leigh Cemetery and a row of commercial properties with a similar mix as set out above.

2.3 The site is not the subject of any site specific policy designations.

3 Planning Considerations

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

4 Appraisal

Principle of Development

National Planning Policy Framework; DPD1 (Core Strategy) policies KP1, KP2, CP1, CP2, CP4, CP8; Development Management DPD Policies DM1, DM3, DM7, DM8, DM10, DM11, DM13 and DM15 and the Design and Townscape Guide SPD1 (2009)

- 4.1 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework Sections 56 and 64, Core Strategy DPD Policies KP2, CP4 and CP8. Amongst the core planning principles of the NPPF includes to *“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.”* Paragraph 56 of the NPPF states; *“the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* Paragraph 64 of the NPPF states; *“that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*
- 4.2 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development. Policy CP8 requires that development proposals contribute to local housing needs and identifies that 80% of residential development shall be provided on previously developed land.
- 4.3 Policy DM3 states that *“the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.”*

4.4 Policy DM7 of the Development Management Document states that all residential development is expected to provide a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing on appropriate sites, to reflect the Borough’s housing need and housing demand. The Council seek to promote a mix of dwellings types and sizes as detailed below. The relevant dwelling mixes required by the abovementioned policy and proposed by this application are shown in the table below.

Dwelling size: No bedrooms	1-bed	2-bed	3-bed	4-bed
Policy Position (Market Housing)	9%	22%	49%	20%
Policy Position (Affordable Housing)	18%	71%	10.5%	0%
Originally Proposed Development	12.5%	87.5%	0%	0%
Amended Proposal	12.5%	68.75%	18.75%	0%

4.5 It is therefore the case that the proposed development would not provide a development that would entirely reflect the Borough’s housing need and housing demand as set out in Policy DM7 of the Development Management Document DPD2. It is noted that planning appeal APP/D1590/W/16/3148366 at Evolution Gym, 939 London Road recently assessed the application of this policy in relation to a block of 38 flats (18% 1 bed, 71% 2 bed and 10.5% 3 bed) that was proposed. At appeal the Inspector stated that the proposal would have been *“clearly contrary to the provisions of policy DM7 of the DMD. In my view, the proposal would also be contrary to the broad policy objectives as identified by policy CP8 above in terms of providing a range of dwelling sizes to meet locally assessed needs.”*

4.6 The applicant has amended the scheme during the application to provide four flats with three bedrooms and it is considered that this better reflects the policy requirements. It is considered unrealistic for constrained sites fronting London Road to fully reflect the dwelling mix requirement in all cases. The applicant has highlighted the content of the Council’s Strategic Housing Market Assessment document which states that *“around a third of additional demand could related to flats. This reflects the younger demographic of the borough, who are more likely to occupy this type of property, but is also a consequence of the sizable projected growth in the number of older residents, who also show a tendency towards occupying flatted accommodation.”* Although not demonstrated at this point, the applicant has stated that it would be unviable to provide further three bedroom accommodation at the site. In this instance, given the type of development, it is considered that this seems a reasonable basis to provide no more large units than those which are shown within the submitted plans. It is noted that the mix of units is more compliant than a mix of units that has been supported by the Local Planning Authority in relation to one of the applicant’s developments at 411-415 Sutton Road. For these reasons it is considered that no objection should be raised to the mix of units that are proposed at this site.

- 4.7 Policy CP1 states *“that permission will not normally be granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area.”* Furthermore, policy DM11 states that the loss of employment land outside of designated areas will only be supported where it is no longer effective or viable to continue the employment use of the site.
- 4.8 The applicant supports this submission with evidence that the site is no longer suitable for commercial use including an estate agents letter which sets out that the condition of buildings, the limitation of the site servicing areas, limitations on parking and the fact the site is surrounded by residential dwellings would render the buildings unattractive to other commercial users. The letter indicates that there is an abundance of other available commercial buildings and sites locally, which would be more costs effective and attractive to commercial operators seeking space within the Borough. It is further stated that it is not a viable prospect to refurbish the existing buildings or to redevelop it for new commercial premises. For these reasons, noting that he proposal would result in the loss of a relatively small amount of commercial floorspace that generates a limited number of employment opportunities, it is considered that the benefits of increasing housing provision at this site should be deemed to outweigh the loss of commercial floorspace in this location. On balance, the principle of the development is found to be acceptable.
- 4.9 Policy DM13 seeks to protect the vitality and viability of the shopping frontages of the Southend Borough. The site is not allocated as part of a designated shopping frontage and it is therefore considered that there is no policy requirement to provide retail space at the site. Its provision in place of the existing commercial use at the site is not considered to be a basis for an objection to the application and it would enable the provision of some employment to off-set the loss of commercial floorspace, which would otherwise conflict with policy DM11 (which seeks to retain commercial floorspace outside of the designated employment areas). The size of the unit proposed is such that it would not represent a risk to the vitality and viability of designated retail centres.

Design and Impact on the Character of the Area

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

- 4.10 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework Sections 56 and 64, Core Strategy DPD Policies KP2, CP4 and CP8. Amongst the core planning principles of the NPPF includes to *“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.”* Paragraph 56 of the NPPF states; *“the Government attaches great importance to the design of the built environment.*

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

- 4.11 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development.
- 4.12 Policy DM3 states that *“The Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification.”* Moreover, policy DM1 states that development should *“Add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features”*
- 4.13 This section of London Road has a varied character, and is generally mixed use including commercial units and residential properties, many of which are at first and second floor above ground floor commercial properties. There is no consistent style of the buildings which vary in age and in size. The buildings are generally two and three storeys, some with flat roofs. In contrast the residential streets of Kingswood Chase and Tankerville Drive to the north have a much more consistent character, however the proposed development would not be viewed in the same context as those properties.
- 4.14 The proposal consists of demolishing the existing building and the erection of a three storey mixed use building.
- 4.15 It is noted that the tallest part of the three storey building (excluding the lift core) would be 1.2 and 1.3 metres taller than the properties to the east and west respectively. However, the edges of the building that are closest to those neighbouring properties are at a lower height and therefore would only be 0.5 and 0.6 metres taller. Whereas the existing buildings at the application site are lower in height than the neighbouring buildings, substantially in the case of the building to the west, the development hereby proposed would be closer to the height of those buildings and would be similar to the height of other buildings within the immediate vicinity of the site. In this regard it is noted that recent developments at 1355 and 1341 London Road measure 9.6 and 9.2 metres tall respectively and Carversham Lodge at 1154 London Road is a full three storeys with a pitched roof and is therefore materially taller. In this context the 10.7 metre tall development is not significantly out-of-keeping with the comparable buildings of the wider area.

- 4.16 With regard to where buildings of an increased height are proposed, the Design and Townscape Guide states that “*where larger buildings are considered appropriate, they can be designed in such a way so as they do not appear over dominant in the wider streetscene.*” For the reasons set out above, it is considered that the increased height of the built form at the site would not be overly dominant or out-of-keeping with the scale and form of other buildings within the surrounding area.
- 4.17 A detailed critique of the scale, layout and appearance of the development has been provided by the Council’s Design and Regeneration Team which is set out below. It is noted that no objection was raised to the proposal subject to details of the proposed development being agreed through the imposition of conditions. It is considered that the design advice is comprehensive and well-founded and its content should therefore be afforded significant weight. Accordingly, it is considered that the visual impact of the proposed development is acceptable at this site.

Impact on Residential Amenity.

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

- 4.18 Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties. Policy DM1 of the Development Management DPD also states that development should “Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”
- 4.19 The residential properties to the North of the application site (7 Kingswood Chase and 10 Tankerville Drive) are located 21 and 16.5 metres from the proposed building and orientated at 90 degrees to the proposed building. Due to these separation distances and to some extent the presence of tall trees, which are shown to be retained and protected during development, it is considered that the proposal would not cause a significant loss of light, outlook or privacy within the neighbouring dwellings. The rooftop amenity space would feature a glazed screen that would prevent overlooking and it is therefore the case that views towards the neighbouring properties and their rear garden areas would only be possible from first and second floor windows and balconies. However, due to the separation distance of 13.5 metres between the building and the neighbouring gardens, the presence of trees and the orientation of the proposed block it is considered that the overlooking of the amenity areas would not be at a level that is materially different to the inter-visibility which is already experienced between the existing dwellings and not harmful to residential amenity to an extent that would justify the refusal of the application.

- 4.20 The property to the west features two flats which have windows on the rear elevation facing north and on the side of the outrigger facing east. The upper floor flat is served by a large terrace area above ground floor garages. The existing warehouse building at the site abuts the boundary and presents a full two storey mass at the boundary which significantly impacts on the light and outlook from within those properties, particularly as the building measures 19 metres deep and therefore dominates the side boundary. The proposed building would be set further forward, would measure 13.4 metres deep and would be set 1.3 metres from the boundary. Therefore, despite the westernmost part of the propose building being 0.5 metres taller than the existing building, it is considered that the separation distance, reduced depth and forward positioning, would result in the building have a lesser impact than the existing building. The proposal would therefore be an overall improvement to the amenities of those residents.
- 4.21 The property to the east features a commercial unit at ground floor and (according to Council Tax Records) a flat at first floor. There are no side facing windows in that property and no amenity space to the rear. It is therefore considered that the proposal would cause no harm to residential amenity to the properties to the east.
- 4.22 No other properties would be within sufficient proximity of the application site to be materially affected by the proposed development.

Standard of Accommodation:

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

- 4.23 Paragraph 17 of the NPPF states that *“planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*. It is considered that most weight should be given to the Technical Housing Standards that have been published by the Government which are set out as per the below table:

- Minimum property size for residential units shall be as follow:
 - (a) 1 bedroom (2 bed spaces) 50 square metres
 - (b) 2 bedroom (3 bed spaces) 61 square metres
 - (c) 2 bedroom (4 bed spaces) 70 square metres
 - (d) 3 bedroom (4 bed spaces) 74 square metres
- Bedroom Sizes : The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m² ; and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
- Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.

- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

The following is also prescribed:

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

4.24 The proposed flats would be built to the dimensions that have been set out at paragraph 1.7 above. Amended plans have been received to address minor alterations that were required to ensure that the flats accord with the abovementioned standards. The proposal is therefore considered to be in accordance with the abovementioned policies and guidance.

4.25 With regard to external amenity space, a communal garden area is proposed to provide amenity space for the flats that would have an area of 230 square metres. This would equate to approximately 14.3 square metres per flat. In addition to this shared provision, 14 flats would also be served by balconies which, when combined with the communal terrace, would ensure that the overall provision of amenity space at the site would be appropriate for the occupants of the proposed flats, averaging at 19.4 square metres per flat. Bedrooms and main living areas are served by windows to provide adequate natural light and outlook and refuse and cycle storage facilities are provided.

4.26 The applicant's submissions include a noise assessment which demonstrates that the development can be made acceptable through the use of suitable mitigation within the development. No objection has been raised to the proposal by the Council's Environmental Health Officer and therefore, subject to the imposition of a condition, it is considered that no objection should be raised to the application on those grounds.

- 4.27 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations and it is considered that these standards should now provide the basis for the determination of this application. Policy DM8 also requires that 10% of dwellings in 'major applications' should be built to be wheelchair accessible. The applicant's planning statement sets out that the units have been designed to accord with these standards. It is therefore considered that, subject to the imposition of a condition to ensure compliance with the standards, no objection is raised to the application on those grounds.

Highways and Transport Issues:

National Planning Policy Framework, Policy KP2, CP3, CP4 and CP8 of the Core Strategy, Development Management DPD Policies DM1, DM3 and DM15 and the Design and Townscape Guide.

- 4.28 Policy DM15 states that each flat should be served by a minimum of one parking space and the commercial unit should be served by a maximum of 16 spaces. The residential standard has been met by the proposed development leaving two spaces to serve the commercial unit. This is considered to be a reasonable provision.
- 4.29 The Highway Authority has raised no objection to the application on the grounds that the number of vehicle movements associated with the proposed development would not have an adverse impact on highway safety or capacity. From this basis, it is considered that no objection should be raised to the proposal on the grounds of the level of parking provision that is proposed at the site or any impacts on highway safety.

Sustainability

Core Strategy Policies KP2, CP4 and CP8, Development Management DPD Policies DM1, DM2 and DM14 and SPD1

- 4.30 Policy KP2 of the Core Strategy states; "*All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources*" and that "*at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)*". The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design
- 4.31 The applicant's submissions include an Energy Statement and it is noted that solar panels are shown to be provided on the roof of the proposed building. It is considered that this would be adequate to address the abovementioned requirements and should therefore be secured through the imposition of a condition.

- 4.32 The applicant's submissions include a drainage strategy which sets out that a soakaway will be provided at the site to provide suitable surface water drainage attenuation. This is considered to be an appropriate solution and in this case, noting that the existing site is entirely dominated by buildings and hardstanding, it is considered that the proposal will represent an improvement in terms of sustainable drainage.
- 4.33 Due to the previous use of the site, it is considered necessary and reasonable to impose a condition to require the identification and mediation of any contamination that is found at the site.

Community Infrastructure Levy.

- 4.34 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. The proposed development would feature 1362 square metres of residential floorspace and 237 square metres of commercial floor space and this would result in a net increase in gross internal area of 640 square metres (taking into account a deduction of 958 square metres for existing 'in-use' floorspace that is being demolished). The CIL chargeable rate for residential units in this location is £20 per square metre and the rate for commercial development is £10 per square metre. Therefore, this equates to £13,056.91.

Other Planning Obligations

Planning Policies: NPPF; DPD1 (Core Strategy) policies KP3, CP6 and CP8 and SPD2.

- 4.35 The Core Strategy Policy KP3 requires that In order to help the delivery of the Plan's provisions the Borough Council will "Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed. This includes provisions such as affordable housing."
- 4.36 It is considered necessary and reasonable to secure the provision of 20% of the flats proposed at the site as affordable housing units, in accordance with Core Strategy policy CP8 and under the terms of a Section 106 Agreement. The proposal would provide a total of 3 affordable housing units on site with the following mix of dwellings types:
- a) 2 x 1 bedroom affordable units (Affordable Rented)
 - b) 1 x 2 bedroom affordable units (Shared Ownership)
- 4.37 The affordable housing obligation proposed to be sought is considered to meet the tests set out in the CIL Regulations 2010. Without the contributions that are set out above the development could not be considered acceptable. Therefore if the S106 agreement is not completed within a timely manner the application should be refused.

Other Matters

- 4.38 The applicant's submissions demonstrate that there is no evidence of bats being present at the site and therefore there is no threat to ecology interests caused by the proposed development.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework

- 5.2 DPD1 Core Strategy Policies KP1 (Spatial Strategy) KP2 (Development Principles), KP3 (Implementation and Resources), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development) CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance), CP6 (Community Infrastructure) and CP8 (Dwelling Provision)

- 5.3 Development Management DPD Policies DM1, DM2, DM3, DM7, DM8, DM10, DM11, DM13, DM14 and DM15.

- 5.4 Community Infrastructure Levy Charging Schedule

- 5.5 Design & Townscape Guide 2009 (SPD1).

- 5.6 Technical Housing Standards

6 Representation Summary

Design & Regeneration

- 6.1 The following comments have been made:

- This section of London Road has a mixed character and a mixed use proposal of part commercial at ground floor and part residential would not be out of character in this context
- The existing buildings are poor quality and there is no objection to their loss
- The existing buildings are under scaled and there is scope for an increase in height and scale in this location
- 3 storeys would seem reasonable in this context. The form contrasts with the adjacent development but the wider area is of mixed character and so there is scope for variation
- The forward building line and the stepping in the footprint to the front is a better response to the curve of the street, will help to break the bulk a little and provide a transition between the existing building lines of the neighbours which are slightly different following the street alignment
- The tall fenestration is generally well proportioned for the scale of building and picks up on the vertical emphasis in the streetscene. The feature boxes help to break up the length of the building and add interest although being recessed they will have a reduced impact. It is suggested that they project further in line with the boxed windows. There would also be scope for a more varied arrangement of windows including possibly more boxed windows or projecting/inset balconies to enliven the elevation.

It is considered that the other recently consented scheme shown in the D&A was of a more interesting design.

- It is pleasing to see that the rear elevation has some modelling and this should that the building reads as a complete scheme.
- With such a simple approach the materials and detailing will be key. There is a concern regarding the proposal for 'foil wrapped upvc windows' and 'red oxide effect powder coated feature bays and product details/design details should be conditioned for these elements to ensure that they are of a high quality. It may be that some form of cladding would add interest to the elevation, perhaps replacing the rendered section. It is suggested that the materials condition should include product details for all materials. The colours will also need to be agreed.
- The sizing and layout internally seems reasonable however it is noted that there are a number of single aspect north facing units which is regrettable. These also have inset balconies which mean that there will be no sunlight to the living room windows and little to the balconies. These units also overlook the parking area which will need to be well landscaped including good surface materials to make the best of this outlook. This seems to be the case although a landscaped buffer to the building and along the fence would enhance the scheme.
- The landscaping and boundaries will need to be agreed. It is unclear whether any physical boundary treatment is proposed to the front. The streetscene appear to show hedging here which is considered to be a good compromise in this location. A physical wall or railing would not seem appropriate in this more commercial context.
- No objection to a roof terrace in principle and the scale and design seem reasonable. Screens to the front section should be maintained at a lower height and should be clear to reduce the impact on the streetscene. It is also recommended that they are stepped off the front building line a couple of metres.
- Pvs are shown on the roof which seems to be a good solution to the requirement for 10% renewables although details of these will need to be conditioned.

Traffic & Highways Network

- 6.2 The applicant has provided information from the TRICS database to demonstrate a net increase of 4 vehicles during the am/pm peak when compared to the existing use. It is not considered that the additional increase will have a detrimental impact upon the highway network. 100% parking has been provided for the residential element of the scheme with 2 spaces for the commercial development. This is considered acceptable given the sustainable location of the site which has good links in close proximity. The applicant has also provided census to assess car ownership within the local area which demonstrates that 16 car parking spaces is more than sufficient to accommodate potential car ownership. The applicant has requested a traffic regulation change to accommodate loading after the waiting restrictions have expired the applicant will be expected to fund any traffic regulation change.

Anglian Water

- 6.3 No objection has been raised to the proposal. The wastewater and foul sewage infrastructure has capacity to accommodate the proposed development. No comment is made with respect to surface water drainage as the drainage scheme does not affect Anglian Water assets.

Essex and Suffolk Water

- 6.4 No objection has been raised to the proposal as there infrastructure would not be affected by the proposal and other procedures are in place to arrange connection to the water network.

Environmental Health Officer

- 6.5 No objection is raised to the proposal subject to the imposition of conditions relating to the hours of construction, contaminated land and the noise associated with plant at the site.

Leigh-on-Sea Town Council

- 6.6 No objection.

Public Consultation

- 6.7 A site notice has been displayed and neighbours have been notified of the application. No letters of objection have been received.

7 Relevant Planning History

- 7.1 A number of applications have been submitted with respect to the existing use of the site. These are considered to be of limited relevance to the development proposed by this application.

8 Recommendation

Members are recommended to:

- (a) **DELEGATE to the Head of Planning and Transport or Group Manager of Development Control & Building Control to GRANT PLANNING PERMISSION subject to completion of a PLANNING AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) and all appropriate legislation to seek the provision of:**
- a) **2 x 1 bedroom affordable units (Affordable Rented)**
 - b) **1 x 2 bedroom affordable units (Shared Ownership)**

(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: 001 P1, 200 P5, 201 P1, 202 P2 and 203 P1.

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above the floor slab level shall take place until samples of the materials to be used in the construction of the external elevations of the building hereby permitted, including balconies, balustrades, screening, fenestration, front porches and hoods have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the BLP and Policy DM1 of the Development Management DPD 2015

04 No construction works above the floor slab level shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include: proposed finished levels or contours; means of enclosure (including any gates to the car parks); car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting etc.) Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, the management of the site (e.g. the uncompacting of the site prior to planting) and the initial tree planting and tree staking details. The development shall be implemented in full accordance with the approved details before it is occupied or brought into use.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1 with CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.

- 05** The development shall not be occupied until space has been laid out within the site in accordance with drawing No. 201 P1 for cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in a forward gear. The parking spaces shall be permanently retained thereafter for the parking of occupiers, staff and visitors to the development.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

- 06** The development shall not be occupied until a waste management plan and service plan has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall thereafter be carried out in accordance with the approved details.

Reason: to ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

- 07** The development shall not be occupied until details of the secure, covered cycle parking spaces to serve the residential development and cycle parking spaces to serve the retail/commercial unit have been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation and shall be retained thereafter.

Reason: To ensure that adequate cycle parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

- 08** No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors**
- ii) loading and unloading of plant and materials**
- iii) storage of plant and materials used in constructing the development**
- iv) the erection and maintenance of security hoarding**
- v) measures to control the emission of dust and dirt during construction**
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.**

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1 with CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.

- 09** Before the A2 use hereby permitted is occupied, details of any equipment to be installed to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented before the unit is brought into use. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

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 Policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

- 10** With reference to BS4142, the noise rating level arising from all plant and extraction/ventilation equipment installed at the site shall be at least 5dB(A) below the prevailing background at 3.5 metres from ground floor façades of the nearest noise sensitive property and 1 metre from all other façades 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 Policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

- 11** The Use Class A2 use hereby permitted shall not be open to customers outside the following times: 07:00 to 23:00 hours.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and amenities of the area in accordance with policies Policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

- 12** No deliveries or refuse collection shall be taken at or despatched from the Use Class A2 unit outside the hours of 07:00-19:00hours Mondays to Fridays and 08:00-13:00hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and amenities of the area in accordance with policies Policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

- 13 Other than the demolition, grubbing up of foundations and site clearance, no development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any construction begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any construction begins. The site shall be remediated in accordance with the approved remediation measures before development the development hereby approved is occupied and evidence to demonstrate that the remediation has taken place shall be submitted in writing to the Local Planning Authority before the development is occupied.**

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and these shall be fully implemented before the site is occupied.

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 and Policies DM1 and DM14 of the Development Management DPD 2015.

- 14 No construction works above the floor slab level shall take place until details of the implementation, maintenance and management of a scheme for surface water drainage works have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details before the development is occupied and brought into use. Those details shall include:**

i) An investigation of the feasibility of infiltration SUDS as the preferred approach to establish if the principles of any infiltration based surface water drainage strategy are achievable across the site, based on ground conditions. Infiltration or soakaway tests should be provided which fully adhere to BRE365 guidance to demonstrate this. Infiltration features should be included where infiltration rates allow;

ii) Drainage plans and drawings showing the proposed locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features;

iii) a timetable for its implementation; and

vii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with Policy KP2 and CP4 of the Core Strategy 2007 and area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policy DM2 of the Development Management DPD 2015.

- 15 Details of any external lighting to be installed in the development shall be submitted to and approved in writing by the local planning authority before the development is occupied or brought into use. Development shall be carried out in accordance with the approved details before the development is occupied or brought into use. No additional external lighting shall be installed on the building without the consent of the Local Planning Authority.

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 Policies KP2 and CP4 of the Core Strategy DPD1 and with CP4 of the Core Strategy DPD1 and Policies DM1 of the Development Management DPD 2015.

- 16 The development shall be undertaken in accordance with the Energy and Sustainability Statement prepared by Fusion 13 that has been submitted with the application before the development is occupied or brought into use. The PV panels shown on plan 201 P1 shall be fully installed prior to the first occupation of any of the flats hereby approved and all approved measures shall be retained for the lifetime of the development 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 and Development Management Document policy DM2.

- 17 Demolition or construction works associated with this permission shall not take place outside 07:30hours to 18:00hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

- 18 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 landscaping of the site shall be managed in accordance with the approved plan in perpetuity.**

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.

- 19 The development shall be undertaken in full accordance with the recommendations set out at section 4.2 of the Noise Assessment prepared by Adrian James Acoustics Limited (Dated 23/03/16) that has been submitted with the application before the development is occupied or brought into use.**

Reason: In order to protect the amenities of occupiers of the development in accordance with policies Policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

- 20 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, prior to the installation of any shopfront at the site, the details of the design, materials, glazing, doors, shutters, signage and lighting of the shopfront shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before the A2 use is brought into use and retained thereafter.**

Reason: In order to protect the character and visual amenities of the area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.

- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no structures such as canopies, fences, loggias, trellises or satellite or radio antennae shall be installed within the development or on the buildings unless otherwise previously agreed in writing by the Local Planning Authority.**

Reason: In order to protect the character and visual amenities of the development and surrounding area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.

- 22** The commercial floorspace hereby approved shall be used only for purposes falling within Use Class A2 and for no other purpose including any within Classes A1, A3, A4, A5, B1, C3 or D1 of the Town and Country Planning (Use Classes) Order 1987 as amended (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force).

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and amenities of the area in accordance with Policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

- 23** No demolition or other works associated with this permission shall take place until an Arboricultural Method Statement & Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. Subsequently the development shall only be undertaken in full compliance with the approved details and the content of Section 6.0 (Recommendations) of the “Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan” dated 16/09/16 that has been submitted within this application.

Reason In the interests of amenity, to protect existing trees and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1 Policy DM1 of the Development Management DPD 2015

- 24** No construction works above the level of the floor slab shall take place until details of the new accesses, removal of the existing redundant crossovers and the reinstatement of the kerb have been submitted to and approved in writing by the Local Planning Authority and a full scheme of works and the relevant highways approvals are in place. The development shall be carried out in accordance with the approved details before the development is commenced and retained thereafter.

Reason: In the interests of sustainability, accessibility, highways management, efficiency and safety in accordance DPD1 (Core Strategy) 2007 policy KP2, KP3 and CP3, Policy DM1 and DM15 of the Development Management DPD 2015.

- 25** Before it is occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that 2 of the flats hereby approved comply with building regulation M4 (3) ‘wheelchair user dwellings’ and the remaining flats comply with building regulation part M4(2) ‘accessible and adaptable dwellings’.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document)

policy DM2 and SPD1 (Design and Townscape Guide).

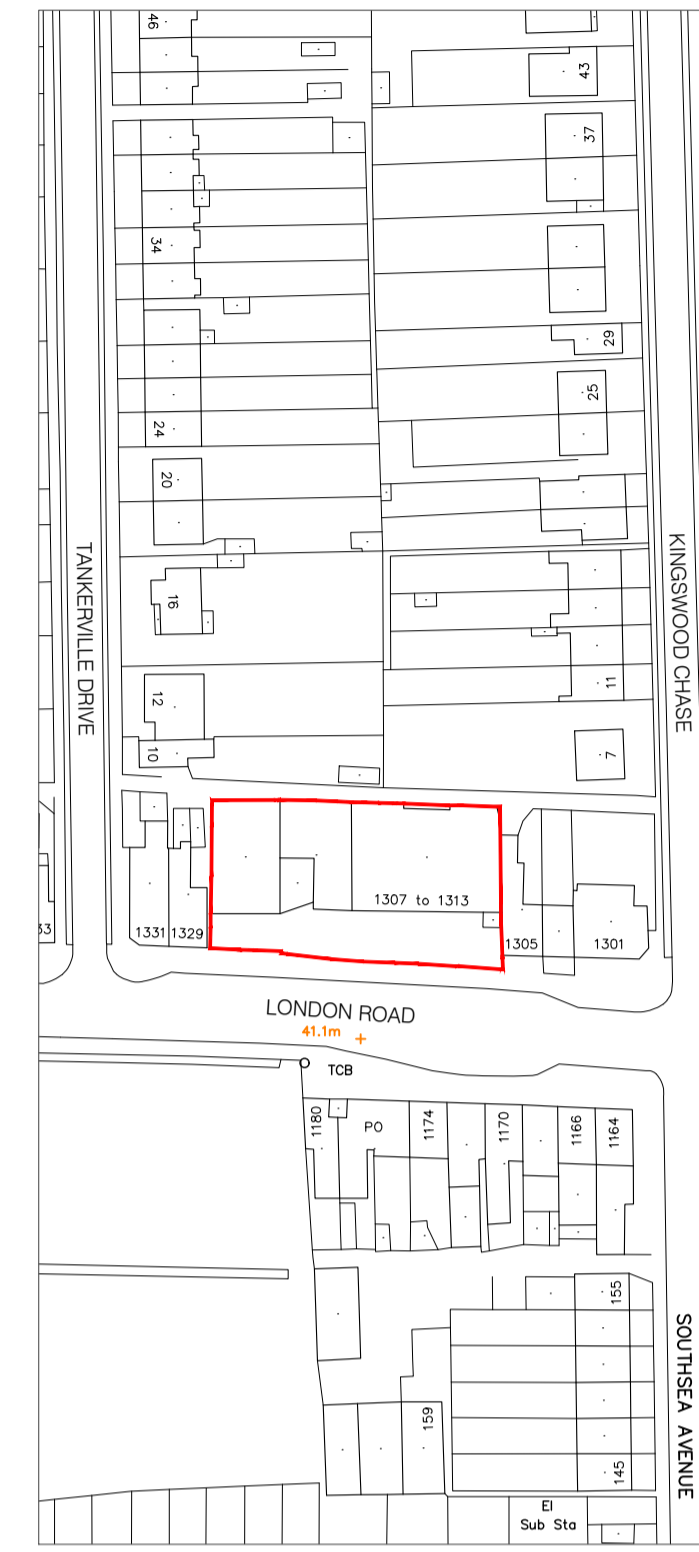
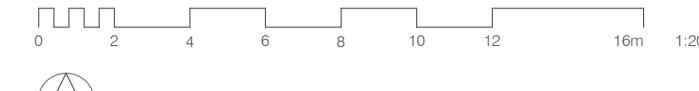
Informative

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

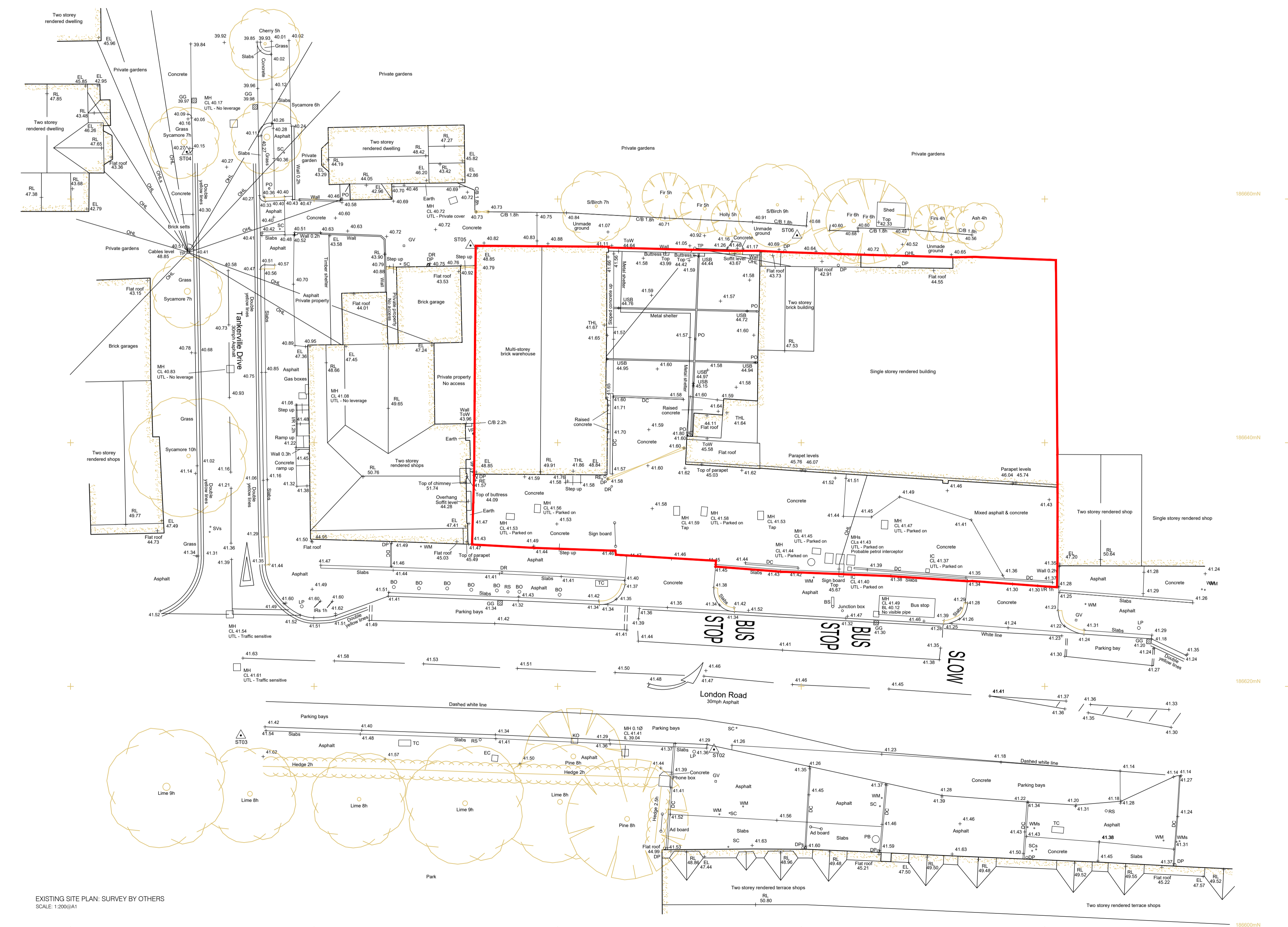
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1.47



PROPOSED LOCATION PLAN
SCALE: 1:1200@A1



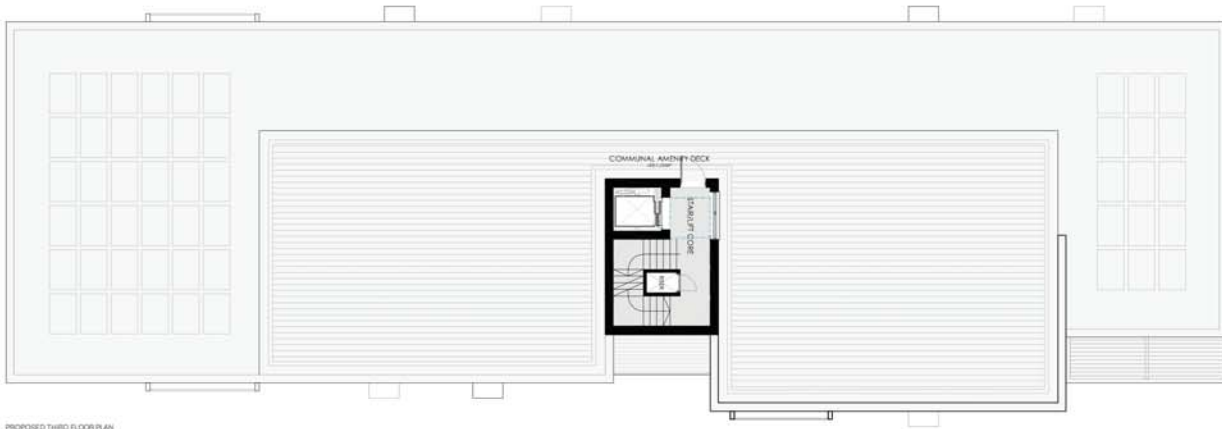
PT	21.09.2016	PRELIMINARY ISSUE	MCL
REV.	DATE	AMENDMENT	DRAWN

MIXED-USE REDEVELOPMENT
 1307 LONDON ROAD,
 LEIGH-ON-SEA,
 ESSEX. SS9 3JJ

DRAWING TITLE:
EXISTING SITE SURVEY AND BLOCK PLAN

CLIENT: DOVE JEFFERY HOMES		
DRAWN: MCL	PROJECT NO: 16.563	DRAWING NO: 001
CHECKED:	SCALE: 1:200 @A1	
DATE: 21. SEPTEMBER 2016	REVISION:	P1

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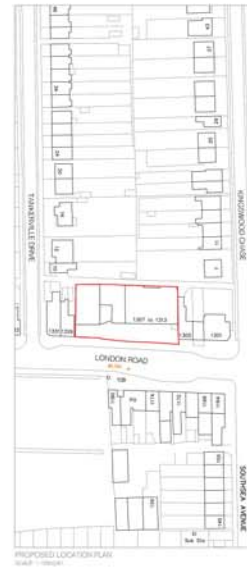


PROPOSED THIRD FLOOR PLAN
SCALE: 1/1000



PROPOSED SITE PLAN
SCALE: 1/500

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PROPOSED LOCATION PLAN
SCALE: 1/1000

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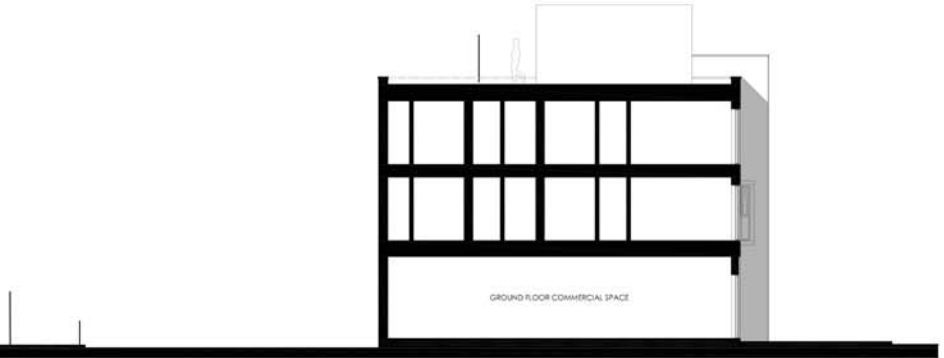
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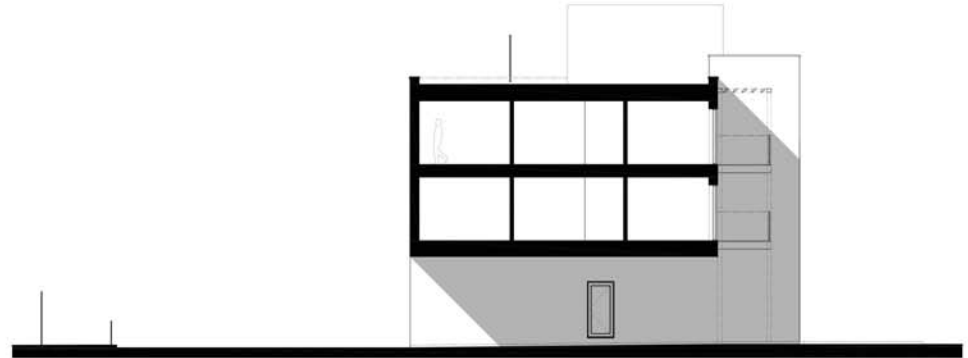
PROPOSED STREET SCENE - FRONTING LONDON ROAD
SCALE: 1:1000



EXISTING STREET SCENE - FRONTING LONDON ROAD
SCALE: 1:1000

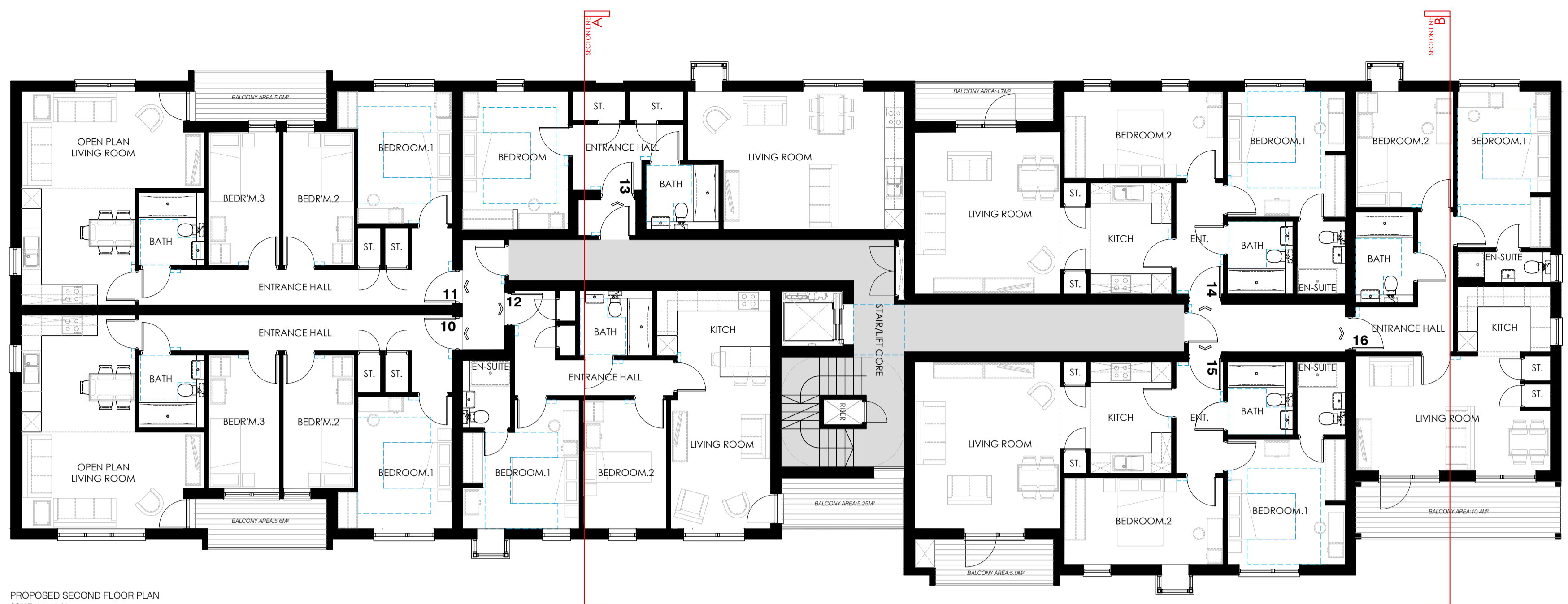


PROPOSED SECTION A
SCALE: 1:1000

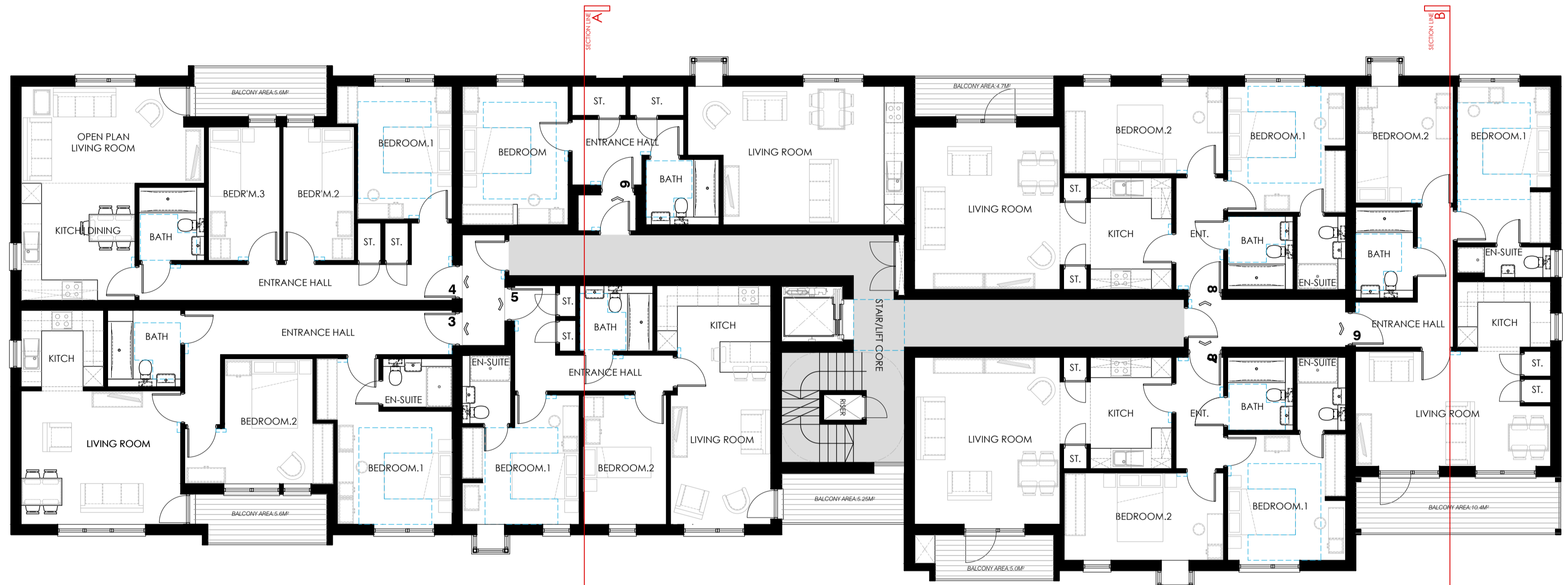


PROPOSED SECTION B
SCALE: 1:1000

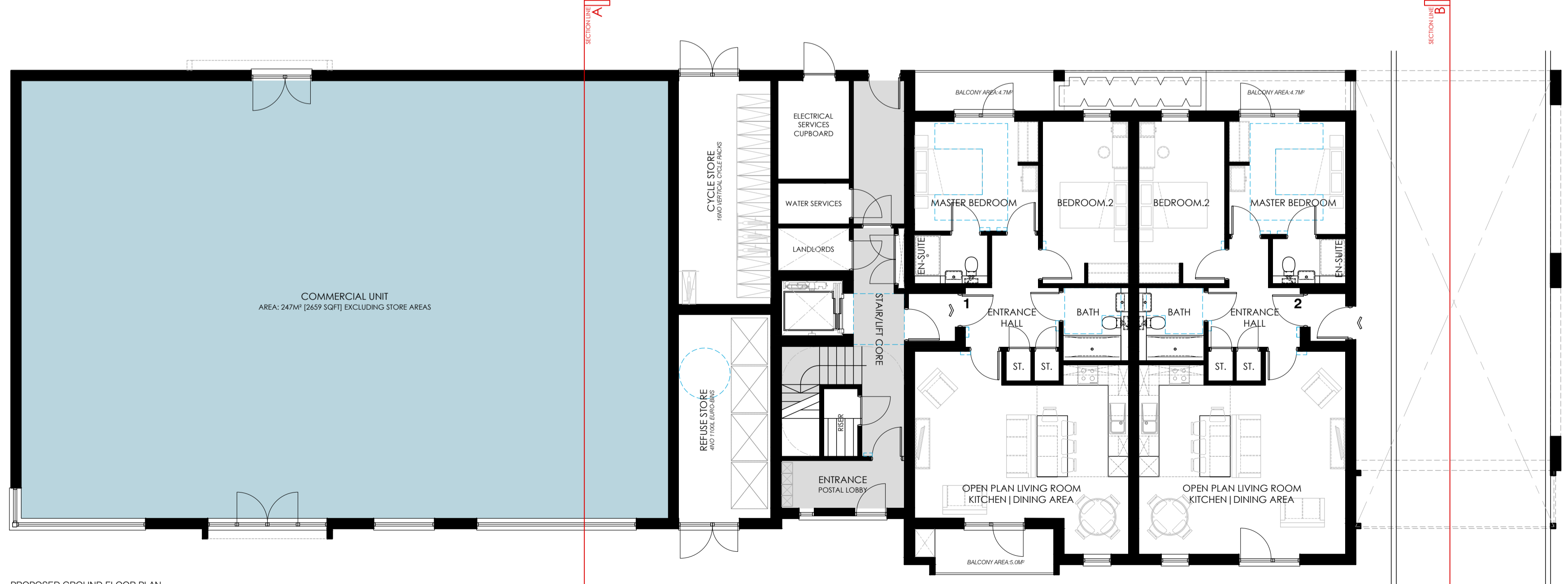
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PROPOSED SECOND FLOOR PLAN
SCALE: 1:1000@A1



PROPOSED FIRST FLOOR PLAN
SCALE: 1:1000@A1



PROPOSED GROUND FLOOR PLAN
SCALE: 1:1000@A1

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ACCOMMODATION SCHEDULE									
No.	BEDROOMS	PERSONS	PRIVATE AMENITY	CAR PARKING	CYCLE PARKING	GROSS INTERNAL AREA			
						METRIC	IMPERIAL		
1	2	4	0.75	1	1	73	785.8		
2	2	4	4.75	1	1	75	807.3		
3	2	4	5.00	1	1	74	796.5		
4	3	4	5.00	1	1	74	796.5		
5	2	3	5.25	1	1	61	656.6		
6	1	2	0.00	1	1	50	538.2		
7	2	4	5.00	1	1	70	753.5		
8	2	4	4.75	1	1	70	753.5		
9	2	3	10.4	1	1	61	656.6		
10	3	4	5.00	1	1	74	796.5		
11	3	4	5.00	1	1	74	796.5		
12	2	3	5.25	1	1	61	656.6		
13	1	2	0.00	1	1	50	538.2		
14	2	4	5.00	1	1	70	753.5		
15	2	4	4.75	1	1	70	753.5		
16	2	3	10.4	1	1	61	656.6		

COMMUNAL AREAS
Communal lobbies and stair cores - 172.5m²
Communal roof garden - 250m²
Communal refuse store, cycle store, service cupboards - 48m²

COMMERCIAL AREAS
Commercial area - 247m²
Commercial refuse store - 9m² (proposed)

ACCOMMODATION SCHEDULE TOTALS	
ACCOMMODATION MIX	
16no	Total no of apartments consisting of:
2no	1 bedroom 2 person apartments
4no	2 bedroom 3 person apartments
7no	2 bedroom 4 person apartments
3no	3 bedroom 4 person apartments
247m ² Commercial A1 use	
AMENITY	
250m ²	Communal roof garden shared amenity
87.7m ²	Private amenity
342.7m ²	Total amenity
21.62m ²	Average amenity/Apartment
PARKING	
16no	Residential parking (1-1)
2no	Commercial parking
CYCLE PARKING	
16no	Residential parking (1-1)
DENSITY	
1237no	Site area (0.124ha)
129	Dwellings per hectare



REV.	DATE	AMENDMENT	DRAWN
P5	06.02.2017	FLAT 2 MASTER INCREASE	MCL
P4	11.01.2016	REVISED MIX AND ROOM SIZES	MCL
P3	03.01.2017	LAYOUT AMENDMENT	MCL
P2	06.09.2016	PRELIMINARY ISSUE	MCL
P1	10.08.2016	PRELIMINARY ISSUE	MCL

MIXED-USE REDEVELOPMENT
1307 LONDON ROAD,
LEIGH-ON-SEA,
ESSEX. SS9 3JJ

PROPOSED FLOOR PLANS
GROUND | FIRST | SECOND

CLIENT	PROJECT NO.	DRAWING NO.
DOVE JEFFERY HOMES	16.563	200
CHECKED	SCALE	DATE
	1:100 @A1	10.AUGUST.2016
DATE	REVISION	
		P5

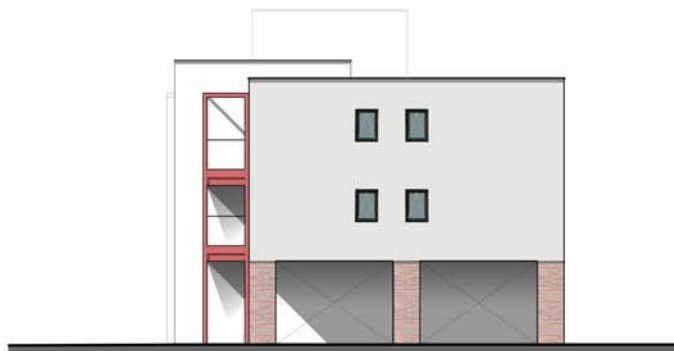
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PROPOSED FRONT ELEVATION
SCALE 1:100 (A1)



PROPOSED REAR ELEVATION
SCALE 1:100 (A1)



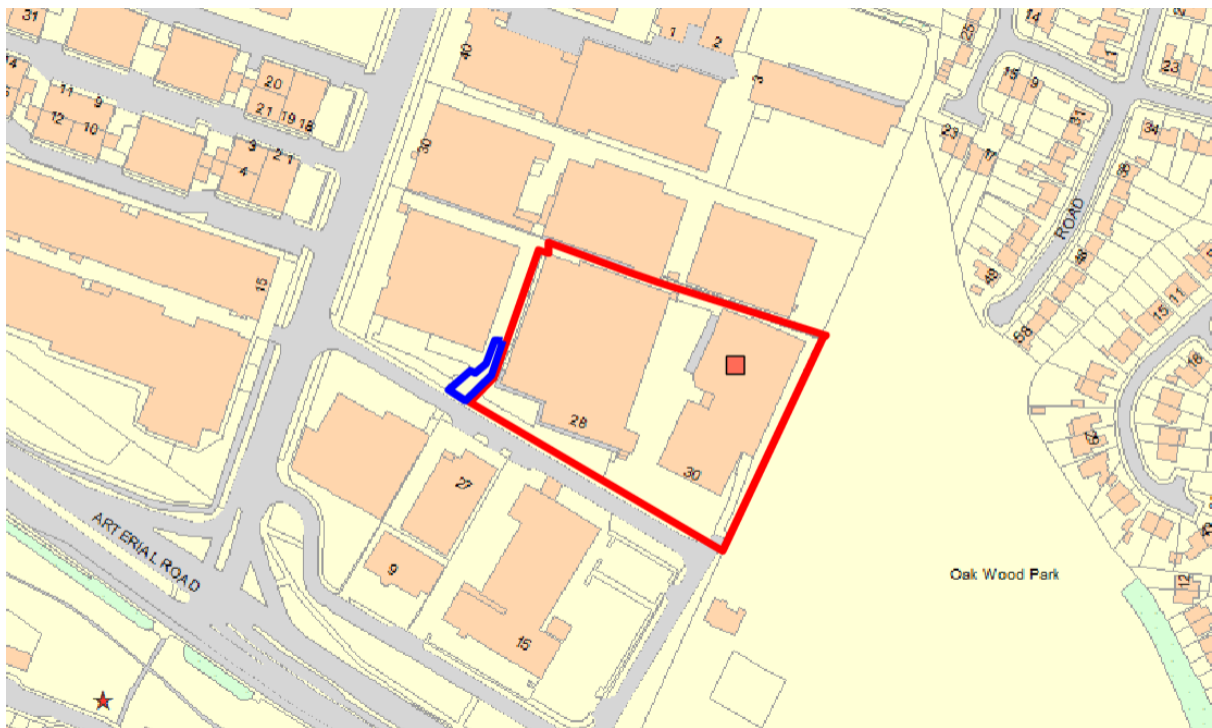
PROPOSED SIDE ELEVATION
SCALE 1:100 (A1)



PROPOSED REAR ELEVATION
SCALE 1:100 (A1)

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Reference:	16/02284/FULM	<h1>9</h1>
Ward:	Eastwood Park	
Proposal:	Change of use from storage (class B8) and office (class B1(a)) to an education centre (class D1) (28 - 30 Stephenson Road)	
Address:	30 Stephenson Road, Eastwood, Essex, SS9 5LY	
Applicant:	South Essex College	
Agent:	VRG Planning Ltd	
Consultation Expiry:	08/02/17	
Expiry Date:	10/04/17	
Case Officer:	Ian Harrison	
Plan No's:	(PA)001, (PA) 002, (PA) 003, (PA) 004, (PA) 005, (PA) 006, (PA)007, (PA) 008 Rev P2, (PA) 009 Rev P2, (PA) 010 Rev P1 and SK (003) Rev P1	
Recommendation:	GRANT PLANNING PERMISSION	



1 The Proposal

- 1.1 The application seeks planning permission for the change of use of two buildings at a 1.14 hectare site to the north of Stephenson Road within the Progress Road Industrial Estate.
- 1.2 The site currently contains two buildings that have a combined footprint of approximately 6,450 square metres. The existing floor plans show that 28 Stephenson Road has an internal area of 6,147 square metres over two floors. The building is built into the changing ground levels of the site. The entrance at the south of the building provides access to the first floor of accommodation. 30 Stephenson Road has an internal area of 2,984 square metres over two floors with a large undercroft area that is stated to measure 1678 square metres.
- 1.3 The proposal is to use the buildings for education purposes in conjunction with vocational courses available at South East Essex College related to construction, motor vehicles and engineering. It is understood that a number of these activities currently/formerly occurred within Basildon and Thurrock but are proposed to be relocated to the application site. The submitted floor plans show that 30 Stephenson Road would be used for training purposes related to the maintenance of motor vehicles with associated classrooms and other ancillary student facilities such as lockers and a refectory. 28 Stephenson Road would be used for training purposes related to construction industry trades such as carpentry, tiling, plumbing, electrical engineering and bricklaying. The submitted plans indicate that 30 Stephenson Road would be converted first under 'Phase 1' of the change of use and 28 Stephenson Road would change later under the terms of 'Phase 2.'
- 1.4 The applicant's submissions demonstrate that 108 parking spaces would be available at the application site. The submissions suggest that there would be 81 members of staff and up to 180 students at the site at any one time.

2 Site and Surroundings

- 2.1 The application site is located to the north of Stephenson Road. The site measures a maximum of 128 metres wide and 102 metres deep and contains two buildings that are described above.
- 2.2 The site is allocated as part of a designated employment area.

3 Planning Considerations

- 3.1 The main considerations of this application are the principle of the development (including the loss of the existing uses), parking and highway safety and any impact on neighbouring properties.

4 Appraisal

Principle of Development

National Planning Policy Framework 2012, Core Strategy Policies KP1, KP2, CP1, CP3, CP4 and CP6, Development Management DPD Policies DM1, DM3, DM10 and DM11 and DM15

- 4.1 The site is designated as an employment area in the Development Plan and as such it is noted that policy CP1 states that *“The Borough Council will support the retention, enhancement and development of Class B uses within the Employment Areas.”* That policy also states that 1500 jobs will be created within Shoeburyness in the 20 year period from 2001 to 2021.
- 4.2 Policy CP1 also states that “Permission will not normally be granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area.” It does however go on to state that *“to promote economic regeneration development will be expected to enhance the town’s role as a cultural and intellectual hub [and] a higher education centre of excellence.”*
- 4.3 DM11 (Employment Areas) states that the Borough Council will support the retention, enhancement and development of Class B uses within the Employment Areas shown on the Policies Map and described in Policy Table 8. Proposals that fall outside of a Class B employment use will only be granted permission where it conforms with one of the following four criteria:

“A. the development proposal is a ‘sui generis’ use of a similar employment nature, which is compatible with and will not compromise the operating conditions of the Employment Area; or

B. the development proposal is in conformity with a planning brief, or similar planning policy document, that has been adopted by the Borough Council for the concerned site, which sets out other appropriate uses; or

C. it can be demonstrated to the Council’s satisfaction that:

i. there is no long term or reasonable prospect of the site concerned being used for Class B purposes.; and*

ii. the use is compatible with and will not compromise the operating conditions for other employment uses or the potential future use of neighbouring sites for employment uses; and

*iii. the alternative use cannot be reasonably located elsewhere within the area it serves**; and*

iv. the use will not give rise to unacceptable traffic generation, noise, odour or vehicle parking; or

D. it can be shown that the development will be a complementary and supporting use, which is both subservient and ancillary to the principal employment uses and serves the day-time needs of the estate’s working population and will not result in a material change to the Class B character and function of the area.

- 4.4 Criteria B is not applicable and no case has been made by the applicant in relation to Criteria C. The applicant's statement highlights the content of Criteria A which allows for a change of use where "the development proposal is a 'sui generis' use of a similar employment nature, which is compatible with and will not compromise the operating conditions of the Employment Area." The proposed use is not a Sui Generis Use, it is considered to fall within Use Class D1 and therefore this ground for supporting a change of use of land is not directly applicable. However it is considered that the intention and tone of the policy can be afforded some weight to this proposal on the grounds that the type of education that is proposed at the site is akin to uses that would occur within an employment area.
- 4.5 The applicant also highlights Criteria D which allows for a change of use where the proposed use will be "*a complimentary and supporting use, which is both subservient and ancillary to the principal employment uses and serves the day-time needs of the estate's working population and will not result in a material change to the Class B character and function of the area.*" Overall, the proposed use is considered to be a primary and stand-alone use that would not be purely supportive of or ancillary to any other uses within the employment area. However, its nature is such that it is considered to compliment and support uses falling within Class B due to the specific type of educational use provided.
- 4.6 The existing buildings are in use and it is therefore the case that the proposed change of use would require the vacancy of the existing building by the current businesses. Preferably these would stay within the Southend-on-Sea Borough and the Progress Road Employment Area but this cannot be guaranteed. The applicant states that in addition to the students, there would be a net increase in employment at the site of 6 people.
- 4.7 Policy Table 7 in conjunction with policy DM10 (Employment Sectors) of the development plan sets out key employment sectors and locations for development associated with those sectors. The creation of a Higher Education Centre of Excellence is identified as a key employment sector but the application site is not a priority location area for such development. This policy is therefore considered to be of limited relevance to this proposal.
- 4.8 Policy CP1 (Employment Generating Development) states that "Development proposals involving employment must contribute to the creation and retention of a wide range of jobs, educational and re-skilling opportunities."
- 4.9 With respect to education facilities, paragraph 72 states that "*the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.*" It is considered relevant to give weight to this statement in respect of this application. Moreover, paragraph 162 indicates that Local Planning Authorities and infrastructure providers (including education organisations) should work together to take account of the needs of the area.

- 4.10 Policy KP2 states that a primary role of Southend should be as a *'higher education centre of excellence.'* Moreover, policy CP6 states that *"New development should demonstrate that it will not jeopardise the Borough's ability to improve the education attainment, health and wellbeing of local residents and visitors to Southend"* and also states that the Council will support *"improvements to existing, and the provision of new, facilities to support the needs of education, skills and lifelong learning strategies particularly by....securing the physical infrastructure needed to maximise the impact of the Higher Education/University Campus in the Town Centre and the provision of academic and vocational education/training at a new Prospects College in east Southend."*
- 4.11 In summary it is considered that there are policies to resist unjustified losses of employment floorspace within the Borough but also policies to support the provision of education and training facilities. It will therefore be necessary to reach an on balance recommendation. Although educational, it is noted that the proposed use would be of a character that is akin to and supportive of an employment use and would most appropriately located within an employment area. For this reason and also due to the policy support for educational facilities that is set out above and the jobs that would be formed as part of the educational use, it is considered on balance that no objection should be raised to the proposed development in principle.
- 4.12 The National Planning Practice Guidance states that conditions should only be imposed where they are necessary, relevant to planning, relevant to the development, enforceable, precise and reasonable in all other respects.
- 4.13 Given the wide range of uses that are included within Use Class D1 and the context of the application site, it is considered that the use of the site should be restricted so that the use remains the use that has been sought and assessed above. A condition to this effect has therefore been recommended.
- 4.14 The applicant has suggested the imposition of a condition to control the phasing of the change of use of the site. It is considered that such a condition is appropriate at the site to ensure that the parking at the site is controlled and proportionately shared between the uses at the site.

Design

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

- 4.15 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 DM1 of the Development Management DPD 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."*

- 4.16 As no external alterations are proposed it is considered that no objection should be raised to the application on those grounds.
- 4.17 Policy DM1 requires that the internal layout of development takes account of all potential users. Given the public use of the building it is considered appropriate to seek the submission and agreement of further details relating to the internal arrangement of the building to ensure that all areas of the building are fully accessible.

Impact on Neighbouring Properties

NPPF; DPD 1 (Core Strategy) Policies KP1, KP2, CP1 and CP4; Development Management DPD Policy DM1, DM3, DM10 and DM11 and SPD 1 (Design & Townscape Guide (2009))

- 4.18 Policy DM1 of the Development Management DPD also states that development should “Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”
- 4.19 The site is located within an area of commercial uses with the nearest residential property being approximately 80 metres from the application site. The use would not be likely to generate noise and disturbance that is materially different or worse to that which could already be created within the employment area. Therefore, subject to the imposition of the reasonable and planning-related conditions that are recommended by the Council’s Environmental Health Officer, it is considered that the proposed change of use would not have a detrimental impact on residential amenity. It is also considered that the proposed use would not prejudice the operation of the wider employment site.

Highways and Transport Issues:

National Planning Policy Framework, Policy KP2, CP3 and CP4 of the Core Strategy, Development Management DPD Policies DM1, DM3 and DM15 and the Design and Townscape Guide.

- 4.20 Policy DM15 states that B1 (Business) and B8 (Storage and Distribution) uses should be served by parking at a maximum rate of 1 space per 30 or 150 square metres respectively. The current use of the buildings is stated as being a mixture of the two uses and given the figures stated by the applicant this would have led to a maximum parking provision of 117 parking spaces.
- 4.21 The parking standards state that D1 (Further and Higher Education) uses should be served by parking at a maximum rate of 2 spaces per 15 students, one for the students and one for the associated members of staff. The applicant states that there would be 81 members of staff and 180 students and therefore a maximum parking provision of 24 spaces would be justified.

- 4.22 The submitted plans show that 108 parking spaces would be available at the site which would represent an overprovision in comparison to the maximum figure that is justified by the parking standards. However, given the location of the site, the likelihood that users of the facility will be bringing tools and equipment to the site that would not be compatible with public transport and the catchment area of the proposed use it is considered that this level of parking provision can be supported at this site.
- 4.23 In this location and as the applicant has demonstrated that the proposed use would result in less vehicle movements than the current use, it is considered that no objection should be raised on the grounds of highway safety or the free-flow of traffic.
- 4.24 It is recommended that a condition is imposed to require the submission, agreement and implementation of a travel plan to encourage and maximise the use of sustainable transport where possible.

Sustainability

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

- 4.25 Policy KP2 of the Core Strategy states; “*All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources*” and that “*at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)*”. The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design
- 4.26 It is considered that the modification and change of use of the building will give grounds and reason to improve the sustainability of the existing building in accordance with local and national policies. It is recommended that conditions are imposed to require a scheme of energy strategy and scheme of water efficiency to be submitted to and approved by the Local Planning Authority.

Community Infrastructure Levy

- 4.27 As the development creates no new floorspace at the application site and represents a change of use from one commercial use to an educational use, the development is not CIL liable.

5 Conclusion

- 5.1 For the reasons set out above, it is considered that, on balance, the use of the land at the application site for vocational educational purposes can be supported. The proposed development would have no materially harmful impacts on the character of the area, the amenity of residents or highway safety and it is therefore

considered that the development can be approved subject to conditions.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework 2012.
- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance) and CP6 (Community Infrastructure).
- 6.3 Development Plan Document 2: Development Management Policies DM1 (Design Quality) DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM10 (Employment Sectors), DM11 (Employment Areas) and DM15 (Sustainable Transport Management)
- 6.4 Community Infrastructure Levy Charging Schedule.
- 6.5 Supplementary Planning Document 1: Design & Townscape Guide, 2009.

7 Representation Summary

Environmental Health Officer

- 7.1 The Council's Environmental Health Department raise no objection subject to the following conditions:
 - 1. With reference to BS4142, the noise rating level arising from all plant and 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.
 - 2. Construction hours restricted to 8am – 6pm Monday to Friday, 8am – 1pm Saturday and not at all on Sundays or Bank Holidays.
 - 3. During any Construction and Demolition. Given the site's location to other properties no burning of waste material on the site.
 - 4. With reference to the spray booth, before the use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to, and approved in writing by, the Local Planning Authority and the approved scheme shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions, unless otherwise agreed in writing by the Local Planning Authority.

Public Consultation

- 7.2 79 neighbouring properties were notified of the proposal and a site notice was posted at the site. No letters of objection have been received.

8 Relevant Planning History

- 8.1 No planning history at the site is considered to be of relevance to this proposal.
- 8.2 With respect to 28 Stephenson Road, application 08/01279/FULM proposed the formation of a new entrance and the alteration of the elevations of the building and the parking layout. An application (09/01491/ADV) for signage was withdrawn.
- 8.3 At 30 Stephenson Road, application 07/01058/FUL was approved to allow the demolition of the front two storey section of the building, its re-cladding and the alteration of the elevations, with a erect new screen to an electrical substation.

9 Recommendation

- 9.1 GRANT PLANNING PERMISSION subject to the following conditions:**

- 01 Condition: 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 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans: (PA)001, (PA) 002, (PA) 003, (PA) 004, (PA) 005, (PA) 006, (PA)007, (PA) 008 Rev P2, (PA) 009 Rev P2, (PA) 010 Rev P1 and SK (003) Rev P1.**

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

- 03 Notwithstanding the provisions of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015, the buildings at the site shall be used for no purposes other than as a vocational education and training centre for the construction, motor-vehicle and engineering industries and not for any other uses falling within Use Class D1. Notwithstanding the content of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any legislation amending, revoking or re-enacting this order, the buildings shall be used for no other purposes falling within Use Class D1 as defined by the Town and Country Planning (Use Classes) Order 1987.**

Reason: To enable future control to be retained in relation to the use of the building and to reflect the specific circumstances that have provided justification for the proposed use at the application site.

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

Reason: In the interests of the amenities of neighbouring residents in accordance with the National Planning Policy Framework, Policy DM1 of the Development Management Document and the Design and Townscape Guide, 2009.

- 05 Before the use hereby permitted commences, a scheme for the installation of equipment to control the emission of fumes and smell from the spray painting booths installed at the premises shall be submitted to, and approved in writing by, the Local Planning Authority and the approved scheme shall be implemented in full. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In the interests of the amenities of neighbouring residents in accordance with the National Planning Policy Framework, Policy DM1 of the Development Management Document and the Design and Townscape Guide, 2009.

- 06 Prior to the occupation of either of the buildings for these uses hereby approved, a scheme of improvements to the building relating to energy efficiency and water efficiency shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme before it is brought into use.**

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy and Development Management Document policy DM2.

- 07 Prior to the commencement of the development hereby approved, details of the phasing of the change of use of the application site in terms of the delivery of floorspace and parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented only in full accordance with the approved phasing details.**

Reason: To ensure that adequate parking is available for the uses at the site in accordance with Development Management Document Policy DM15.

- 08 Prior to the occupation of the buildings for these uses hereby approved, details shall be provided of the accessibility measures to be implemented within the building to ensure the building is available for use by as a wide a range of users as possible. The development shall be implemented in accordance with the approved details prior to it being brought before it is brought into use or occupied.**

Reason: In the interests of providing adequate accessibility within the building in accordance with Development Management Document policy DM1.

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

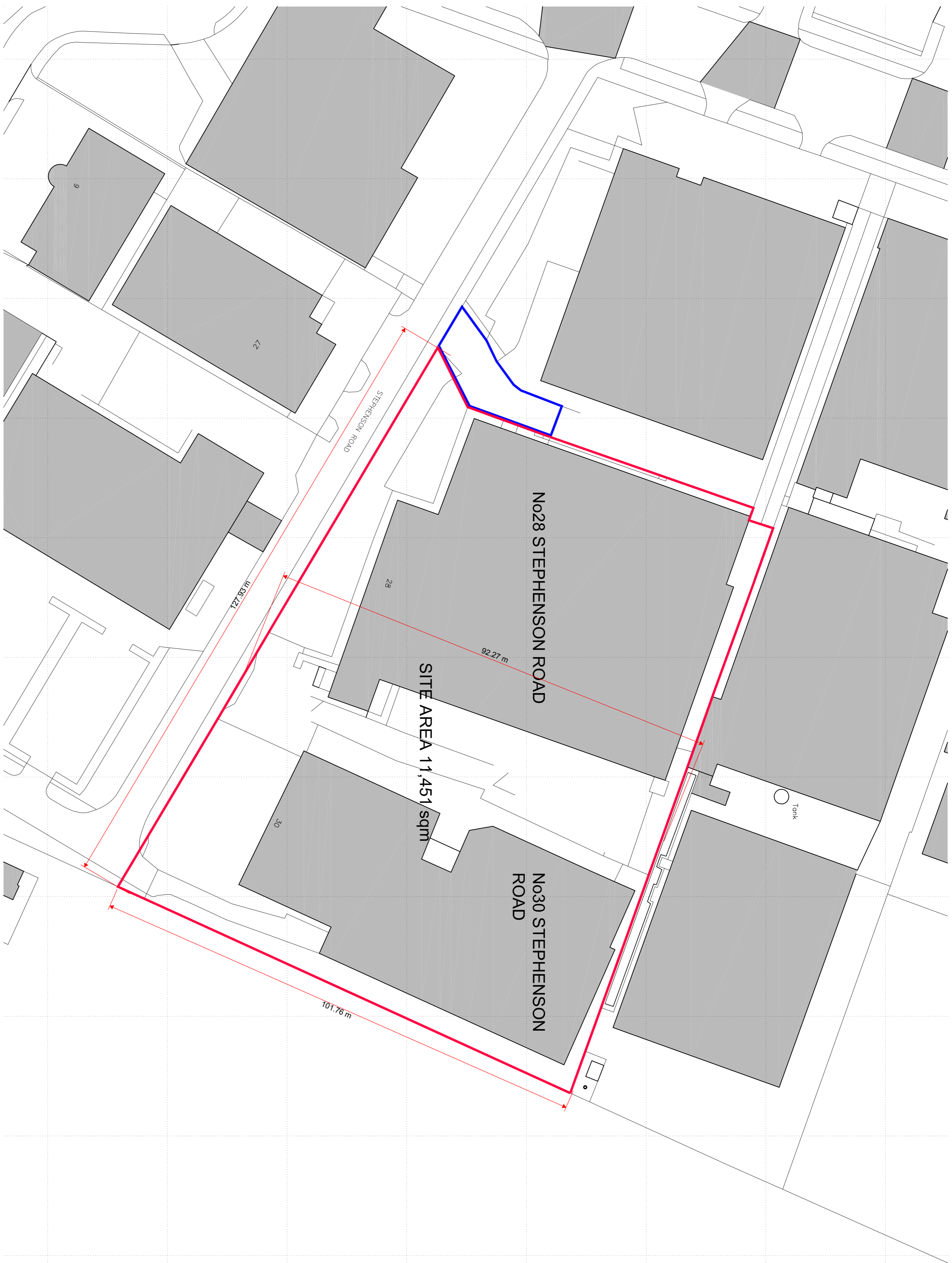
Informative

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

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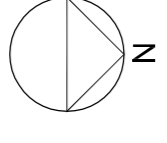
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Title: Block Plan

Project No: G0617 Date: 06/01/17 Scale: 1:500 @ A1

Drawing No: (PA)007 Status: (PA)

Drafter: CJ Author: IF Status: PLANNING



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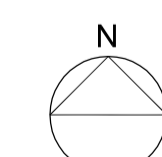
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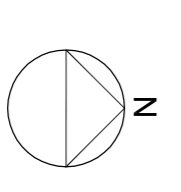
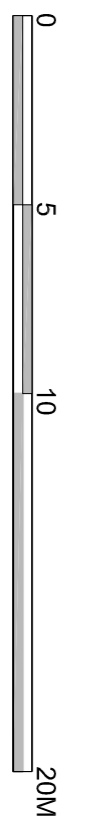
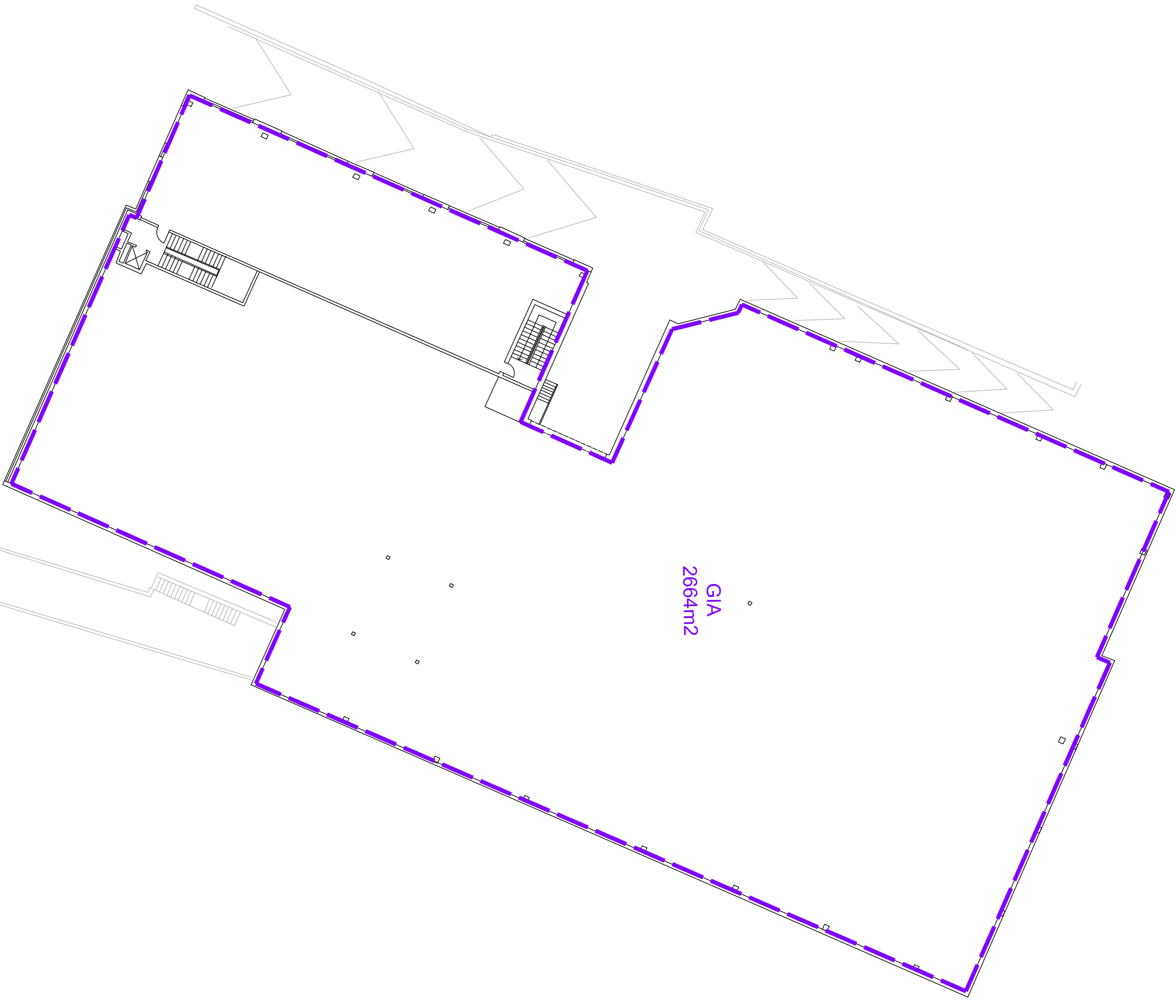
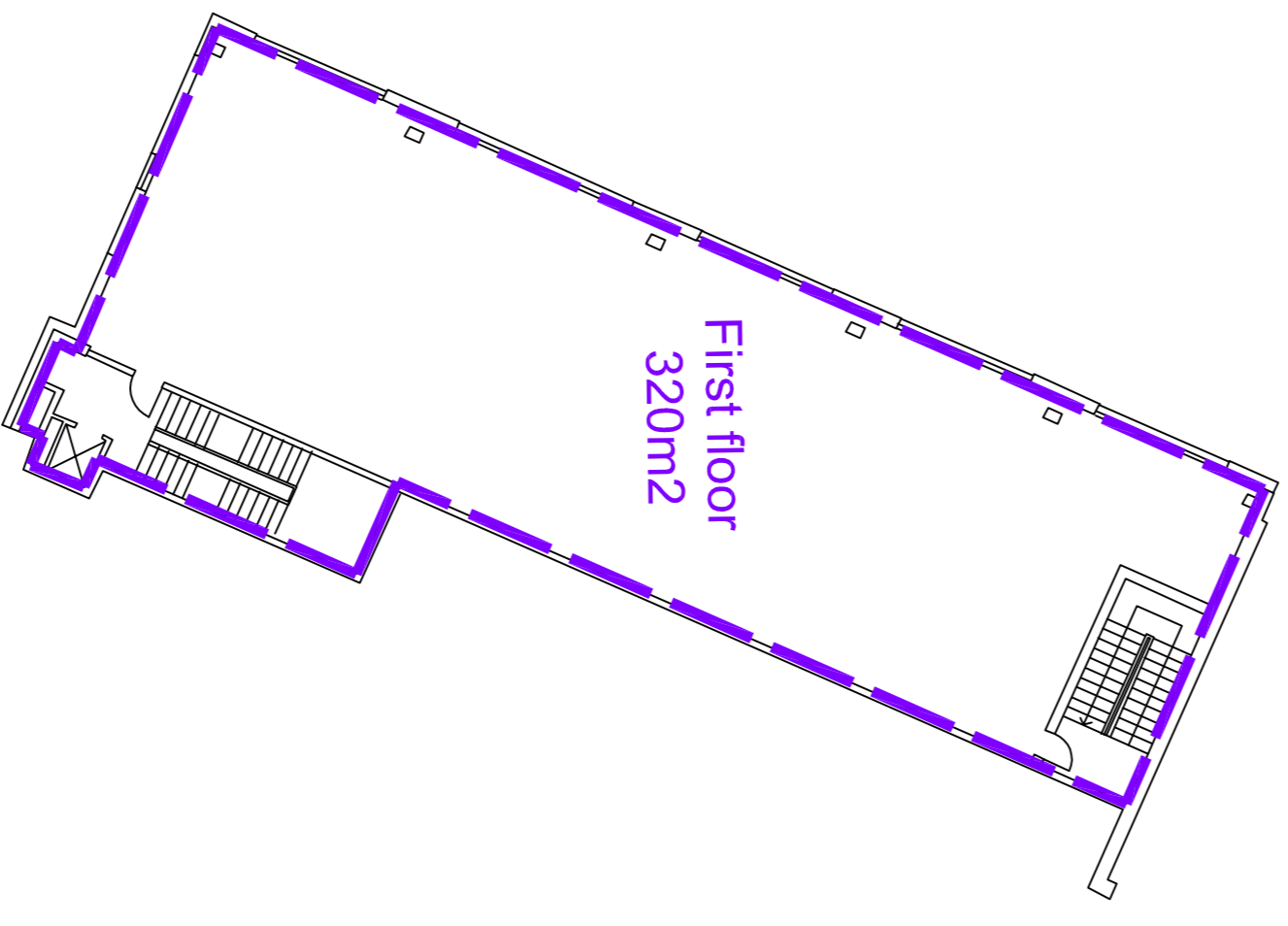
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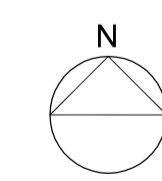
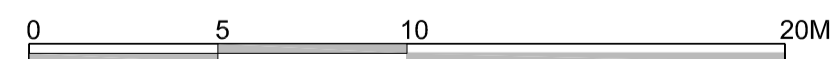


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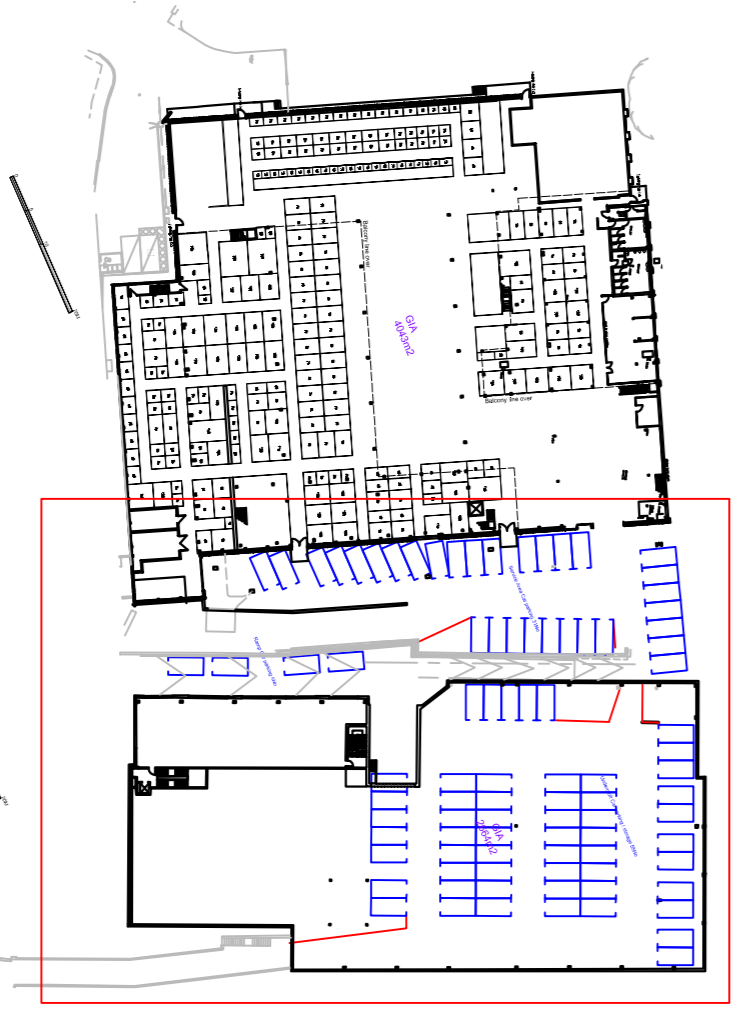
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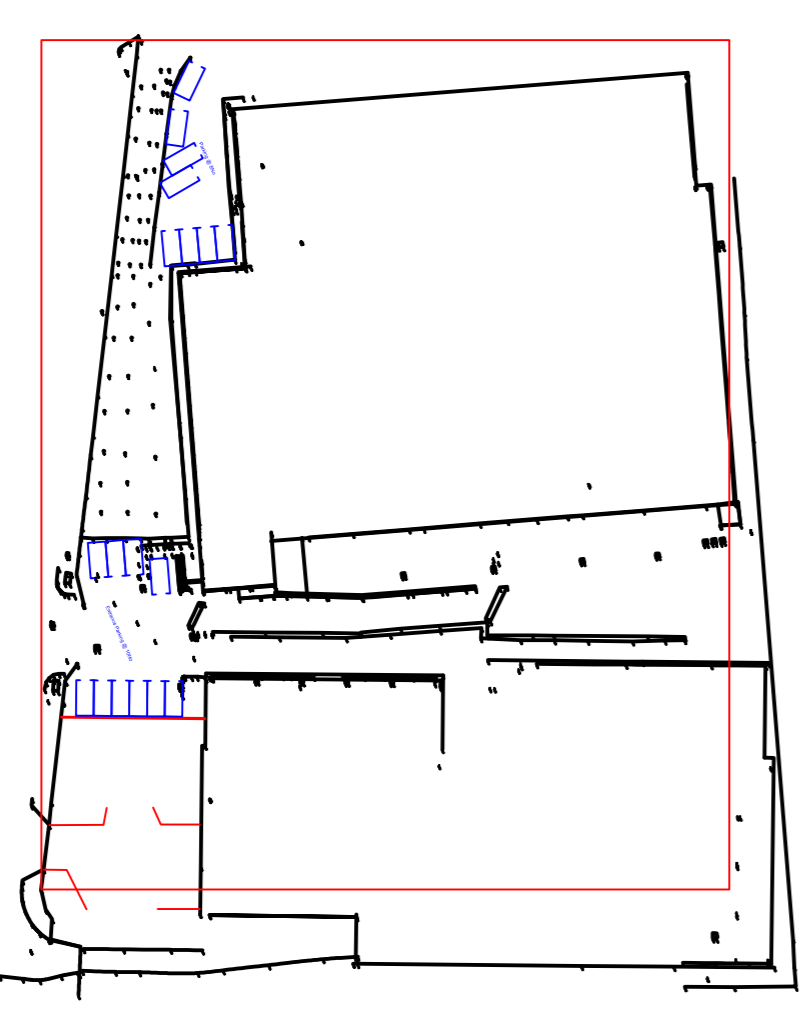
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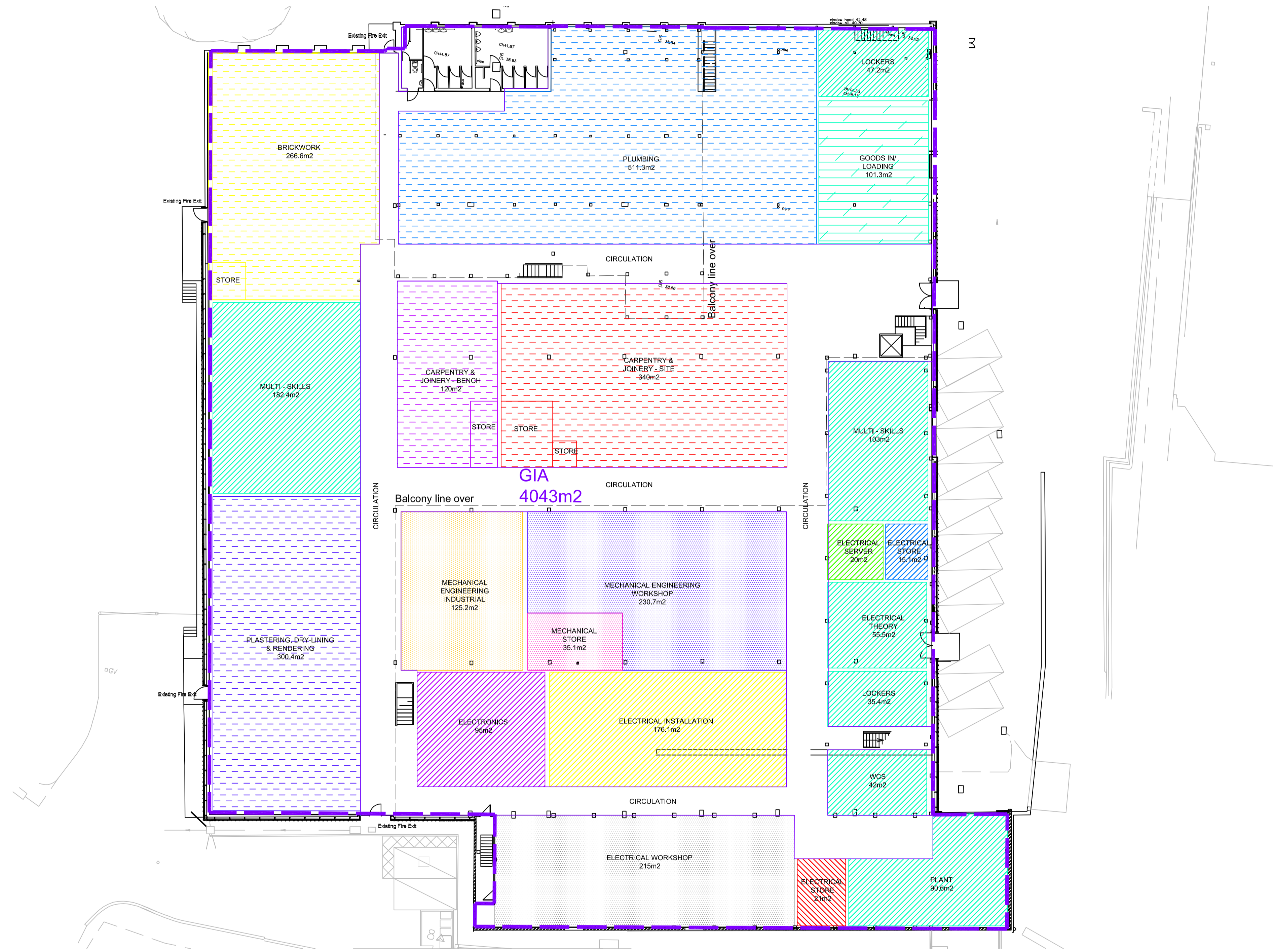
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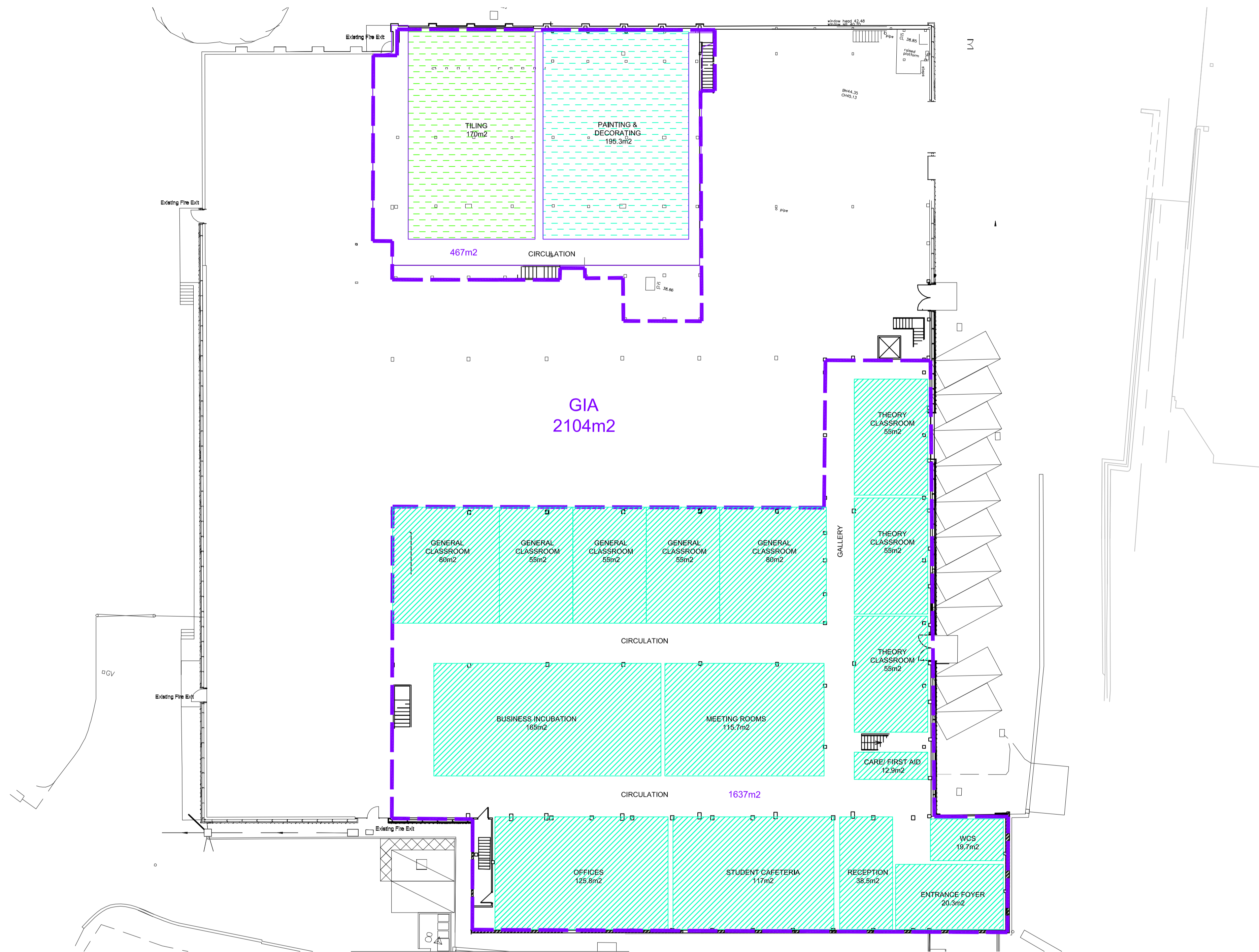
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Ground Floor

Gibberd Ltd 117-121 Curtain Road London EC2A 3AD +44(0)20 7739 3400 +44(0)20 7739 8948 studio@gibberd.com www.gibberd.com	REV P1 DESCRIPTION ISSUE FOR INFORMATION DATE 30.01.17 DRAWN CJ AUTH IF	REV P2 DESCRIPTION Areas added DATE 06.02.17 DRAWN CJ AUTH IF	REV DESCRIPTION DATE DRAWN AUTH	© Copyright of the information is vested in Gibberd Ltd. All dimensions are to be checked on site. For the avoidance of doubt, all dimensions are measured to wall structure and not finishes unless otherwise stated.	Gibberd ARCHITECTURE MASTER PLANNING INTERIOR DESIGN CONSERVATION LANDSCAPE	Client: South Essex College Project: SEC CME - Stephenson Road Title: Proposed Ground Floor Plan - No.28 Project No: G0617 Date: 06/01/17 Scale: 1:200 @ A1 Rev: P2 Drawing No: (PA)008 Series: (PA) Drawn: CJ Auth: IF Status: PLANNING
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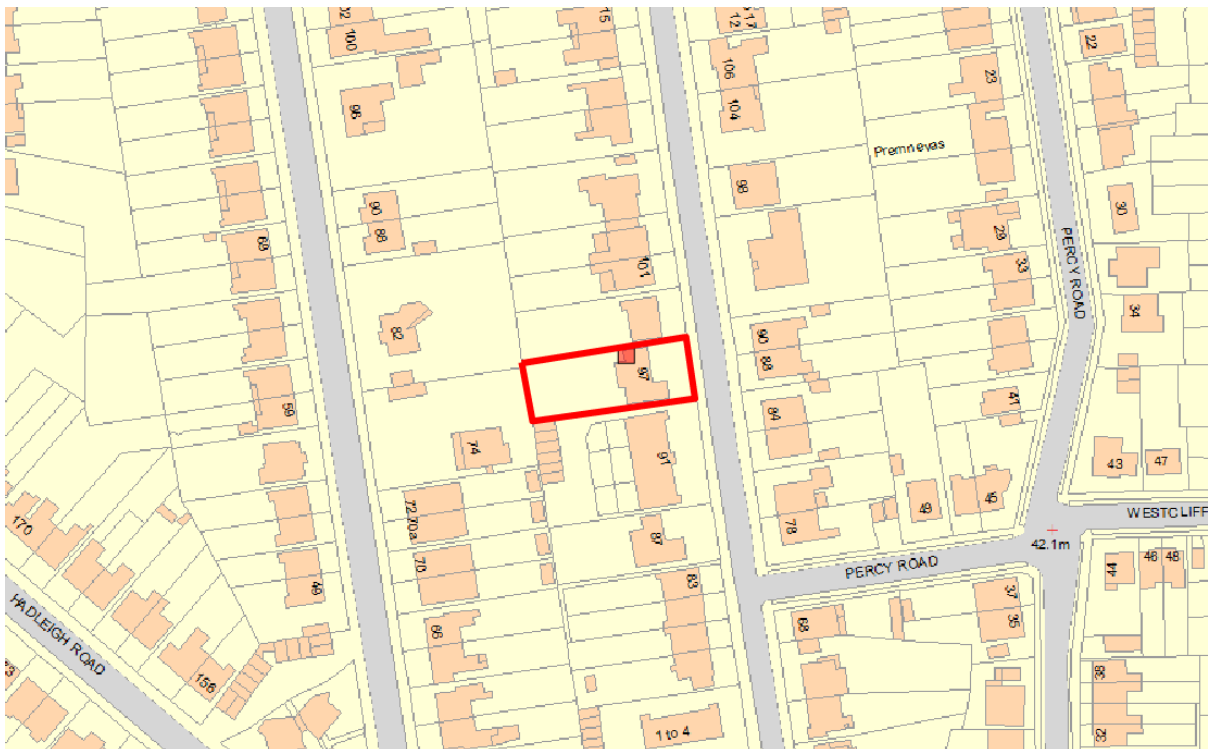


Mezzanine Floor

Gibberd Ltd 117-121 Curtain Road London EC2A 3AD +44(0)20 7739 3400 +44(0)20 7739 8948 studio@gibberd.com www.gibberd.com	REV P1 DESCRIPTION ISSUE FOR INFORMATION DATE 30.01.16 DRAWN CJ AUTH IF	REV P2 DESCRIPTION Areas added and mezzanine updated DATE 06.02.17 DRAWN CJ AUTH IF	REV DESCRIPTION DATE DRAWN AUTH	© Copyright of the information is vested in Gibberd Ltd. All dimensions are to be checked on site. For the avoidance of doubt, all dimensions are measured to wall structure and not finishes unless otherwise stated.	Gibberd ARCHITECTURE MASTER PLANNING INTERIOR DESIGN CONSERVATION LANDSCAPE	Client: South Essex College Project: SEC CME - Stephenson Road Title: Proposed First Floor Plan - No.28
	Project No: G0617 Date: 06/01/17 Scale: 1:200 @ A1 Rev: P2					
	Drawing No: (PA)009 Series: (PA)					
	Drawn: CJ Auth: IF Status: PLANNING					

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Reference:	17/00071/FUL	<h1>10</h1>
Ward:	West Leigh	
Proposal:	Demolish existing bungalow, erect two semi-detached dwellings and install hardstanding with vehicular access onto Salisbury Road (Amended Proposal).	
Address:	97 Salisbury Road, Leigh-on-Sea, Essex, SS9 2JN	
Applicant:	Mr M. Bailey (N Bailey Properties)	
Agent:	BGA Architects	
Consultation Expiry:	17/02/16	
Expiry Date:	16/03/17	
Case Officer:	Ian Harrison	
Plan Nos:	0-001, 0-002, 0-600, 1-001, 1-600 B, 1-602, 1-603 and 2-600	
Recommendation:	GRANT PLANNING PERMISSION	



1 The Proposal

- 1.1 Permission is sought to demolish an existing bungalow at 97 Salisbury Road and replace it with a pair of semi-detached dwellings, with associated gardens and parking.
- 1.2 The main part of the existing bungalow measures 7.2 metres deep and 10.4 metres wide with a pitched roof built to an eaves height of 2.7 metres and a ridge height of 6 metres. Single storey projections exist to the front and rear and a flat roofed garage exists at the North side of the dwelling. The dwelling is positioned a minimum of 5.3 metres from the highway frontage of the site and 0.9 metres from the South and North boundaries.
- 1.3 The main part of the proposed replacement dwellings would each measure 10 metres deep and 6.7 metres wide with a pitched roof built to an eaves height of 5.4 metres at the front and 6.3 metres to the rear with a ridge height of 8.4 metres and full gables to the side. A two storey projection is provided at the rear of each dwelling that would measure 3.8 metres wide and 1.8 metres deep with the roof formed from the continuation of the main roof to a lower eaves height of 5.5 metres. Single storey rear projections would wrap around the two storey rear projection, measuring a maximum of 2.5 metres deep and matching the width of the pair of dwellings. A two storey forward projection is proposed at each dwelling that would measure 0.6 metres deep and 4.7 metres wide with a pitched roof built to a maximum height of 7.4 metres. A single storey bay would be provided at the front elevation that would measure 3.3 metres wide and 0.7 metres deep with a lean-to pitched roof built to a maximum height of 3.4 metres. Two rooflights are proposed at the rear of each dwelling and one is proposed at the front of each dwelling. The dwellings would be handed replicas of each other. The dwellings would be in line with each other and would be set back from the highway by 7.1 metres.
- 1.4 Two parking spaces would be provided to serve each dwelling. Each dwelling would feature five bedrooms, have an internal floor area of 174 square metres and feature gardens to the rear that would measure an average of 140 square metres per property in area.
- 1.5 This application follows the refusal of application 16/00954/FUL which proposed a similar development of two dwellings. That application was refused for the following reason:

1. The proposed development, by virtue of its scale and layout would have an overbearing impact and cause a loss of outlook of the neighbouring dwelling to the North of the site. The proposal is therefore contrary to the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management) policy DM1 and SPD1 (Design and Townscape Guidance)

1.6 That application followed the refusal of application 16/00305/FUL which also proposed a similar development. That application was refused for the following reasons:

1. The proposed development, by virtue of the layout of the proposed dwellings, would have an awkward and contrived appearance that would cause harm to the character and appearance of the site and the surrounding area, contrary to the National Planning Policy Framework, policies KP2 and CP4 of DPD1 (Core Strategy) policies DM1 and DM3 of DPD2 (Development Management) and the Design and Townscape Guidance (SPD1)

2. The proposed development, by virtue of its scale and layout would have a harmful impact on the light and outlook of the neighbouring dwelling to the North of the site. The proposal is therefore contrary to the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management) policy DM1 and SPD1 (Design and Townscape Guidance).

3. The proposed development, by virtue of the proposed layout of the permanent vehicular crossovers to the new dwellings would result in a loss of on-street parking in the area which already suffers from a significant level of parking stress. This would be contrary to policy CP3 of the Core Strategy and DM15 of the Development Management DPD.

2 Site and Surroundings

2.1 The application site currently contains a single storey dwelling that is described above, with front and rear gardens and vehicular access from Salisbury Road.

2.2 The site is located within an area of mixed residential properties. To the South of the application site is a block of six flats, to the North is a chalet style dwelling and to the North of that is a pair of semi-detached two storey dwellings. It is considered that the variation amongst the four buildings referred to above is reflective of the character of the surrounding area. It is noted that planning permission has been granted at 105 Salisbury Road for the replacement of a bungalow with two semi-detached two storey dwellings and this development appears to be substantially completed.

2.3 The site is not the subject of any site specific policy designations.

3 Planning Considerations

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

4 Appraisal

Principle of Development

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

- 4.1 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework Sections 56 and 64, Core Strategy DPD Policies KP2, CP4 and CP8. Amongst the core planning principles of the NPPF includes to *“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.”* Paragraph 56 of the NPPF states; *“the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* Paragraph 64 of the NPPF states; *“that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*
- 4.2 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development. Policy CP8 requires that development proposals contribute to local housing needs and identifies that 80% of residential development shall be provided on previously developed land.
- 4.3 Policy DM3 states that *“the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity”* and that *“The conversion of existing single dwellings into two or more dwellings will only be permitted where the proposed development:*
- (i) Does not adversely impact upon the living conditions and amenity of the intended occupants and neighbouring residents and uses; and*
 - (ii) Will not harm the character and appearance of the existing building or wider area; and*
 - (iii) Will not lead to a detrimental change of a street’s function; and*
 - (iv) Meets the residential standards set out in DM8 and the vehicle parking standards set out in Policy DM15.*

4.4 Policy DM3 also states that *“The conversion or redevelopment of single storey dwellings (bungalows) will generally be resisted. Exceptions will be considered where the proposal:*

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

4.5 The majority of these issues will be discussed in greater detail below, but it is relevant that at paragraph 4.20, it is accepted that the development accords with Part M4 (2) of the Building Regulations which has replaced the Lifetime Home Standards. It is considered that no objection can be raised to the principle of residential development involving the loss of a bungalow at this site.

Design and Impact on the Character of the Area

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

4.6 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policy DM1 of the development management DPD 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.”* 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.”* In the Council’s Development Management DPD, policy DM1 states that development should “add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”

4.7 As set out above, the residential street of Salisbury Road is of varied character, featuring a mixture of single, two and three storey buildings, with pitched and flat roofs and a mixture of detached and semi-detached properties. In this context it is considered that no objection should be raised to the loss of bungalows on visual grounds. It is considered that the street is not dominated by bungalows and as such the provision of development with a two storey scale, albeit with additional rooms in the roofspace, would not be at odds with the character of the site or the surrounding area.

- 4.8 The buildings of the area follow generally consistent building lines, however it is noted that the line of properties to the North follows a line that is 2.5 metres forward of the buildings to the South. The first application in 2016 proposed dwellings in a stepped arrangement to attempt to bridge the different building lines, but this caused the pair of dwellings to have a contrived arrangement that emphasised the contrast between the existing building lines rather than compliment it. It was concluded that the arrangement of the dwellings caused conflict between the appearance of a pair of semi-detached dwellings and the appearance of detached dwellings and by falling between these two more conventional forms, it was considered that the development would have had a cluttered and contrived appearance. The applicant successfully addressed this matter in the second 2016 application by re-aligning the dwellings and it was therefore considered that the previous ground of objection had been addressed. The second application was not refused on design grounds and it remains the case that this application is considered to be acceptable on those grounds.
- 4.9 It was previously considered that it would be preferable for both dwellings to be set back from the highway by a distance that would enable parking and soft landscaping to be provided. The plans accord with that recommendation and as such it is considered that the proposal is acceptable on those grounds.
- 4.10 In all other respects it is considered that the proposal is visually acceptable. The scale of the dwellings matches the scale of other properties that exist within the surrounding area and the architectural appearance is considered to be satisfactorily in accordance with other properties within the surrounding area. The shallow pitch of the roof is considered to be unfortunate but as the neighbouring buildings would partially mask views of the side of the proposed dwellings it is considered that the impact of these features would not be harmful to an extent that would justify the refusal of the application for that reason.

Impact on Residential Amenity.

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

- 4.11 Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties. Policy DM1 of the Development Management DPD also states that development should “Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”
- 4.12 The residential property to the north of the application site (99 Salisbury Avenue) has been the subject of a single storey rear extension that is not shown on the applicant’s plans, but was built following the granting of a Certificate of Lawfulness (12/01280/CLP) for the extension in 2012. Two storey extensions were also approved at the property (12/01282/FULH), but do not appear to have been implemented.

That property features two first floor windows in the side elevation and it is noted plans for that dwelling show that both windows serve bedrooms and in the case of the front window, the side window is the only window serving that bedroom. The rear bedroom is also served by a rooflight to the rear and there appears to be two ground floor windows that serve a lounge although the outlook and light would be restricted by the existing boundary landscaping.

- 4.13 The two storey side elevation of the northernmost dwelling proposed by this application would project 2.3 metres further to the rear than the neighbouring property. The ground floor element would project 4.4 metres further. This is a marked improvement in comparison to the previous proposal which proposed a two storey form that would have projected 4.8 metres to the rear.
- 4.14 Due to the height of the proposed dwelling, the separation distance of 1.8 metres and the positioning of the dwelling to the South of the neighbouring property, it was considered that the previous proposals would have caused a loss of light within the neighbouring property to the North. As set out above the use of the first floor South facing windows, particularly the front window, is essential to ensuring a reasonable standard of living within the neighbouring dwelling. The proposals would have significantly enclosed the outlook from that window and cause a loss of light within that window and as such the previous application was refused. The positioning and shape of the dwelling is now different and it is noted that the dwelling is shown to be set slightly behind the first floor in the neighbouring property, which would enable views from within that dwelling forward of the proposed dwelling. As such the impact on outlook, light and sense of enclosure would be materially reduced. On balance, it is now considered that the application can be found acceptable. The proposed dwelling would still cause the loss of some daylight and sunlight within the first floor windows, but the overall impact would not be harmful to an extent that would warrant the refusal of the application on those grounds.
- 4.15 It is noted that the neighbouring property features large ground floor windows and therefore, despite the depth, height and positioning of the extension, it is considered that light is still likely to reach the room served by those windows. The depth of the dwelling has been reduced in comparison to the previous proposal and it is therefore accepted that the proposed dwellings would not have an overbearing impact on the outlook within the habitable rooms and amenity space of the proposed development. This element of one of the reasons for the refusal of the most recent application at this site has therefore been satisfactorily addressed.
- 4.16 The building to the South consists of 6 flats and features five windows in the north elevation, three of which appear to serve non-habitable rooms. The windows are north facing and would be separated from the proposed South dwelling by 3 metres. The dwelling would have some impact on the outlook from within the neighbouring property, but due to the separation distance and the orientation of the flats it is considered that the impact of the proposed dwelling would not be materially harmful.
- 4.17 Due to the positioning of windows in the proposed dwellings and the separation distance of 19 metres to the West boundary of the site, it is considered that the proposal would not cause a loss of privacy within neighbouring properties to an extent that would justify the refusal of the application.

Likewise, due to the separation distance of 23 metres between the proposed dwellings and the dwellings to the east side of Salisbury Road there are no grounds to object to the impact of the proposed development on the light, privacy or outlook of those properties.

Standard of Accommodation:

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

4.18 Paragraph 17 of the NPPF states that “*planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*”. It is considered that most weight should be given to the Technical Housing Standards that have been published by the Government which are set out as per the below table:

- Minimum property size for residential units shall be as follow:
 - (a) 5 bedrooms (8 bed spaces) 134 square metres
- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m²; and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
- Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

The following is also prescribed:

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bedspace.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7m² for a single bedroom with a minimum width of 2.15m²; and 12m² for a double/twin bedroom with a minimum width of 2.55m².
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.

- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

4.19 The proposed dwellings would accord with the abovementioned standards and have a gross internal area that also meets the policy requirements. Ample amenity space would be provided and it is considered that there is scope to provide adequate cycle parking and refuse storage facilities at the site.

4.20 Policy DM3 requires that developments should meet the Lifetime Homes Standards which have subsequently been dissolved. However, their content has been incorporated into Part M of the Building Regulations and it is considered that these standards should now provide the basis for the determination of this application. A plan has been submitted to demonstrate that the proposed development would comply with those standards. It is therefore considered that the proposed development should not be refused on the grounds of the loss of a bungalow.

Highways and Transport Issues:

National Planning Policy Framework, Policy KP2, CP3, CP4 and CP8 of the Core Strategy, Development Management DPD Policies DM1, DM3 and DM15 and the Design and Townscape Guide.

4.21 Policy DM15 states that each dwelling should be served by a minimum of two parking spaces. This standard has been met by the proposed development.

4.22 As before, the Highway Authority has raised no objection to the application on the grounds that adequate parking would be provided to serve the proposed development. From this basis, it is considered that no objection should be raised to the proposal on the grounds of the level of parking provision that is proposed at the site or any impacts on highway safety.

4.23 It is noted that the first application was refused on the grounds that the proposal would cause a loss of on-street parking. However, as ample parking is provided within the site to serve the proposed development and as no objection was raised to the loss of on-street parking by the Highway Authority, the second application was not refused for that reason and it is recommended that this remains the case in respect of this application. The Highway Officer has visited the site on three occasions and undertaken assessments of the available on-street parking, finding that many spaces are available on each occasion.

Sustainability

Core Strategy Policies KP2, CP4 and CP8, Development Management DPD Policies DM1 and DM2 and SPD1

- 4.24 Policy KP2 of the Core Strategy states; “*All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources*” and that “*at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)*”. The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design
- 4.25 No details have been provided by the applicant to demonstrate how this matter will be addressed. It would however be possible to secure the submission and agreement of details of sustainable construction under the terms of a condition.

Community Infrastructure Levy.

- 4.26 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material ‘local finance consideration’ in planning decisions. The proposed development will result in a net increase in gross internal area of 237 square metres (taking into account a deduction of 111 square metres for existing ‘in-use’ floorspace that is being demolished). The CIL chargeable rate for residential units in this location is £60 per square metre and this equates to a CIL charge of £15,642.

5 Planning Policy Summary

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

6 Representation Summary

Traffic & Highways Network

- 6.1 2 off street car parking spaces have been provided for each dwelling which meets current policy guidance. The applicant will be required to relocate the existing lamp column in between the proposed vehicle crossovers. There are no highway objections to this proposal

Leigh Town Council

- 6.2 Leigh Town Council wishes to object on the basis that the amended proposal is an overdevelopment exacerbated by the two planned houses each containing five bedrooms. There will be a loss of on-street parking in a road that already suffers from parking stress. Traffic stress will increase due to excessive vehicles in the road, posing greater danger to the school children who attend nearby schools. Additionally the Town Council regrets the loss of a bungalow from the Borough's limited supply.

Public Notification

- 6.3 A site notice was posted and letters were sent to 12 neighbouring residents. Nine objections have been received which object on the following grounds:

- Moving the dwelling further from the highway would increase overlooking of Burnham Road properties.
- The loss of a bungalow is contrary to the Council's policies.
- The Council is aiming to support developments that will pay more Council Tax.
- The number of occupants of the proposed dwellings would represent overdevelopment.
- Loss of on-street parking.
- The provision of parking would cause the loss of soft landscaping at the site.
- The proposal would cause unacceptable additional on-street parking and congestion which would prevent access by emergency services.
- The proposal would be out of character with the surrounding area and cause the loss of green space.
- The proposal would be detrimental to pedestrian safety.
- The number of parking spaces proposed should be reduced.
- The proposal will cause a loss of light and privacy.
- The dwellings would be taller than the existing bungalows and too great in size.
- Surrounding schools are oversubscribed.
- There are too many properties within Salisbury Road and it is becoming crowded.
- Approving the loss of bungalows makes the Council appear untrustworthy and hypocritical.
- The proposal would be overbearing and result in a sense of enclosure.
-

The concerns raised have been carefully considered. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

7 Relevant Planning History

- 7.1 The refusal of applications 16/00305/FUL and 16/00954/FUL which proposed similar developments are fully discussed above.

8 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.**

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: 0-001, 0-002, 0-600, 1-001, 1-600 B, 1-602, 1-603 and 2-600**

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

- 03 Prior to the commencement of the development hereby approved, details of the external materials to be used in the construction of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall subsequently be used in the construction of the dwelling hereby approved unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management) policy DM1, and SPD1 (Design and Townscape Guide).

- 04 Prior to the occupation of the dwelling hereby approved the car parking spaces and access to them from the public highway shall be provided in accordance with the approved plans. The car parking space and access shall be kept available for the parking of motor vehicles at all times and permanently retained.**

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

- 05 Prior to occupation of the development hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be submitted to and approved in writing by the Local Planning Authority. The development shall**

subsequently be undertaken in accordance with the approved details before it is occupied and be retained in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

- 06** The development hereby approved shall be carried out in a manner to ensure the dwelling complies with building regulation M4 (2) 'accessible and adaptable dwellings' before it is occupied.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

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

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

- 08** Notwithstanding the provisions of Classes A, B, D and E of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 2015 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no extensions or outbuildings shall be erected at the site unless otherwise agreed in writing by the local planning authority.

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

- 09** Prior to the occupation of the dwelling hereby approved, details of the soft landscape works for the site shall be submitted to and approved in writing by the local planning authority. The approved soft landscaping works shall be undertaken within the first planting season following first occupation of the development, unless otherwise agreed in writing by the local planning authority.

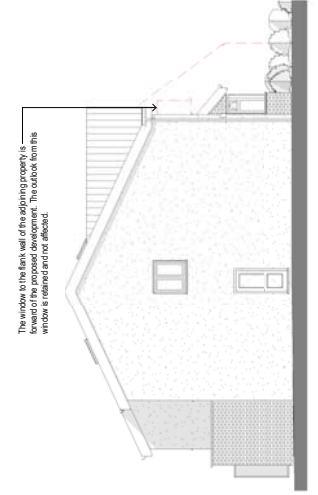
Reason: To safeguard character and appearance of surrounding area and the amenities of the occupants of the proposed development in accordance with policies DM1, DM3, DM5 and DM8 of the Development Management DPD and policies KP2 and CP4 of the Core Strategy.

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

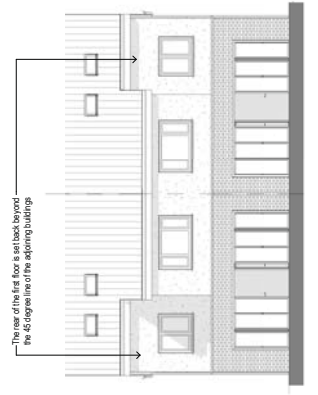
Informative

Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a Community Infrastructure Levy (CIL) Liability Notice for the attention of the applicant and any person who has an interest in the land. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.

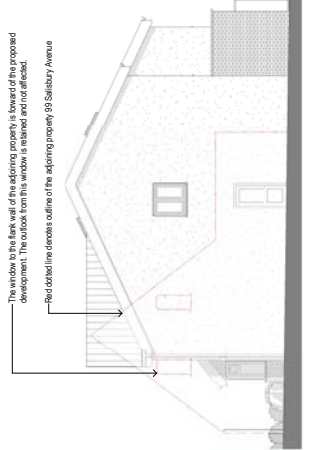
NO.	DATE	DESCRIPTION
1	15/11/17	Issue for Comment
2	15/11/17	Final Issue
3	15/11/17	Final Issue
4	15/11/17	Final Issue
5	15/11/17	Final Issue
6	15/11/17	Final Issue
7	15/11/17	Final Issue
8	15/11/17	Final Issue
9	15/11/17	Final Issue
10	15/11/17	Final Issue



4 Proposed Elevation - South
1:100



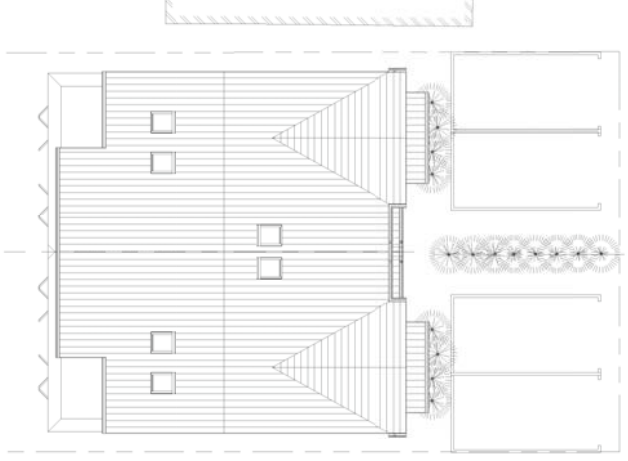
3 Proposed Elevation - West
1:100



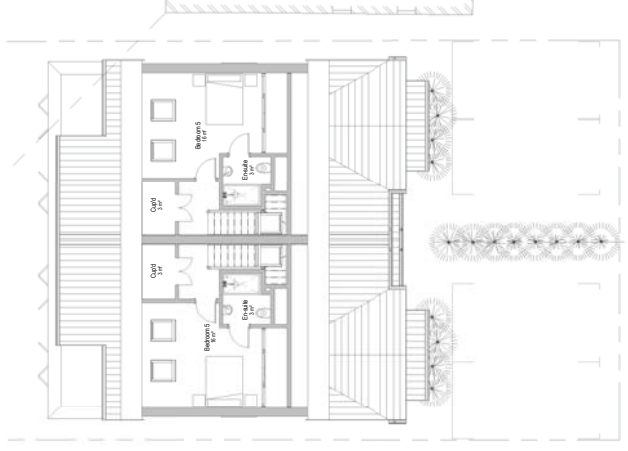
2 Proposed Elevation - North
1:100



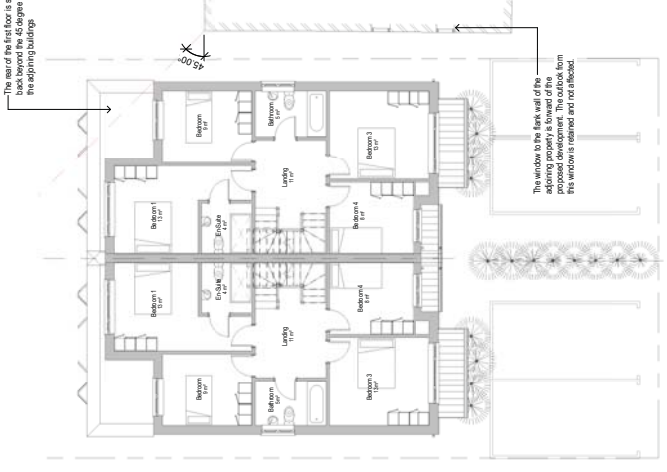
1 Proposed Elevation - East
1:100



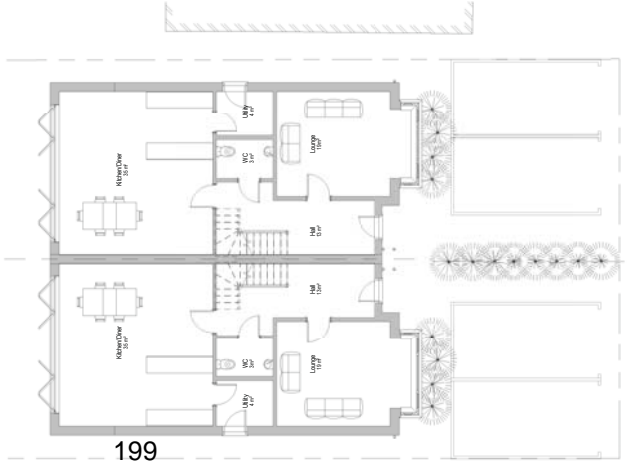
7 Roof Plan - Proposed
1:100



8 Second Floor - Proposed
1:100



6 First Floor - Proposed
1:100



5 Ground Floor - Proposed
1:100

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Rev	By/Chk	Date	Description

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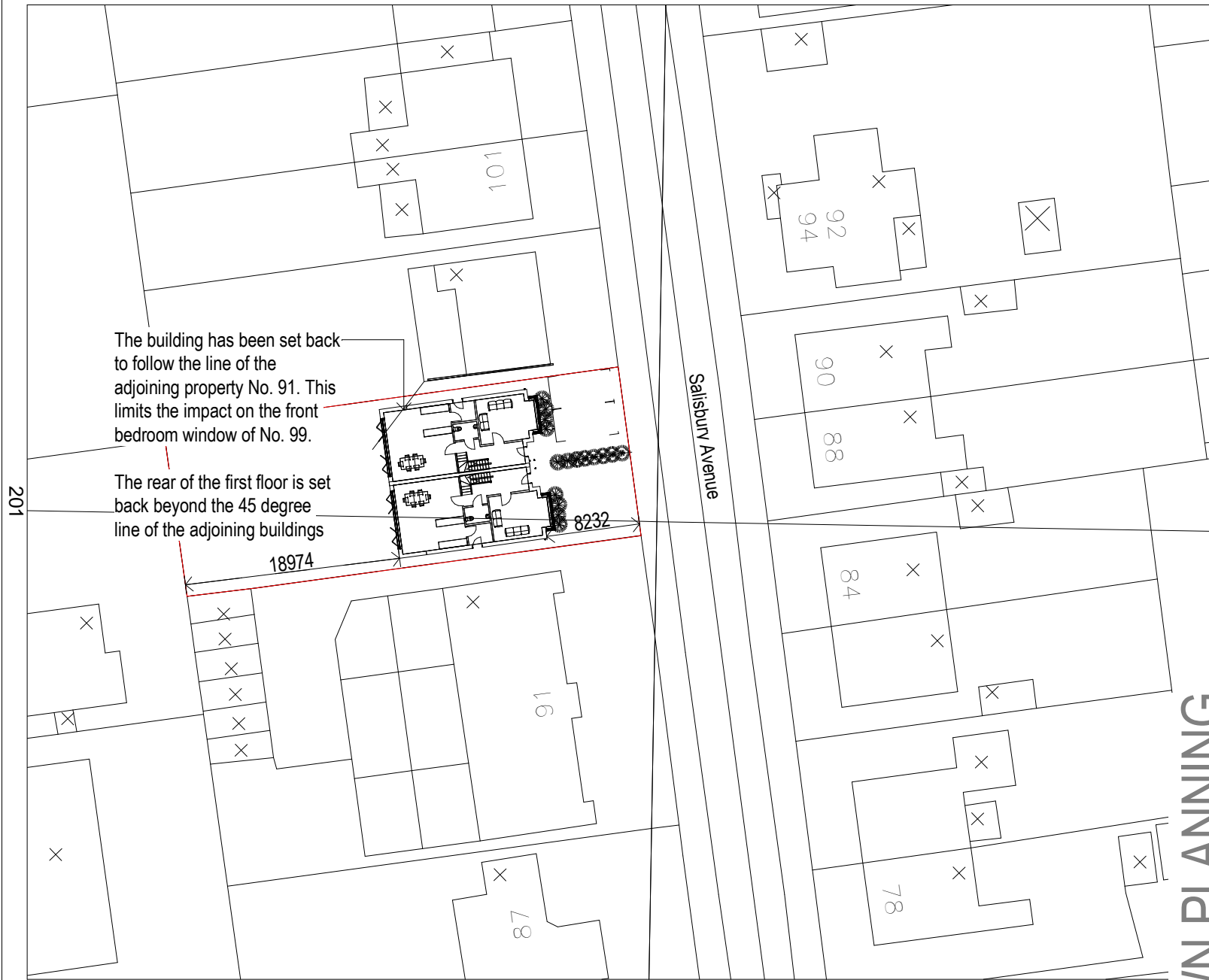
Tel: 01702 471057 Web: www.bga-architects.com
 Email: info@bga-architects.com QCV3

Client:
Mr Michael Bailey

Project Description
97 Salisbury Road, Leigh on Sea, Essex, SS9 2JN

Drawing Title:
Proposed Site Plan

Project No.: 15-171C	Dwg No.: 0-600
Date: 12/01/17	Drawn By: PH Chk By: RM
Scale: 1 : 500 @ A4	Revision



201

Salisbury Avenue

TOWN PLANNING

1 Proposed Site Plan
 1 : 500

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To assist people who have reduced reach, services and controls should comply with the following.

Consumer units are mounted so that the switches are between 1350mm and 1450mm above floor level

Switches, sockets, stopcocks and controls have their centre line between 450mm and 1200mm above floor level and a minimum of 300mm (measured horizontally) from an inside corner.

The handle to at least one window in the principle living area is located between 450mm and 1400mm above floor level, unless fitted with a remote opening device that is within this height range.

Either

Boiler timer controls and thermostats are mounted between 900mm and 1200mm above finished floor level on the boiler, or

Separate controllers (wired or wireless) are mounted elsewhere in an accessible location within the same height range.

Note: Controls that are part of a radiator or cooker hood are exempt from these provisions.

All walls, ducts and boxings to the WC/cloakroom, bathroom and shower room should be strong enough to support grab rails, seats and other adaptations that could impose a load of up to 1.5kN/m²

Note: The loading for strengthened walls is considered suitable for many types of adaptations but additional localised strengthening may be required if adaptations are fitted that impose higher point loads.

To provide step free access to a WC that is suitable and convenient for some wheelchair users and, where reasonable, to make provisions for showering, dwellings should comply with all of the following.

Every dwelling has a room within the entrance storey that provides a WC and basin (which may be within a WC/cloakroom or a bathroom)

In a two or three storey dwelling with one or two bedrooms the WC (together with its associated clear access zone) meets the provisions of Diagram 1.3 Part M4(2) and the basin does not impede access to the WC.

In a two or three storey dwelling with three or more bedrooms, the room with the WC and basin also provides an installed level access shower or a potential level access shower, and the shower, WC and basin (together with their clear access zones) meet the provisions of Diagram 2.5 and 2.6 Part M4(2)

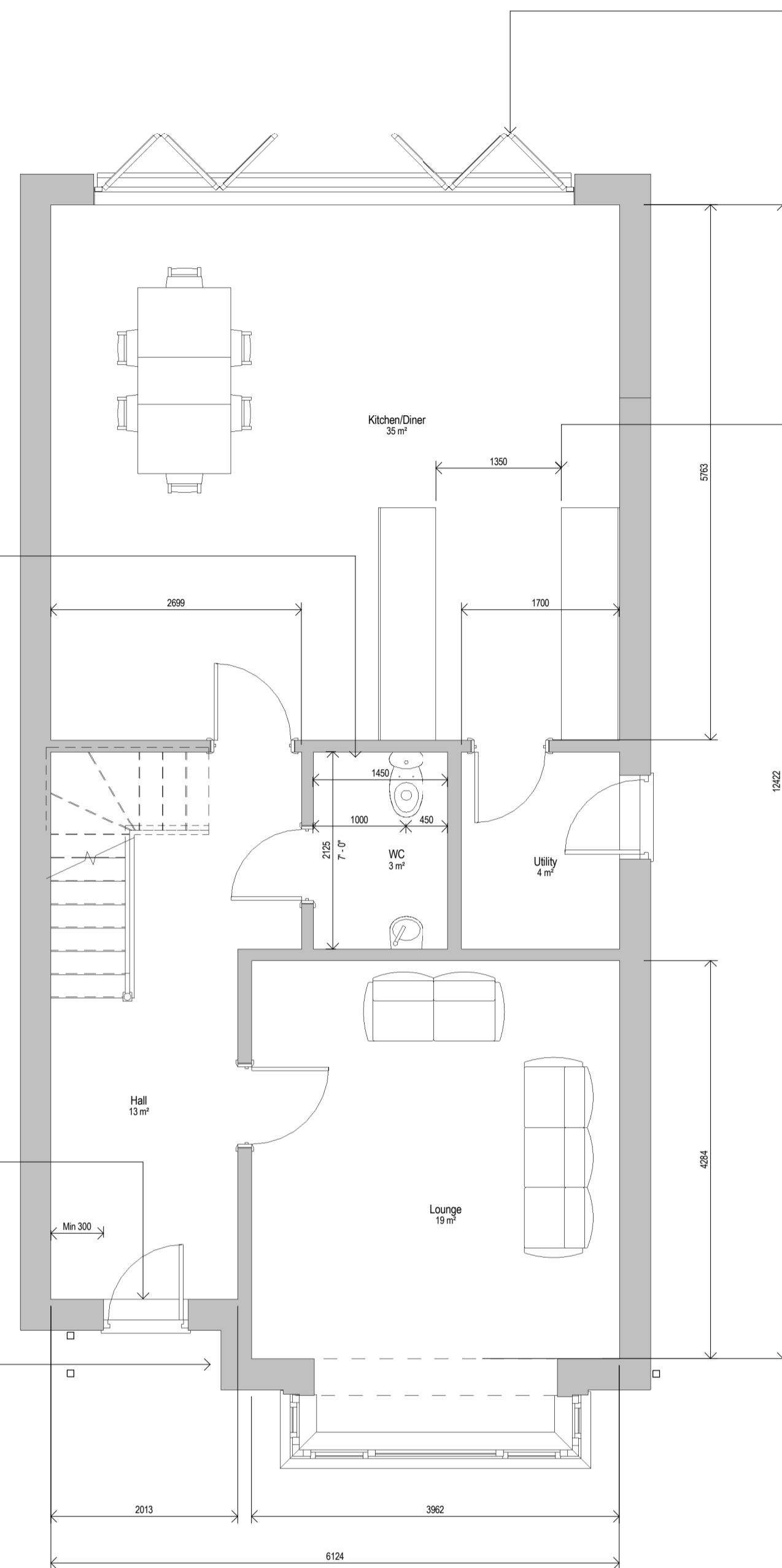
The minimum clear width of every hall and landing is 900mm.

Any localised obstruction, such as a radiator does not occur opposite or close to a doorway or at a change of direction and is no longer than 2m in length; and the corridor is not reduced below a minimum 750mm width at any point.

Principle entrance to provide level access. The threshold is to be an accessible threshold.

the door is to provide a minimum clear opening of 850mm when measured in accordance with Diagram 2.2 of Part M4(2)

Lighting is to be provided which fully diffused luminaires activated automatically by a dusk to dawn timer or motion detector



All other external doors - including doors to and from a private garden, balcony, terrace, garage, carport, conservatory or storage area that is integral with, or connected to, the dwelling - should comply with provisions d-i of paragraph 2.20 Part M4(2)

To provide useable living spaces and easy, step free access between a living area, a WC and the principle private entrance, key accommodation should comply with the following.

Within the entrance storey there is a living area (which may be a living room, dining room or a combined kitchen and dining room).

A minimum 1200mm clear space is provided in front of and between all kitchen units and appliances.

Glazing to the principle window of the principle living area starts a maximum of 850mm above floor level or at the minimum height necessary to comply with the requirements of Part K for guarding to windows

To allow people to move between storeys, and to allow a stair lift to be fitted to the stairs from the entrance storey to the storey above (or the storey below where this contains the bathroom required by the provisions of paragraph 2.29 Part M4(2)), stairs should comply with all of the following.

Access to all rooms and facilities within the entrance storey is step free.

Level changes within every other storey are avoided where possible.

The stairs from the entrance storey to the storey above (or below) has a minimum clear width of 850mm when measured 450mm above the pitch line of the treads (ignoring any newel post).

All stairs meet the provisions of Part K for private stairs.

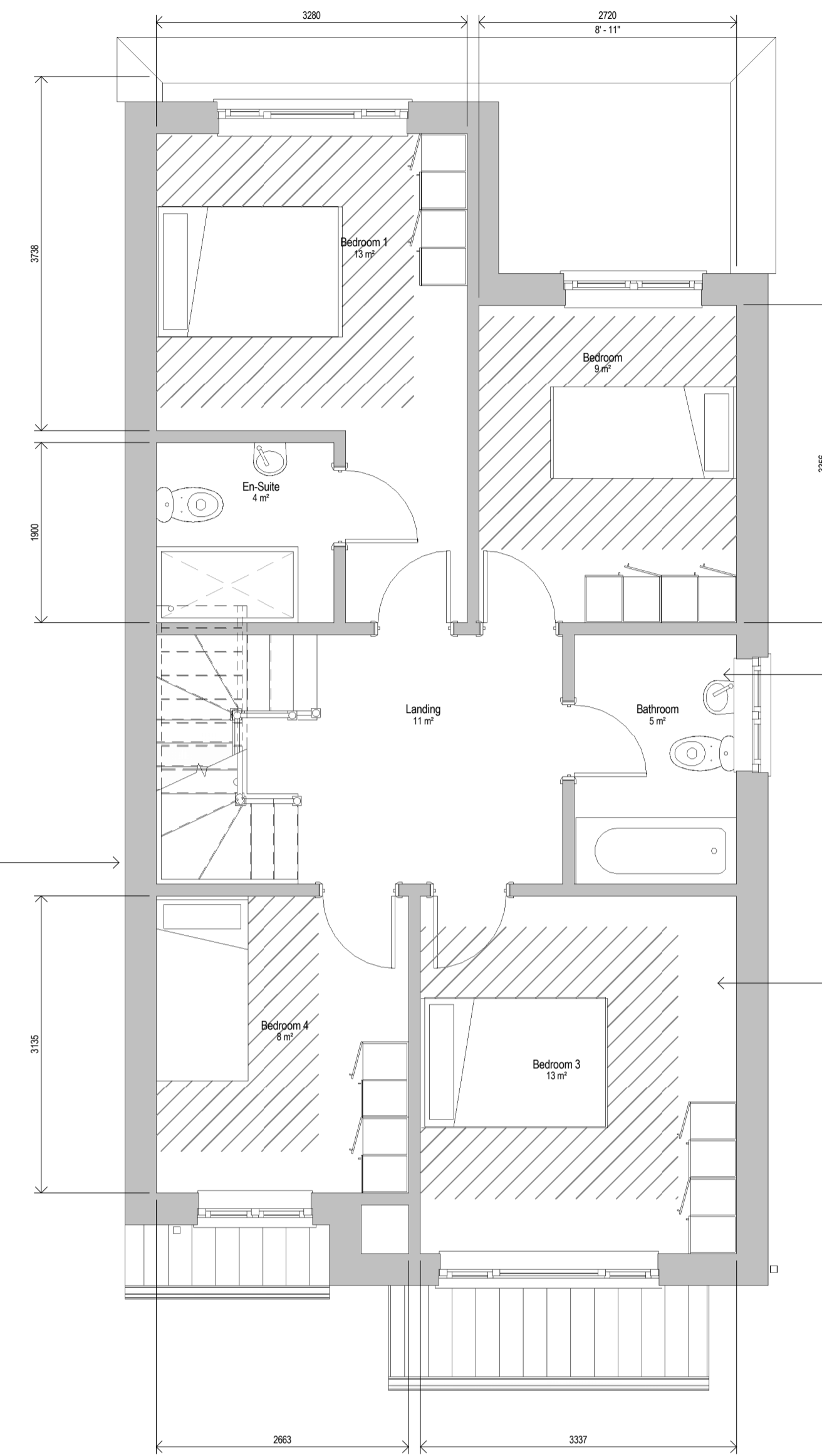
Where parking space is provided within the private cutlidge of the dwelling (but not within a carport or garage) at least one space is a standard parking bay that can be widened to 3.3m.

Where communal parking is provided to blocks of flats, at least one standard parking bay is provided close to the communal entrance to each core of the block (or to the lift core where the parking bay is internal). The parking bay should have a minimum clear access zone of 900mm to one side and a dropped kerb in accordance with paragraph 2.13d Part M4(2)

Access between the parking bay and the principle private entrance or, where necessary, the alternative private entrance to the dwelling is step free.

The parking space is level or, where unavoidable, gently sloping

The parking space has a suitable ground surface.



to provide convenient access to a suitable bathroom, the dwelling should comply with all of the following.

Every dwelling has a bathroom that contains a WC, a basin and a bath, that is located on the same floor as the principle double bedroom.

The WC, basin and bath (together with their associated clear access zones) meet the provisions of Diagram 2.5 Part M4(2)

To enable a wide range of people to access and use them, bedrooms should comply with all of the following.

Every bedroom can provide a clear access route a minimum 750mm wide from the doorway to the window.

At least one double bedroom (the principle bedroom) can provide a clear access zone a minimum 750mm wide to both sides and the foot of the bed.

Every other double bedroom can provide a clear access zone a minimum 750mm wide to one side and the foot of the bed.

All single and twin bedrooms can provide a clear access zone a minimum 750mm wide to one side of each bed.

1 Ground Floor - Proposed - Part M4(2) Compliant
1 : 50

2 First Floor - Proposed - Part M4(2) Compliant
1 : 50

Rev	By/Chk	Date	Description

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Client
Mr Michael Bailey

Project Description
97 Salisbury Avenue
Leigh on Sea
Essex SS9 2JN

Drawing Title
Proposed Plans Demonstrating
Compliance With Part M4(2)

Project No: 15-171C	Draw No: 1-602
Date: 03/30/16	Drawn By: PH
Scale: 1 : 50	Chk By: RR
	Revision

TOWN PLANNING

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1 Existing Elevation - Street Scene
1 : 100

207



2 Proposed Elevation - Street Scene
1 : 100

Rev	By/Chk	Date	Description
B	PH/PH	17/01/17	Elevation Amended
A	PH/PH	17/01/17	Plan & Elev's

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Tel: 01702 471057 Web: www.bga-architects.com
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Client:
Mr Michael Bailey

Project Description
97 Salisbury Road, Leigh on Sea, Essex, SS9 2JN

Drawing Title:
Existing and Proposed Street Scene

Project No.: 15-171C	Dwg No.: 2-600	Chk By: RM
Date: 12/01/17	Drawn By: PH	
Scale: 1 : 100 @ A3	Revision B	

TOWN PLANNING

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Reference:	17/00055/BC4	<h1>11</h1>
Ward:	Victoria	
Proposal:	Erect boundary fence (Amended Proposal)	
Address:	Southend Bowls Club, 7 Tunbridge Road, Southend-on-Sea, Essex SS2 6LT	
Applicant:	Mr Peter Lovett (Southend Bowls Club)	
Agent:		
Consultation Expiry:	17/02/17	
Expiry Date:	15/03/17	
Case Officer:	Ian Harrison	
Plan Nos:	Location Plan, Site Plan and Bowl-1	
Recommendation:	GRANT PLANNING PERMISSION	



1 The Proposal

1.1 Planning permission is sought for the erection of a new fence at the east boundary of the Southend Bowls club site. This is materially different for the existing fence at the site.

1.2 The side boundary of the site was formerly demarked with a 0.5 metre tall retaining wall above which was a hedge that extended for 49 metres along the east boundary of the site. The hedge has been removed and replaced with a fence that measures 1.8 metres tall above the existing 0.5 metre high retaining wall, with gravel boards measuring 0.28 metres tall. This gives a total boundary treatment height of approximately 2.58 metres. The recent planning application with reference 16/01249/FUL sought retrospective planning permission for the retention of the fence but that application was refused for the following reason:

“The boundary fence is detrimental to the character and visual amenities of the area by reason of its excessive height and length which render its appearance incongruous and out of keeping in the streetscene contrary to the National Planning Policy Framework (NPPF), Core Strategy DPD Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance), Policy DM1 of the Development Management DPD and the Design & Townscape Guide (SPD1).”

1.3 This application seeks permission for an alternative boundary enclosure that would see a 1.4 metre tall fence (with concrete posts and gravel boards) positioned on the raised ground level, set back 0.5 metres from the back edge of the brick retaining wall. The fence and concrete posts would be painted. Planting would be provided in front of the fencing in the form of 125 ‘Little Red Robin’ (Photinia) plants.

1.4 In support of the previous application the applicant included letters that set out that the former hedge was a maintenance burden, was encroaching into the public highway and was causing an electric fence to ‘short’ which allowed foxes onto the rink.

2 Site and Surroundings

2.1 The application site comprises a large plot of land accommodating a bowling green, a two storey clubhouse and vehicle parking area lying to the west side of Tunbridge Road approximately 50m from its junction with Carnarvon Road to the south. The Council has a freehold interest in the land which is the subject of a long lease in favour of Southend Bowls Club.

2.2 Public amenity land exists to the west of the application site, a doctor’s surgery exists to the south and all other neighbouring properties are in residential use.

3 Planning Considerations

3.1 The main considerations in the determination of this application are the principle of the development, design and impact on the streetscene, impact on residential amenity of neighbouring residents and traffic and highways issues.

4 Appraisal

Principle of Development

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

- 4.1 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework Sections 56 and 64, Core Strategy DPD Policies KP2, CP4 and CP8. Paragraph 56 of the NPPF states; *“the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* Paragraph 64 of the NPPF states; *“that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*
- 4.2 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development.
- 4.3 The proposed development would be ancillary to an existing use of land and does not represent a change of use of land. As such, subject to the following detailed considerations, it is considered that no objection should be raised to the principle of a new boundary treatment.

Design and Impact on the Character of the Area

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

- 4.4 In the Council’s Development Management DPD, policy DM1 states that development should “add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”
- 4.5 The boundary enclosure proposed would be a timber fence with concrete gravel boards supported by concrete posts which would be set 0.5 metres back from the footpath which is demarked by an existing low wall. It was previously determined that a 1.8 metre tall fence at an elevated position and immediately adjacent to the highway was excessive and that this, together with the substantial length of the fence, rendered its appearance incongruous and out of keeping in the streetscene.

- 4.6 The repositioning of the fence, its reduction in height by 0.4 metres and the introduction of soft landscaping in front of the fence to soften and partially mitigate its visual impact is considered to be an appropriate solution that addresses the concerns that were raised previously.
- 4.7 The proposed boundary enclosure would not have the same dominating visual impact as the fence that has been erected and it is considered that the addition of planting would be of benefit to the site. It is unfortunate that the former hedge at the boundary of the site has been removed, but it is considered that this represents an acceptable alternative form of enclosing the site. The length of the fence is unavoidable in this scenario, but it is considered that the visual impact as proposed is not as significant and therefore the proposal can be found acceptable.

Impact on Residential Amenity.

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

- 4.8 Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties. Policy DM1 of the Development Management DPD also states that development should “Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”
- 4.9 Notwithstanding the visibility of the proposed fence from within neighbouring sites, due to the separation distance between the fence and the neighbouring residential properties it is considered that the fence would not cause an increased sense of enclosure or a loss of light, privacy or outlook at any residential property to an extent that would justify the refusal of the application.

Highways and Transport Issues:

National Planning Policy Framework, Policy KP2, CP4 and CP3 of the Core Strategy, Development Management DPD Policies DM1, DM3 and DM15 and the Design and Townscape Guide.

- 4.10 The fence that is proposed would not restrict visibility splays within the public highway and would have no implications for parking. It is therefore considered that no objection should be raised on those grounds.

Community Infrastructure Levy

- 4.12 The development that has occurred is not CIL liable.

Conclusion

- 4.13 For the reasons set out above, it is considered that the fence that is proposed can be found to be visually acceptable and would not cause material harm to the character and appearance of the site and the streetscene of Tunbridge Road. It is therefore considered that the proposal addresses the reason for the refusal of application 16/01249/FUL and should be found acceptable.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework
- 5.2 DPD1 Core Strategy Policies and KP2 (Development Principles), CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance)
- 5.3 Development Management DPD Policies DM1, DM3 and DM15
- 5.4 Community Infrastructure Levy Charging Schedule
- 5.5 Design & Townscape Guide 2009 (SPD1).

6 Representation Summary

Highway Authority

- 6.1 No objection is raised to the proposal.

Public Notification

- 6.2 27 neighbours were notified of the application and a site notice was posted at the site. One letter of objection has been received which objects on the grounds that, although the proposals are better, the dark paint over such a large area is overpowering.

7 Relevant Planning History

- 7.1 Permission was granted for an entrance porch under the terms of application 86/0872.
- 7.2 Planning application 16/01249/FUL which sought retrospective permission for a fence at the site was refused for the reasons set out above.

8 Planning Recommendation

8.1 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.

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: Location Plan, Site Plan and Bowl-1

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

03. The soft landscaping shown on the submitted plan (as described in the description of development within the application form) shall be planted during the first planting season after the erection of the fence hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.

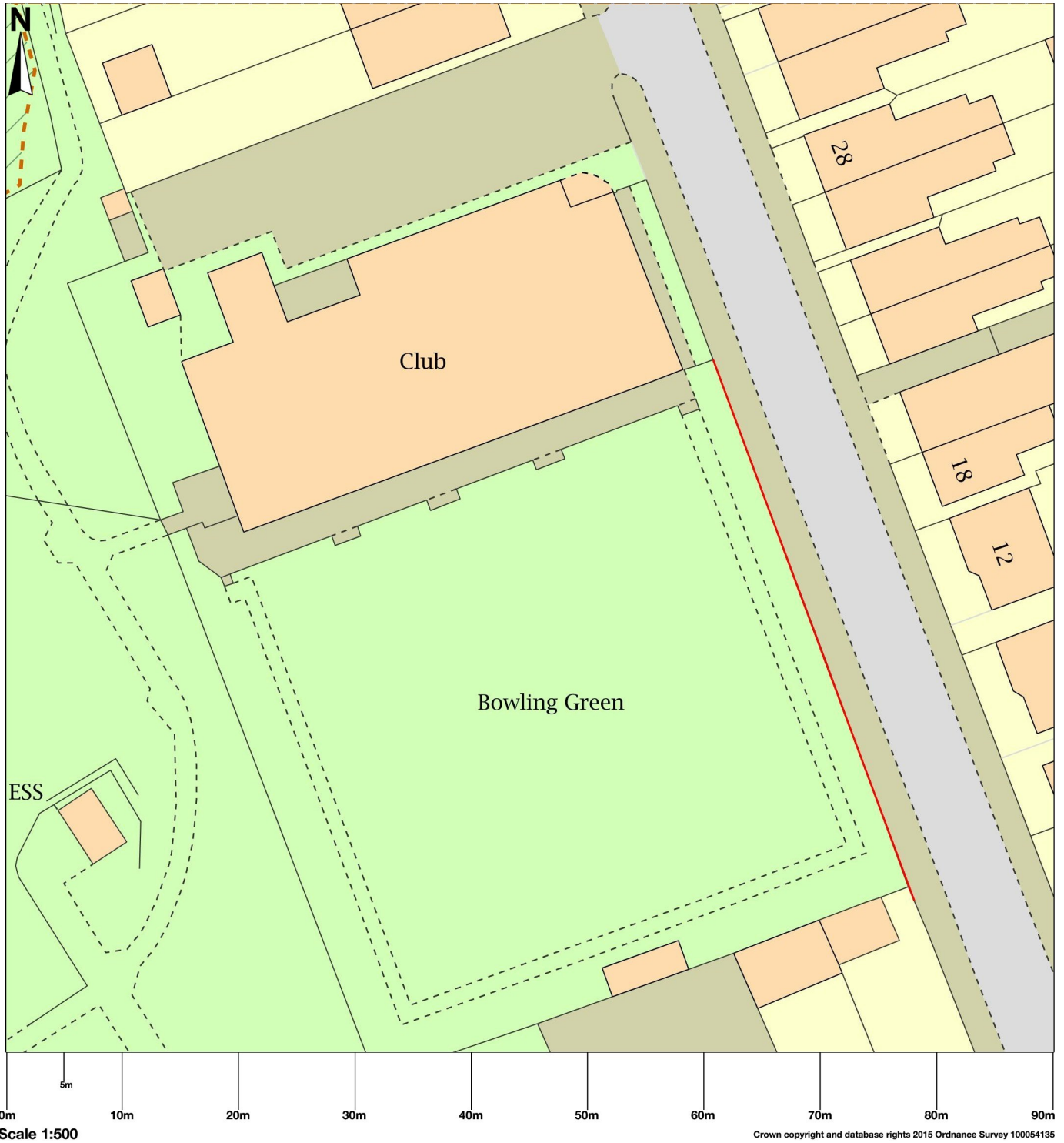
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in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

Informative

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

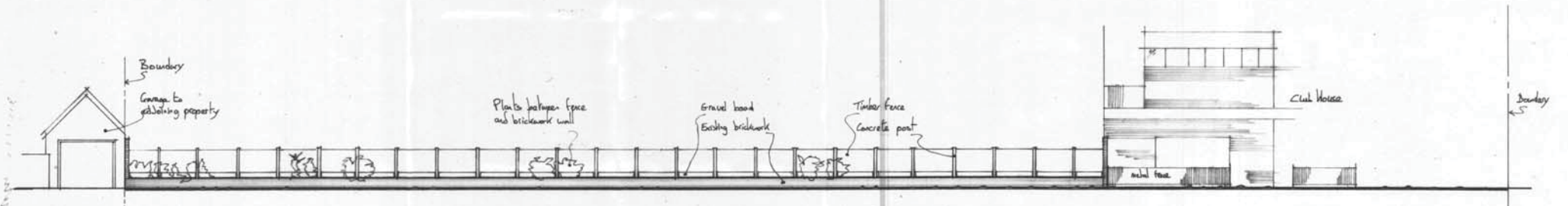
2. Please note that the Local Planning Authority would wish to see the alteration of the conservatory to match the plans hereby approved within six months of the permission hereby granted. If the conservatory is not adapted within this timescale, the conservatory may be the subject of enforcement action.

Southend Bowling Club, 7 Tunbridge Road, Southend-On-Sea, SS2 6LT

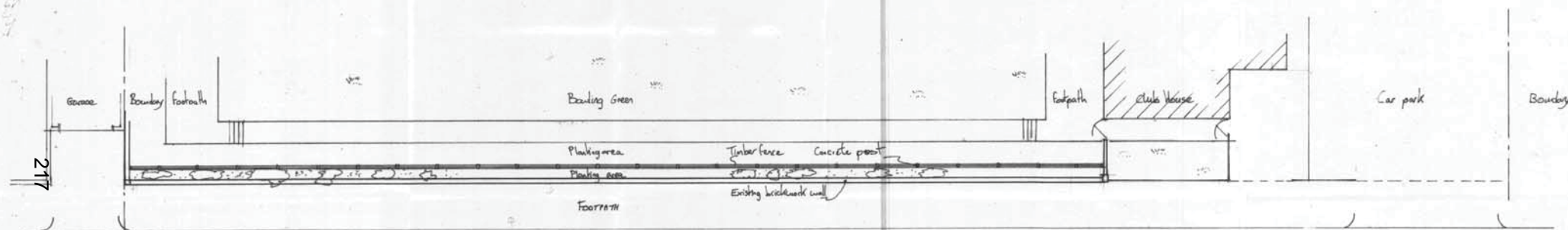


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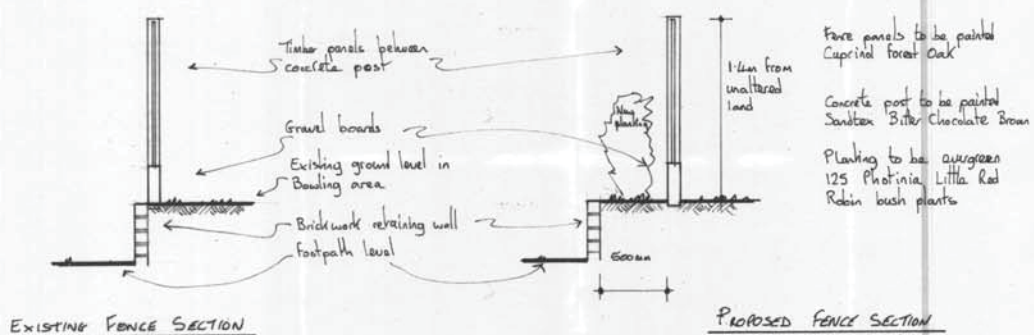
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TUNBRIDGE ROAD FENCE ELEVATION



TUNBRIDGE ROAD FENCE PLAN



EXISTING FENCE SECTION

PROPOSED FENCE SECTION

CLIENT: SOUTHEAST BOWLING CLUB
 7 TUNBRIDGE ROAD
 SOUTHEAST - ON - SEA
 ESSEX SS2 6LT.

TITLE: PROPOSED TUNBRIDGE ROAD FENCE AND PLANTING AREA

SCALE: 1:100 AND 1:20

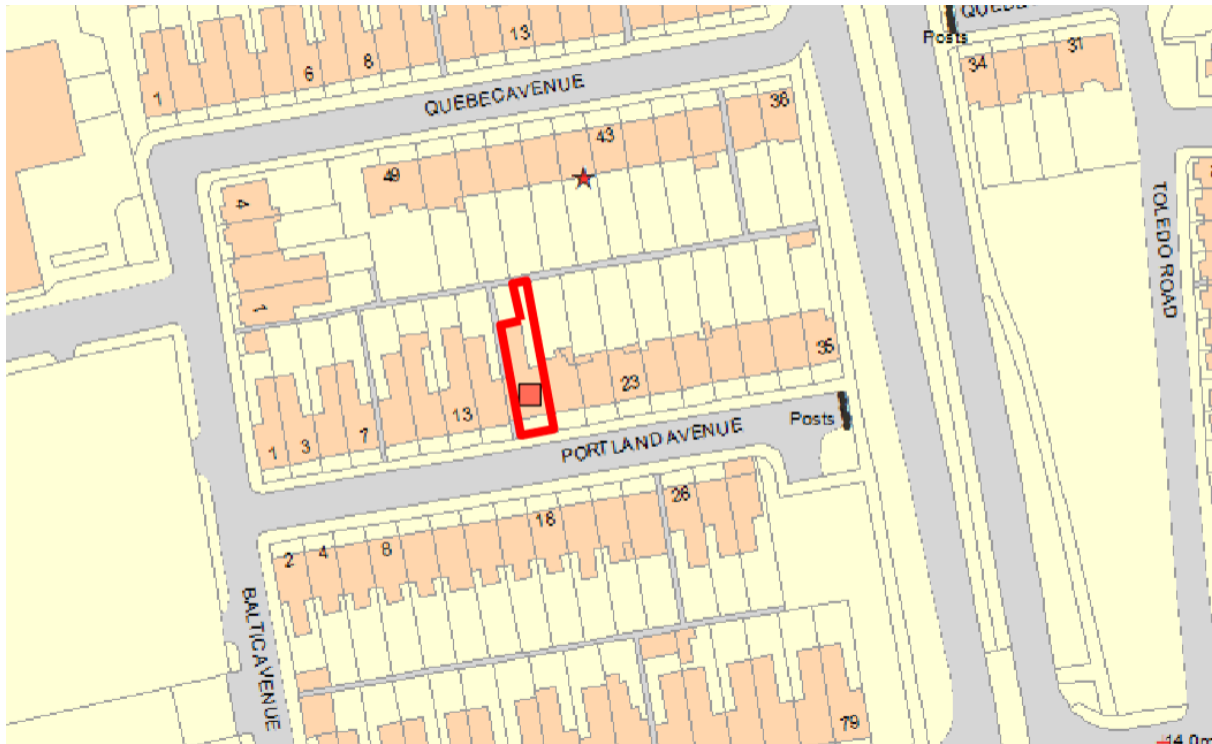
DATE: DEC 16

DRG NO: BOWL - 1.

SBC - RANING FENCE 1

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Reference:	17/00093/BC4	<h1>12</h1>
Ward:	Milton	
Proposal:	Convert garage into habitable accommodation	
Address:	Lower flat 17 Portland Avenue, Southend-on-Sea, Essex, SS1 2DD	
Applicant:	Mr Fackerall	
Agent:	Contour Architectural Designs Limited	
Consultation Expiry:	16.02.2017	
Expiry Date:	23.03.2017	
Case Officer:	Janine Rowley	
Plan Nos:	CAD/PP/16096/001; CAD/PP/16096/002	
Recommendation:	GRANT PLANNING PERMISSION	



1 The Proposal

- 1.1 The application seeks planning permission to convert the garage into habitable accommodation with corresponding alterations to the front elevation.
- 1.2 The existing garage is 2.6m wide x 4.6m deep and therefore cannot properly accommodate a vehicle does not meet policy DM15 of Development Management requirements and does not qualify as a parking space. The proposal seeks to replace the existing garage doors with a three pane window to match the first floor.

2 Site and Surroundings

- 2.1 The site relates to a mid-terraced property located on the north side of Portland Avenue. The property has been previously converted into flats and this application relates to the ground floor flat.
- 2.2 The site is located in a residential area in close proximity to the town centre and within walking distance of the Travel Centre and Southend Central Station.

3 Planning Considerations

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

4 Appraisal

Principle of Development

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4; policy DM1 of the Development Management DPD2 and the Design and Townscape Guide SPD1 (2009)

- 4.1 This proposal is considered in the context of the Core Strategy DPD Policies KP2 and CP4, policy DM1 of the Development Management DPD2. These policies and guidance support extensions to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building. Alterations and extensions are acceptable to the property provided that there is no adverse visual impact on the character of the surrounding area and on residential amenity. Therefore, the principle of converting the garage to habitable accommodation is acceptable subject to the detailed design considerations below.

Design and impact on the character of the area

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

- 4.2 National Planning Policy Framework (NPPF) states *“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people”*.
- 4.3 Policy KP2 of the Core Strategy advocates the need for all new development to respect the character and scale of the existing neighbourhood where appropriate and secure urban improvements through quality design. Policy CP4 of the Core Strategy states that development proposals will be expected to contribute to the creation of a high quality, sustainable, urban environment which enhances and complements the natural and built assets of Southend by maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development.
- 4.4 Policy DM1 of the Development Management DPD2 advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.
- 4.5 The proposal seeks to replace the existing garage door with a three pane window incorporating a bay to match the first floor. The proposed external changes will result in an improvement to the overall appearance of the building and have a positive impact on the character and appearance of this part of Portland Avenue, which is characterised by similar bay windows. This is considered to be in accordance with the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policies DM1 and DM3 of the Development Management and the Design and Townscape Guide.

Traffic and Transportation

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

- 4.6 The site is located within the central area of Southend within walking distance to the town centre including the Travel Centre and Southend Central railway station. Portland Avenue has parking restrictions and a number of properties do not benefit from off street parking. This application seeks to convert the existing garage serving the ground floor flat. As stated in paragraph 1.2 above, the existing garage is 2.6m wide x 4.6m deep. A normal garage space as set out in the Development Management Document, Design and Townscape Guide and the Councils Vehicle Crossing Policy requires a minimum width of 2.8m and 4.8m depth. The existing garage does not suit to accommodate a vehicle by reason of its limited size. It should also be noted the garage does not meet current standards set out in policy DM15 of the Development Management Document that requires a garage to have a minimum size of 3m width and 7m deep.

- 4.7 Policy DM15 of the Development Management Document states that 1 parking space per flat is required in the Southend Central Area. However, the policy goes on to state in part 6:

“Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these standards would have a clear detrimental impact on local character and context.

Reliance upon on-street parking will only be considered appropriate where it can be demonstrated by the applicant that there is on-street parking capacity”.

- 4.8 The existing first floor flat does not benefit from off street parking and there are a number of properties in Portland Avenue that also do not benefit from off street parking. Taking into account that the existing garage does not provide off street parking and the site is located within a sustainable location with access to frequent and extensive links to public transport no objection is raised in relation to policy DM15 of DPD2. In addition, a recent appeal decision at 15 Portland Avenue (reference: 3162315) has been allowed to convert a house into a house of multiple occupation for seven bedrooms the Inspector considered no harm would be generated in relation to parking stating in paragraph 7:

“On street parking in the vicinity of the appeal site is strictly controlled so the parking of any vehicles belonging to the existing or future occupants of the HMO is unlikely to harmfully affect the area. As such, the conversion to an HMO has not harmed the quality or character of the area”.

- 4.9 Furthermore, the Councils Highway Officer has raised no objection given the proposal falls below current standards and does not qualify as a parking space and the site is considered to be in a sustainable location to public transport and a number of public car parks in walking distance.

Impact on residential amenity

National Planning Policy Framework; DPD1 (Core Strategy) policy CP4; DPD2 (Development Management) policy DM1 and the Design and Townscape Guide SPD1.

- 4.10 Policy DM1 of the Development Management Document states that any new development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.
- 4.11 The proposed external changes will not result in any harm to the residential amenities of adjacent occupiers and provide an improvement, in terms of less noise and disturbance from using the existing garage.

Community Infrastructure Levy (CIL) Charging Schedule.

- 4.12 The proposed alterations to the existing property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

Conclusion

- 4.13 The existing garage is substandard and does not qualify as a parking space due to the limited size of the garage. Given the location of the site within walking distance to the main bus station, Southend Central Station and the High Street, the site is considered to be located in a sustainable location and therefore no objections are raised to the conversion on highway grounds. Furthermore, the conversion and installation of the bay would enhance the appearance of the building and character of the area.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 Development Plan Document 1: CP4 (The Environment and Urban Renaissance) KP2 (Development Principles), CP3 (Transport and Accessibility)
- 5.3 Development Plan Document 2: policy DM1 (Design Quality), DM3 (Efficient and Effective Use of land), DM15 (Sustainable Transport Management)
- 5.4 SPD1 Design & Townscape Guide 2009
- 5.5. Vehicle Crossover Policy

6 Representation Summary

Design and Regeneration

- 6.1 No comments.

Highways

- 6.2 The application site has what has been described as a garage which is proposed to be converted into a habitable room. The garage size measures 2.7m x 4.6m this is below a parking space size of 2.4m x 4.8m and the garage standards as set out in policy DM15 of the Development Management Document therefore it is considered that this cannot be considered a useable garage space.

The site is considered to be in a sustainable location with regard to public transport with good links in close proximity. The site also has a number of public car parks within the local area.

Given the above information there are no highway objections to the proposal it is not considered that the application will have a detrimental impact on the surrounding highway network.

Neighbour Notification

- 6.3 8 neighbours notified and no letters of representation received.
- 6.4 Councillor Ware-Lane has requested this application be dealt with by Development Control Committee because of the loss of a parking space.

7 Relevant Planning History

- 7.1 Install replacement windows and door at rear- Granted (12/01521/BC4)

8 Recommendation

Members are recommended to GRANT PLANNING PERMISSION for the following reasons:

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: CAD/PP/16096/001; CAD/PP/16096/002.

Reason: To ensure that the development is carried out in accordance with 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: To safeguard the visual amenities of the area, in accordance with National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, policy DM1 of Development Management Document DPD2 and SPD1 (Design and Townscape Guide).

Informative

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

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.

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Drawing & details have been formally approved by
Mr John Fackerall
(Client/Owner).

Signed
Date

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All Dimensions to be checked on site prior to commencement of works with any discrepancies reported to Contour Architectural Designs Ltd immediately.

All works commenced prior to planning consent and building regulations approval is at contractors/clients own risk.

Where existing structure is to be adapted, where affected all existing foundations, walls and lintels/ beams to be exposed and checked for suitability prior to commencement of works with all findings to be reported to agent and building inspector and where necessary a structural engineer to undertake additional design calculations to prove adequacy.

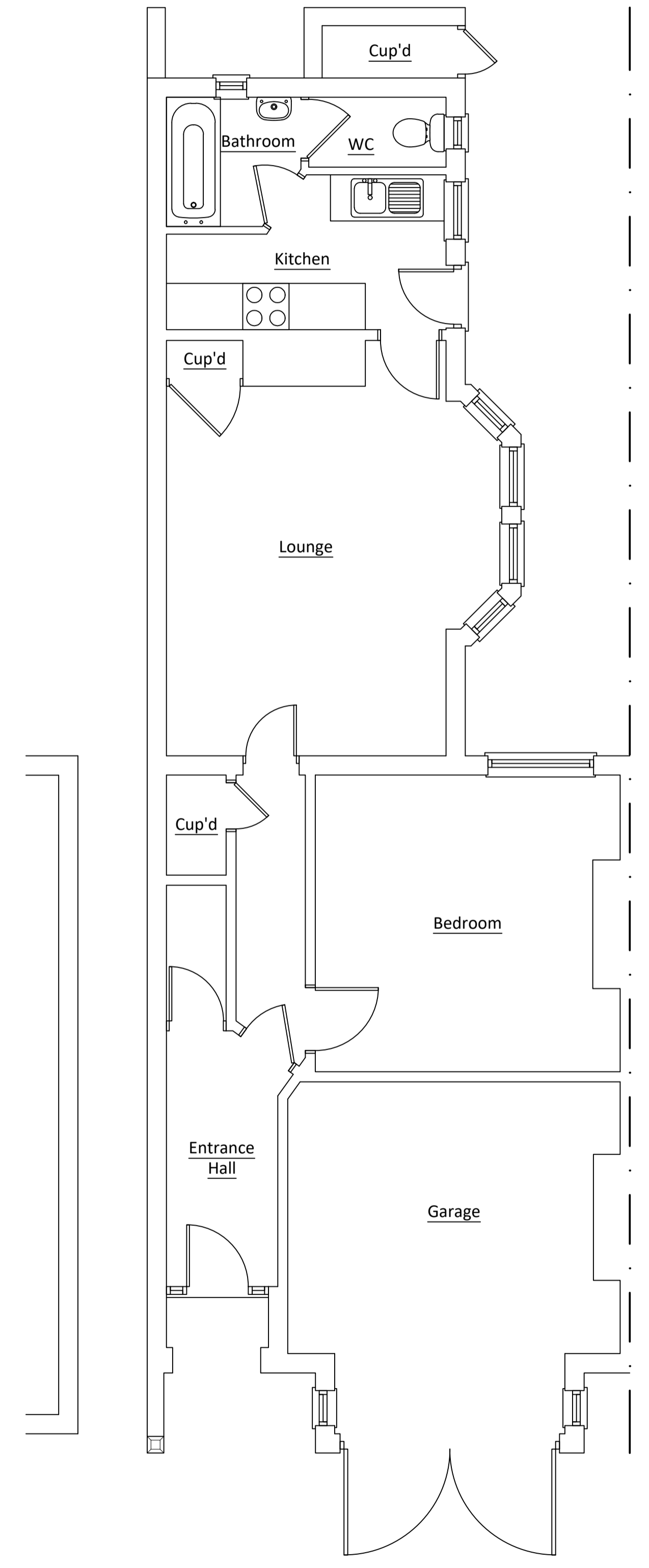
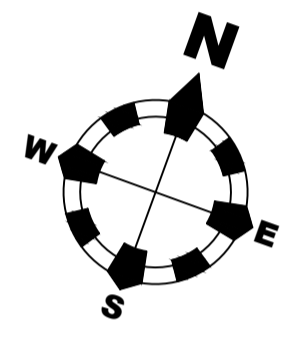
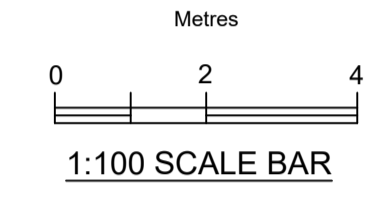
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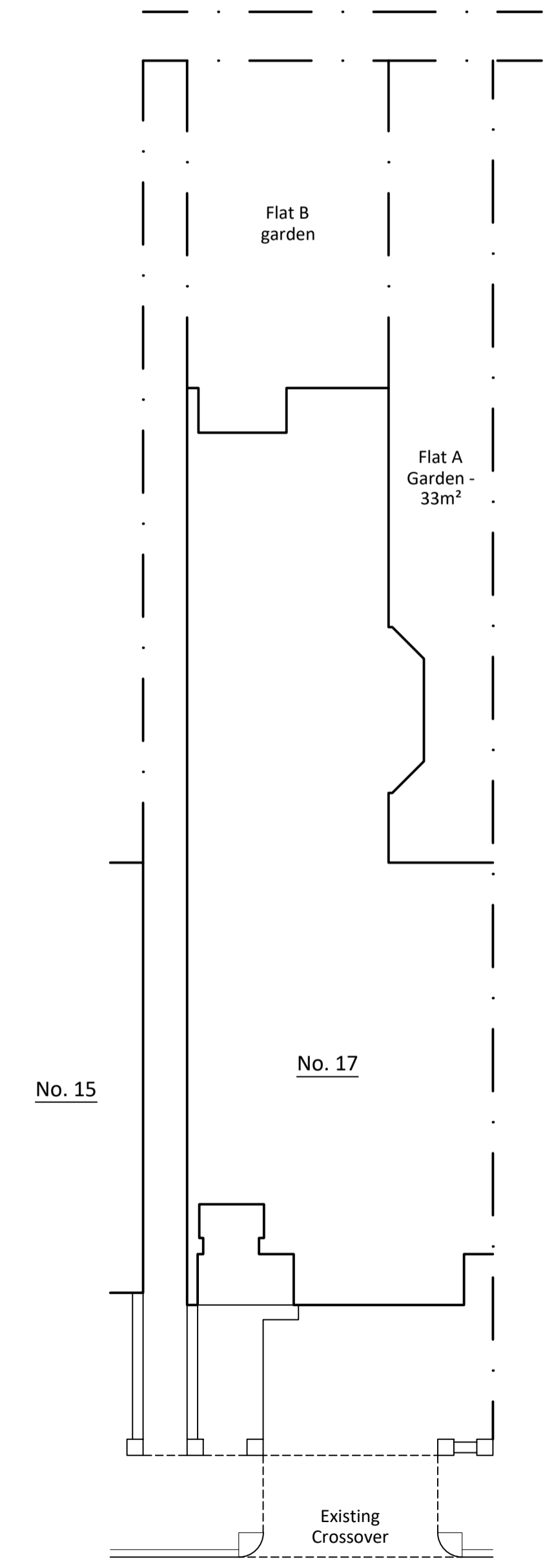
EXISTING FLANK ELEVATION
SCALE 1:100

EXISTING FRONT ELEVATION
SCALE 1:100

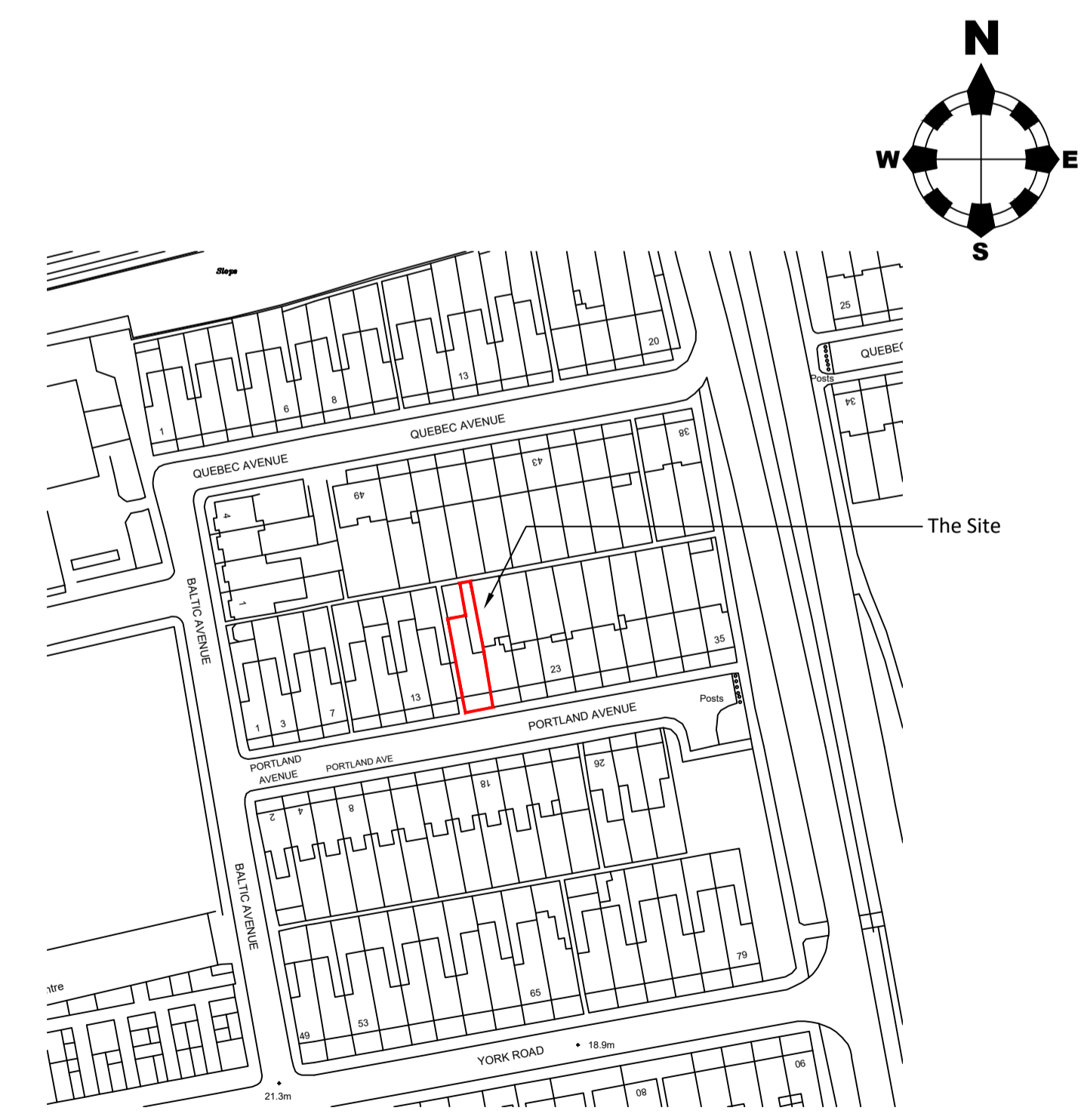
EXISTING FLANK ELEVATION
SCALE 1:100



EXISTING GROUND FLOOR PLAN
SCALE 1:50
Metres
0 1 2
1:50 SCALE BAR



EXISTING SITE PLAN
SCALE 1:100
Metres
0 2 4
1:100 SCALE BAR



LOCATION PLAN
SCALE 1:1250
Metres
0 20 40
1:1250 SCALE BAR

Rev	Date	By	Description	Chk'd

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client: **Mr John Fackerall**

address: **17 L/F Portland Avenue
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Essex
SS1 2DD**

site: **As above**

title: **Property as Existing**

scale: **1:50/1:100/1:1250 on A1** drawn by: **CPB**
date: **18.01.17** checked: **SCC**

drawing no: **CAD/PP/16096/001**

size: **A1** sheet no: **Sheet 1 of 1** revision:

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Contractor to extend existing heating system into new room. All work to be designed carried out in accordance with the Domestic Heating Compliance Guide. Hot water system to be unvented (unless designed otherwise). All hot pipes connected to be insulated for 1000mm from their connection point or up to the point where the pipes become concealed, which ever is less. Unvented hot water storage systems to meet the requirements of Approved Document G3. Discharge pipe from hot water storage to discharge to tundish, discharge pipe continued to a trapped gully or 100mm above ground floor level. Wire cage around end of pipe if in an area where children may play. Boiler control interlock to be fitted to switch boiler off when no heat demand is required. Zone control of heating system provided by a room thermostat generally located in hall and thermostatic radiator valves (TRVs) fitted in all rooms. Contractor to supply and install Programmer and weather compensator to heating systems. Contractor to provide a notice plate as required for hearths/ flues in strict accordance with the approved document J4 part 1.56 and displayed in accordance to part 1.57, suggest fixing next to the electrical consumer unit. Upon completion a checklist report will be required to confirm compliance with the approved document J for chimney construction and flues (boilers) and to confirm that the relevant tests have taken place. Contractors can find an example of the checklist to comply with in approved document J Appendix A.

IMPORTANT NOTES
It is the Clients/ Contractors responsibility to ensure that the building (including foundations) is wholly built on land that is owned by the Client.

Extent of boundaries to be completely established on site by Client and Contractor prior to the commencement of any works on site.
Where construction works are taking place within 3m of adjoining properties or access to adjoining land is required, it will be the Clients responsibility to serve and to enter into a Party Wall Agreement where necessary.

Where drains are required to cross and to be run in third party owned land, the Client is to be responsible to enter into all necessary negotiations to gain consent from the relevant land owners and/ or easements where required.

NOTE - Statutory Services Connections
It is the Clients/ Contractors responsibility to check and to gain all necessary consents for Statutory Services Connections prior to the commencement of any works on site.

Contractor to provide mains operated smoke detector with battery back up where shown.

External walls to be constructed from 300mm block/ cavity blockwork as shown and as described in specification notes. Walls to conform to 0.24 W/m²/K.

To the 100mm cavity of the external walls, insulate with 100mm full fill Drytherm cavity wall batts, installed as per manufacturers recommendations.

All reveals to all cavities to have insulated cavity closers, refer to construction notes.

Provide 100mm Thermalite Shield 3.6N blockwork or similar to internal leaf of external walls and to walls where shown and constructed as described in notes. Unless specified different on Structural engineers drawings and details.

Provide cavity trays over every lintels with weep holes to be provided externally at every 900mm c/c, minimum 2 weep holes per window opening.

Provide 300mm wide cavity brickwork to substructure where new wall is to be constructed. Provide a 1:1.2 lean mix concrete fill to cavity in the external wall as shown with a graded top to allow for any condensation build up to egress out. Contractor to ensure that a minimum 300mm gap is maintained between the top of the lean mix infill and the DPC level of the floor units.

Concrete fill to cavity to be GEN 4, mix. Fill to maintaining a 300mm clearance to DPC.

All DPC's to be of 2000 gauge polythene type in strict accordance to BS 743 and not to be less than 150mm above external ground level. Brickwork to be provided below DPC level.

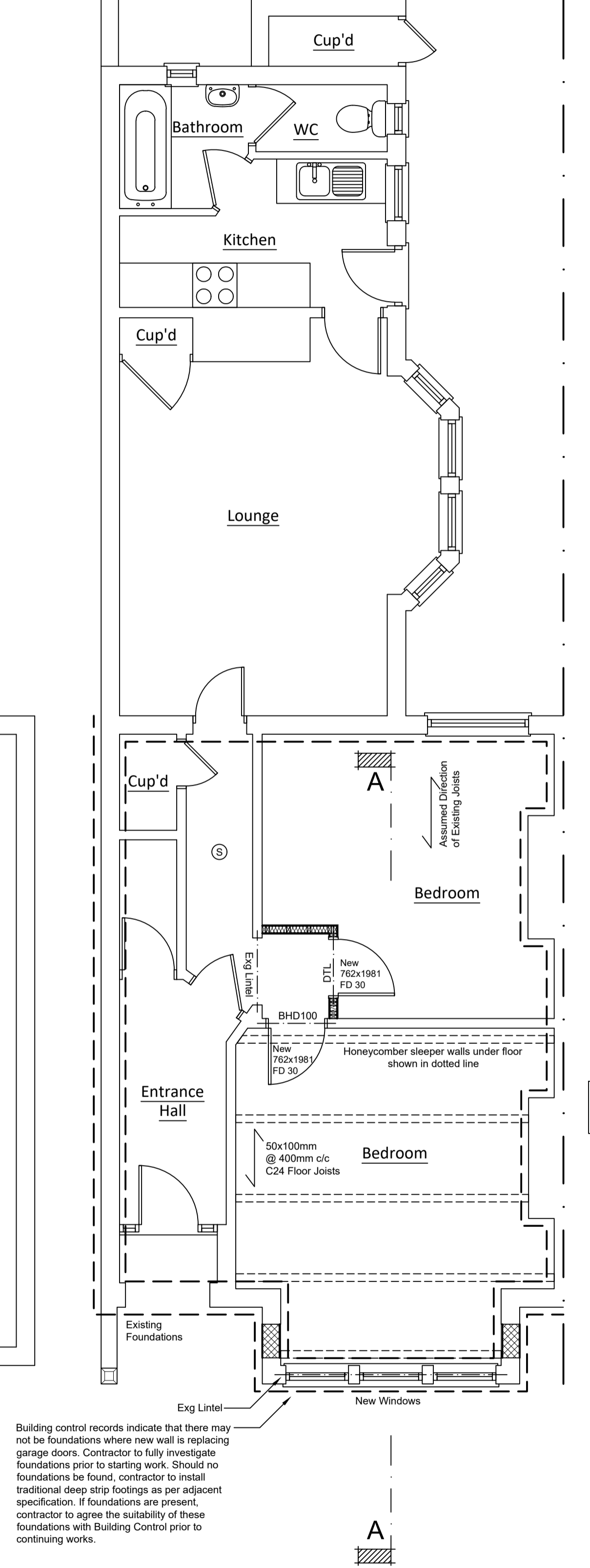
Below ground brickwork to have a minimum compressive strength of 40N/mm², in a 1:1/4:3 mortar mix.

All existing foundations to be exposed and checked by contractor for suitability prior to the commencement of works, with all findings to be reported to Local Authority Building Control for full approval. All new foundations to be tied into existing footings as specified.

Foundations to be of traditional deep strip type with a width of 450mm by a minimum of 1.2m (unless adjacent drain run where depth of footing has to be taken below drain depth). Final depth to be agreed on site between L.A. Building Inspector and Contractor. Contractor to ensure that all foundations to go down 400mm below any visible sign of tree root growth. Foundation concrete to be of S.R. type with a concrete mix of C35, i.e. to have a cube crushing strength of 35N/mm² sq., after 28 days and a maximum aggregate size of 20mm with a minimum cement content of 330kg/m³. Reinforcement to foundations to be 3no T16 bars placed bottom with a minimum concrete cover of 50mm to all sides. Reinforcement bars to have a minimum of 45mm overlap at each way passing. Foundations to be poured in one continuous operation so as to ensure non-disturbance in initial pour. All concrete works to be carried out in strict accordance to BS 8110 paying particular attention to concreting in bad weather.

Where new or existing drains pass through new foundations, contractor to wrap pipes in a flexible material to allow movement - suggest fibreglass quilt. Provide 2no 18mm mild steel bars over drain pipes cast in foundation and allow for a 50mm minimum cover.

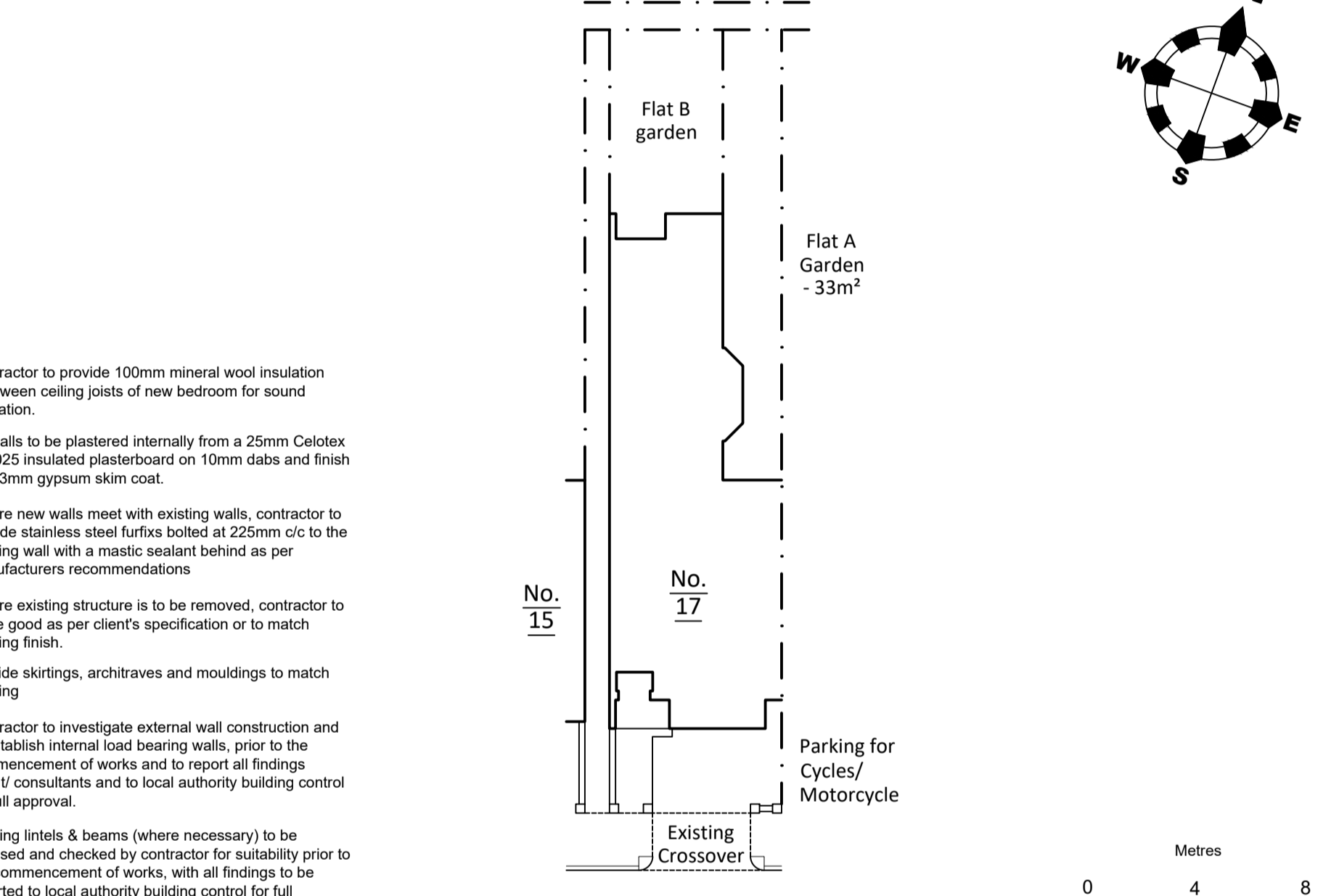
All levels of foundations and stepped foundations to be agreed on site between contractor and local authority building control prior to the concrete pour.



PROPOSED GROUND FLOOR PLAN
SCALE 1:50



PROPOSED FLANK ELEVATION PROPOSED FRONT ELEVATION PROPOSED FLANK ELEVATION
SCALE 1:100



PROPOSED SITE PLAN
SCALE 1:200

Contractor to provide 100mm mineral wool insulation inbetween ceiling joists of new bedroom for sound insulation.

All walls to be plastered internally from a 25mm Celotex PL4025 insulated plasterboard on 10mm dabs and finish with 3mm gypsum skim coat.

Where new walls meet with existing walls, contractor to provide stainless steel furfixes bolted at 225mm c/c to the existing wall with a mastic sealant behind as per manufacturers recommendations.

Where existing structure is to be removed, contractor to make good as per client's specification or to match existing finish.

Provide skirtings, architraves and mouldings to match existing.

Contractor to investigate external wall construction and to establish internal load bearing walls, prior to the commencement of works and to report all findings agent/ consultants and to local authority building control for full approval.

Existing lintels & beams (where necessary) to be exposed and checked by contractor for suitability prior to the commencement of works, with all findings to be reported to local authority building control for full approval. Where lintels are found to be unusable, contractor to replace accordingly.

Construct internal studwork walls where indicated from 100x50mm timber studs at 400mm c/c with diagonal bracing and provided with one layer of 15mm Gyproc Wallboard plasterboard and finish with a 3mm Gypsum skim coat to both sides.

To openings in timber studwork walls, provide a double 50x200mm C24 timberhead over openings with 100x100mm C24 timber posts to either side of openings.

NOTE: All doors, windows and rooflights are to be mechanically fixed in strict accordance with the manufacturers instructions.

Windows & doors to be of an Upvc construction, double-glazed using Low-E (τ_n = 0.05) glass to both sides and provide with a 16mm sealed gap, filled with argon gas and fitted with draught excluders to all openings. With natural ventilation to rooms to be a minimum of 1/20th of the floor area via an openable casement window. All windows to have 8000mm square night vents, with 400mm square to bathroom and en suites etc. All glazed units to conform to 1.4 W/m²/K.

One part polysulphide sealant pointing to the perimeter of all windows and doors, external and internal inc window board.

Provide safety glass to new doors and windows where necessary in strict accordance to BS 6206.

Ground floor and other easily accessible windows (including easily accessible rooflights) are to be designed to meet the security requirements of BS Publication PAS 24:2012 or to one of the other standards referred to in Paragraph 2.2 of the Approved Document.

Where footing depth exceeds 1.5m provide 75mm of 'Citymaster' polystyrene to internal face of all external wall foundations to within 500mm of footing base.

All footings to be founded at depths below ground level as noted on plan or as note regarding fibrous roots below.

Where fibrous roots are encountered in foundation excavations, excavations to be increased in depth to achieve a minimum depth of 400mm below the last visible sign of root activity.

Excavate oversite to formation level approximately 375mm below ground line.
All excavations to be fully approved by local authority building control prior to the concrete pour.

New external wall under window to be constructed from 300mm block/ cavity blockwork as shown and finished with three layers of render to BS 5262.

Contractor to provide all necessary stainless steel beading to all external walls and reveals which are to be rendered, in strict accordance to BS EN 13914-1:2005.

To the 100mm cavity of the external walls, insulate with 100mm full fill Drytherm cavity wall batts, installed as per manufacturers recommendations.

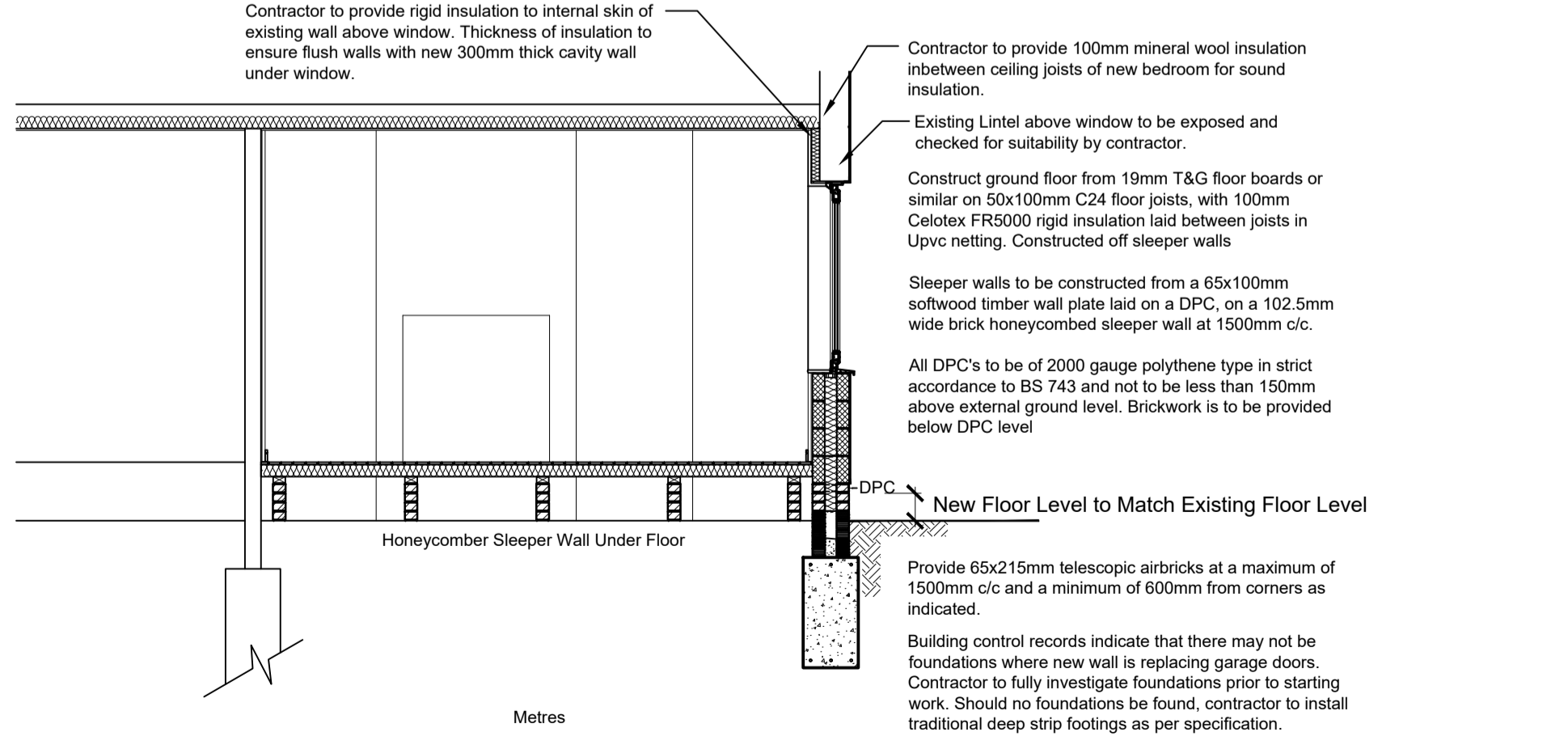
All reveals to all cavities to have insulated cavity closers, refer to construction notes.

Provide 100mm Celcon Solar 3.5N blockwork or similar to internal leaf and walls where shown and constructed as described in notes. Unless specified different on Structural engineers drawings and details.

Provide cavity trays over every lintels with weep holes to be provided externally at every 900mm c/c, minimum 2 weep holes per window opening.

Where masonry walls are rendered externally, contractor to use a three coat sand/ cement render in accordance to BS 5262 & workmanship to BS 8000, providing all necessary stainless steel beading to all external walls and reveals which are to be rendered, in strict accordance to BS EN 13914-1:2005.

PROPOSED SECTION A-A
SCALE 1:50



PROPOSED SECTION A-A
SCALE 1:50

Rev	Date	By	Description	Chkd

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SS1 2DD**

site: **As above**
title: **Proposed Garage Conversion**

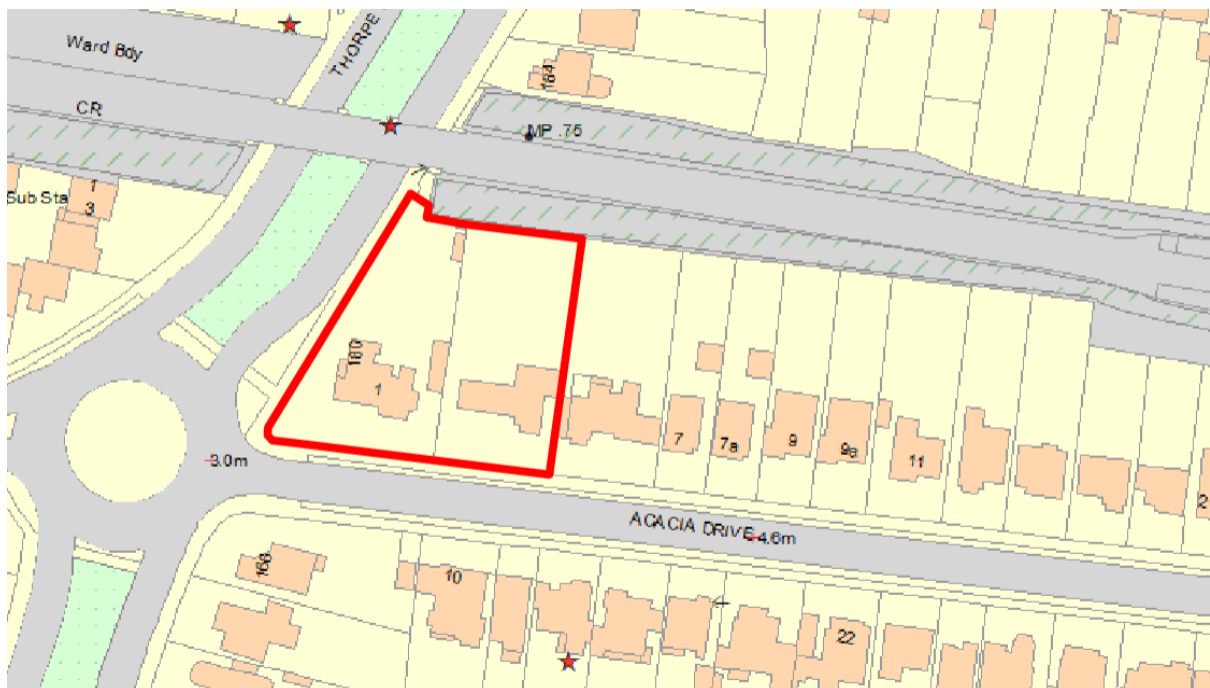
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date: 18.01.17
drawn by: CPB
checked: SCC

drawing no: **CAD/PP/16096/002**

size: **A1** sheet no: **Sheet 1 of 1** revision:

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Reference:	16/02254/AMDT	13
Ward:	Thorpe	
Proposal:	Application to vary condition 02 (Drawing Numbers) and 08 (Landscaping/Boundary Treatment) (Minor Material Amendment) of planning permission 14/01434/FULM Demolition of existing bungalow at 3 Acacia Drive, erect three storey building comprising fourteen self-contained flats, dated 28.01.2015	
Address:	Former 3 Acacia Drive, Thorpe Bay, Essex, SS1 3JU	
Applicant:	Elmore Homes Limited	
Agent:	N/A	
Consultation Expiry:	26.01.2017	
Expiry Date:	17.03.2017	
Case Officer:	Janine Rowley	
Plan Nos:	356.207.00; 356.206.02; 356.207.00; 356.208.00	
Recommendation:	GRANT PLANNING PERMISSION	



1 The Proposal

1.1 Permission was granted in 2013 for the demolition of an existing bungalow at 3 Acacia Drive to a erect three storey building comprising fourteen self-contained flats, layout parking, amenity space, refuse store, cycle store and form vehicular access on to Thorpe Hall Avenue. The development has now been completed.

1.2 Condition 2 of 14/01434/FULM stated:

The development hereby permitted shall be carried out in accordance with the approved plans 732/01 H; 732/02 G; 732/03 G; 732/04 G; 732/05 G; 732/06 H; 732/07 H; 732/08 G; 732;09 G; Landscape and Management Plan.

Condition 8 OF 14/01434/FULM states:

“The landscaping scheme as shown on drawing Thorpe Hall Landscape Revision A dated 08.10.2014 shall be implemented within the first planting season following occupation of the flatted development hereby approved, unless otherwise agreed in writing by the local planning authority. In the case of any trees, dead, dying or diseased replacement planting shall be provided”.

1.3 The applicant has not implemented the approved landscaping scheme under application 14/01434/FULM with specific reference to the boundary treatment. The applicant states the boundary wall was demolished by a vehicle accident in July 2016 and mature trees removed. The wall to the east of the site was found to have no foundations and removed on safety grounds. New foundations could not be dug as services and tree roots were found in close proximity. The applicant has installed 0.9m high standard mild steel fencing galvanised with black powder coated finish and a privet hedge (*Ligustrum Ovalifolium*) and is seeking to retain the new boundary treatment with soft landscaping.

2 Site and Surroundings

2.1 The site is located on the corner of Thorpe Hall Avenue and 3 Acacia Drive and the flatted development has been recently completed.

2.2 The streetscene to the east and south of the site is characterised by residential properties including single and two storey. To the west of the site is a flatted block. To the north is the railway line.

3 Planning Considerations

3.1 The overall design, scale, layout and numbers of units of the development remain unaltered from 14/01434/FULM. The only issues for consideration in relation to this application are therefore the direct impacts of the proposed amendments described in paragraph 1.3 above in relation to design and impact on the character of the area, impact on residential amenity and developer contributions.

4 Appraisal

Principle of the Development

The National Planning Policy Framework, DPD1 (Core Strategy) policies KP2, CP1, CP4 and CP8; DPD2 (Development Management Document) policies DM1, DM3, DM7

- 4.1 The principle of residential development has been previously accepted under application 14/01434/FULM and recently completed thus no objection is raised in principle subject to the other material planning considerations discussed in detail below.

Design and Impact on the Character of the Area:

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4; DPD2 (Development Management Document) policy DM1 and the Design and Townscape Guide.

- 4.2 The design, layout, scale and height of the development remains as per the previously approved application 14/01434/FULM. The only change relates to the boundary treatments discussed in detail below. The landscaping in terms of planting remains the same as per the previously approved plan "*Thorpe Hall Landscape Revision A dated 08.10.2014*".
- 4.3 As stated in paragraph 1.3 above, the existing boundary treatments including a number of mature specimens which included a low boundary wall where removed due to an accident that resulted in the wall becoming unsafe. The trees removed were not protected by tree preservation orders and previously not considered worthy of preservation. The applicant has installed 0.9m high mild steel galvanised with black powder coated finish and a privet hedge is planted behind the railings.
- 4.4 Policy DM1 of the Development Management Document DPD2 states that all proposals should seek to:
- "Add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features".*
- 4.5 The railings installed do not appear out of place with the streetscene and the landscaping scheme as proposed and partially implemented is considered to still enhance the overall character and appearance of the area in accordance with the NPPF, policies KP2 and CP4 of the Core Strategy, policy DM1 of the Development Management Document and the Design and Townscape Guide.

Traffic and Transport Issues

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP3; CP4; DPD2 (Development Management Document) policy DM1 and Design and Townscape Guide.

- 4.6 The proposed amendments do not result in additional traffic generation or the need for additional parking from the original approved application 14/01434/FULM.

Impact on Residential Amenity:

The National Planning Policy Framework; DPD1 (Core Strategy) policy CP4; DPD2 (Development Management Document) policies DM1 and DM3 and the Design and Townscape Guide.

- 4.7 The proposed landscaping changes do not result in any impact on residential amenity from the original approved application 14/01434/FULM.

Community Infrastructure Levy

- 4.8 As the application is made under S73 of the Town and Country Planning Act and does not result in the creation of any additional floorspace but relates to landscaping changes, although it is CIL Liable, it is not CIL chargeable. Thus a CIL contribution is not required.

Conclusion

- 4.9 Having taking all material planning considerations into account, it is found the amended landscaping scheme and boundary treatments would be acceptable and compliant with the objectives of the relevant development plan policies and guidance enhancing the overall character and appearance of the area.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework.
- 5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Accessibility and Transport), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure) and CP8 (Dwelling Provision).
- 5.3 Development Management Document 2: Development Management Document 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), DM14 (Environmental Management), DM15 (Sustainable Transport Management)
- 5.4 Supplementary Planning Document 1: Design & Townscape Guide (2009)

6 Representation Summary

Design and Regeneration

6.1 No objections.

Highway Authority

6.2 There are no highway objections to this proposal

Neighbour Notification

6.3 21 neighbours notified of the proposal and a site notice displayed on the 5th January 2017. One letter of representation has been received stating:

- The Council was wrong in allowing the developer to remove a wall and mature trees. Knowing that this has happened in contravention of planning permission granted all works should have stopped [**Officer Comment: The Council were made aware of this matter following an enforcement investigation reference 16/00219/BRCN_B. once the enforcement query was received officers contacted the developer and informed them a formal application was required to vary the originally approved landscaping plan and the subsequent planning application was received**];
- Mature trees cannot be replaced and although the fencing and planting is attractive is still does not justify the loss and additional mature species should be planted [**Officer Comment: The trees removed were not protected by tree preservation orders and previously not considered worthy of preservation. The landscaping scheme as proposed and partially implemented is considered to still enhance the overall character and appearance of the area in accordance with policy DM1 of the Development Management Document DPD2**];
- The site is better than before but the applicant deliberately did not comply with planning permission.

7 Relevant Planning History

7.1 Alleged breach of Condition 8 (Planning permission 14/01434/FULM)- (16/00219/BRCN_B)

7.2 Approval of details pursuant to condition 07 (details of waste and cycle storage) and condition 12 (details of public art) of planning permission 14/01434/FULM dated 28.01.2015- Agreed (16/01075/AD)

7.3 Demolition of existing bungalow at 3 Acacia Drive and erect three storey building comprising fourteens self-contained flats, layout parking, amenity space, refuse store, cycle store and form vehicular access onto Thorpe Hall Avenue- Granted (14/01434/FULM)

8 Recommendation

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

- 1 The development hereby permitted shall be carried out in accordance with the approved plans 732/01 H; 732/02 G; 732/03 G; 732/04 G; 732/05 G; 732/06 H; 732/07 H; 732/08 G; 732;09 G; Landscape and Management Plan.**

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

- 2 The development hereby approved shall be carried out in accordance with the Flood Risk Assessment carried out by Ambiental Technical Solutions Ltd referenced 1907 dated January 2014.**

Reason: 1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. 2. To reduce the impact of flooding on the proposed development and future occupants. 3. To ensure that the "Non Occupation and Evacuation Plan" is up to date with the Environment Agency's Flood Warning Service.

- 3 Fourteen car parking spaces shall be provided in accordance with plan no. 732/01 Revision H prior to the occupation of the flats hereby approved and shall thereafter be permanently retained in connection with the residential use of the site which it forms part and their visitors and for no other purpose unless otherwise agreed in writing by the local planning authority.**

Reason: To ensure that satisfactory off-street car parking and turning provision is provided for occupants of the new dwelling(s) and in the interests of residential amenity and highway efficiency and safety, in accordance with DPD1 (Core Strategy) 2007 policy KP2, DPP2 (Development Management Document) and SPD1 (Design and Townscape Guide).

- 4 The waste management and cycle storage details submitted on the 01.07.2016 agreed under application 16/01075/AD shall be implemented prior to the first occupation of the development unless otherwise agreed in writing by the local planning authority and retained thereafter.**

Reason: To protect the environment and provide suitable cycle and waste storage in accordance with DPD1 (Core Strategy) 2007 policies KP2 and CP4 and policies DM1 and DM15 of the DPD2 Development Management Document.

- 5 The landscaping scheme as shown on drawing Landscape and Management Plan Revision A dated 08.12.2016 shall be implemented within the first planting season following occupation of the flatted development hereby approved, unless otherwise agreed in writing by the local planning authority. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the local planning authority.**

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

- 6 The details of the acoustic fence on the schedule of materials revision C and the landscaping scheme Revision A dated 08.10.2014 shall be implemented prior to occupation of the development, unless otherwise agreed in writing by the local planning authority and remain in perpetuity.**

Reason: To safeguard the character and amenities of the area and in particular to protect the amenities of nearby residential properties in accordance with policy CP4 of the Core Strategy DPD1 and policy DM1 of the Development Management Document DPD2.

- 7 The renewable energy measures as detailed in MH Energy Consultations Statement 08.10.2014 and drawing 732/01H, 732/08G; 732/05 Revision A, shall be installed prior to first occupation of the development and shall be permanently maintained thereafter.**

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

- 8 The first and second floor windows in the north and east elevations 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 DPD1 (Core Strategy) 2007 policy CP4, DPD2 (Development Management Document) policy DM1 and SPD1 (Design and Townscape Guide).

- 9** The details of the public art received on the 15.12.2016 including a site plan and elevation drawing of the Celestial Armillary Sphere Pedestal agreed under application 16/01075/AD shall be implemented prior to the first occupation of the development unless otherwise agreed in writing by the local planning authority and retained thereafter.

Reason: In the interest of visual amenities of the townscape in accordance with policies KP2 and CP4 of the Core Strategy, the Design and Townscape Guide, 2009 (SPD1) and the Planning Obligations: A Guide to Section 106 and Developer Contributions (SPD2).

Informatives

- 1** You are advised that as the proposed external alterations does not result in the creation of new floorspace under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

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.

LANDSCAPE & MANAGEMENT PLAN

Amendment 'A'

Revision dated 09/12/2016



Maintenance Programme for Communal Landscape Areas

The Development Management Company will be using an approved Landscape Contractor. Grass cutting between April - September 2No. cuts per month (min).

Hedge and Shrub area - trimming, pruning & mulching - 2 days per month watering when necessary.

All hard surfaces - footpaths, parking areas & access drive - cleaning and removal of litter 1 day per month.

Entrance gates (Electrically operated) to be inspected to all apartments have a maintenance contract with installer.

LANDSCAPING & EXTERNAL DETAILS

TREES - Standard trees container grown 1000-1500mm high secured by a wooden stake and single flexible tie (600mm) with 20mm cross-sectional bark cover.

TREE PITS - Pit to be 45 x 40mm excavated to 450mm deep to lay 100mm of well-sorted fernyard manure, 40g of fertilizer.

SHRUB AND GROUND COVER PLANTING - depending on species specified will be either 2, 3 or 4 litre potted plants planted at 2.3 or 4 per square metre and between 20mm-80mm in height all with 20mm cross-sectional bark covering.

BEDS AND GROUND COVER BEDS - all areas returned to 150mm deep with stones over 20mm removed, shrubs planted with slow fertilizer.

HEDGE - Planting - 4 number per linear metre. Preparation to be the same as Shrub Beds.

PLANTING PROCEDURE - growth heights of shrubs and ground cover plants will be taken into consideration i.e. shortest in height planted at the front of beds, graduating in height towards the rear of the bed.

GRASS AREAS - To be seeded to suppliers recommendations. New areas returned to a depth of 150mm with stones over 20mm to be removed. All law areas in existing grassed banks or play lines to be levelled up with new soil and re-seeded or laid with quality turf.

NOTE: all landscaping works will be carried out to Local Authority satisfaction and undertaken by an approved landscape contractor.

Private Drives finished in 'Pebbles Grey' permeable brick paviours traditional driveway, in random sizes laid in brick bond. (5% to be pink coloured paviours)

Shrub Planting in Private Driveways
To be a selection of the following shrubs planted in accordance with the general notes and required planting procedure in specific shrubs to appropriate areas.

To be used under 1.5m
Larix laricina (Larix)
Virex Major (Pteris)
Hypericum Calycinum (St John Wort)
Malva Aegyptium (Malva)

For General Use
Ceanothus Divaricata (Ceanothus)
Panicum Polyanthum (Abbotswood)
Rosa Henry Abbots (Rosa)

To be used against Screen Walls and Fences
Ceanothus Divaricata (Ceanothus)
Prunus Laurocerasus (Prunus)
Amelanchier Alnifolia (Snowy Mesquit)

Climbers
Clematis Montana (Tetrasol)

New Trees
(a) Prunus Padus (Red Cherry)
(b) Betula Pendula (Silver Birch)
(c) Magnolia Soulangiana (Magnolia)
(d) Malus John Downii (Crab Apple)

900mm lighting bollard with LED lamps

Grass areas to front & rear gardens

Feature boundary brick wall - 1.8m high with engineering brick & tile coping - brick type same as house.

House boundary fence - 1.2m high close boarded timber panels on Concrete posts & concrete gravel board.

900mm high boundary fence single standard mild steel fencing hot dipped galvanised finished in Black.

Ligustrum Ovalifolium (Privet) (4No. Per lin m)

Note
Existing trees to be protected by 1.8m high Heras wire fence during construction.

ALL FOOTPATHS TO BE IN PRECAST CONCRETE FINISH SLABS.

FRONT BOUNDARY - 900mm high standard Mild Steel fencing galvanised with Black Powder coated finish, Privet hedge (Ligustrum Ovalifolium) behind fencing.

FRONT BOUNDARY - 900mm high standard Mild Steel fencing galvanised with Black Powder coated finish, Privet hedge (Ligustrum Ovalifolium) behind fencing.

ACACIA DRIVE

Cycle Store - 14no. Cycle Rack (Two Tier) System, manufactured supplied and fitted by Bike Dock Solutions Ltd of Stratford, London. 2675mm(w) x 1950mm (d) x 2500mm (h)

ELMORE

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2000 BRISTOL
BRISTOL BS20 3LZ
TEL: 0117 925 9999 FAX: 0117 925 9944
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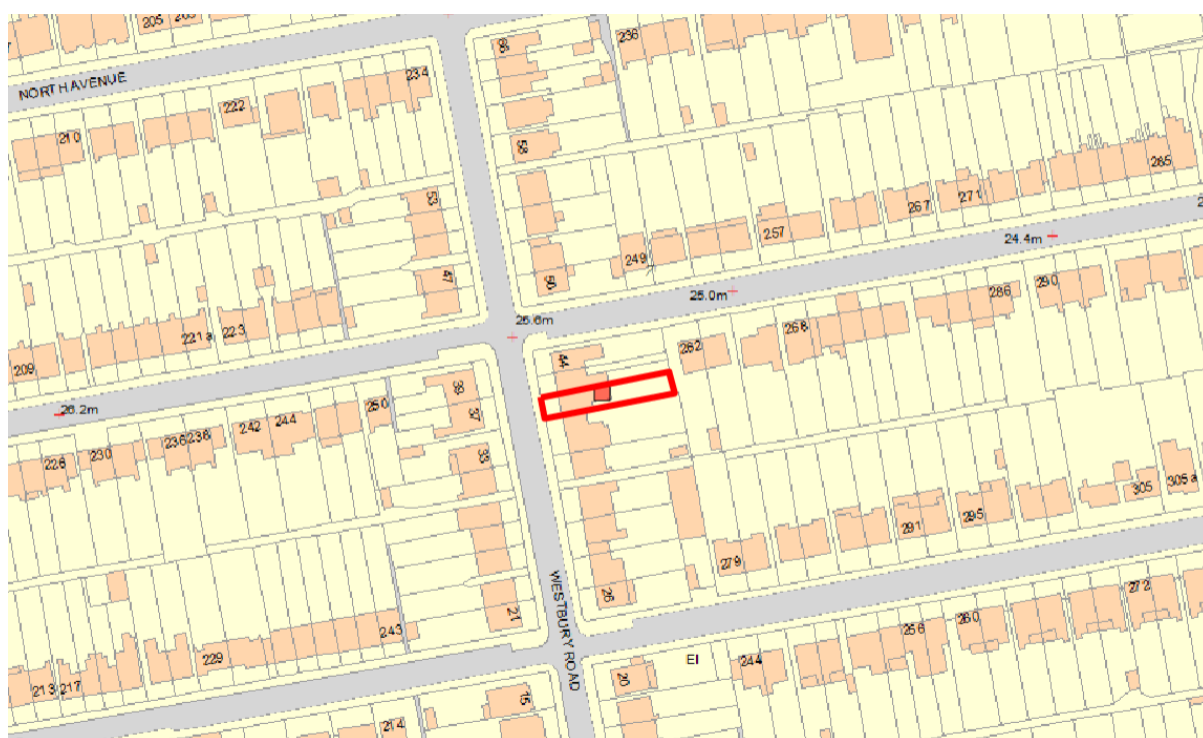
Project: 180 Thorpe Hall Ave, Thorpe Bay
Drawn No: 1/100
Scale: 1/100
date: 09/12/2016

FRONT BOUNDARY - 900mm high standard Mild Steel fencing galvanised with Black Powder coated finish, Privet hedge (Ligustrum Ovalifolium) behind fencing.

SCALE 1:100

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Reference:	17/00171/AMDT	<h1>14</h1>
Ward:	St Lukes	
Proposal:	Application to vary condition 02 (Approved Plans) (Minor Material Amendment to planning permission 14/00198/FUL dated 21 May 2014)	
Address:	40 Westbury Road, Southend-On-Sea, Essex, SS2 4DP	
Applicant:	Dr Saqib Mahmud	
Agent:	Mr Graham Miles	
Consultation Expiry:	23/02/17	
Expiry Date:	29/03/17	
Case Officer:	Ian Harrison	
Plan Nos:	1472/OS, 1472/01-A, 1472/02, 1472/03, 1472/04-A and 1472/05	
Recommendation:	GRANT Planning Permission	



1 The Proposal

- 1.1 The application seeks permission for an amendment to a development that was granted planning permission under the terms of application 14/00198/FUL.
- 1.2 The site contains a two storey terraced building, with a two storey outrigger projection at the rear. To the rear of that is a small single storey projection. At the side of the outrigger is an external flight of stairs that lead to the first floor of the property. The building contains two flats and the former rear garden has been subdivided.
- 1.3 Planning permission was granted for a conservatory at the rear of the outrigger that measured 2.4 metres wide and 2.8 metres deep thereby remaining at the north side of the single storey projection that is described above. The conservatory was approved with an eaves height of 2.1 metres and a maximum height of 3.2 metres.
- 1.4 The conservatory that has been built measures 3.3 metres deep and 2.7 metres wide, thereby wrapping around the abovementioned single storey rear projection. The eaves height remains 2.1 metres as approved and the maximum height is 2.5 metres. The conservatory has been built with a rendered wall to the north elevation to a height of 1.9 metres with glazing above. As a temporary measure, part of a fence panel has been affixed to the south elevation to obscure views into the garden area to the south, this would be replaced with a rendered wall to match the north elevation if permission is hereby granted.
- 1.5 This application follows the refusal of application 16/01659/AMDT which was refused for the following reason:

“The conservatory that has been erected, by virtue of its design, the materials used in its construction, its size and its relationship to the existing building, is harmful to the character and appearance of the existing building and the surrounding area more widely. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Southend Core Strategy (2007), policies DM1 and DM3 of the Southend Development Management Document (2015) and the advice contained within the Southend Design and Townscape Guide (2009).”
- 1.6 The applicant has now provided additional details that demonstrate the manner in which land is owned at the site, which shows that the section of land to the south of the conservatory is ‘common land’ that is shared by the ground and first floor flats. It is therefore considered that the door that is proposed in the south elevation can legitimately open outwards onto land that the occupants have ability to use. However, it should be noted that land ownership, rights of way and rights of access are not a matter for assessment by the Local Planning Authority. The consideration must focus on material planning considerations, not matters that relate to land ownership.

2 Site and Surroundings

- 2.1 The site is located on Westbury Road. The site contains a two storey terraced building which is described above.
- 2.2 The site is not the subject of any site specific planning policies.

3 Planning Considerations

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

4 Appraisal

Principle of Development

National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Development Management Policies DM1 and DM3 and SPD1

- 4.1 Planning Practice Guidance states that one of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. It goes on to state that there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.
- 4.2 This proposal is considered in the context of the National Planning Policy Framework 2012 and Core Strategy Policies KP2 and CP4. Also of relevance is Development Management DPD Policy DM1 which relates to design quality. These policies and guidance support extensions to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building. Subject to detailed considerations, the proposed extension is considered to be acceptable in principle. In this regard it is noted that a conservatory has been granted previously at this site.

Design and Impact on the Character of the Area:

National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Development Management DPD Policies DM1 and DM3 and SPD1

- 4.3 In the Council's Development Management DPD, policy DM1 states that development should "add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features."
- 4.4 Due to the position of the extension at the rear of the building the visual impact of the conservatory is masked from the public domain of Westbury Road and due to the boundary treatments between the extension and the highway of Central Avenue, the conservatory also has very little impact on the character or appearance of the area when viewed from Central Avenue. Although deeper and wider than previously approved, the conservatory is lower in height. The proposed conservatory would be subordinate to the scale and form of the existing dwelling and uses materials that are visually acceptable. The attachment of a fence panel to the side of the conservatory is a temporary measure and would be replaced with a rendered wall to the south elevation which would match the wall that has been formed at the north elevation. This is considered to be visually acceptable. The limited visibility of the proposed conservatory means that the development has a minimal impact on the character and appearance of the site and the surrounding area.

- 4.5 It is considered that the extension would not represent the overdevelopment of the plot and would not cause harm to the character and appearance of the application site or the surrounding area.

Impact on Residential Amenity:

**NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Development Management
DPD Policies DM1 and DM3 and SPD 1 (Design & Townscape Guide (2009))**

- 4.6 Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties. Policy DM1 of the Development Management DPD also states that development should “Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”
- 4.7 The conservatory that has been built is of equal eaves height as the conservatory that was approved and the maximum height of the conservatory is 0.7 metres lower. Although the extension is 0.5 metres deeper, it is considered that the low height of the conservatory ensures that the impact on the attached neighbouring property of 42 Westbury Road is not harmful to an extent that justifies the refusal of the application. Noting that a solid brick wall could be built at the boundary of the site to a height of 2 metres without needing permission, it is considered that the 1.9 metres tall side wall does not have an impact on residential amenity that is materially worse than a development that could be permitted development.
- 4.8 The garden of the first floor flat is located to the south west of the conservatory, but all windows within that property are above the height of the conservatory. The development therefore has no impact on the light, privacy or outlook of that flat. Moreover, it is considered that the structure is not of a scale or form that would materially detract from the usability of the amenity space that serves the flats at the site.
- 4.9 The applicant has provided additional details that demonstrate the manner in which land is owned at the site, which shows that the section of land to the south of the conservatory is ‘common land’ that is shared by the ground and first floor flats. It is therefore considered that the door that is proposed in the south elevation can legitimately open outwards onto land that the occupants have ability to use. However, it should be noted that land ownership, rights of way and rights of access are not a matter for assessment by the Local Planning Authority. The consideration must focus on the visual impact and the direct impact on the amenities of neighbours, not matters that relate to land ownership.
- 4.10 Due to the gap between the conservatory and all other neighbouring properties and the scale of the development that has occurred, it is considered that no other properties have been affected by the development to an extent that would justify the refusal of the application.

Community Infrastructure Levy

- 4.11 As the development creates less than 100 square metres of new floorspace at the application site, the development is not CIL liable.

Other Matters

- 4.12 It has been brought to the attention of Officers that there may have been some form of dispute between parties over the ownership of land and the encroachment of the conservatory onto land where it was not previously approved to be built. This is a civil matter between other parties that the Local Planning Authority has no scope or remit to be involved with or intervene in relation to. The simple fact that the conservatory is wider than previously approved should not be a reason to refuse this retrospective amendment application unless the implications of the increase are considered to be unacceptable on planning grounds.

5 Conclusion

- 5.1 In this instance it is considered that the development that has occurred does not cause harm to the amenities of neighbouring residents to an extent that would justify the refusal of the application and the proposal would not represent the overdevelopment of the existing dwelling or the plot on which it stands. The proposal is therefore considered to comply with the content of the development plan.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework

National Planning Practice Guidance.

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

Development Management DPD Policy DM1 (Design Quality) and DM3 (Efficient and Effective Use of Land).

Design and Townscape Guide SPD (adopted December 2009)

CIL Charging Schedule

7 Representation Summary

Public Notification

- 7.1 8 neighbouring properties were notified of the application. No letters of objection have been received. At the time of writing, the public consultation period has not expired. A summary of any comments received will be provided within a Supplementary Report.
- 7.2 This previous application was called in to the Council's Development Control Committee by Councillors Ayling and Van Looy.

8 Relevant Planning History

- 8.1 Application 14/00198/FUL approved a conservatory at the rear of the dwelling. An amendment to that application was refused under the terms of application 16/01659/AMDT.
- 8.2 Planning permission was granted under the terms of application 16/01299/FUL for the erection of an outbuilding at the rear of the site.

9 Recommendation

9.1 GRANT PLANNING PERMISSION subject to the following conditions:

01. The development hereby permitted shall be carried out in accordance with the following approved plans: 1472/OS, 1472/01-A, 1472/02, 1472/03, 1472/04-A and 1472/05

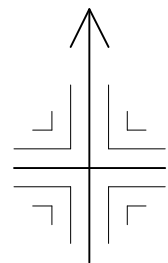
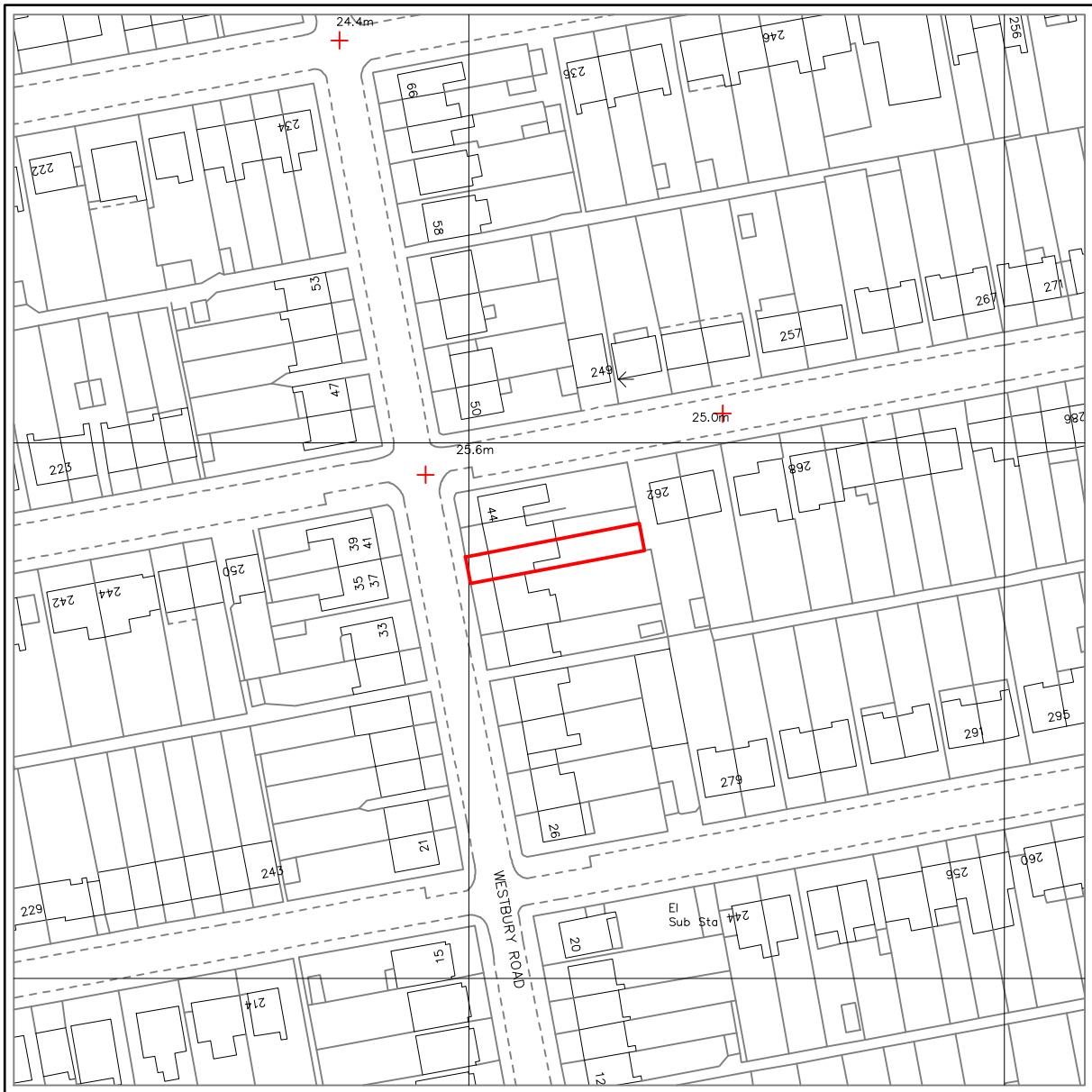
Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan.

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

Informative

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

2. Please note that the Local Planning Authority would wish to see the alteration of the conservatory to match the plans hereby approved within six months of the permission hereby granted. If the conservatory is not adapted within this timescale, the conservatory may be the subject of enforcement action.



OS Location Plan - 1 : 1250

Miles Designs

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103, Trinity Road, Southend-on-Sea, Essex, SS2 4HN.
☎01702 611 600 ☎0777 8 194 843
✉gcm@milesdesigns.co.uk

247

**40, Westbury Road,
Southend-on-Sea, SS2 4DP.**

Drawing No :

1472/OS

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Common-hold Land

**Lean-to conservatory
2.700M x 3.300M**

3.300 M

2.700 M

40a, Garden

40, Garden

Floor Plan - 1 : 100

Miles Designs

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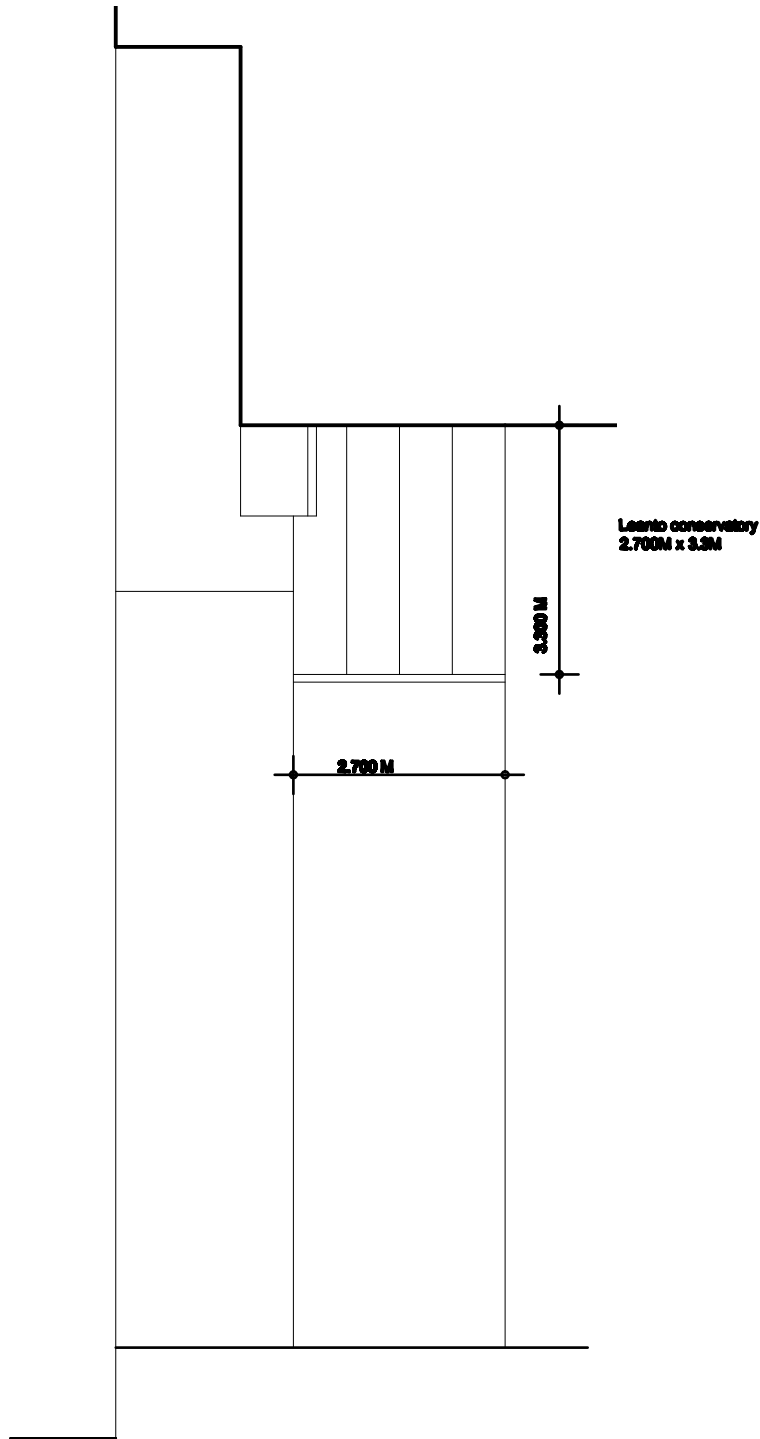
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**40, Westbury Road,
Southend-on-Sea, SS2 4DP.**

Drawing No :

1472/01-A

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Roof Plan - 1 : 100

Miles Designs

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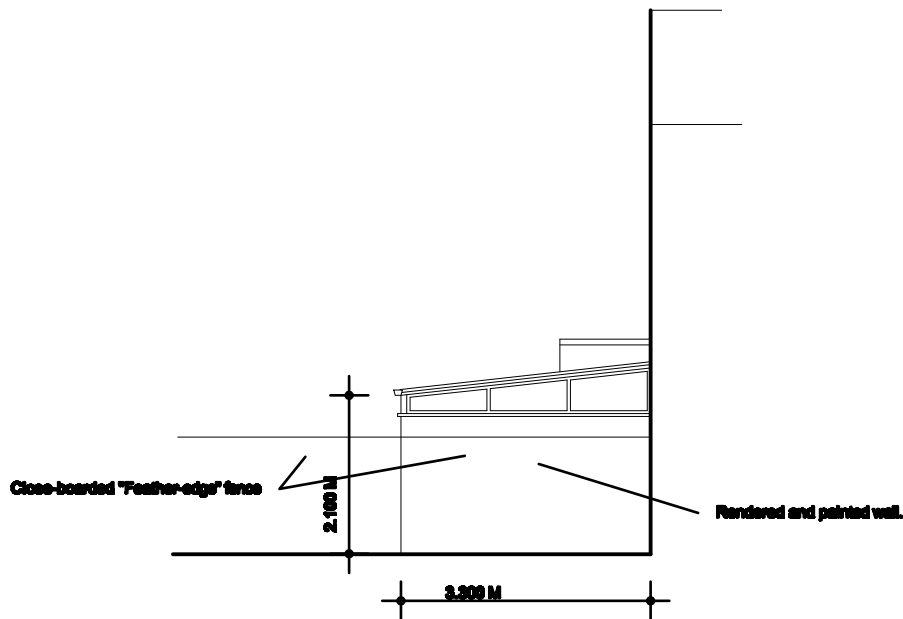
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40, Westbury Road,
Southend-on-Sea, SS2 4DP.

Drawing No :

1472/02

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Side Elevation [north] - 1 : 100

Miles Designs

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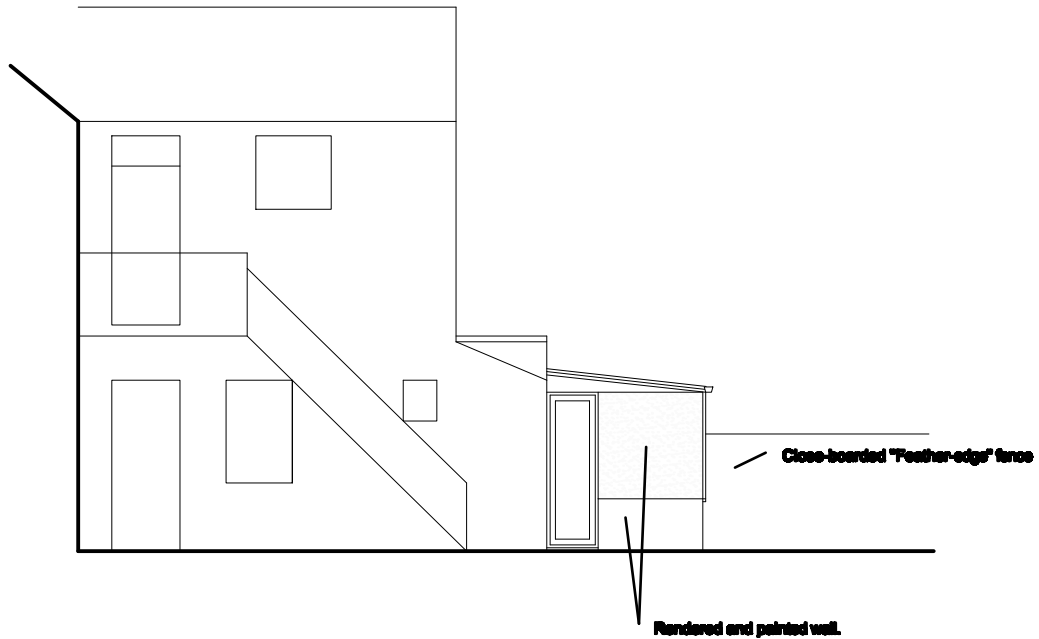
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40, Westbury Road,
Southend-on-Sea, SS2 4DP.

Drawing No :

1472/05

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Side Elevation [south] - 1 : 100

Miles Designs

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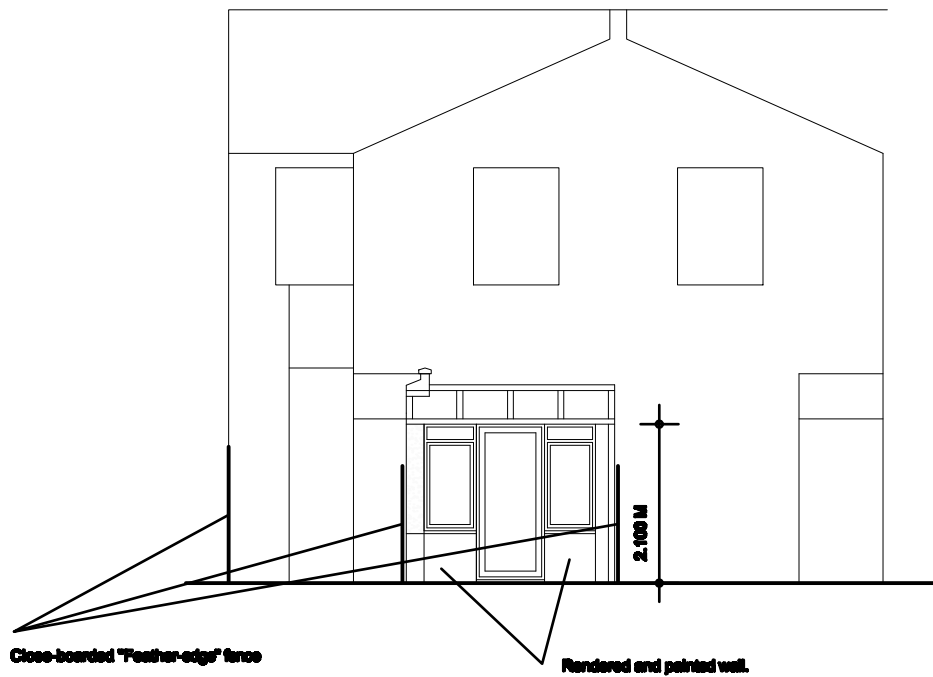
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40, Westbury Road,
Southend-on-Sea, SS2 4DP.

Drawing No :

1472/03

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Rear Elevation [east] - 1 : 100

Miles Designs

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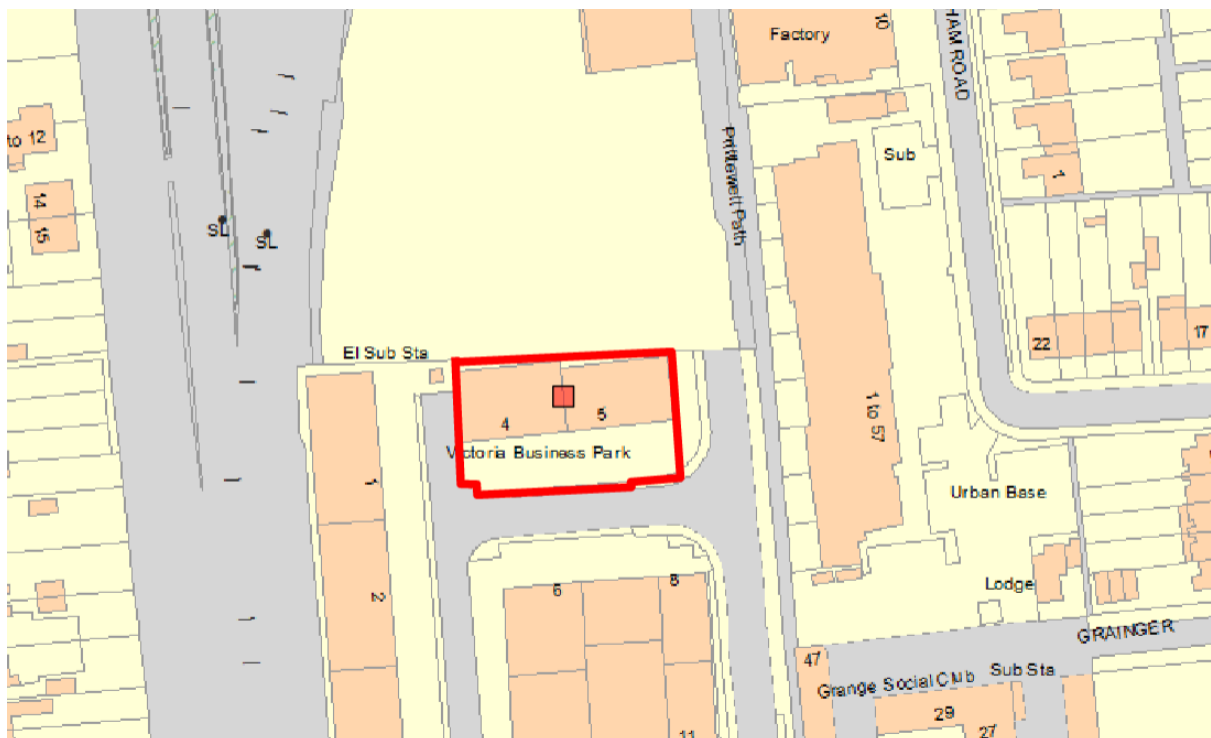
40, Westbury Road,
Southend-on-Sea, SS2 4DP.

Drawing No :

1472/04-A

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Reference:	17/00083/FUL	<h1>15</h1>
Ward:	Victoria	
Proposal:	Change of Use from Ambulance Station (Sui Generis) to adult day centre (Class D1)	
Address:	Essex Ambulance Service, 4 - 5 Victoria Business Park, Short Street, Southend-on-Sea, Essex, SS2 5BY	
Applicant:	Eco Wings And Nights Ltd	
Agent:	Dovetail Architects Ltd	
Consultation Expiry:	14.02.2017	
Expiry Date:	17.03.2017	
Case Officer:	Janine Rowley	
Plan Nos:	3588_PL01; 3588_PL02; 3588_PL03; 3588_PL04A; 3588_PL05A	
Recommendation:	REFUSE PLANNING PERMISSION	



1 The Proposal

- 1.1 Planning permission is sought to change the use of from an ambulance station (sui-generis) to an adult day centre (Class D1). The existing site benefits from 16 parking spaces.
- 1.2 The applicant has applied to change the use from an ambulance station (Class Sui Generis) to a use including offices (Class B1a) and adult day centre (Class D1). However, officers consider that the offices which would be used by a personal assistance company which books and receives calls for assistance to clients and patients offsite in their own home is an ancillary to the main use being D1.
- 1.3 This application has been submitted following the refusal of application 16/00965/FUL. Planning permission was refused for the change of use to an adult day centre (Class D1) for the following reasons:
 1. *“The proposal would result in the loss of land for employment use in an area designated for employment growth as set out by policy DM11 of the Development Management Document DPD1. The applicant has failed to demonstrate the proposed use would comply with part A, B, C and D of policy DM11 DPD2. The loss of this land would impair economic led regeneration contrary to the National Planning Policy Framework, Policy CP1 of the Southend on Sea Core Strategy DPD1, Policy DM11 of the Development Management Document DPD2, which seeks to promote building a strong, competitive economy”.*
 2. *“The applicant has failed to demonstrate that the proposed use would not result in unacceptable levels of traffic generation or an unacceptable increase in demand for on street car parking in the locality to the detriment of highway safety and efficiency and general amenity, and this would be contrary to Policy CP3 of the Core Strategy 2007 DPD1 and policy DM15 of the Development Management Document DPD2”.*
- 1.4 The applicant has sought to apply for a change of use to an adult day centre (Class D1) as per the previously refused application 16/00965/FUL. However, additional information has been submitted in order to justify the loss of an employment site designated by the Development Management Document DPD2 together with additional information from the Care Quality Commission. The applicant states that the Ecowings and Magnolia Care Organisations have a significant amount of funding from the NHS, Southend, Basildon, Brentwood and Thurrock Local Authorities, plus Southend Council and Essex County Council contracted services.
- 1.5 The supporting information accompanying this application states when the previous application 16/01959/FUL was withdrawn; the supporting information was inaccurate in terms of calculations in relation to staff numbers.
- 1.6 The main differences from the previously withdrawn and refused application include 16 parking spaces would be retained onsite together with two drop off ambulance spaces. In addition, the number of people employed by the day care facility has been calculated and would include 18 full time and 15 part-time members of staff.

2 Site and Surroundings

- 2.1 The application site is part of an industrial development of 11 units. The site is located within an area allocated for industry and warehousing (Use Classes B1, B2 and B8). The building is currently a sui-generis use used as an ambulance station.
- 2.2 The site is located at the end of Short Street, approximately 500 north of Queensway. To the east of the site is a block of residential flats. To the west and south of the site are similar industrial units. The area is of a commercial nature within the Southend Victoria Railway further to the west and the Southend Mail Delivery Centre further to the south.

3 Planning Considerations

- 3.1 The main considerations in relation to this application are the principle of the development, design and impact on character of the area, traffic and transportation issues and impact on residential amenity, CIL and whether the proposal has overcome the previous reasons of refusal relating to application 16/00965/FUL.

4 Appraisal

National Planning Policy Framework; DPD1 (Core Strategy) policies KP1, KP2, CP4; DPD2 (Development Management) policies DM1, DM10, DM11 and the Design and Townscape Guide SPD1 (2009)

- 4.1 Policy CP1 of the Core Strategy seeks to protect existing employment generating uses stating *“Industrial and distribution uses will be supported on existing and identified industrial/employment sites, where this would increase employment densities and/or reinforce their role in regeneration”*. Policy DM11 of the Development Management Document states that the council seek the retention, enhance and development of Class B uses within employment areas. This site is located within the Short Street employment growth area. Planning application 02/00096/FUL was granted to erect 11 units for Class B1 and B2 industrial purposes. It is noted units 3, 4, 5, 9 were granted permission for a mixed use of offices (Class B1), general industrial (Class B2) and storage and distribution (Class B8). The existing building was previously changed from a B1/B2 use to a sui-generis use and the building was used as an Ambulance Station, but that use was only granted permission in exceptional circumstances, based on the benefits for the local community and necessary siting of the ambulance station in this location with access to the main routes within Southend. This proposal seeks to form an adult day care centre including a training facility (Class D1) with ancillary offices.
- 4.2 The supporting information accompanying this application states that the property will have offices to provide a personal assistance company for clients, patients relating to healthcare together with a training facility and day care centre for adults.
- 4.3 The existing site provides employment opportunities for 20 full time members of staff and the proposed change of use would provide 18 full time jobs and 15 part time jobs. Whilst the levels of employment would increase above that of the ambulance station it was noted that it considered acceptable in 2003 due to the wider community benefit and access to the main vehicle routes in Southend. The applicant contends the increased employment numbers will provide in accordance

with current planning policy.

Since the determination of the above application the Development Management Document DPD2 has been adopted in July 2015, which designates this industrial estate as an employment growth area and can be promoted as a location for modern employment floorspace.

4.4 Part 2 of policy DM11 of the Development Management Document DPD2 states that the Borough Council will support the retention, enhancement and development of Class B uses within the Employment Areas as designated on the policies map, in which this site is located. The policy states: "*Proposals that fall outside of a Class B employment use will only be granted permission where:*

- *A the development proposal is a 'sui generis' use of a similar employment nature, which is compatible with and will not compromise the operating conditions of the Employment Area; or*
- *B. the development proposal is in conformity with a planning brief, or similar planning policy document, that has been adopted by the Borough Council for the concerned site, which sets out other appropriate uses; or*
- *C. it can be demonstrated to the Council's satisfaction that: i. there is no long term or reasonable prospect of the site concerned being used for Class B purposes.(2 year marketing exercise); and ii. the use is compatible with and will not compromise the operating conditions for other employment uses or the potential future use of neighbouring sites for employment uses; and iii. the alternative use cannot be reasonably located elsewhere within the area it serves**; and iv. the use will not give rise to unacceptable traffic generation, noise, odour or vehicle parking; or*
- *D. it can be shown that the development will be a complementary and supporting use, which is both subservient and ancillary to the principal employment uses and serves the day-time needs of the estate's working population and will not result in a material change to the Class B character and function of the area.*

The applicant has provided supporting information in relation to addressing the points as set out above.

4.5 In relation to Criteria A, the existing use of the building is sui generis previously used as an ambulance station and has been vacant since the beginning of 2016. This proposal seeks to convert the building to a day care centre D1. The applicant states the key point in relation to the proposed change of use is:

"The key point to highlight is that Eco Wings and Magnolia Care are businesses and are helping to fulfil the Councils and NHS responsibilities, in caring for those less able to look after themselves and help them achieve this for themselves. There is a large question as to whether the use is D1 or B1 due the number of people employed by the organisation and is greater than the number of clients using the property at any one time. Although under planning it is a D1 use, it will employ and does employ more people to sq ft of the building than any other building on the estate. Thus fulfilling the policy and aspiration of the council more than most potential occupiers".

4.6 The applicant has referred to a permission for a change of use within the Progress Road industrial estate. Permission was given to change the use of a sui-generis use

to a KFC under application 11/00493/FUL and the permission was given consent for the following reason:

“The nature of the use of the site as a car showroom, being sui generis and the level of employment provided was a significant consideration. The period of vacancy of the site and the level of employment were given significant weight. Taking these matters into account the committee was of the view that to allow the development would not prejudice the above policies and that it would not set a precedent for the future, in which it was appropriate to grant permission subject to conditions”.

- 4.7 Since the determination of the above planning application, the Development Management has been adopted in July 2015 and specific reference to policy DM11 refers to the Southend Central Area, in which this site is located is a primary location for major economic growth with particular reference to Class B1 use. In light of the above, officers considers the proposed change of use will compromise the employment area and therefore fails to comply with criteria A of policy DM11 of the Development Management. Criteria B is not relevant in this instance.
- 4.8 With respect to Criteria C, the applicant has confirmed the site has been vacant the beginning of 2016 and supporting information has been received from Ayers and Cruiks stating that there has been no interest in relation to B1/B2/B8 and therefore the proposed use would be more appropriate in this location taking into account the links to transport and town centre. The applicant states that the use is compatible and will not compromise the operating conditions for other employment uses and there are no other alternative sites available in the borough reasonably located close to the town centre as the existing site. The applicant also states that the building needs to be fully accessible to people with disabilities in which the existing building is and suitable to accommodate ambulances. However, the policy considers there is a need for employment uses in this location given planning permission was granted for a mix of Class B1 business, B2 general industrial and B8 storage and distribution (reference: 16/00366/FUL dated 10th May 2016).
- 4.9 In relation to criteria D, the applicant states that the proposed day care centre in terms of the organisations of Eco Wings and Magnolia Care should be included in relation to Health and Medical Industries, Business and Financial Services and a Culture and Intellectual Hub as set out in policy DM10 of the Development Management Document DPD2. The applicant contends the two organisations proposed would comply with policy DM10 in respect of part 1 and 2, which state:
- “Policy DM10-Employment Sectors*
- 1. Development that contributes to the promotion of sustainable economic growth by increasing the capacity and quality of employment land, floorspace, and jobs will be encouraged.*
 - 2. The Southend Central Area, as defined in the Southend Central Area Action Plan, will form the primary location for major economic growth particularly for Class B1 office uses”.*
- 4.10 However, officers consider the proposed use fails to compliment and support uses within Class B due to the day care centre proposed. The proposal would materially change the character and function of the employment area; it is considered that the proposed change of use fails to comply with the aforementioned planning policies.

- 4.11 It is acknowledged the NPPF makes it clear that the long term protection of sites allocated for employment should be avoided. As set out in part B of policy DM11 of DPD2 above, the proposed change of use does not comply with current planning policy and current policy safeguards employment use to ensure no permanent loss within specific employment growth areas.
- 4.12 Notwithstanding the supporting information submitted and although the proposal will facilitate the occupation of a vacant unit the site is located within an identified industrial/employment site for employment uses and employment growth area. These are defined 'employment' uses. It is considered the proposal would result in the loss of land for employment use in an area designated for employment growth as set out by policy DM11 of the Development Management Document DPD2. The loss of this land would impair economic led regeneration growth contrary to the National Planning Policy Framework, Policy CP1 of the Southend on Sea Core Strategy DPD1 (2007), Policy DM11 of the Development Management Document DPD2 (2015), which seeks to promote building a strong, competitive economy. This amended application has failed to overcome reason 01 of application 16/00965/FUL.

Design and Impact on the Street Scene

National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Development Management DPD2 policies DM1, DM3 and DM5 and the Design and Townscape Guide (SPD1)

- 4.13 The National Planning Policy Framework requires new development to reinforce local distinctiveness. Policy KP2 and CP4 of the Core Strategy, Policy DM1 and the Design and Townscape Guide advocate the need for any new development to respect the character of the area and complement the local character.
- 4.14 No external changes are proposed to the external appearance of the units, which is welcomed.

Traffic and Transportation

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

- 4.15 The site is located along Short Street; the existing parking provision for both units remains unchanged from the original business units when the industrial estate was formed. There are 8 spaces available for unit 4 and 8 spaces to unit 5.
- 4.16 The Council acknowledges guidance within the National Planning Policy Framework 2012 (NPPF) which encourages the reduction in the reliance of the car and promotes methods of sustainable transport. It also advocates that in high density locations development should be encouraged with little or no off-street parking; however this should be subject to the safeguarding of the character and appearance of the area. The existing site benefits from 16 parking spaces to the front of the site and is currently vacant. The proposal will include 18 full time and 15 part time members of staff. Policy DM15 of the Development Management Document DPD2 states 1 space per full time staff and waiting facilities are required

where appropriate. As stated above, 16 vehicle parking spaces are available to the front and there are two drop spaces for ambulances. Whilst there is a short fall of two parking spaces as set out in policy DM15 of the Development Management Document, taking into account the location of the site with specific reference to a number of public car parks including Short Street, Essex Street and Victoria Car Park together with the bus interchange at Victoria Avenue and Southend Victoria Station no objection is raised to the proposed change of use on highway grounds. The proposal has therefore overcome reason 02 of application 16/00962/FUL.

Impact on residential amenity

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

- 4.17 Policy DM1 of the Development Management Document states that any new development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.
- 4.18 The original consent relating to the redevelopment of the sites for 11 units to include Class B1 and Class B2 uses was not restricted in terms of opening hours and noise insulation to the building for noise prevention was applied and implemented (02/00096/FUL). The proposed opening hours include 0800-1600, which will not harm of the area, being on an industrial estate considering the character.

Community Infrastructure Levy (CIL) Charging Schedule.

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

Conclusion

- 4.20 Notwithstanding the applicants case, the proposal would result in the loss of land for employment use and compromise the operating conditions of the Employment Area contrary to policy DM11 of the Development Management Document DPD2. The proposed parking is deemed acceptable taking into account the sustainable location of the site.

5 Planning Policy Summary

5.1 National Planning Policy Framework

- 5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generation), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance)

5.3 Development Plan Document 2: Development Management Document Policies DM1 (Design Quality), DM10 (Employment Sectors), DM11 (Employment Areas), DM15 (Sustainable Transport Management)

5.4 SPD1 Design & Townscape Guide 2009

5.5 Community Infrastructure Levy (CIL) Charging Schedule

6 Representation Summary

Design and Regeneration

6.1 No comments.

Traffic and Transportation

6.2 No objections.

Neighbour Notification

6.3 65 neighbours notified of the proposal and no letters of representation received.

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

7 Relevant Planning History

7.1 Change of Use from Ambulance Station (Sui Generis) to an Adult Day Centre (Class D1) (Amended Proposal)- Withdrawn (16/01959/FUL)

7.2 Change of Use from Ambulance Station (Sui Generis) to an Adult Day Centre (Class D1)- Refused (16/00962/FUL)

7.3 Change of Use from Ambulance Station (Sui Generis) to two Commercial Units (Class B1 Business/B2 General Industrial/B8 Storage and Distribution)- Granted (16/00366/FUL)

7.4 Use premises (Class B1 and B2) as ambulance station (Sui Generis), alter elevations and lay out 13 car parking spaces to front- Granted (04/00110/FUL)

7.5 Use premises for mixed use classes, offices (Class B1), general industrial (Class B2) and storage and distribution (Class B8)- Granted (03/00839/FUL).

7.6 Layout access road onto Short Street, erect 11 units (2822sqm) for Class B1 and Class B2 industrial purposes with parking and vehicular accesses- Granted (02/00096/FUL).

8 Recommendation

8.1 Members are recommend to REFUSE PLANNING PERMISSION subject to the following reason:

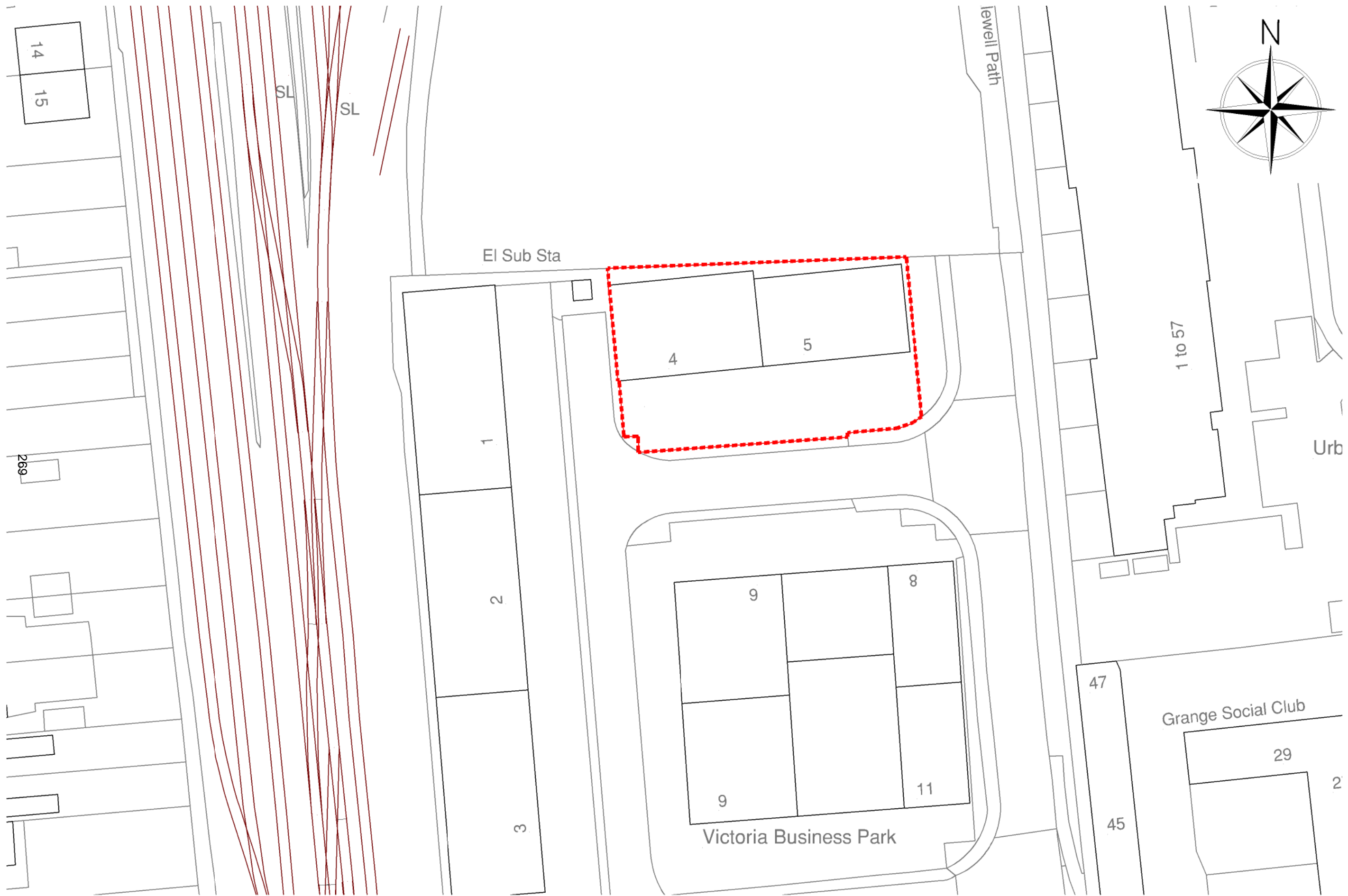
- 1 The proposal would result in the loss of land for employment use in an area designated for employment growth as set out by policy DM11 of the Development Management Document DPD2. The loss of this land would impair economic led regeneration contrary to the National Planning Policy Framework, Policy CP1 of the Southend on Sea Core Strategy DPD1 (2007), Policy DM11 of the Development Management Document DPD2 (2015), which seeks to promote building a strong, competitive economy.**

Informative

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

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

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LOCATION PLAN

4-5 VICTORIA BUSINESS PARK, SHORT STREET, SOUTHEND, SS2 5BY

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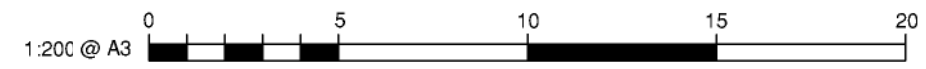
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4-5 VICTORIA BUSINESS PARK, SHORT STREET, SOUTHBEND, SS2 5BY

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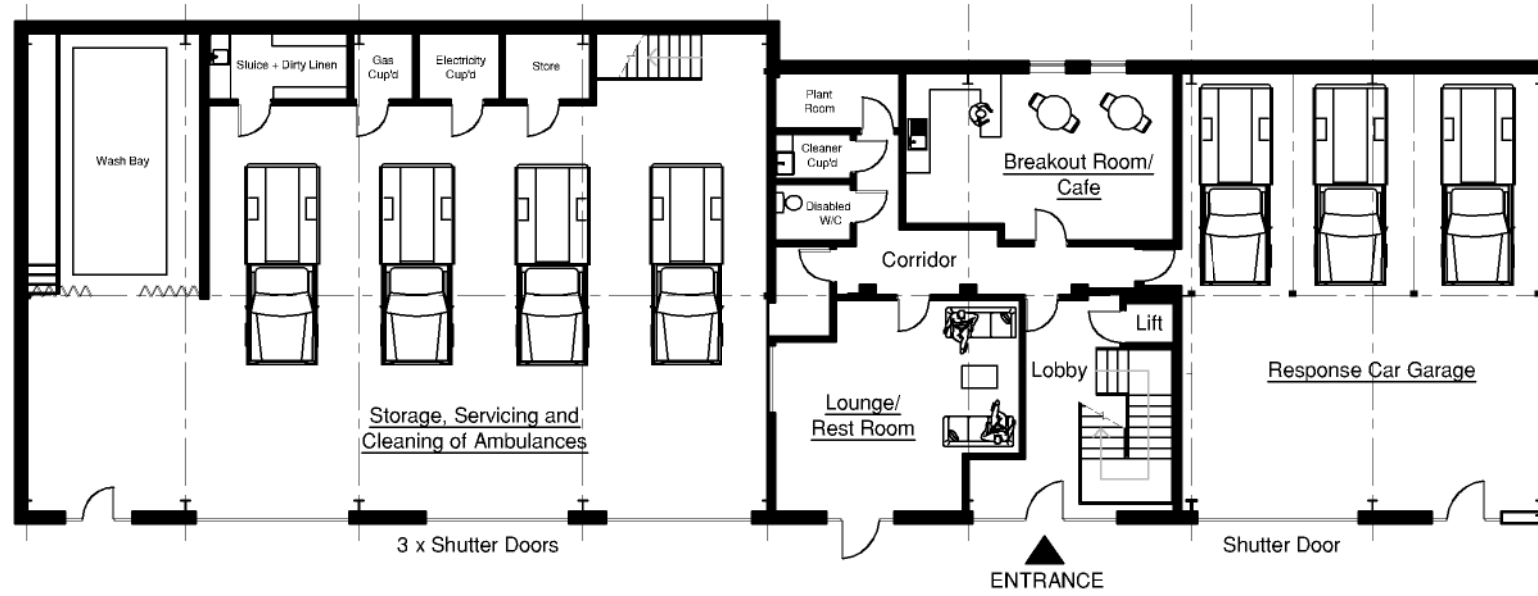
OCT 2016



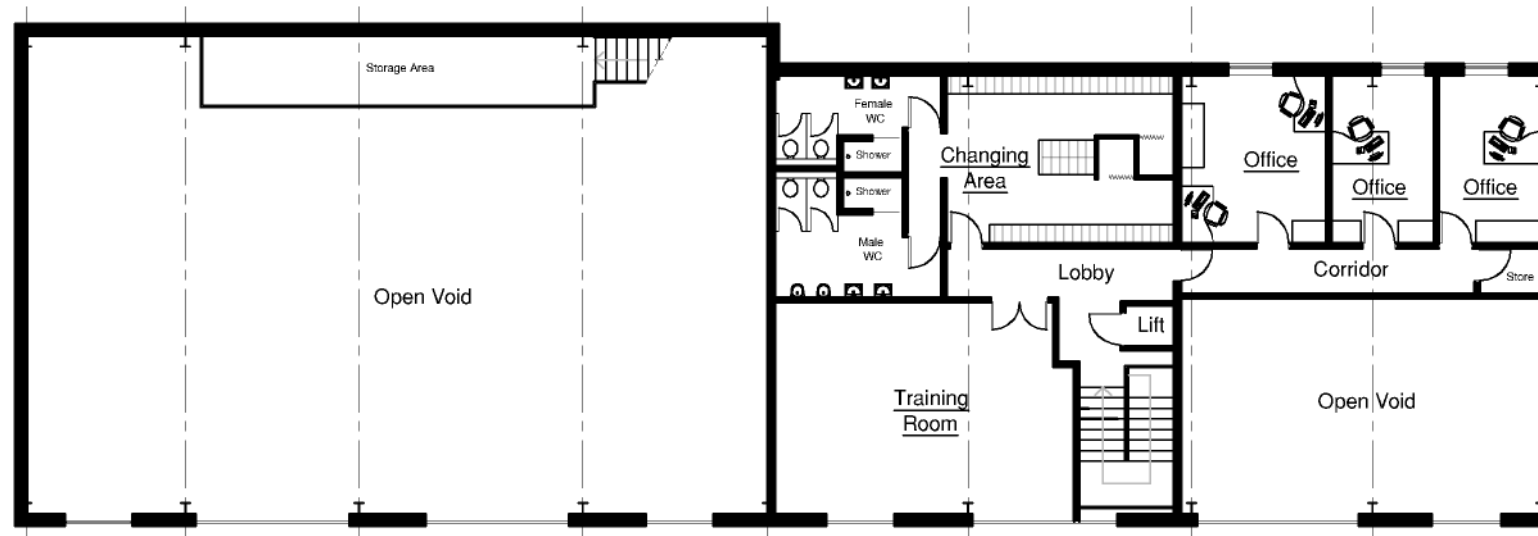
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EXISTING GROUND FLOOR PLAN
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EXISTING FIRST FLOOR PLAN
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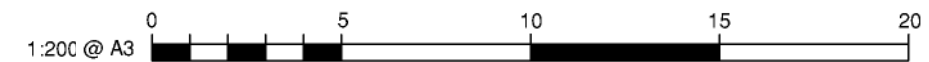
EXISTING FLOOR PLANS

4-5 VICTORIA BUSINESS PARK, SHORT STREET, SOUTHEND, SS2 5BY

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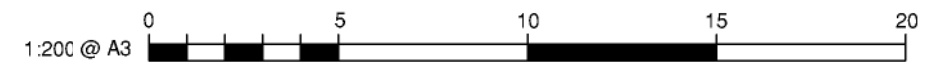
PROPOSED SITE PLAN

4-5 VICTORIA BUSINESS PARK, SHORT STREET, SOUTHEND, SS2 5BY

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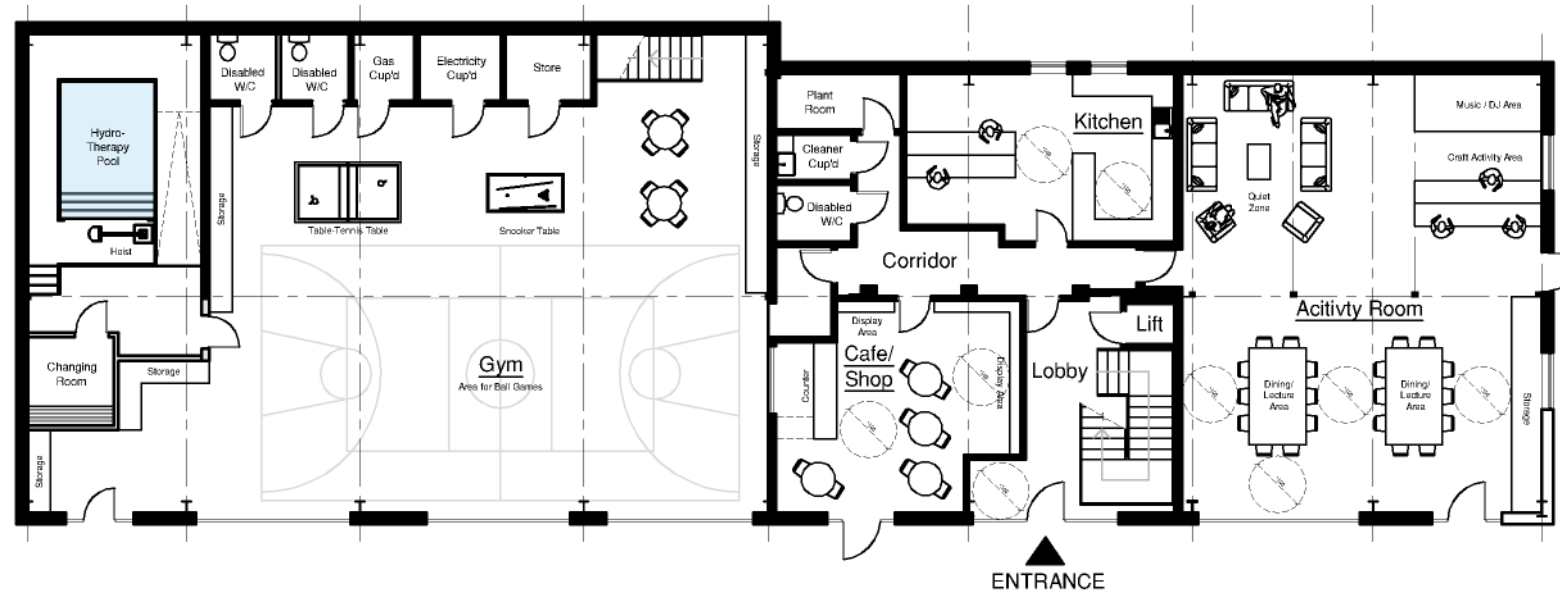
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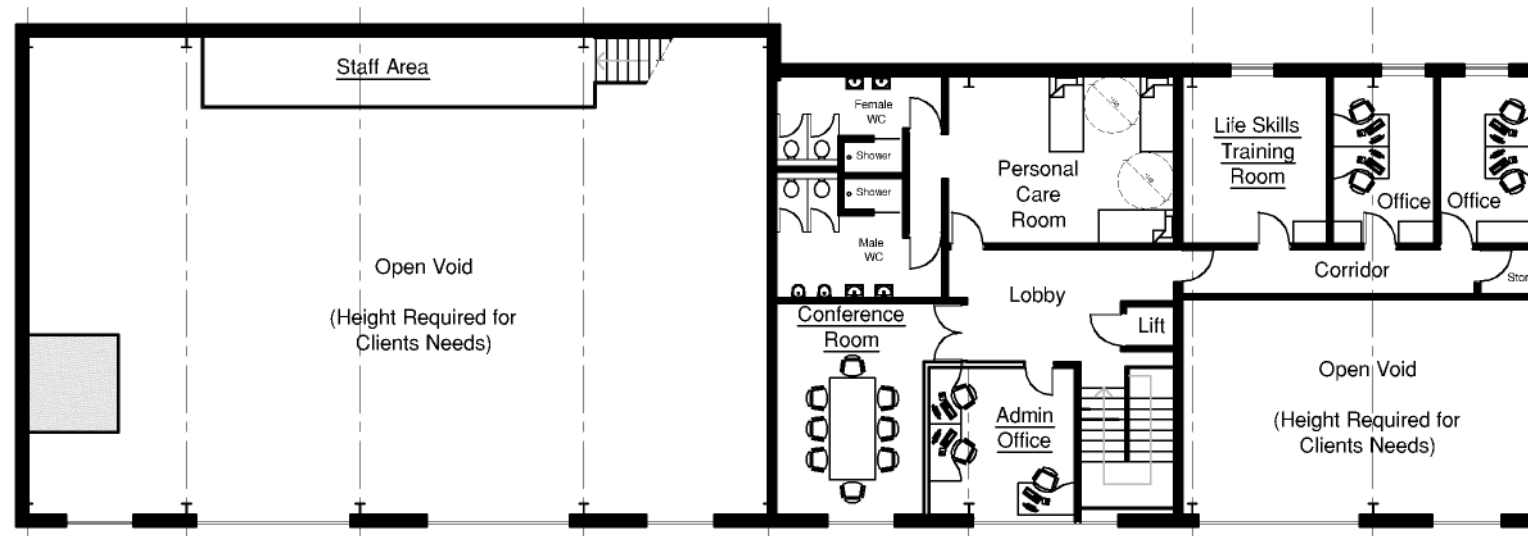
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PROPOSED GROUND FLOOR PLAN
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PROPOSED FIRST FLOOR PLAN
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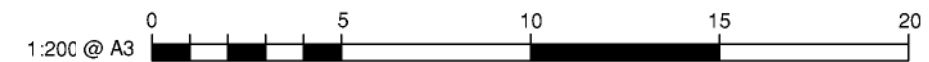
PROPOSED FLOOR PLANS

4-5 VICTORIA BUSINESS PARK, SHORT STREET, SOUTHEND, SS2 5BY

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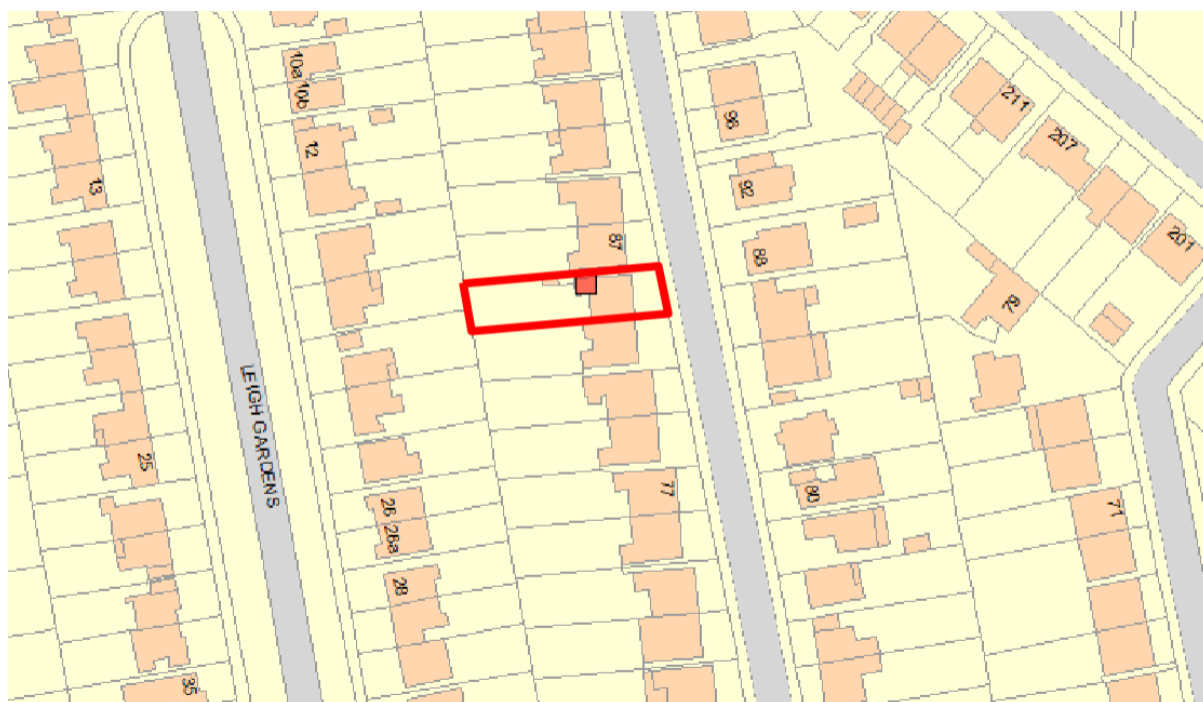


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Reference:	16/02283/FUL	<h1>16</h1>
Ward:	West Leigh	
Proposal:	Erect semi-detached chalet bungalow and form vehicular crossover on to Herschell Road	
Address:	85 Herschell Road, Leigh-On-Sea, Essex, SS9 2PU	
Applicant:	Mr J Riley	
Agent:	Architectural Services Ltd	
Consultation Expiry:	07/02/17	
Expiry Date:	03/03/17	
Case Officer:	Ian Harrison	
Plan Nos:	Location Plan, Existing Plan, Proposed Plan Revision A, AS2137/N1, AS2137/N2A, AS2137/N3, AS2137/N4, AS2137/N5A, AS2137/N6A and AS2137/N7	
Recommendation:	GRANT PLANNING PERMISSION	



1 The Proposal

- 1.1 Planning permission is sought for the erection of a dwelling at the application site. As set out in further detail below, it is considered that the application is partially retrospective as works sought under this consent which require, but that have not previously received consent, have already commenced on site.
- 1.2 Until recently the application site contained a single storey dwelling that measured 8.7 metres deep and 8.8 metres wide with small projections to the rear and a pitched roof built to an eaves height of 2.65 metres and a maximum height of 6.1 metres.
- 1.3 Planning permission was granted under the terms of application 15/00520/FULH for the erection of a single storey rear extension and the addition of a dormer window to the rear of the dwelling.
- 1.4 Rather than extending the existing dwelling, the dwelling has been demolished and construction works have commenced in relation to the construction of a new dwelling. The proposed dwelling would measure 8.7 metres wide and 8.8 metres deep, with a single storey rear projection that would measure 4.3 metres deep and 6.7 metres wide. The dwelling would feature a pitched roof built to an eaves height of 2.75 metres and a maximum height of 6.1 metres, with two dormers to the front and a box dormer to the rear.
- 1.5 The proposed dwelling would be different from the dwelling that would have resulted from the approved extensions in the following ways:
 - The addition of two dormers to the front elevation.
 - The single storey rear projection would project by 4.3 metres rather than 4 metres and would feature a roof lantern. The parapet walls of the rear projection would be 0.25 metres higher than approved.
 - One less ground floor window is proposed on the north elevation and a first floor window on the north elevation would be slightly smaller.
 - The dormer would be 0.2 metres wider and has 4 windows rather than 3, albeit the windows appear to be smaller in terms of height.
 - The eaves height appears to be 0.1 metres higher and the ridge height appears to be 0.05 metres higher.
- 1.6 It is proposed to extend the existing vehicle crossover at the site which is shared with 87 Herschell Road. The resultant crossover would measure 11 metres wide. The applicant proposes the provision of permeable hardstanding at the entirety of the site frontage. The boundary of the application site passes centrally through the gap between 85 and 87 Herschell Road. Based on the submitted plans and old photographs of the site, it is assumed that the site would not have previously been able to provide parking spaces of adequate size to comply with the Council's adopted parking standards.

2 Site and Surroundings

- 2.1 The application site is located to the west of Herschell Road and contains a partially constructed replacement dwelling.

- 2.2 The surrounding buildings are features bungalows, chalet style dwellings and two storey dwellings of mixed architectural detailing.

3 Planning Considerations

- 3.1 The key considerations are the principle of the development, design and impact on the character of the area, the amenities of existing and proposed residents and highway implications.

4 Appraisal

Principle of the Development

The National Planning Policy Framework, DPD1 (Core Strategy) policies KP1, KP2, CP4 and CP8; DPD2 (Development Management) policies DM1, DM3 and DM8.

- 4.1 Policy CP8 expects 80% of residential development to be provided on previously developed land. From this basis, it is considered that the principle of undertaking residential development at this site should be supported, subject to the following detailed considerations. This is especially the case given that one of the 12 core principles of sustainable development that are identified within the NPPF is to “promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas.” The proposal does not represent a net increase in the number of dwellings at the site and there is no policy basis to object to the principle of replacing a dwelling and therefore it is considered that the development should not be objected to on those grounds.
- 4.2 Policy DM3 states that *“The conversion or redevelopment of single storey dwellings (bungalows) will generally be resisted. Exceptions will be considered where the proposal:*
- (i) Does not create an unacceptable juxtaposition within the streetscene that would harm the character and appearance of the area; and*
 - (ii) Will not result in a net loss of housing accommodation suitable for the needs of Southend’s older residents having regard to the Lifetime Homes Standards.”*
- 4.3 The former dwelling at the site was a bungalow. Although extensions at the site were approved, as the former dwelling has been demolished it is considered that the previous permission does not provide a fallback position that can be utilised and it is therefore necessary to consider the application in relation to the content of the abovementioned policy. It is noted that the planning application that granted permission for the extension of the former dwelling was determined prior to the adoption of policy DM3.
- 4.4 Since the adoption of the abovementioned policy, Lifetime Homes Standards have been replaced through the modification of Part M of the Building Regulations. The applicant has not demonstrated that the dwelling would comply with Part M4(2) of the Building Regulations (which is the relevant standard in this instance), however it appears to officers that the development would be able conform with the criteria as it includes a level entrance and it is considered that a condition can be imposed to

require compliance with the abovementioned standards.

On this basis the development would be able to accord with the abovementioned policies and it is considered that the loss of a bungalow should not be resisted by the Local Planning Authority.

- 4.5 Herschell Road features a mixture of single and two storey dwellings and it is therefore considered the proposed development would not create an unacceptable juxtaposition within the streetscene that would harm the character and appearance of the area.

Design and Impact on the Character of the Area:

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

- 4.6 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF as well as Policies DM1 and DM3 of the Development Management DPD and Policies KP2 and CP4 of the Core Strategy. The Design and Townscape Guide (SPD1) also states that the Council is committed to good design and will seek to create attractive, high-quality living environments.
- 4.7 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.
- 4.8 The NPPF states that *“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*.
- 4.9 The Design and Townscape Guide (SPD1) states that *The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant... the easiest option is to draw reference from the surrounding buildings.”* Paragraphs 375 and 376 of SPD1 state that *“In a few cases it may be possible to extend a property upward by adding an additional storey however this will only be appropriate 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 advisable to establish the principle of this kind of development with the Council before progressing onto the detailed design. 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.*

It is also important to ensure that proposed new windows, particularly on the side and rear elevations, do not give rise to any overlooking (or perceived overlooking) of habitable rooms in neighbouring properties or unreasonably overlook into private gardens.”

- 4.10 It is acknowledged that the submitted plans state that the dwelling would be built to the same eaves and ridge heights as the existing dwelling. Measurements taken by officers suggest that the eaves height would be increased by 0.1 metres and the ridge height would be increased by 0.05 metres. In this regard it is noted that the former dwellings were already stepped in height to reflect the changing ground levels and therefore the former dwelling was always taller than its attached neighbour. The height differences that have been identified are considered to be marginal and imperceptible within the streetscene. It is therefore considered that the height of the proposed dwelling would not be discordant with the character and appearance of the site and the surrounding area.
- 4.11 The character of the surrounding area is defined by featuring a mixture of bungalows, chalet style dwellings and two storey dwellings. The existing dwelling is one of a string of bungalows that appears to have not been converted into chalet style dwellings, but it is noted that dormer windows have been installed at the front of several properties to the south. From this basis, as the proposed dormer windows would be in-keeping with the character of other properties within the streetscene, it is considered that their provision on the proposed development would not be at odds with the character of the surrounding area to an extent that would justify the refusal of the application.
- 4.12 The proposed rear dormer would be comparable to the dormer that was previously approved at the site. Whilst that former permission no longer provides a fallback position for the applicant, it is considered that it does demonstrate that the Local Planning Authority has accepted that dormer windows can be erected at the application site without causing harm to the character and appearance of the site or the surrounding area. The proposed dormer is marginally different in terms of its size and the number of windows it contains, but this does not cause the dormer to have a materially worse appearance that would justify the refusal of the application.
- 4.13 The submitted plans show a large amount of hardstanding being provided at the site which would have the potential to dominate the appearance of the frontage of the site. In this regard it is considered that it is reasonable to impose a condition to require some soft landscaping to be provided at the frontage of the site which could soften and mitigate the visual impact of the proposed hardstanding.

Traffic and Transport Issues

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP3, CP4; DPD2 (Development Management) Policies DM1, DM3 and DM15

- 4.14 Policy DM15 states that each dwelling of the nature proposed needs to be served by two parking spaces. No details have been provided to demonstrate that this standard would be met by the proposal, but the large area of proposed hardstanding this is shown on the plans would be sufficient to park at least two cars, although it should be noted that some of this will be lost in order for the

applicant to comply with the landscaping requirement that is set out above.

- 4.15 As no parking of adequate size would have previously been able to be provided at the site, it is considered that the provision of parking would represent an improvement in comparison to the former situation. One parking space would be lost within the highway due to the widening of the crossover, but at least two parking spaces would be provided off site and therefore there would therefore be an overall reduction of on-street parking at the site. No objection has been received from the Highway Authority and it is therefore considered that the application can be found acceptable in respect of its highways and parking impacts provided that suitable conditions are imposed.

Impact on Residential Amenity:

The National Planning Policy Framework; DPD1 (Core Strategy) KP2 and CP4; DPD2 (Development Management) Policy DM1; and the Design and Townscape Guide.

- 4.16 Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties. Policy DM1 of the Development Management DPD also states that development should “Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”
- 4.17 The neighbouring property to the south is the formerly attached bungalow that is now detached due to the demolition of the former dwelling at the application site. That dwelling features no windows in the side elevation and therefore, as the majority of the new dwelling would be built in the same position as the former dwelling, it is considered that the main part of the proposed dwelling would have no impacts on the amenities of the neighbouring dwellings that are worse than the former situation. Through the planning history at this site, it has been established that a flat roofed single storey rear projection can be erected, that would measure 4 metres deep, 6.6 metres wide, 3.2 metres tall and be set 2 metres from the boundary that is shared with 83 Herschell Road, without causing unacceptable harm to the amenities of neighbouring residents. The proposed rear extension would project 0.3 metres further and be 0.2 metres taller. However, as the extension would remain a significant distance from the boundary of the site, it is considered that the development would not cause a loss of light or outlook that is materially worse than the previously approved development or cause more harm to an extent that would justify the refusal of the application.
- 4.18 The neighbouring property to the north (87 Herschell Road) is positioned 2 metres from the proposed dwelling. Similar to 83 Herschell Road, despite the minor increases in the size of the dwelling in comparison to the former dwelling, it is considered that the development would not cause a sense of enclosure or loss of light or outlook that is either significantly worse than the previously approved development or be unacceptable to an extent that would justify the refusal of the application.

- 4.19 The dormer windows would face the properties to the east and west, but due to the separation distance of 38 metres from the properties of Leigh Gardens and the presence of the public domain between the proposed front dormers and the properties to the east of Herschell Road, it is considered that the proposed dwelling would not cause overlooking or a loss of privacy that would justify the refusal of the application.

Living Conditions for Future Occupiers

National Planning Policy Framework 2012; National Technical Housing Standards 2015; DPD1 (Core Strategy) KP2 and CP4; DPD2 (Development Management) Policies DM1, DM3, DM8 and SPD1

- 4.20 Paragraph 17 of the NPPF states that “*planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*”. It is considered that most weight should be given to the Technical Housing Standards that have been published by the government which are set out as per the below table:

- Minimum property size for a 4 bedroom (7 bed space) dwelling over two storeys shall be 115 square metres
- Bedroom Sizes : The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m ; and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
- Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

Weight should also be given to the content of policy DM8 which states the following standards in addition to the national standards.

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional 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.
- 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.

4.21 The proposed dwelling would measure 137 square metres and would therefore comply with the abovementioned standards. It is therefore recommended that no objection is raised on the grounds of the standard of the accommodation. Adequate amenity space would be provided at the rear of the dwellings.

4.22 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations. In this instance the appropriate standard would be M4(2) of the Building Regulations. It is considered that this standard should now provide the basis for the determination of this application. There is no reason why the proposed development should not be required to accord with the abovementioned standard and it is noted that the applicant's documents state that the proposal will accord with Part M4, although it does not specify which section of that Part. It appears to officers that compliance will be achievable and therefore it is considered appropriate to impose a condition to ensure compliance with Part M4(2) of the Building Regulations.

Sustainable Construction:

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4 and CP8; DPD2 DM1 and DM2

4.23 Policy KP2 of the Core Strategy states; "*All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources*" and that "*at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)*". The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design

4.24 No details of renewable energy generation have been submitted. It would however be possible to secure the submission and agreement of details of such installations under the terms of a condition.

Community Infrastructure Levy

4.25 This development is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions.

- 4.26 This application is being considered on the basis that it is partially retrospective. At the time of this planning application there is no existing building or contained floor area remaining on site, and therefore no deduction can be made for the previously existing floorspace. The replacement dwelling measures 137 square metres in area which will equate to a CIL contribution of approximately £9,042. As development has commenced in relation to this chargeable development, residential exemptions can no longer be applied for.

5 Conclusion

- 5.1 The principle of residential development can be supported at this site. The replacement dwelling would have no additional visual impacts or impacts on residential amenity that would be materially different than the development that was previously approved at this site. Therefore, subject to the imposition of additional conditions to reflect that the applicant is proposing a replacement dwelling rather than an extension to the former dwelling, it is considered that the development complies with policy.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework.
- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), and CP8 (Dwelling Provision).
- 6.3 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 6.4 Development Management DPD policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (The Efficient and Effective Use of Land) DM8 (Residential Standards) and DM15 (Sustainable Transport Management).
- 6.5 CIL Charging Schedule
- 6.6 Technical Housing Standards Transitional Policy Statement (October 2015)

Representation Summary

Highway Authority

- 7.1 There are no highway objections to this proposal however the maximum size of a vehicle crossover is 4.8m, this measurement should be taken from the boundary of the property.

Essex and Suffolk Water

- 7.2 No objection is raised and it is advised that they have no assets that would be affected by the proposed development.

Leigh-on-Sea Town Council

7.3 No objection has been raised.

Public Notification

7.4 6 neighbouring properties were notified of the application and a site notice was posted at the site. No letters of objection have been received.

7.5 The application has been called-in to the Council's Development Control Committee by Cllr Evans.

8 Relevant Planning History

8.1 Application 15/00520/FULH approved the erection of a single storey rear extension and the creation of a dormer at the rear of the site. That permission is discussed above.

9 Recommendation

9.1 It is recommended that planning permission is **GRANTED** subject to the following conditions:

01 **Condition:** 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 **Condition:** The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Existing Plan, Proposed Plan Revision A, AS2137/N1, AS2137/N2A, AS2137/N3, AS2137/N4, AS2137/N5A, AS2137/N6A and AS2137/N7.

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

03 **Condition:** The development hereby permitted shall be constructed using the materials shown on the plans hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management) Policy DM1 and SPD1 (Design and Townscape Guide).

- 04 Condition: Details of the materials to be used in the formation of the hardstanding within the application site shall be submitted to and approved in writing to the Local Planning Authority prior to their installation. The hardstanding at the frontage of the site shall be permeable unless otherwise agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details before the dwelling is first occupied.**

Reason: To ensure the adequate provision of parking at the site in accordance with policy DM15 of the Development Management DPD.

- 05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the dwelling hereby approved not be occupied until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping. This shall include details of the number, size and location of the trees and shrubs to be planted at the frontage of the together with a planting specification. The landscaping shall be implemented in accordance with the agreed details during the first planting season following the first occupation of the dwelling unless otherwise first agreed in writing by the Local Planning Authority.**

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy, Policy DM1 of the Development Management Document and the Design and Townscape Guide, 2009.

- 06 Notwithstanding the details shown on the plans hereby approved, the proposed vehicle crossover shall not extend for more than 4.8 metres from the point of the highway that is parallel with the north boundary of the application site.**

Reason: In the interests of highway safety in accordance with Policy CP4 of the Core Strategy, Policies DM1, DM3 and DM15 of the Development Management Document and the Design and Townscape Guide, 2009.

- 07 Prior to occupation of the development hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in full accordance with the approved details before the development is occupied and be retained as such in perpetuity thereafter.**

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

- 08** The development hereby approved shall be carried out in a manner to ensure the dwelling complies fully with Building Regulation M4 (2) 'accessible and adaptable dwellings'.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

- 09** A scheme detailing how at least 10% of the total energy needs of the dwellinghouse 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 retained for the lifetime of the development.

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

- 10** Notwithstanding the provisions of Classes A, B, D and E of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 2015 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no extensions or outbuildings shall be erected at the site unless otherwise agreed in writing by the local planning authority.

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

- 11** Hours of construction related to the development hereby approved shall be restricted to 8am – 6pm Monday to Friday, 8am – 1pm Saturday and not at all on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbouring residents in accordance with the National Planning Policy Framework, Policy DM1 of the Development Management Document and the Design and Townscape Guide, 2009

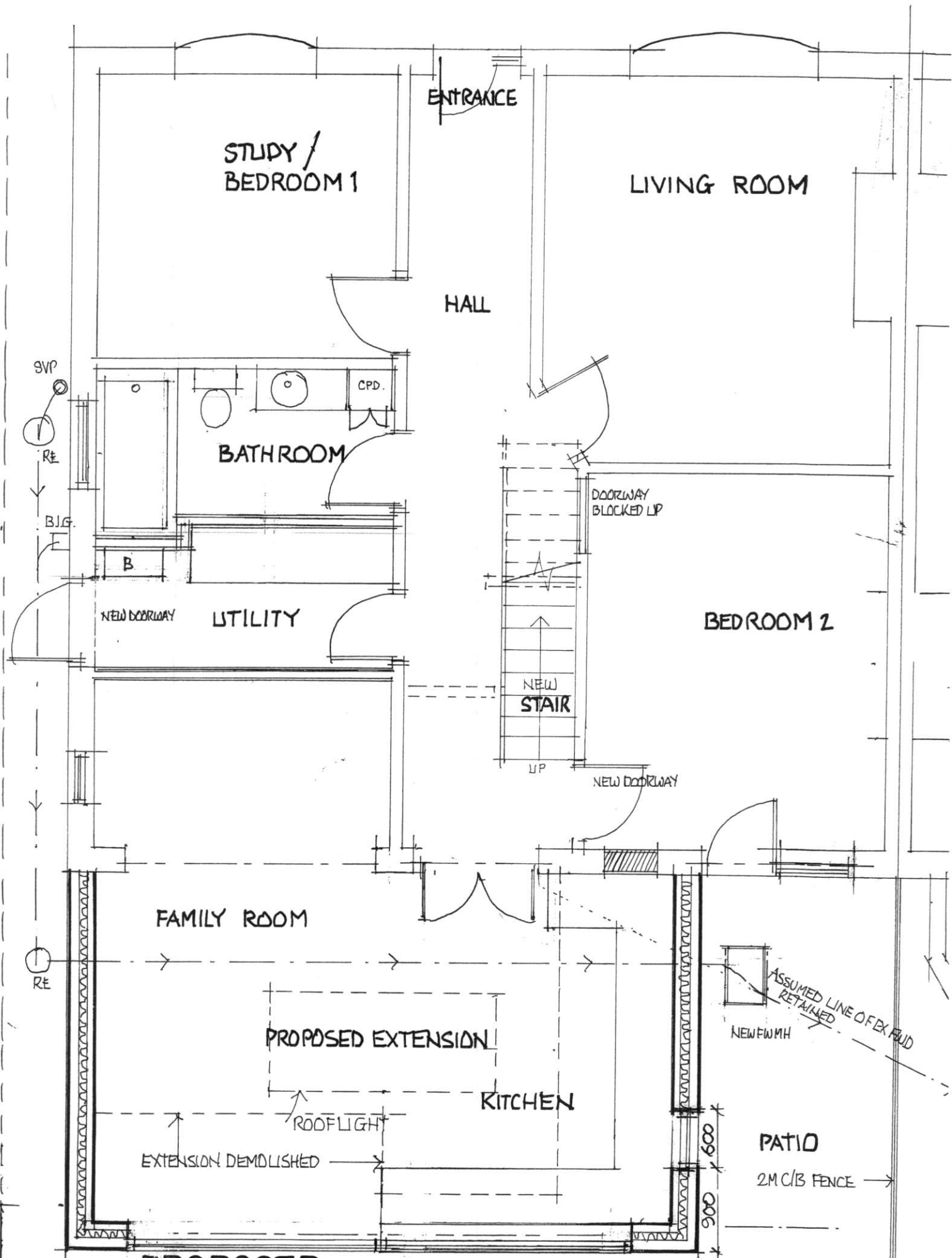
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local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

Informative

- 1. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a Community Infrastructure Levy (CIL) Liability Notice for the attention of the applicant and any person who has an interest in the land. This contains details including the chargeable amount and when this is payable. As this chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will shortly be issued. Charges and surcharges may apply if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.**

- 2 For the avoidance of any doubt, it is the position of the Local Planning Authority that the development hereby permitted has already commenced and therefore the permission has been implemented.**

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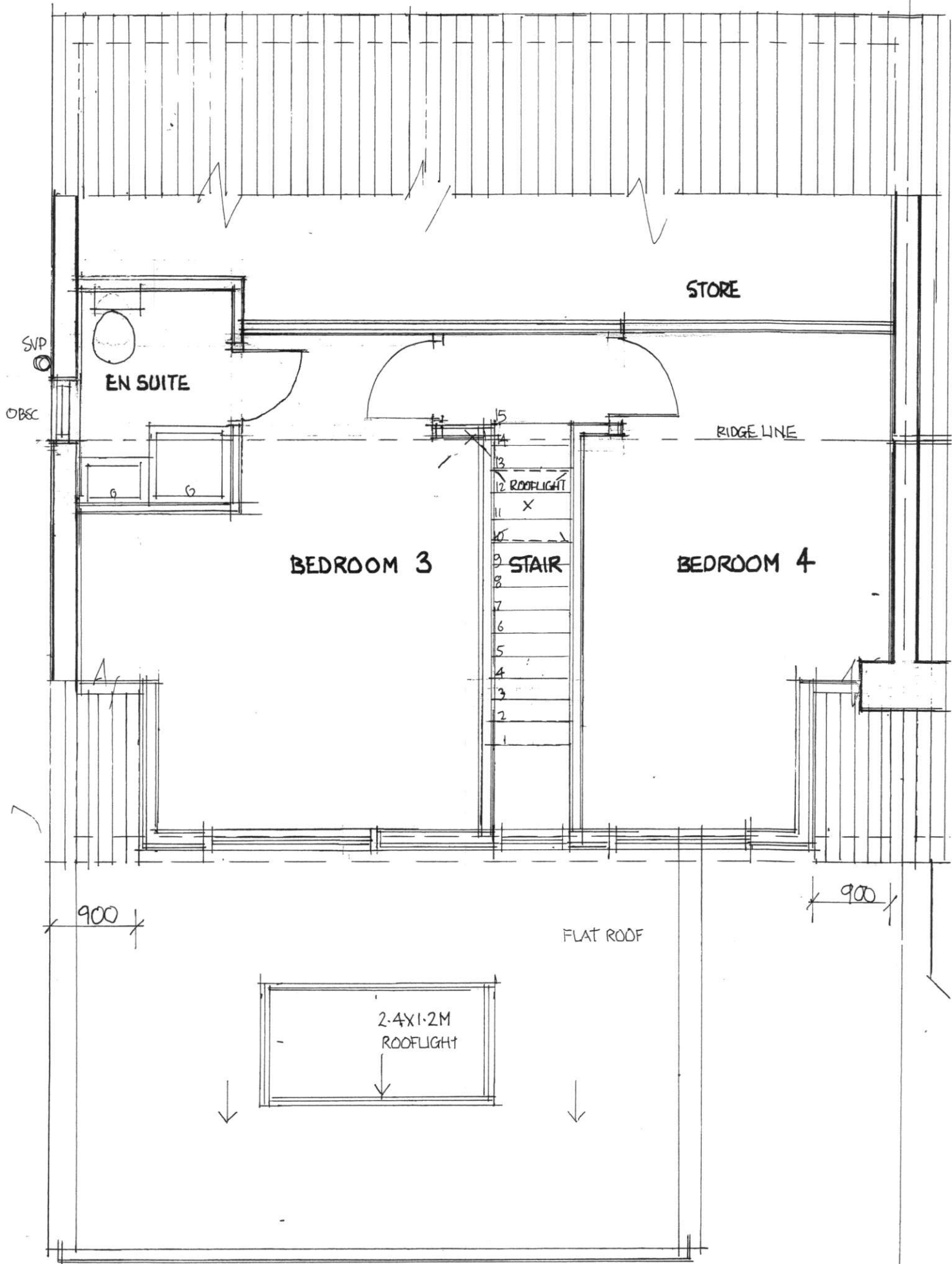


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ROOF SPACE 1:50 295

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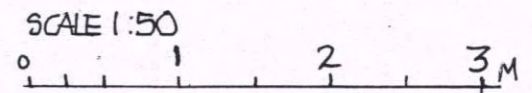
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PROPOSED EAST ELEVATION 1:50



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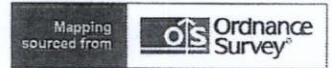


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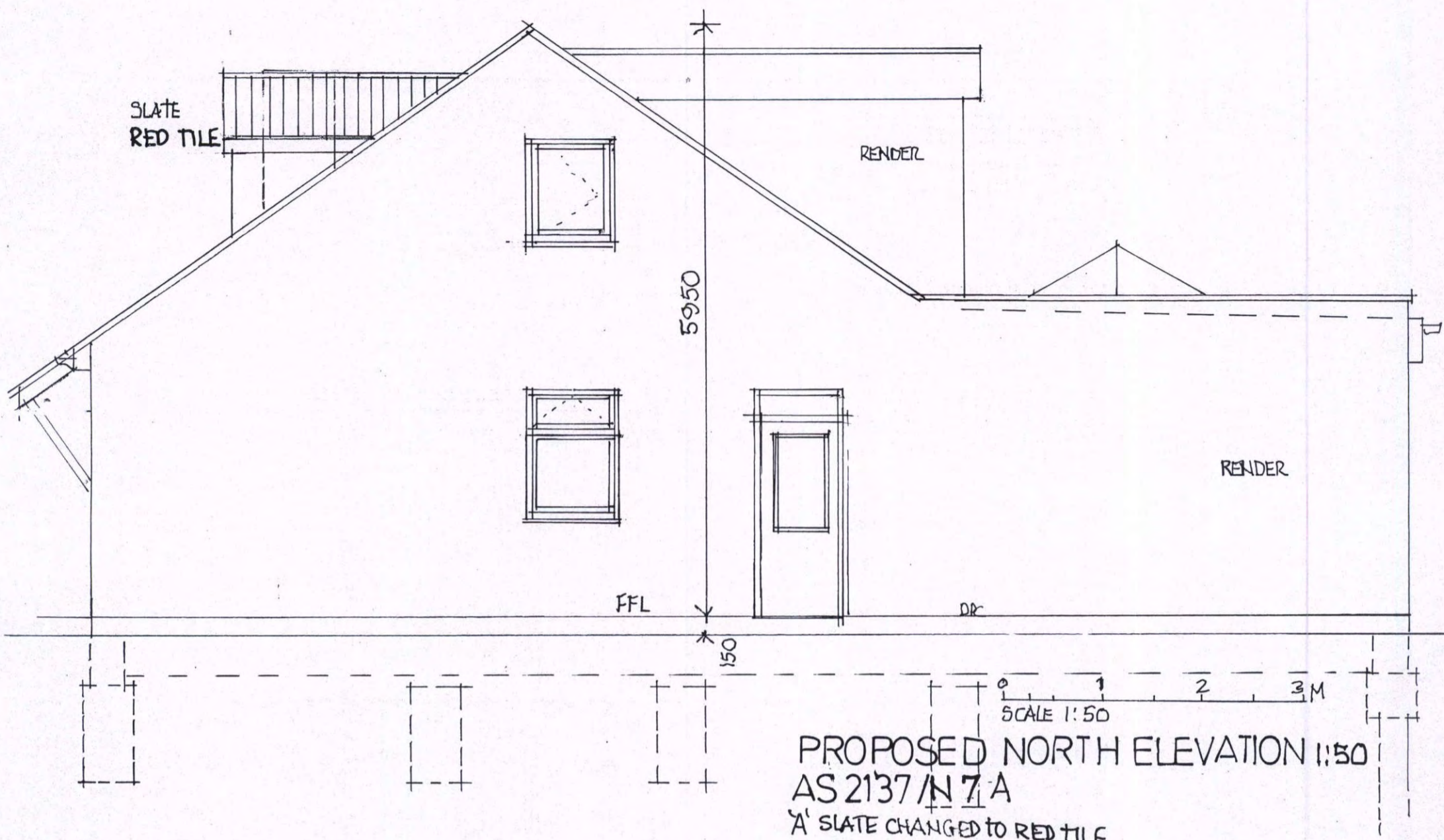
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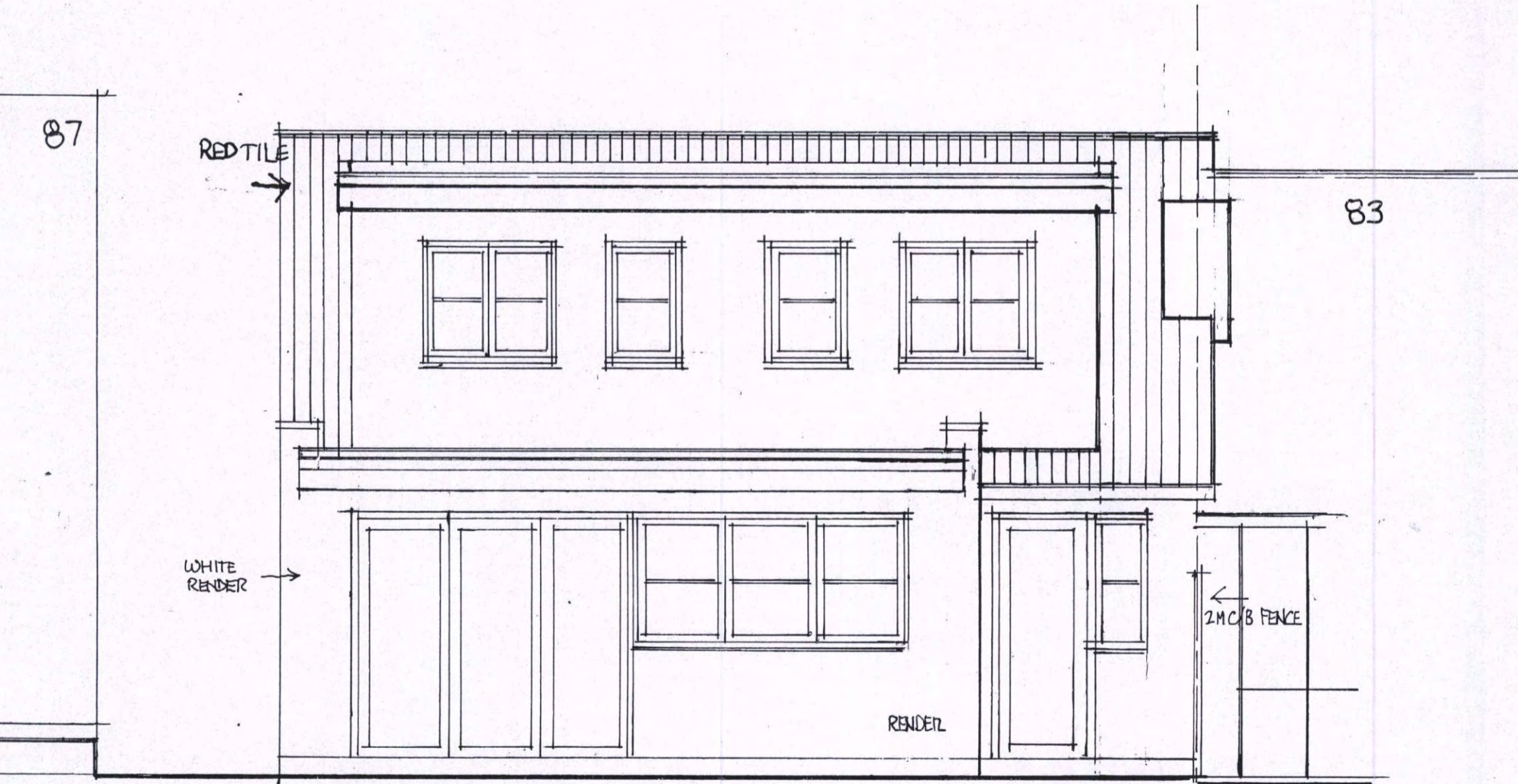
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SS9 2PU

Plot centre co-ordinates: 583115, 186433
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Project name: Herschel Road

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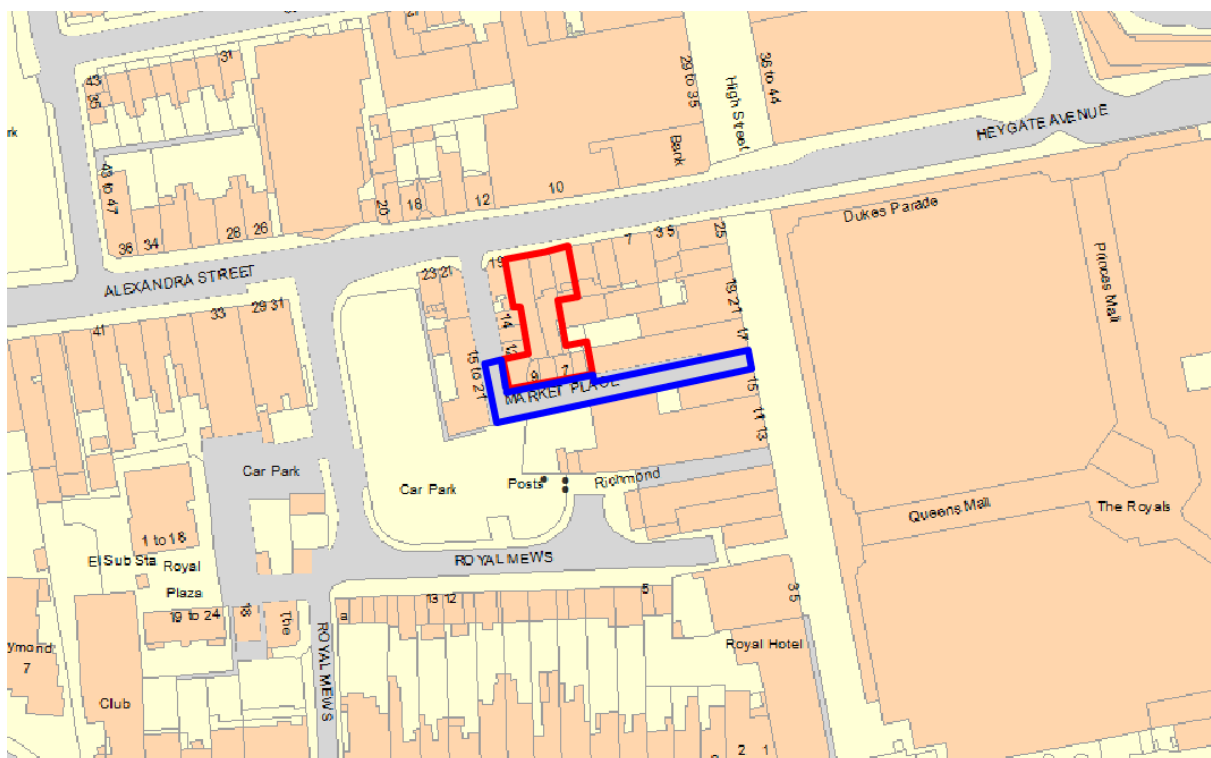
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Reference:	16/01727/FUL	17
Ward:	Milton	
Proposal:	Change of use of basement and part of ground floor from Nightclub (Sui Generis) to a mixed use of Public House/Bar and Restaurant (Class A3/A4), first and second floor to five self-contained flats (Class C3), demolish part of roof to form amenity space, install new shopfront, refuse store and alter elevations (Amended Proposal)	
Address:	Element, 13 - 17 Alexandra Street, Southend-On-Sea, Essex SS1 1BX	
Applicant:	Mr Robin Levy	
Agent:	The Planning And Design Bureau Ltd	
Consultation Expiry:	23.11.2016	
Expiry Date:	03.03.2017	
Case Officer:	Janine Rowley	
Plan No's:	Location Plan; Proposed site plan within surrounding context Revision F Proposed floor plans, sections and elevations Revision R	
Recommendation:	GRANT PLANNING PERMISSION	



1 The Proposal

1.1 Planning permission is sought for a change of use of the basement and part of ground floor from Nightclub (Sui Generis) to a mixed use of Public House/Bar and Restaurant (Class A3/A4) and convert the first and second floor to five self-contained flats (Class C3) including demolition of part of the roof to form amenity space, installation of a new shopfront, refuse store and alter elevations.

1.2 The residential units will be to the first and second floor.

Flat	Bedroom/Bed spaces	Internal Floorspace	Terrace
Flat 1	2 bed (3 bed spaces)	61sqm	15sqm
Flat 2	2 bed (4 bed spaces)	81sqm	25sqm
Flat 3	2 bed (3 bed spaces)	62sqm	28sqm
Flat 4	1 bed (2 bed spaces)	60sqm	18sqm
Flat 5	2 bed (3 bed spaces)	67sqm	26sqm

1.3 This application has been submitted following the refusal of an application to change the use of the ground floor (Class A4) to retail (Class A1), first and second floor (Class A4) to five self-contained flats (Class C3), demolish part of roof to form amenity space. The application (15/01293/FUL) was refused for the following reasons:

1. *“Insufficient evidence has been submitted to demonstrate that the commercial uses at the site could be carried out without resulting in undue noise and disturbance to the amenities of future occupiers of the proposed flats proposed. The proposal would therefore be contrary to the NPPF, Core Strategy Policy KP2 and policy DM1 of the Development Management Document DPD2”.*
2. *“Insufficient information has been submitted to demonstrate a refuse store can be accommodated within the site for this mixed use development not resulting in harm to the character and appearance of the surrounding area contrary to NPPF, Policies KP2 and CP4 of the DPD1 (Core Strategy), Policy DM1 of the Development Management DPD2, and the Design and Townscape Guide (SPD1)”.*

1.3 The main changes following the previously refused application 15/01293/FUL include the submission of a Noise Technical Impact Assessment reference 23237/R1 carried out by Sound Solutions and the siting of a bin store within an existing yard and cycle store within Market Place.

2 Site and Surroundings

2.1 The application site is a three storey building located on the southern side of Alexandra Street. The existing building is used as a nightclub over three floors. The streetscene is characterised by commercial premises to the ground floor. To the west of the site is Market Place with a number of small businesses.

2.2 The site is within the Southend Central Area as designated by the Development Management Document and the emerging SCAAP.

3 Planning Considerations

- 3.1 The main considerations in relation to this application are the principle of the development, design (including the impact of the proposed works on the character and appearance of the building), impact on neighbouring properties, living conditions for existing/future occupiers, planning contributions and traffic and parking issues and CIL and whether the proposal has overcome the previous reasons of refusal relating to application 15/01293/FUL.

4 Appraisal

Principle of Development

National Planning Policy Framework; DPD1 (Core Strategy) policies KP1, KP2, CP4, CP8; DPD2 (Development Management) policies DM1, DM3 and DM7 and the Design and Townscape Guide SPD1 (2009), emerging Southend Central Area Action Plan (SCAAP) proposed submission

- 4.1 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 is at submission stage but has not been to Examination or formally adopted. The SCAAP is useful as it sets out the future direction of policy in the town centre.
- 4.2 Policy DS1 2(iii) of the SCAAP seeks to promote small niche retail development in the Clifftown quarter. 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.
- 4.3 The proposal is considered to make efficient and effective use of the land in accordance with Development Management Document policy DM3. The mix of a public house, restaurant 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 bar, restaurant and residential development, provided it meets all other policy requirements.

No objections are raised to the dwelling mix.

Design and impact on the character of the area

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

- 4.4 Paragraph 56 of the NPPF states

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

4.5 Paragraph 60 of the NPPF states:

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

4.6 Policy KP2 of the Core Strategy requires all new developments to respect the character and scale of the existing neighbourhood where appropriate. Policy CP4 of the Core Strategy states that development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend.

4.7 Policy DM1 and DM3 and the Design and Townscape Guide advocate the need for any new development to respect the character of the area and complement the local character.

4.8 To facilitate the change of use the applicant is seeking to demolish the central part of the building at first floor to create a courtyard for future occupiers of the flats, that is not visible from the streetscene. The external alterations to the front elevation include the installation of a new shopfront and changes to the fenestration to the rear. Subject to conditions ensuring the materials of the fenestration and shopfront changes match existing, it is not considered the proposed changes will have a detrimental impact on the overall character and appearance of the existing building and will continue to make a positive impact on the surrounding area.

Living Conditions for Future Occupiers

National Planning Policy Framework, Development Management Document policy DM8, The National Technical Housing Standards DCLG 2015 and Design and Townscape Guide (SPD1)

4.9 It should be noted from the 1st October 2015 the National Housing Standards have been adopted and state 50sqm floorspace per one bedroom flat (2 bed spaces) and 61sqm per two bedroom flat (3 bed spaces) is required to ensure the development is in line with building control requirements. The proposed internal sizes of the flats are given at paragraph 1.2 above. All of the flats would be in excess of the required standards and therefore no objection is raised. Furthermore, all flats will have sufficient outlook and daylight for future occupiers.

4.10 Policy DM8 of the Development Management Document DPD2 states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this can take the form of a balcony or semi-private communal amenity space.

4.11 Paragraph 143 of the Design and Townscape Guide, 2009 (SPD1) states:

“There is no fixed quantitative requirement for the amount of amenity space as each site is assessed on a site by site basis according to local character and constraints. However, all residential schemes will normally be required to provide useable amenity space for the enjoyment of occupiers in some form...”

Communal amenity space should be a useable size and shape.

- 4.12 As stated in paragraph 1.2 above, all flats will benefit from a small private terrace. Given the town centre location, the level of amenity space proposed is considered sufficient.
- 4.13 Policy DM8 of the Development Management Document requires all new dwellings to meet the Lifetime Home Standards. This has now been superseded by the National Housing Standards it is not considered reasonable to enforce building regulation M4 (2) given that the current building does not meet standards and this is a conversion.

Impact on Neighbouring Properties

National Planning Policy Framework, Core Strategy Policy CP4, Development Management Document policy DM1, and Design and Townscape Guide (SPD1)

- 4.14 Policy DM1 of the Development Management Document states that any new development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.
- 4.15 It is not considered the proposed development will result in any harm to adjoining properties in terms of being overbearing or resulting in overshadowing given no additions is proposed. The amenity area to the first and second floor serving the new flats will not result on overlooking or loss of privacy to adjacent properties.
- 4.16 There is a greater emphasis towards supporting residential development, especially following the revocation of PPG24, it is considered that it remains important to ensure that residential units can be guaranteed a reasonable living environment. Therefore, whilst it is noted that the occupants of the proposed units would be aware of the surrounding uses when choosing to occupy the units (primarily the basement level nightclub). Every unit should be afforded a reasonable level of amenity.
- 4.17 Paragraph 123 of the National Planning Policy Framework states:
- “Planning policies and decisions should aim to:*
- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
 - *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
 - *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*

- *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason”.*

4.18 The previously refused application was proposing a basement nightclub and whilst the use is changing to a public house and restaurant these are still potentially ‘noisy’ uses. In relation to the noise sensitive uses within this site and the potential for other nuisance (odour nuisance and noise nuisance). This is discussed below.

Noise

4.19 In relation to noise, the main environmental noise source affecting the proposed residential aspect of the development is road traffic along Alexandra Street as stated in the Sound Solution Testing report accompanying this application. Mitigation measures have been proposed to ensure that the weak elements of the façade such as the glazing and ventilation, which is sufficient to meet criteria stated in BS8233:2014 with a ventilation system to provide background and rapid ventilation with windows closed to all residential plots. Further details will be dealt with by condition to ensure the amenities of future occupiers are protected. In relation to the noise amenity levels, the supporting information submitted demonstrates that the amenity areas to the new flats fall within the WHO guidance of 55dBLAeq as the amenity space is within the courtyard area of the development and screened from Alexandra Street. The noise assessment accompanying this application recommends an operating condition whereby no amplified music or speech would be allowed until it could be demonstrated that any music would be inaudible in upper floors and this will include the external amenity space and can be dealt with by condition.

Impact of the plant equipment proposed on residential flats and amenity space

4.20 It is predicted within the noise report that amenity noise levels due to environmental noise to the new flats will fall within The WHO guidance of 55dBLAeq as the amenity space is within the courtyard area of the development and screened from Alexandra Street. The location of plant associated with the development is key to ensure that noise does not give rise for complaints when residents are enjoying their amenity space. The Councils Environmental Health Officer has recommended designing plant equipment to 5dB(A) below the background level, as this will result in a low adverse impact in accordance with BS4142:2014. Appropriate conditions can be imposed if this application is deemed acceptable to ensure the noise limit from cumulative plant does not exceed 37dB(A) within the closest amenity area and the supporting information demonstrates that there are plant and mitigation measures available to achieve such levels. Additional conditions will be imposed to ensure kitchen extracts are not in use at night between the hours of 2300-0700hrs.

Other noise related issues

- 4.21 It is noted the impact from patrons visiting the commercial premises has not been assessed; however the internal layout of the flats has enabled the bedrooms to be located on the inner facades of the development to mitigate against any potential noise and disturbance.

External lighting

- 4.22 No details of external lighting have been submitted for consideration; however this can be dealt with by condition.

Odour and noise potential from extract ventilation system

- 4.23 The routing and ducting for the extract ventilation systems serving the basement and ground floor commercial kitchens provides the potential for noise and odour issues, specifically in relation to the bedrooms 1 and 2 within flat 1. The termination point of this extract is proposed for high level running up into the gable side of the building, discharging 3m from the nearest opening. The latest plan submitted ref 14/03/05 Rev Q shows the route for the extract ventilation ductwork with 2 x in-line fans and associated noise attenuators. No objections are raised in relation to the impact on future occupiers subject to conditions being imposed to ensure anti-vibration mounts are installed and additional as the siting of the ventilation system for the residential properties has not been clearly identified. However, the Councils Environmental Health Officer has confirmed a suitable condition can be imposed to ensure full details are provided to control the emission of fumes.
- 4.24 In light of the above, the Councils Environmental Health Officer has raised no objections subject to appropriate conditions to ensure mitigation measures are employed to protect the amenities of residential properties and surrounding commercial premises. This element of the proposal has therefore overcome reason 01 of application 15/01293/FUL and can comply with policy.

Traffic and Parking

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

- 4.25 The site falls within the town centre area as designated by the Development Management Plan. Policy DM15 of the Development Management Document requires drinking establishments (Class A3 and A4) to have at least one parking space per 6sqm and 1 space per flat. The existing site does not currently benefit from off street parking. The proposal is to have a bar and restaurant to the basement and ground floor and five flats to the first and second floor.

- 4.26 Policy DM15 of DPD2 states that more flexibility will be given dependant on how sustainable the site is location with access to public transport. Southend Central railway station is located less than 150m from the site and it is 200m to the bus station to the east. Whilst the site will not provide off street parking, 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 on parking grounds. 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 unit and 5 for the residential units in accordance with the Development Management Document DPD2 requirements, which will be dealt with by condition.

Refuse

- 4.27 The applicant has confirmed the refuse storage for the existing use is stored to the rear of the site in Market Place. This amended proposal details the siting of the refuse store within an existing yard area accessed from Market Place on privately owned land rather than highway land as previously proposed under application 15/01293/FUL. There is sufficient space to accommodate 2 x 100 litre bins and 1 x 140 litre bin for the residential units together with the commercial refuse. A waste management plan will be dealt with by condition to ensure full details of storage and collection are provided. The proposed refuse store will not be visible from the streetscene nor result obstruction to the existing footway along Market Place, which is welcomed. This element of the proposal has therefore overcome reason 02 of application 15/01293/FUL.

Renewable Energy

NPPF, Core Strategy Policy KP2, Development Management Document policy DM2 and SPD1

- 4.28 Policy KP2 of the DPD1 and the SPD1 require that 10% of the energy needs of a new development should come from onsite renewable resources, and also promotes the minimisation of consumption of resources. Policy DM2 of the Development Management Document states that all new development should contribute to minimising energy demand and carbon dioxide emissions. Given the proposal is a change of use application and no new development is being created this not considered applicable in this instance.
- 4.29 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. Whilst details have not been submitted for consideration at this time, this can be dealt with by condition.

Community Infrastructure Levy (CIL) Charging Schedule.

- 4.30 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. CIL is payable on net additional gross internal floorspace. The proposed floorspace is 726.84sqm for the A3/A4 use (£11 per sqm) and 361.46sqm for the residential flats (£22 per sqm). The proposed development will therefore, result in a CIL liability of approximately £19923.42.

Conclusion

- 4.31 In light of the above, no objection is raised to a mixed use development in this location given the proposal complies with the emerging Southend Central Area Action Plan and in accordance with policies DM1 and DM3 of the Development Management Document.
- 4.32 Whilst the proposal does not provide off street parking, taking into account the location of the site in close proximity to the High Street and public transport no objection is raised. Furthermore, the siting of the refuse store will not harm the character and appearance of the area and accommodate sufficient storage for both the commercial and residential uses. The submitted noise assessment demonstrates the proposal will not harm the amenities of future residential occupiers subject to appropriate conditions and adjacent properties.

5 Planning policies

- 5.1 National Planning Policy Framework 2012.
- 5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources) CP3 (Transport and Accessibility) CP4 (The Environment and Urban Renaissance), and CP8 (Housing).
- 5.3 Development Plan Document 2: Development Management 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), DM14 (Environmental Management), DM15 (Sustainable Transport Management)
- 5.4 Supplementary Planning Document 1: Design & Townscape Guide, 2009.
- 5.5 Waste Management Guide
- 5.6 Southend Central Area Action Plan-Consultation Draft November 2016

6 Representation Summary

Design and Regeneration

- 6.1 No objections in principle but this is an attractive historic building which has intact frontages that make a positive contribution to the streetscene and therefore it is considered that the existing timber sash windows facing Alexandra Street and Market Place should be retained. This appears to be the case as the application drawing just notes that the black film will be removed but it would be beneficial to condition this for the sake of clarity.

Traffic and Highways

- 6.2 Having reviewed the application it is considered that the existing use has the potential to generate a greater number of vehicle movements than the proposed use. The site does benefit from being in a sustainable location with regards to public transport with good links in close proximity; the location also has a number of public car parks within walking distance of the site. The applicant should provide cycle parking for the dwellings as this will provide a sustainable travel choice for future residents. It is not clear from the plans the arrangements for refuse storage or collection. Both cycle parking and refuse arrangements should be conditioned..

Given the above information it is not considered that the proposal will have a detrimental impact upon the local highway network and will actually reduce the traffic movements associated with the site. Therefore no highway objections are raised on highway grounds.

Refuse

The siting of the refuse and cycle storage is not on Council land as previously proposed under application 15/01293/FUL, which is now acceptable in highway terms **[Officer Comment: Amended plans have been received and the refuse store is now to be located to the rear within an existing yard].**

Environmental Health

- 6.3 The acoustic assessment for both applications were undertaken during the winter months to establish the level of background noise. Ambient sound levels have been recorded, however the levels gained may not demonstrate typical background noise levels as the number of patrons using the outside premises such as Oyster Court (which has restrictions over use of the outdoor area after 10pm) or Annie's Bar (where there is unrestricted use of outside seating area) would expected to be different (lower) during the winter months to warmer times.

Some technical information in relation to mechanical plant for the commercial premises in relation to air handling units and kitchen extract ventilation has been included to demonstrate that certain products can provide suitable noise levels to reduce predicted impact, however essentially it is predicted that the design would require the residents to keep the doors and windows closed to ensure suitable internal amenity and provide protection against any effects from patrons in smoking areas, and the impact from kitchen ventilation extracts etc.

In addition, the south facing aspect of the majority of the bedrooms may provide potential for solar gain if not properly mitigated at construction.

Noise

Residential Mitigation: Environmental Noise

The main environmental noise source affecting the proposed residential aspect of the development is road traffic along Alexandra Street as stated in the Sound Solution Testing report. Mitigation has been proposed to ensure that the weak elements of the façade such as the glazing and ventilation, is sufficient to meet criteria stated in BS8233:2014. It is proposed to provide a system 4 ventilation system to provide background and rapid ventilation with windows closed to all residential plots. It is shown that there are units available where noise levels from the vents themselves will fall within relevant internal criteria. Once the exact details of these are known, they should be submitted for approval [**Officer Comment: This has been addressed by condition**].

Noise: Amenity Noise Levels

It is predicted within the noise report that amenity noise levels due to environmental noise to the new flats will fall within The WHO guidance of 55dB_LA_{eq} as the amenity space is within the courtyard area of the development and screened from Alexandra Street.

It is not clear of the impact areas for A4 use (Bar/ public House) will have on the amenity space if residents use their balconies / terrace after 2100hrs. The report does suggest that an operating condition would be acceptable whereby no amplified music or speech would be allowed until it could be demonstrated that any music would be inaudible in upper floors. This should also include the external amenity space [**Officer Comment: This has been addressed by condition**].

Impact of Plant on Proposed Residential and Amenity Space

It is predicted within the noise report that amenity noise levels due to environmental noise to the new flats will fall within The WHO guidance of 55dB_LA_{eq} as the amenity space is within the courtyard area of the development and screened from Alexandra Street.

The location of plant associated with the development itself will be key to ensuring that noise does not give rise for complaints when residents are enjoying their amenity space. By designing to 5dB(A) below the background level for plant, this will show a low adverse impact in accordance with BS4142:2014. The typical background level used in the assessment during the day at Position 2 is 42dB(A). The noise limit from cumulative plant including any tonal intermittent characteristics etc. must not therefore exceed 37dB(A) within the closest amenity area. The report suggests that plant and mitigation is available to achieve these levels. It is recommended the noise limit from plant at -10dB(A) is set below the background at the closest receptor so that each individual plant does not contribute to the overall background level if installed at different times. This criterion should include any tonal and intermittent characteristics etc.

The typical background level at night has been based on 35dB(A) at Position 2 for setting noise limits. The average background level on a Sunday night / Monday morning is 33dB(A), however average background levels on the other nights measured are 39dB(A) and care needs to be taken to ensure that the appropriate background levels from which to set noise limiting criteria are used. As long as the noise limit is 10dB(A) below the typical background level, then 35dB(A) seems reasonable.

It should also be considered that although the kitchen extracts may not be in use at night (2300-0700hrs) there may be children sleeping in the second bedroom of Plot 1 adjacent to the extract and near the external plant, in the evening from 7pm. This evening period should be taken in to account in any assessment of mitigation and it may be better to set noise limiting criterion for plant for day (0700-1900hrs), evening (1900-2300hrs) and night (2300- 0700hrs) periods. **[Officer Comment: This has been addressed by condition].**

Other Noise Related Issues:

It is noted that any impact from patrons visiting the commercial premises has not been assessed; such as congregating outside and the designated smoking area. As there is no obvious external space associated with these uses, it is unclear where Patrons will be and it is possible that they must just congregate outside near the residential facades where raised voices and shouting may occur and this could be disturbing to sleep patterns. By locating bedrooms on the inner facades of the development, this should help to reduce the impact of noise from patrons but a further assessment of this should be undertaken which includes a typical raised voice etc.

External lighting

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

Odour and Noise Potential from extract Ventilation System

The routing and ducting for the extract ventilation systems serving the basement and ground floor commercial kitchens provides the potential for noise and odour issues, specifically in relation to the bedrooms 1 and 2 within flat 1. The termination point of this extract is proposed for high level running up into the gable side of the building, discharging 3m from the nearest opening. The latest plan submitted to me on the 31st January 2017 ref 14/03/05 Rev Q shows the route for the extract ventilation ductwork with 2 x in-line fans and associated noise attenuators drawn in red. Prevailing south west winds will help to carry odour away from the private amenity spaces, but there will be potential for odour nuisance to occur when this changes. In addition, there is the potential for noise nuisance from the operation of plant attached to the outside of the premises, so suitable anti-vibration mounts will need to be installed.

The further submission also indicates that the air conditioning units have been removed from beneath the amenity areas because they are not necessary to facilitate the uses and the Local Planning Authority can impose a condition that prevents their installation without prior approval of details.

The air handling units for the basement and ground floor uses have also been removed from the plan. It is also suggested that a scheme for air handling can easily be devised - even if it relies upon an internal flue, which is properly soundproofed and fireproofed and rises up through the building to terminate at through the roof or an existing chimney. This isn't my area of expertise, however, their own submission at point 8.7 in the Internal Sound Insulation Assessment states ' Do not bridge between the floating layer and the base of surrounding walls i.e with services or fixings that penetrate the resilient layer' which suggests that a duct cannot be put through these floors without significantly affecting the acoustic installation between the commercial and residential uses. Even if these ducts could be isolated, so as to prevent structure and airborne noise, the scheme will affect the size and dimensions of the rooms. Furthermore, the indication is that the chimneys stacks would be used, but there is no evidence of chimney stacks existing through the residential accommodation, although the chimney pots are indicated on the drawing.

Additionally, the exact siting position of the system 4 ventilation system to provide background and rapid ventilation with windows closed to all residential plots hasn't been identified. Careful siting will be necessary to ensure that this system is protected from waste odour from any ventilation extract system serving commercial premises. This matter has been discussed with the agent, however the response provided to the LPA in an email dated the 9th January 2017 indicated that siting and routing wasn't a material consideration at this point in proceedings. Therefore, in the absence of the approximate dimensions and locations of this plant a suitable condition can be imposed.

Sound Insulation

Part of the report deals with sound insulation testing and necessary requirements to reduce airborne and structure borne noise transmission **[Officer Comment: This will be dealt with by Building Control under separate legislation].**

Neighbour Notification

- 6.4 A site notice displayed on the 2nd November 2016 and 54 neighbours notified of the proposal. No letters of representation have been received.
- 6.5 Councillor Garston has requested this application be dealt with by Development Control Committee.

7 Relevant Planning History

- 7.1 Change of use of ground floor (Class A4) to retail (Class A1), first and second floor (Class A4) to five self-contained flats (Class C3), demolish part of roof to form amenity space- Refused (15/01293/FUL)
- 7.2 Use rear part of shop (Class A1) as extension of adjoining bar/restaurant (Class A3) and remainder of shop as offices (Class A2)- Granted (01/00171/FUL)

8 Recommendation

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

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

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

- 02 The development shall be carried out in accordance with the approved plans: Location Plan; Proposed site plan within surrounding context Revision F Proposed floor plans, sections and elevations Revision R.**

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

- 03 The basement and ground floor of the building at the site as hereby approved shall be used for no purposes other than a bar/restaurant falling within use class A3 or A4 or combination thereof. Notwithstanding the content of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (As amended), the buildings shall be used for no other purposes falling within Use Class A3/A4 as defined by the Town and Country Planning (Use Classes) Order 1987.**

Reason: To enable future control to be retained in relation to the use of the building and to reflect the specific circumstances that has provided justification for the proposed use at the application site.

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

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

- 05 Final glazing, acoustic insulation and ventilation details for the scheme are to be submitted to, and approved by, the Local Planning Authority prior to installation. Glazing and ventilation should be selected with relevant acoustic properties as outlined in the Noise Impact Assessment dated 29th November 2016. Appropriate mitigation must be given to ensure that cumulative noise levels in accordance with BS4142:2014 meet relevant internal noise criteria in accordance with BS8233:2014, along with tonal and impulsive penalties where necessary prior to occupation of residential units and remain in perpetuity.**

Reason: To protect the amenities of the residential occupiers from undue noise and disturbance in order to protect their amenities in accordance with DPD1 (Core Strategy) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the DM DPD and SPD1 (Design and Townscape Guide).

- 06 The rating level of noise for all activities (including amplified and unamplified music and human voices) should be at least 10dB(A) below the background noise (with no tonal elements) to ensure inaudibility in noise sensitive premises. If noise modelling software is used to calculate the likely levels or impact of the noise then any actual measurement taken such as LA90 must be taken in accordance with BS7445:2003. A detailed assessment should be carried out prior to occupation of the residential units by a suitably qualified and experienced acoustic consultant who would normally be a member of the Institute of Acoustics.**

Reason: To protect the amenities of the occupiers from undue noise and disturbance in order to protect their amenities in accordance with DPD1 (Core Strategy) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the DM DPD and SPD1 (Design and Townscape Guide).

- 07 Activities at the site shall not give rise to structure borne noise to any noise sensitive premises.**

Reason: To protect the amenities of the residential occupiers from undue noise and disturbance in order to protect their amenities in accordance with DPD1 (Core Strategy) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the DM DPD and SPD1 (Design and Townscape Guide).

- 08 The use of the kitchen extract ventilation system serving the cafe located to the ground floor of the development should be restricted to use between the hours of 8am-6pm Monday to Saturday and 9am -5pm on Sundays and Bank Holidays.**

Reason: To protect the amenities of the residential occupiers from undue noise and disturbance in order to protect their amenities in accordance with DPD1 (Core Strategy) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the DM DPD and SPD1 (Design and Townscape Guide).

- 09 Before the A3/A4 use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to, and approved in writing by, the local planning authority and the approved scheme shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions, unless otherwise agreed in writing by the local planning authority.**

Reason: To protect the amenities of the residential occupiers from undue noise and disturbance in order to protect their amenities in accordance with DPD1 (Core Strategy) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the DM DPD and SPD1 (Design and Townscape Guide).

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

Reason: To protect the amenities of the residential occupiers from undue noise and disturbance in order to protect their amenities in accordance with DPD1 (Core Strategy) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the DM DPD and SPD1 (Design and Townscape Guide).

- 11 With reference to BS4142, the noise rating level arising from all plant and extraction/ventilation equipment should be at least 10dB (A) below the prevailing background at the closest receptor with no tonal or impulsive character.**

Reason: To protect the amenities of the residential occupiers from undue noise and disturbance in order to protect their amenities in accordance with DPD1 (Core Strategy) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the DM DPD and SPD1 (Design and Townscape Guide).

- 12 External lighting shall be directed, sited and screened so as not to cause detrimental intrusion of light into residential property. Prior to installation of external lighting an assessment using the Institution of Lighting Engineers Guidance Note for the Reduction of Obtrusive Light shall be submitted to and approved in writing by the Local Planning Authority. Lighting shall thereafter only be installed in accordance with the agreed details.**

Reason: To protect the amenities of the residential occupiers from undue noise and disturbance in order to protect their amenities in accordance with DPD1 (Core Strategy) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the DM DPD and SPD1 (Design and Townscape Guide).

- 13 Construction hours restricted to 8am – 6pm Monday to Friday, 8am – 1pm Saturday and not at all on Sundays or Bank Holidays.**

Reason: To protect the amenities of the residential occupiers from undue noise and disturbance in order to protect their amenities in accordance with DPD1 (Core Strategy) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the DM DPD and SPD1 (Design and Townscape Guide).

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

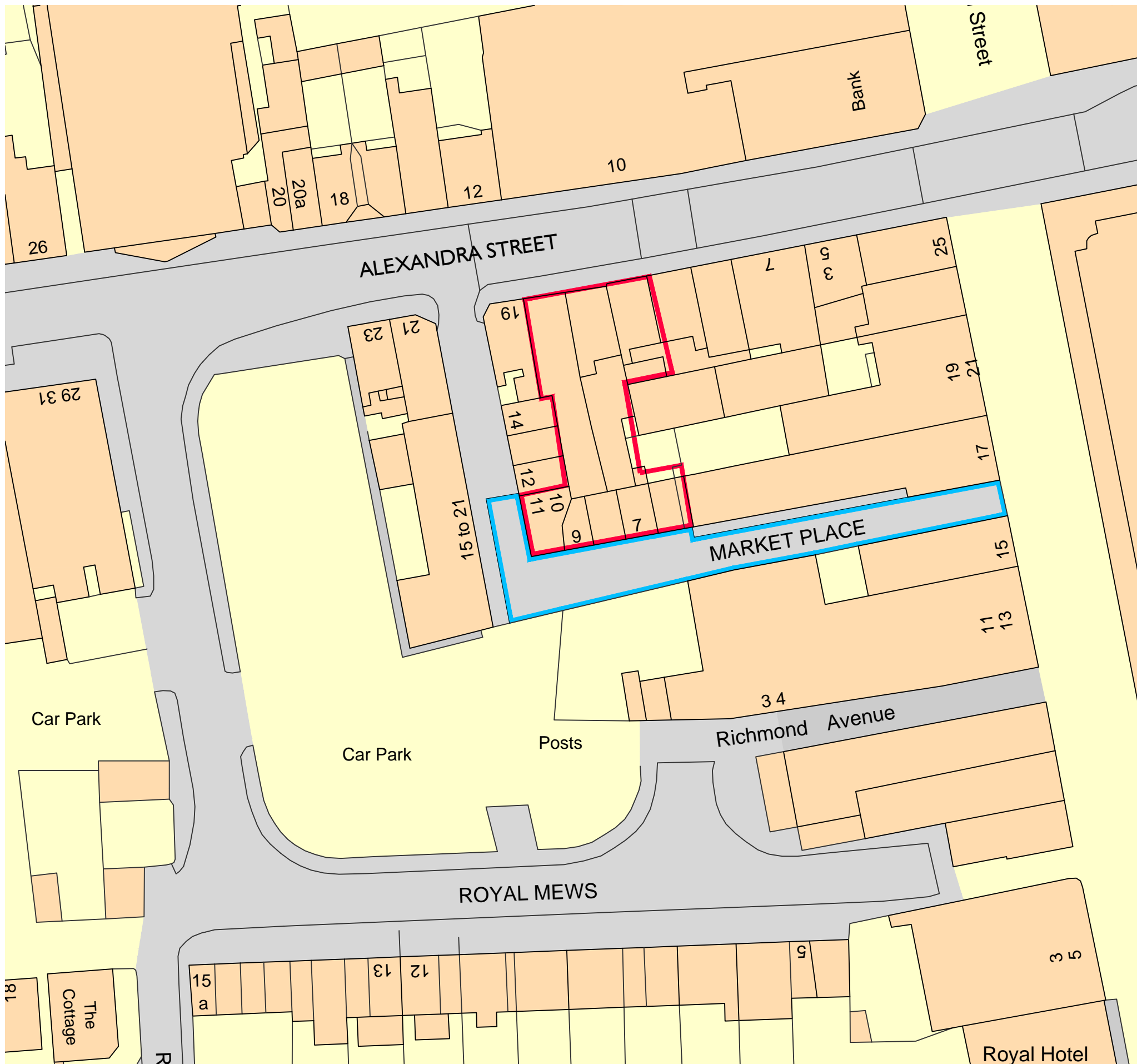
Reason: To ensure that satisfactory secure bicycle parking is provided in the interests of sustainability, amenity and highways efficiency and safety, in accordance with NPPF, DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management Document) 2015 and SPD1 (Design and Townscape Guide).

Informative

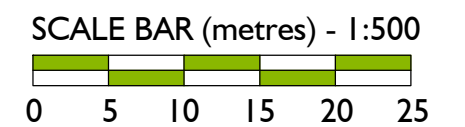
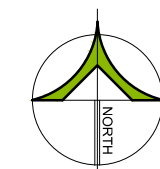
- 1** Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a Community Infrastructure Levy (CIL) Liability Notice for the attention of the applicant and any person who has an interest in the land. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.
- 2** Compliance with this decision notice 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. Contact 01702 215005 for more information.
- 3** The applicant is reminded that this permission does not bestow compliance with the Food Safety and Hygiene (England) Regulations 2013 or any other provision so enacted, such as those located within the Food Safety Act 1990. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215005 or at Regulatory Services Department, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ZG.
- 4** For further guidance on the control of odour and noise from ventilation systems you are advised to have regard to – Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by DEFRA. This can be downloaded free from www.DEFRA.Gov.UK

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LOCATION PLAN

PLANNING APPLICATION

REVISION:	DATE:	DRAWN:	CHKD:
PROJECT: MARKET PLACE & ALEXANDRA STREET			
TITLE: LOCATION PLAN			
SCALE: 1:500@A3	DATE: JAN 15	DRAWN: MR	CHKD:
No. 14/03/01	REV.		
The Old Bakery, The Street, Purleigh, Chelmsford, Essex, CM3 6QL Tel: 01621 828266 Fax: 01621 828890			



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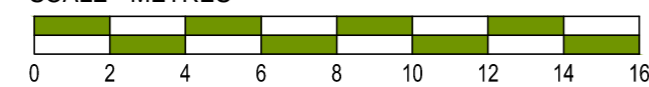


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EXISTING SITE PLAN

Scale 1:200

SCALE - METRES



PLANNING APPLICATION

REVISION:	DATE:	DRAWN:	CHKD:
PROJECT: MARKET PLACE & ALEXANDRA STREET			
TITLE: EXISTING SITE PLAN WITHIN SURROUNDING CONTEXT			
SCALE: 1:200@A2	DATE: JAN 15	DRAWN: MR	CHKD:
No. 14/03/02	REV.		
The Old Bakery, The Street, Purleigh, Chelmsford, Essex, CM3 6QL Tel: 01621 828266 Fax: 01621 828890			



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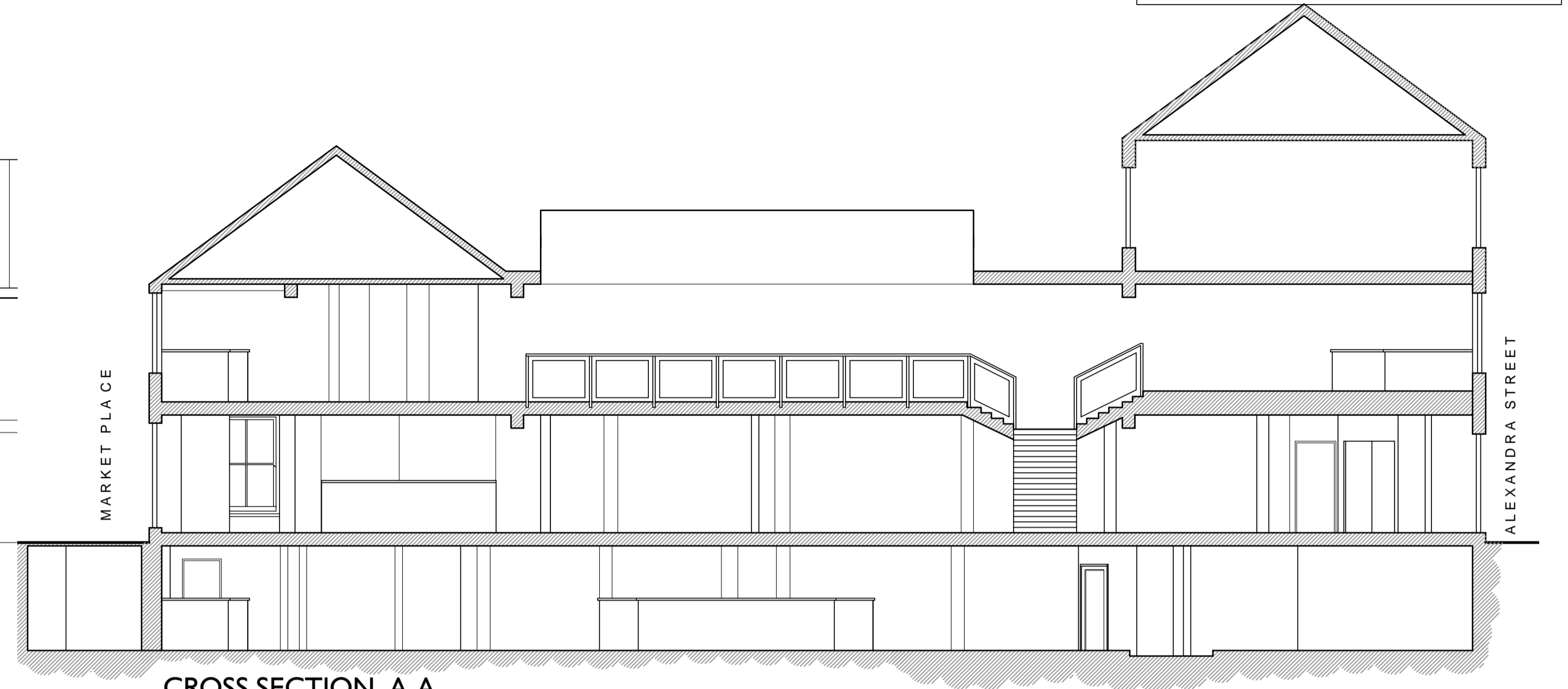
FRONT ELEVATION (View from Alexandra Street)
Scale 1:100



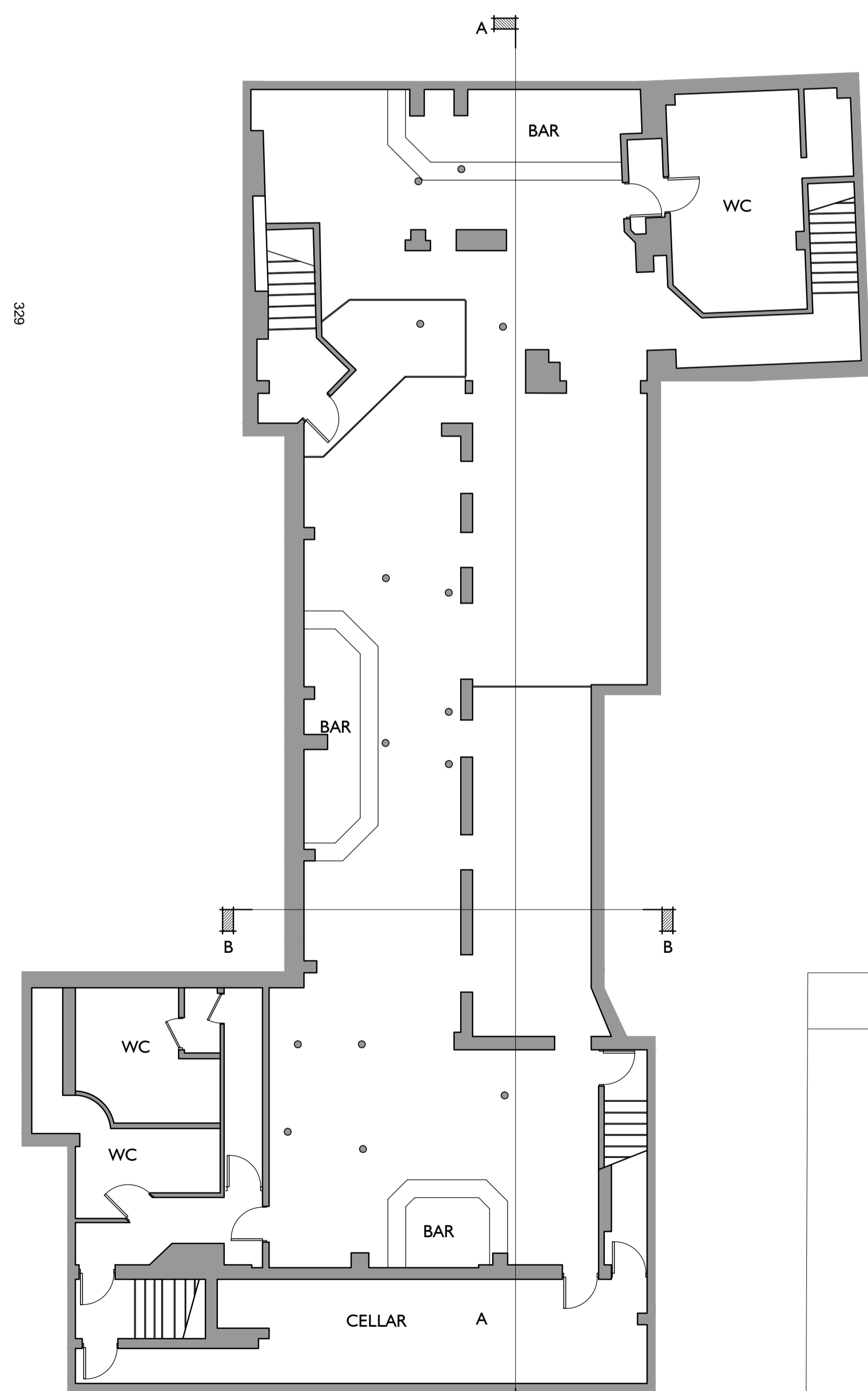
SIDE ELEVATION (View from Market Place)



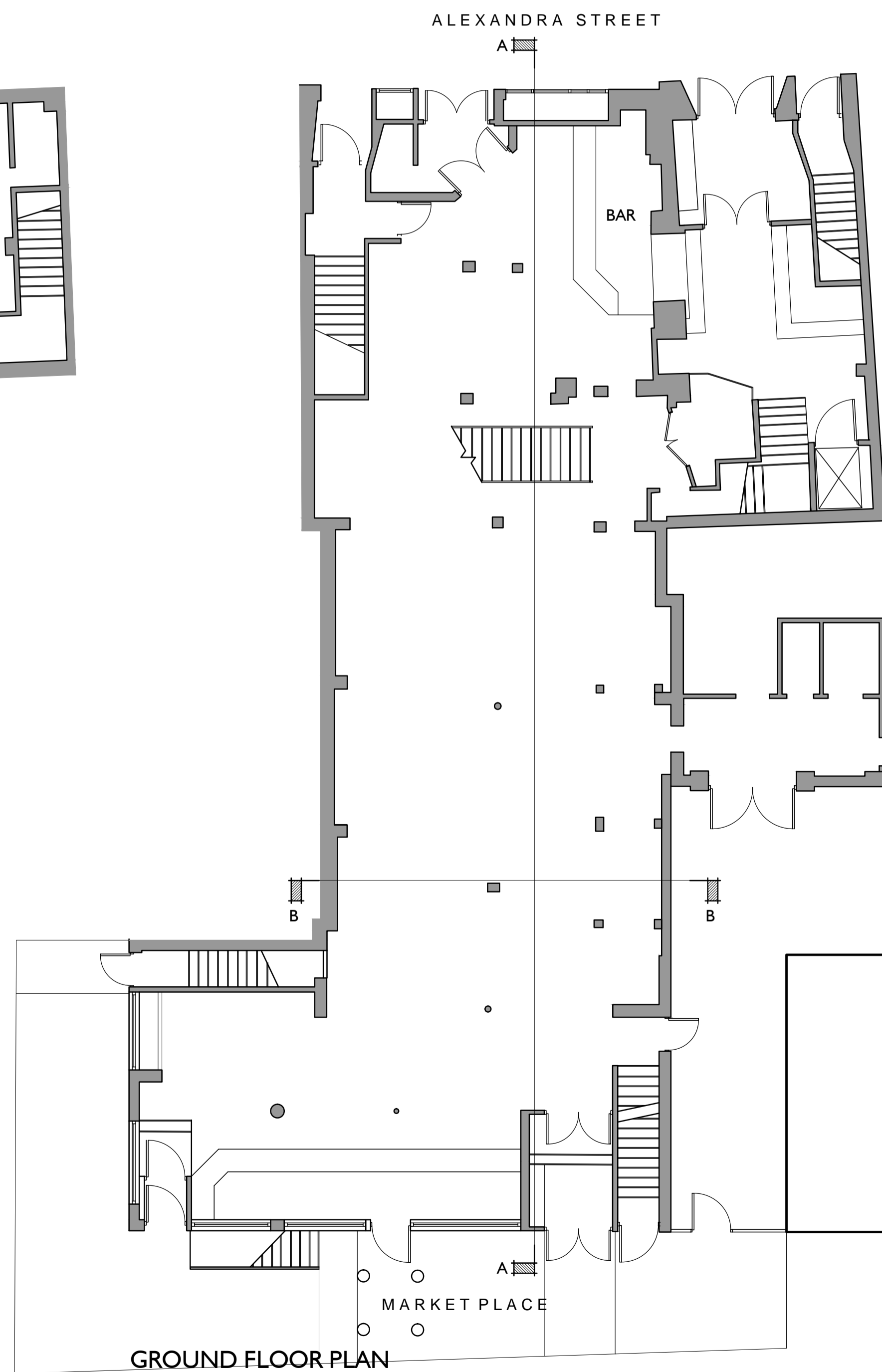
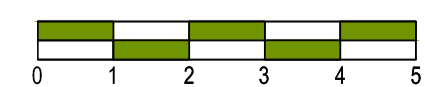
REAR ELEVATION (View from Market Place)



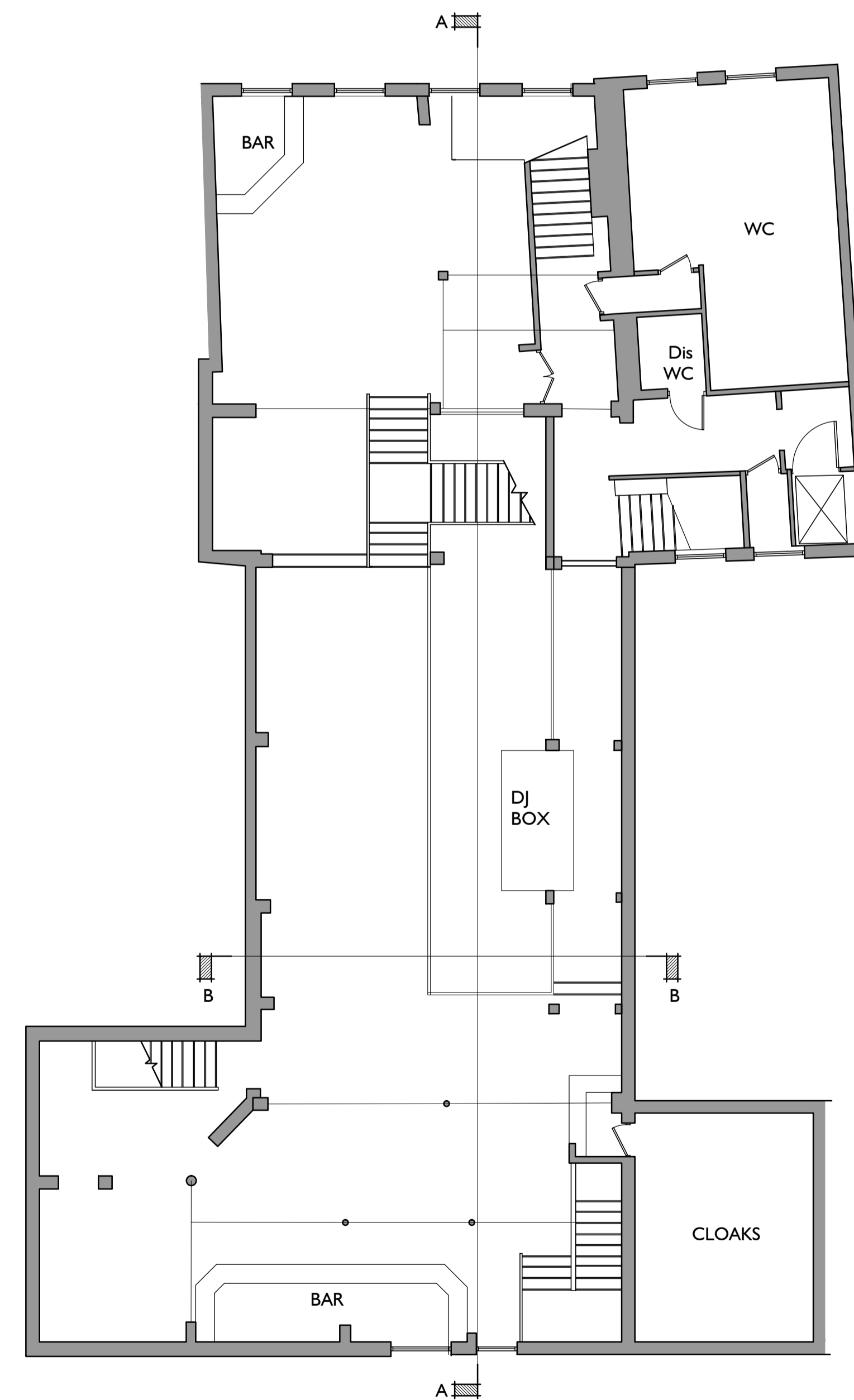
CROSS SECTION A-A



BASEMENT FLOOR PLAN
Scale 1:100



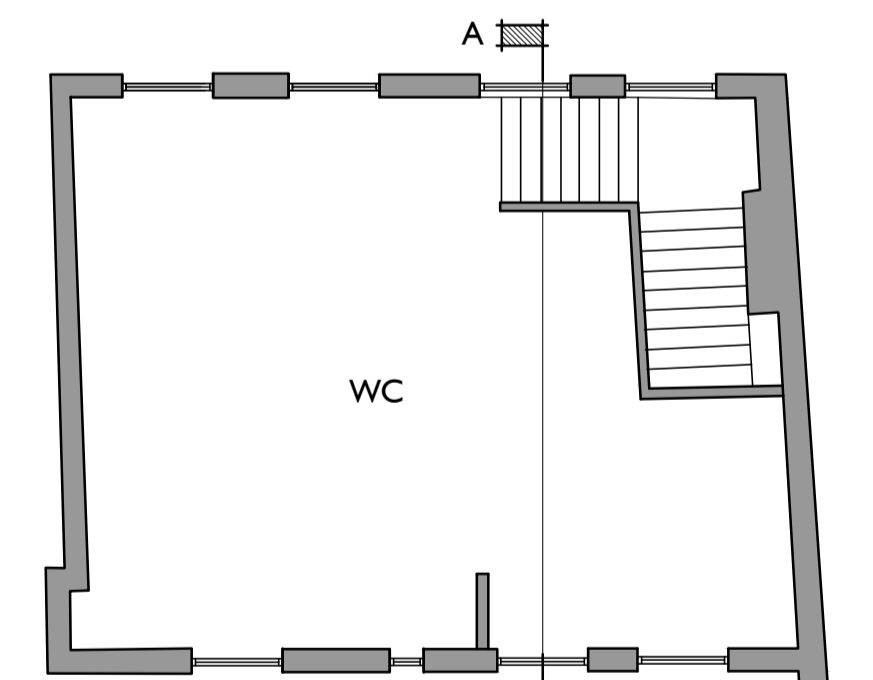
GROUND FLOOR PLAN



FIRST FLOOR PLAN



INTERNAL SECTION B-B



SECOND FLOOR PLAN

PLANNING APPLICATION

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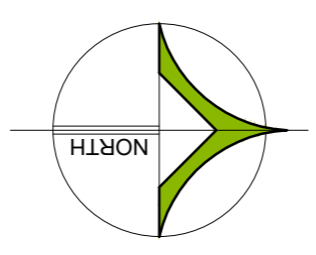
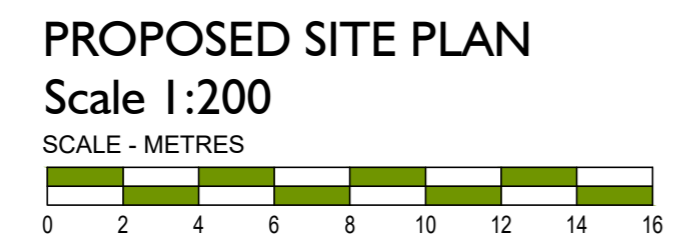
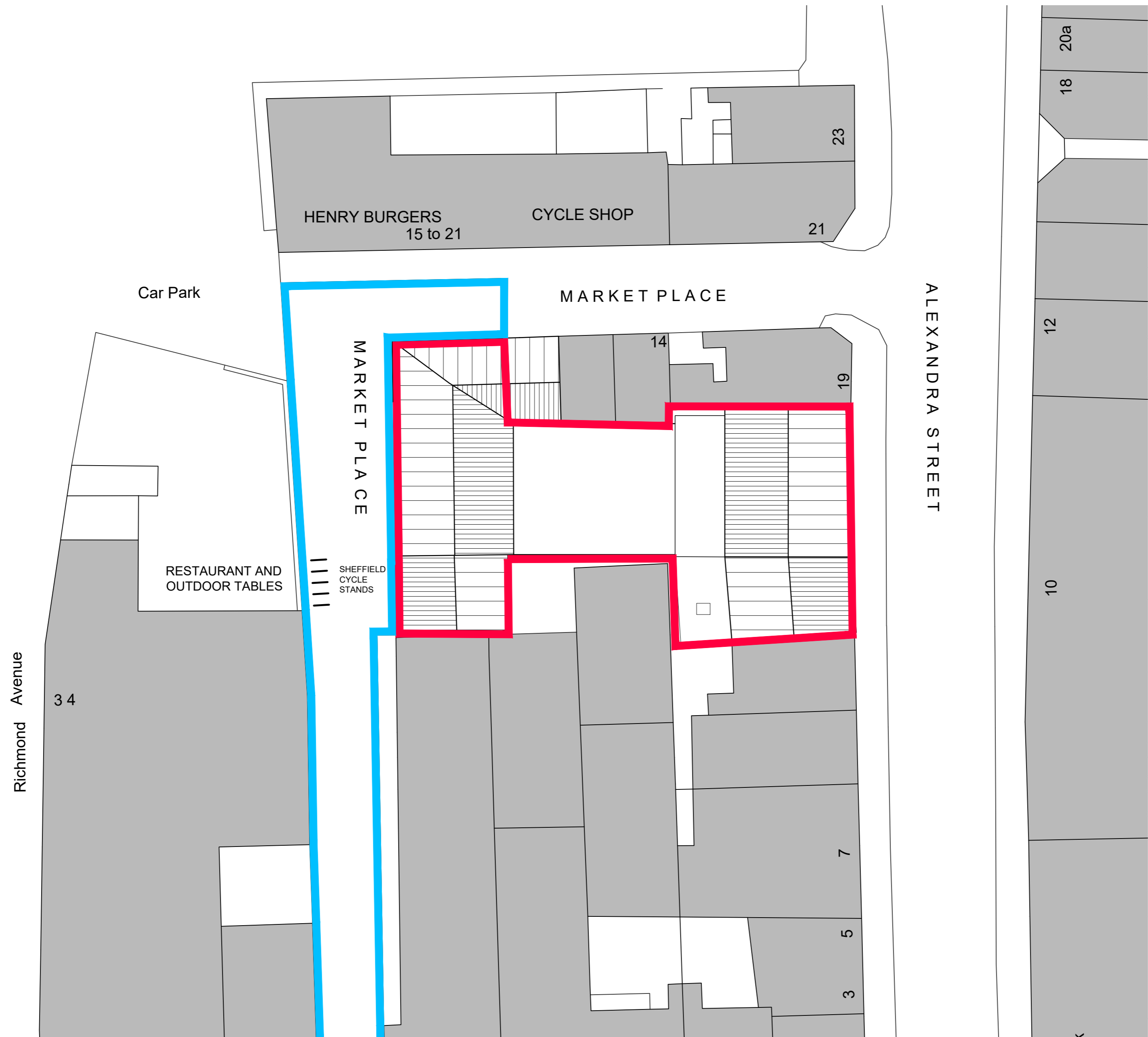
REVISION:	DATE:	DRAWN:
PROJECT: MARKET PLACE & ALEXANDAR STREET		
TITLE: EXISTING ELEVATIONS, SECTIONS AND FLOOR PLANS		
SCALE: 1:100 @A1	DATE: AUG 14	DRAWN: MR
NO: 14/03/03	REV:	CHKD:
The Old Bakery, The Street, Purleigh, Chelmsford, Essex, CM3 6QL Tel: 01621 828266 Fax: 01621 828990		



ARCHITECTS

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PLANNING APPLICATION

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REV F - BIN STORE REMOVED	14.02.17	KP
REV E - ROOF LIGHT ADDED	17.11.16	MR
REV D - BIN STORE RELOCATED EASTWARDS	26.09.16	MR
REV C - SITE PLAN AMENDED	20.09.16	MR
REV B - BIN STORE AMENDED	14.09.16	MR
REV A - CYCLE STORE & BIN STORE ADDED TO DRAWING	09.02.16	MR

REVISION: _____ DATE: _____ DRAWN: _____

PROJECT: MARKET PLACE & ALEXANDRA STREET			
TITLE: PROPOSED SITE PLAN WITHIN SURROUNDING CONTEXT			
SCALE: 1:200@A2	DATE: JAN 15	DRAWN: MR	CHKD:
No. 14/03/04	REV. F		
The Old Bakery, The Street, Purleigh, Chelmsford, Essex, CM3 6QL Tel: 01621 828266 Fax: 01621 828890			



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Do not scale from this drawing. All information shown is to be checked on site for accuracy and fit. Any discrepancies or omissions to be reported to Arcady Architects immediately.



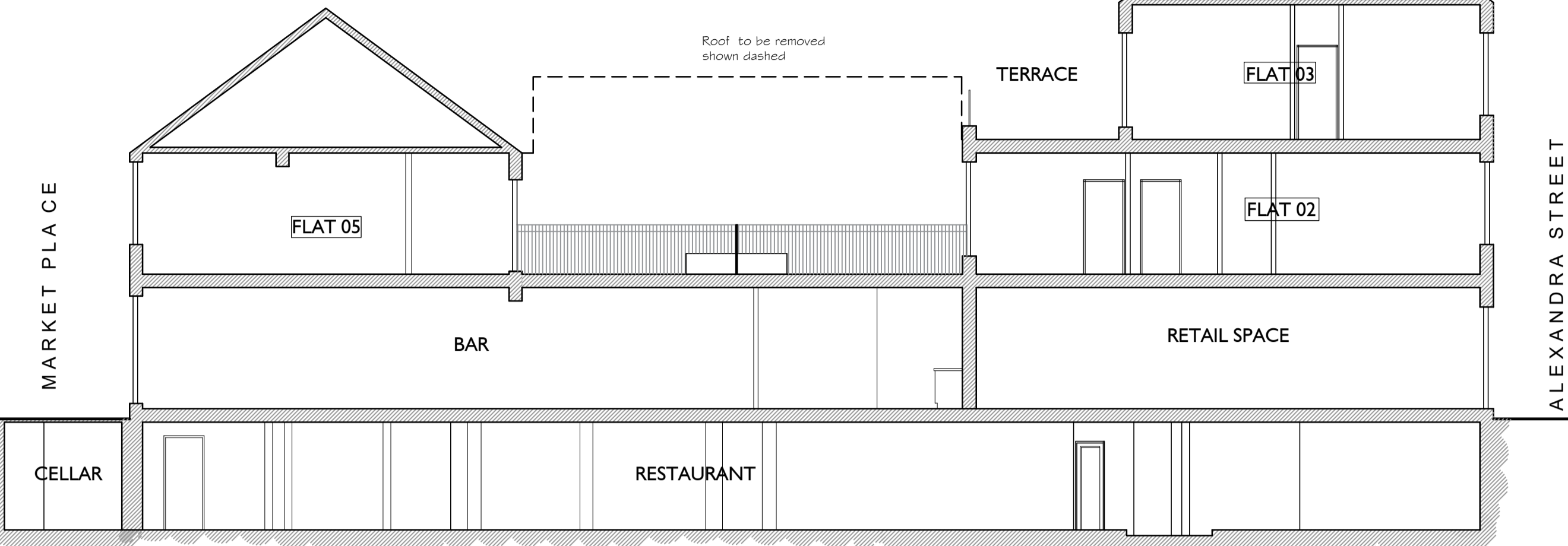
FRONT ELEVATION (View from Alexandra Street)
Scale 1:100



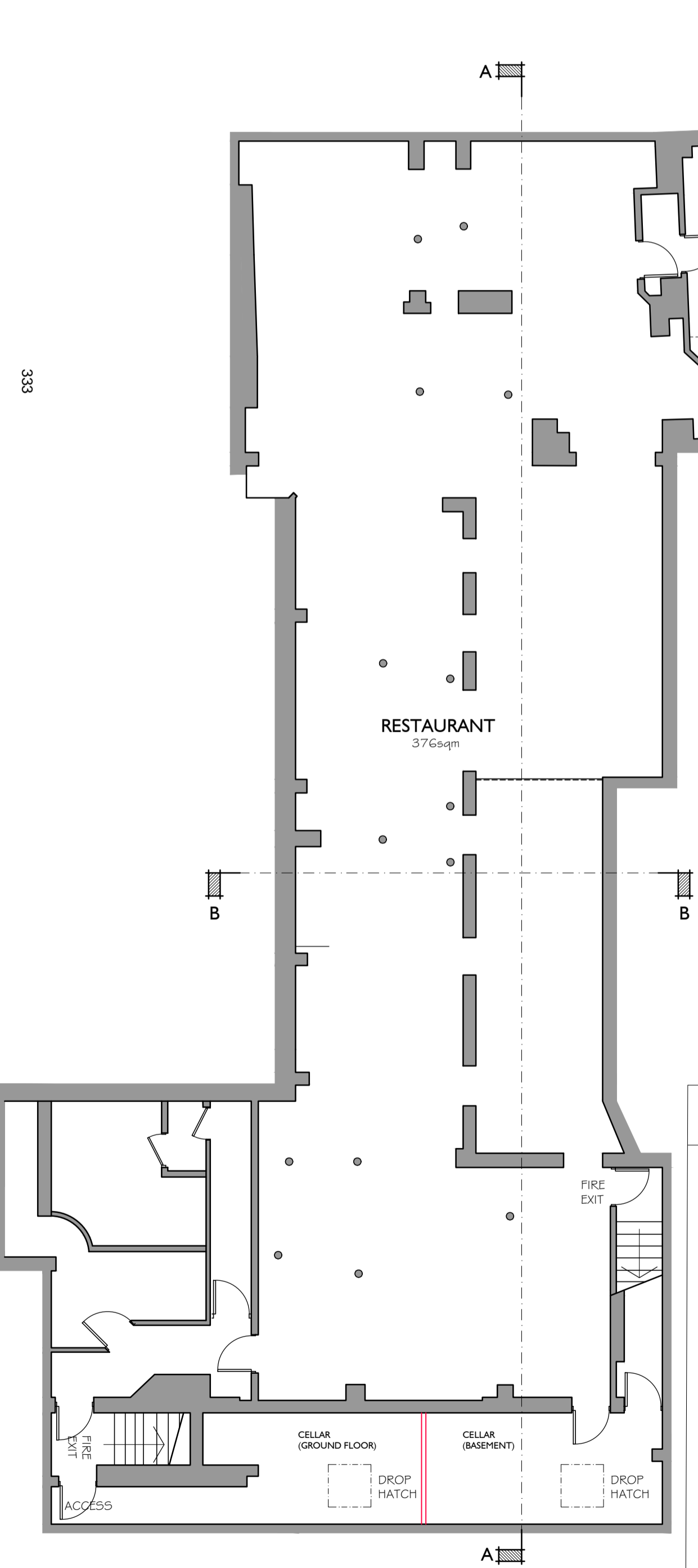
SIDE ELEVATION (View from Market Place)



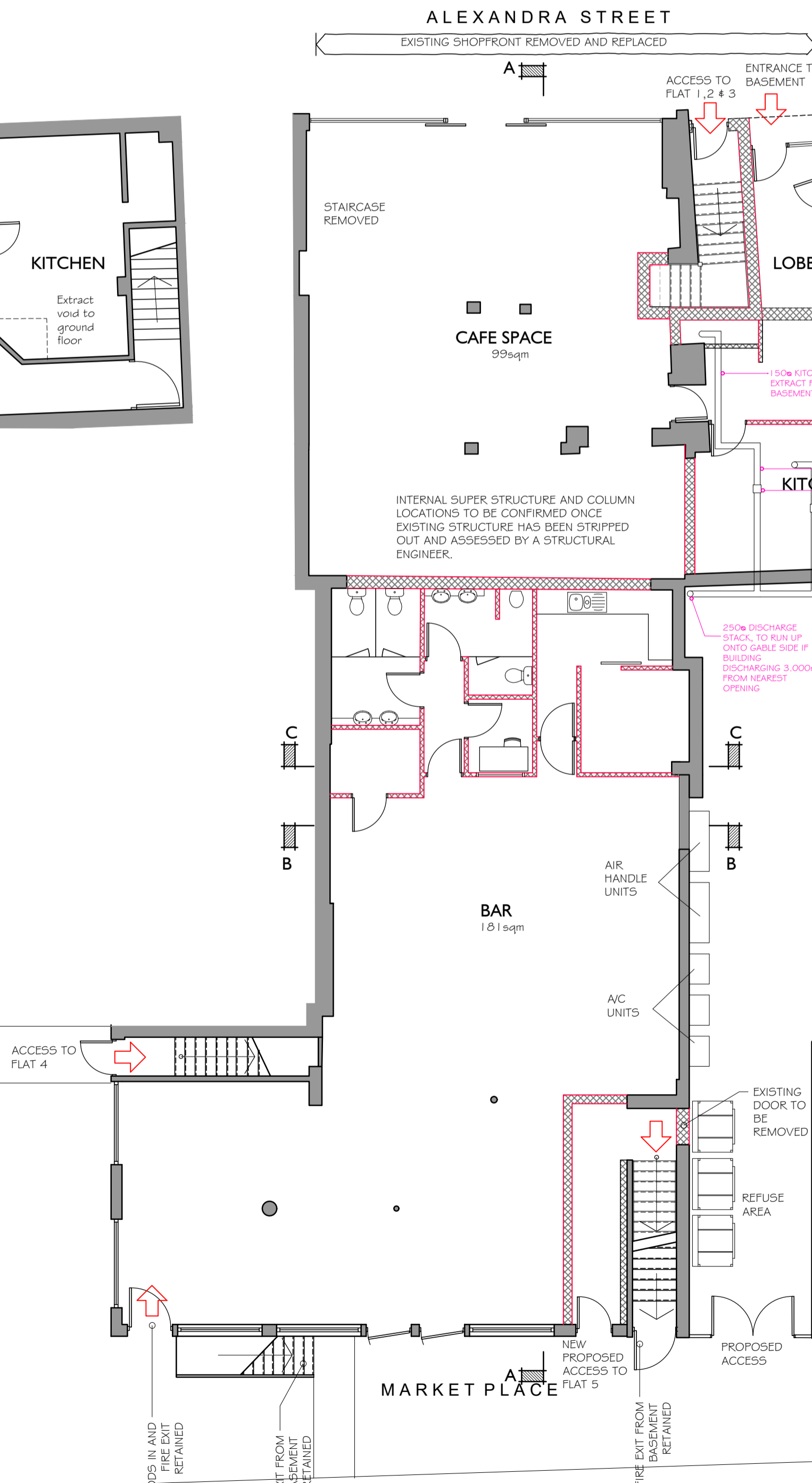
REAR ELEVATION (View from Market Place)



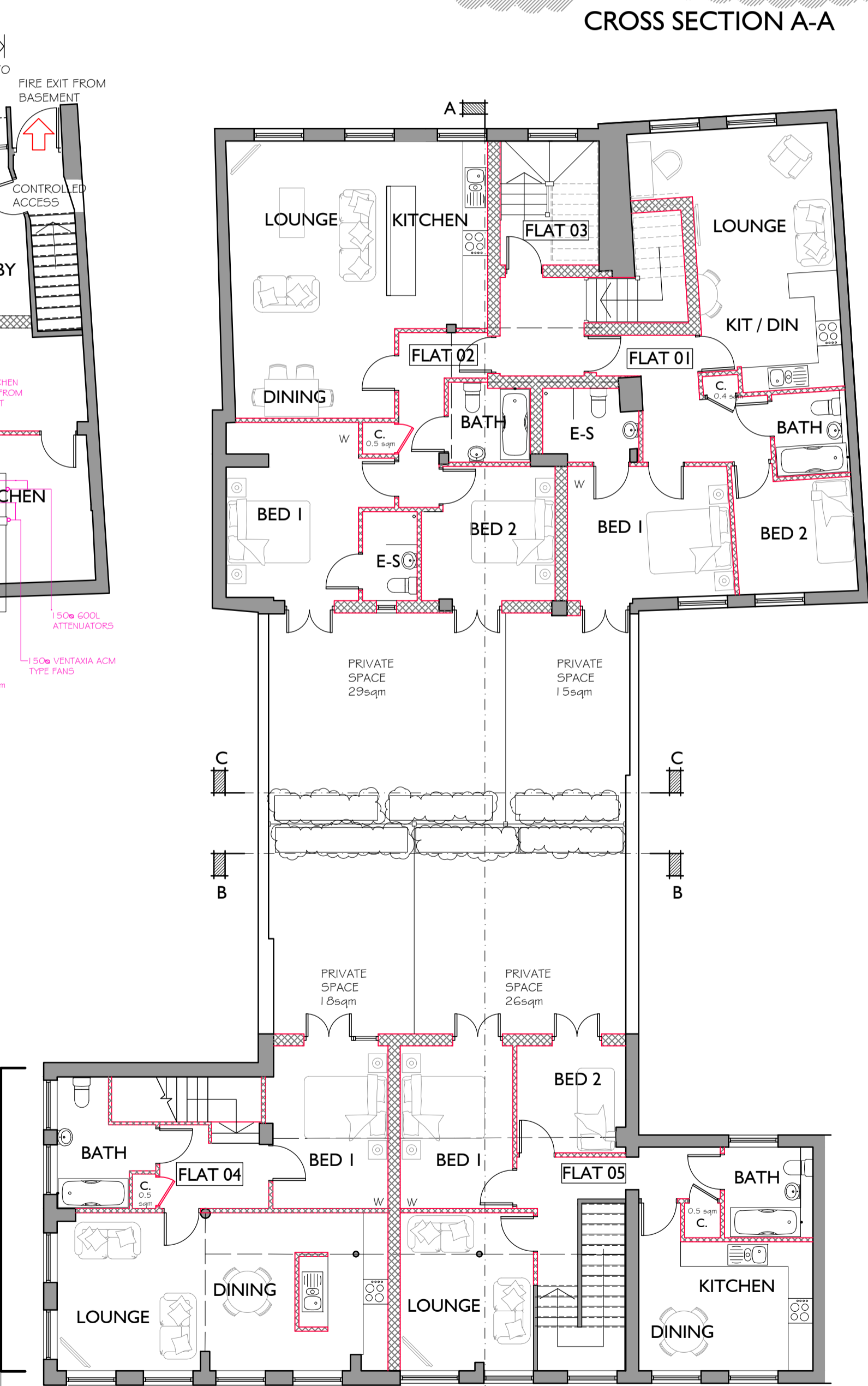
CROSS SECTION A-A



BASEMENT FLOOR PLAN
Scale 1:100



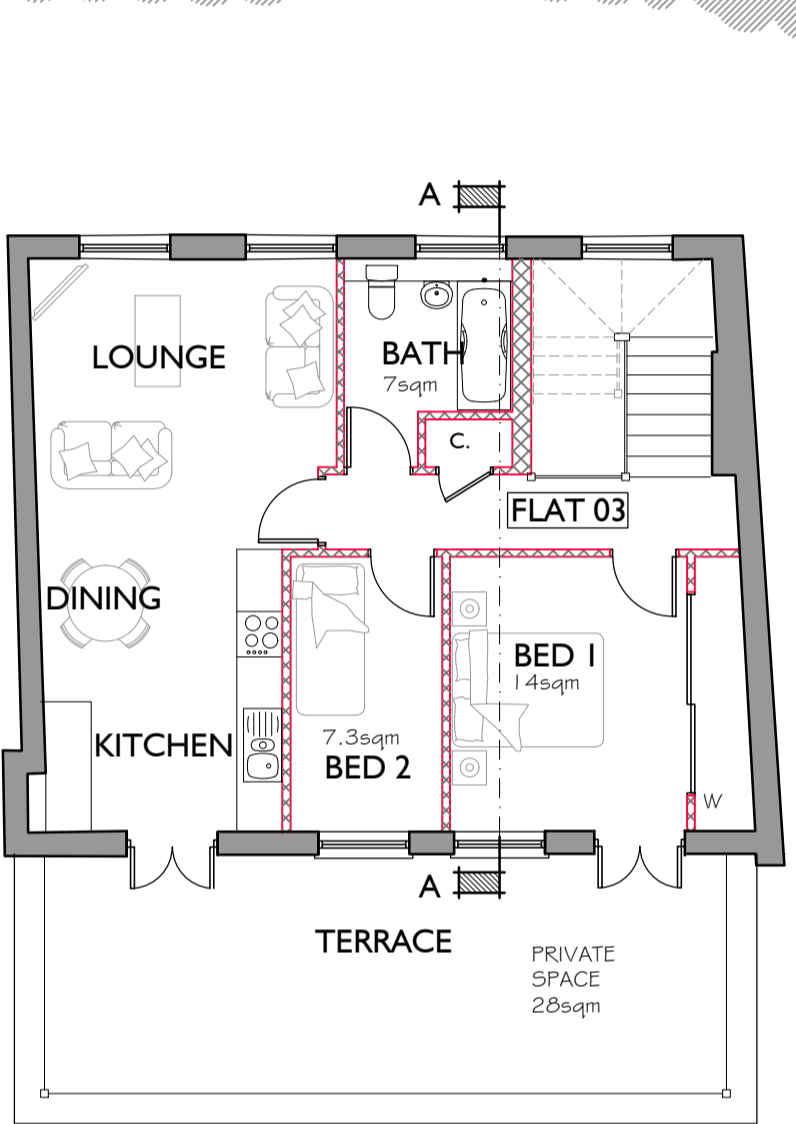
GROUND FLOOR PLAN



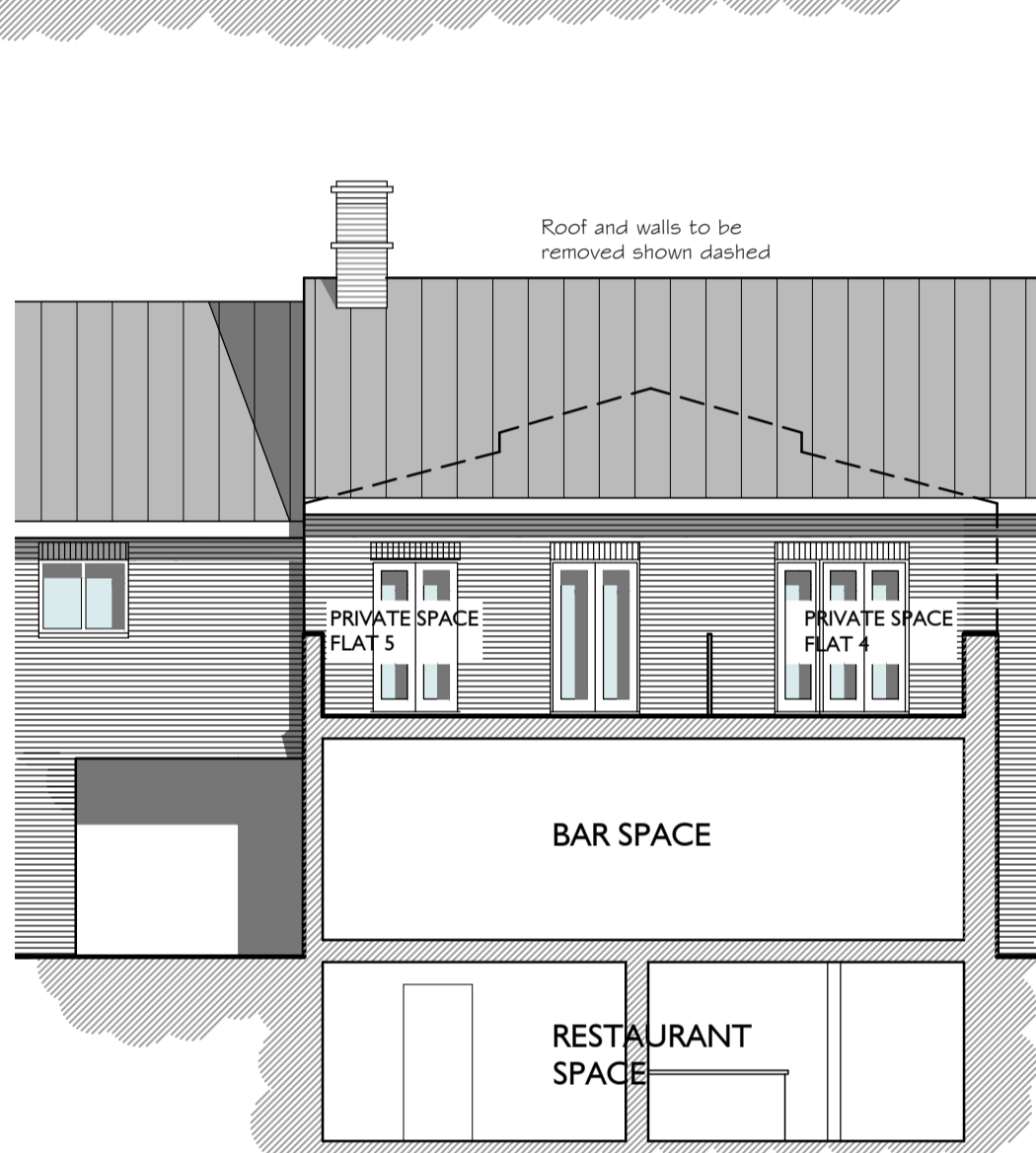
FIRST FLOOR PLAN
Scale 1:100

ACCOMMODATION SCHEDULE

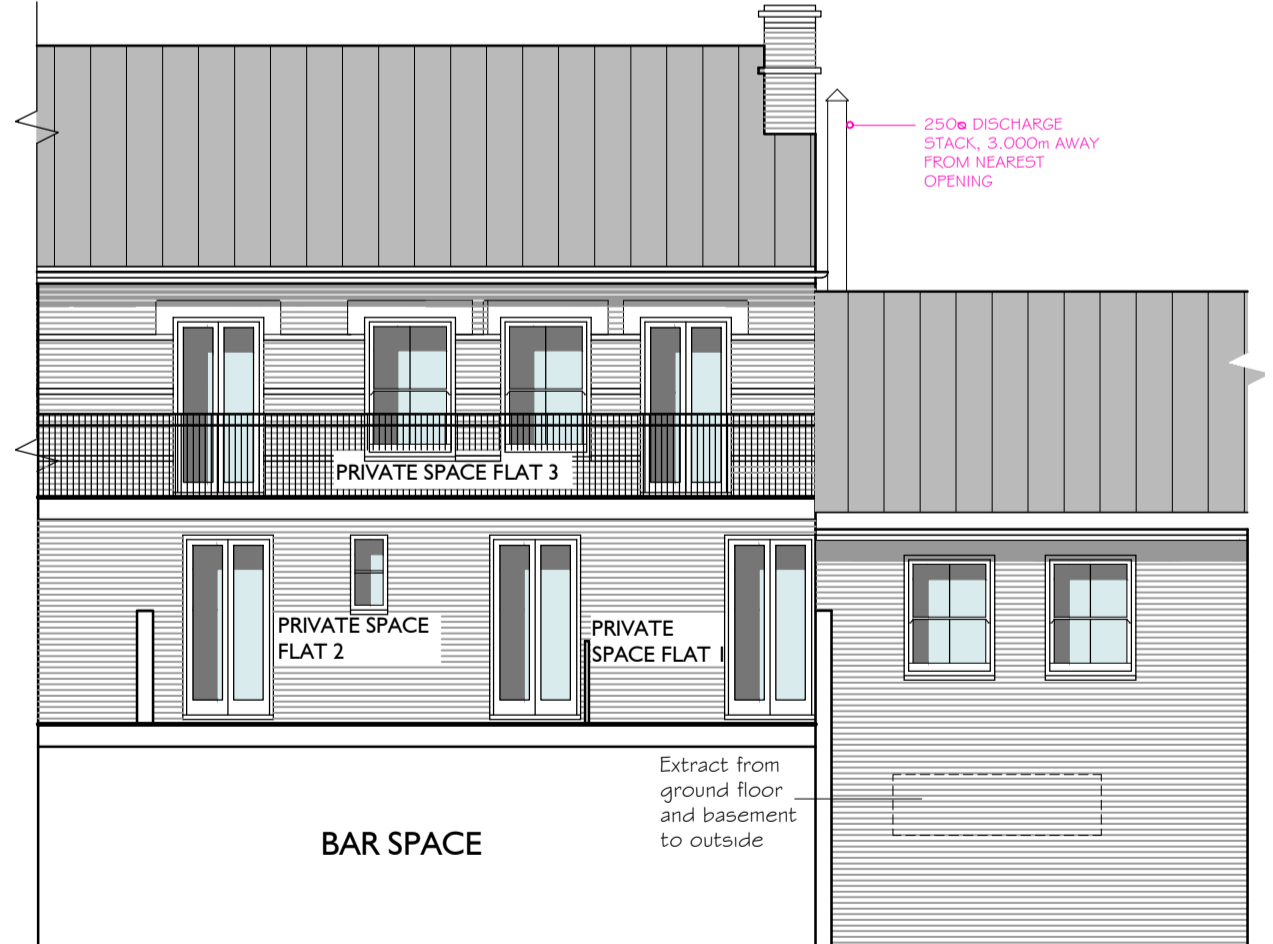
FLAT 01	61 sqm or 657 sqft	2 Bed / 3 People
FLAT 02	81 sqm or 872 sqft	2 Bed / 4 People
FLAT 03	62 sqm or 667 sqft	2 Bed / 3 People
FLAT 04	60 sqm or 646 sqft	1 Bed / 2 People
FLAT 05	67 sqm or 721 sqft	2 Bed / 3 People



SECOND FLOOR PLAN
Scale 1:100



INTERNAL SECTION B-B



INTERNAL SECTION C-C

PLANNING APPLICATION

THIS DRAWINGS HAS BEEN CREATED BY DRAWING OVER A SCAN COPY OF THE ORIGINAL DRAWING, THEREFORE THE ACCURACY CAN NOT BE RELIED UPON FOR CONSTRUCTION PURPOSES.

REVISION	DATE	BY	CHKD
REV A - NEW REFUSE LOCATION & PROPOSED ENTRANCE TO PLOT 5	14.02.17	KP	
REV Q - WINDOWS ADDED TO FLAT 1	09.01.17	MR	
REV P - EXTRACT ROUTE SHOWN FROM BASEMENT	24.11.16	MR	
REV N - ROOF LIGHT ADDED TO FLAT 1	17.11.16	MR	
REV M - AIR HANDLING & A/C UNITS ADDED TO GROUND FLOOR	17.11.16	MR	
REV L - INTERNAL LAYOUT UPDATED	14.09.16	MR	
REV K - RED LINE ADDED	29.03.16	MR	
REV J - FLOOR PLANS AMENDED	11.03.16	MR	

PROJECT: MARKET PLACE & ALEXANDRA STREET
 TITLE: PROPOSED FLOOR PLANS, SECTIONS, AND ELEVATIONS
 SCALE: 1:100 @ A1 DATE: AUG 14 DRAWN: MR CHKD:
 No: 14/03/05 REV: R
 The Old Bakery, The Street, Purleigh, Chelmsford, Essex, CM3 6QL
 Tel: 01621 828266 Fax: 01621 828890



ARCHITECTS

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Reference:	17/00110/FUL	<h1>18</h1>
Ward:	Prittlewell	
Proposal:	Change of use from dwellinghouse (Class C3) to non-residential education/training centre (Class D1), demolish existing boundary wall, install layout parking and vehicular access onto Prittlewell chase	
Address:	1 Hoblethick Lane, Westcliff-On-Sea, Essex, SS0 0RP	
Applicant:	Ms Eileen Koh	
Agent:	Mr Dwight Breley	
Consultation Expiry:	17 th February 2017	
Expiry Date:	21 st March 2017	
Case Officer:	Anna Tastsoglou	
Plan No's:	1289-01 A	
Recommendation:	REFUSE PLANNING PERMISSION	



1 The Proposal

- 1.1 Planning permission is sought to convert the existing dwellinghouse (C3) to a non-residential education/training centre (D1), demolish existing boundary wall, layout parking and form vehicular access onto Prittlewell Chase.
- 1.2 With the exception of the demolition of the boundary wall the development would incorporate internal alterations only, with no external alterations to the existing dwelling.
- 1.3 The property has an existing garage and driveway onto Hobleythick Lane and it is proposed to extend existing hardstanding to create turning space and install a new vehicular access, 3.6m wide, onto Prittlewell Chase, layout hardstanding and form two off-street parking spaces to the south and west of the dwelling.
- 1.4 It is noted that the applicant has not submitted additional information regarding the proposed use in support of the application.

2 Site and Surroundings

- 2.1 The site is located on the corner of the junction of Prittlewell Chase to the south and Hobleythick Lane to the east and it is occupied by a detached two storey dwelling. The property has the main entrance to the south facing Prittlewell Chase, and a double storey bay window and two storey flat roof side extension facing Hobleythick Lane. The front/side curtilage of the dwelling is soft landscaped. A driveway leading to a garage is located along the northern boundary of the application site. The property has a very small rear garden, which is proposed to be hard surfaced and used for parking. The property is bounded by burr brick wall to the south and east, including a timber top.
- 2.2 The site is located within a residential area, comprising a mixture of two storey houses to the north and predominantly bungalows to the south. Southend High School For Boys is sited in close proximity to the east and Southend University Hospital to the west.

3 Planning Considerations

- 3.1 The main considerations in relation to this application are the principle of the development, the impact on the character of the area, impact on neighbouring properties, and any traffic and transport issues.

4 Appraisal

Principle of Development

National Planning Policy Framework 2012; Core Strategy CP4, CP6, CP8 and KP2; Development Management DPD Policy DM1, DM3, DM11 and DM15

- 4.1 Although the NPPF promotes and encourages sustainable economic growth, the proposal would result in a loss of a family dwelling, located within a residential area and therefore, this would be contrary to policy CP8 which seeks to *“resist development proposals that involve the loss of existing valuable residential resources, having regard to the limited land resources in the Borough, the need to safeguard an adequate stock of single family dwellinghouse, and to protect the character of residential areas”*.
- 4.2 Furthermore, it is the Council requirement to provide an adequate number of dwellinghouses and also protect the existing housing stock, in order to meet the housing needs within the Borough. It should be also noted that policy DM11 identifies specific employment areas within the Borough. The site however, is not located within any of these sites.
- 4.3 Policy CP6 of the Core Strategy states that improvement on education attainment, health and well-being of local residents can be achieved by *“supporting improvements to existing, and the provision of new, facilities to support the needs of education, skills and lifelong learning strategies particularly by:*
a. securing the physical infrastructure needed to maximise the impact of the Higher Education/University Campus in the Town Centre;
b. the provision of academic and vocational education/training at a new Prospects College in east Southend; and
c. providing for an academy of educational/training skills in aviation at London Southend Airport.”
- 4.4 No evidence has been submitted clearly demonstrating the need of the proposed training/education centre and also no information has been provided in relation to the type of education/training provided. It is therefore considered in the absence of evidence demonstrating the need of the proposed educational use in this location, the loss of the existing single family dwelling would be contrary to policy and there are no material circumstances that would support an exception to policy in this case.
- 4.5 In light of the above, it is considered that the proposal would be unacceptable in principle and it would not accord with the guidance contained within the NPPF and the policies of the development plan. Other material planning considerations including impact on visual amenity, any traffic and transport issues and impact on neighbours are discussed below.

Design and Impact on the Character of the Area

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

- 4.6 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in the Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management DPD. The Design and Townscape Guide (SPD1) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*

- 4.7 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.”*
- 4.8 Policy DM1 of the Development Management DPD states that all development should *“add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features”*.
- 4.9 Policy DM3 (5) also advises that *‘Alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area through:*
- (i) The use of materials and detailing that draws reference from, and where appropriate enhances, the original building, and ensures successful integration with it; and*
 - (ii) Adopting a scale that is respectful and subservient to that of the original building and surrounding area; and*
 - (iii) Where alternative materials and detailing to those of the prevailing character of the area are proposed, the Council will look favourably upon proposals that demonstrate high levels of innovative and sustainable design that positively enhances the character of the original building or surrounding area.’*
- 4.10 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”*.
- 4.11 With regard to boundary treatment SPD1 states that *“any form of enclosure must be high quality and complementary to the overall scheme of existing building. Boundary treatment should clearly distinguish between public and private space.”*
- 4.12 No external changes to the existing building are proposed. However, alterations are proposed to the front/side curtilage of the property and also the demolition of the existing boundary wall. The wall is an original feature of the dwelling, which provides enclosure to the building and it positively contributes to the surrounding area and the streetscene. Although all properties in the immediate area are bounded by low boundary walls and the loss of the boundary wall would be undesirable, it is noted that its demolition could take place without permission.
- 4.13 It is also proposed to lay out hardstanding to the front and side curtilage of the property. Although this would result in loss of a large currently soft landscaped area, the proposal would still result in an adequate area which can be soft landscaped. Should permission be granted, a condition would have been imposed to secure soft landscaping.

Impact on Neighbouring Properties

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

- 4.14 Policy DM1 of the Development Management DPD requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities *“having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”*
- 4.15 The applicant states that the facility would have three full time members of staff; however, no opening hours or number of pupils have been provided. In the absence of this information, it is not possible to fully assess the impact of the proposed development on the nearby residents. However, as noted above, the site is located within a residential area and five classrooms are proposed to be formed. It is therefore likely the proposed development to result in high levels of activity compared to residential use, in various hours within the day and also in significantly increased levels of vehicle movement, not only from the staff, but also from the pupils attending the classes. Without having evidence to demonstrate otherwise, it is considered that the proposed development, by reason of its location within a residential area, the increased activity on site and increase vehicle movement would result in a detrimental impact on the residential amenity of the neighbours.
- 4.16 No details have been submitted in relation to ventilation or air conditioning units required. However, should permission been granted, this could have been agreed by condition.
- 4.17 No external alterations are proposed and hence, the proposal would not result in a greater impact on the nearby neighbours, by way of loss of light, overlooking or sense of enclosure.

Traffic and Transport Issues

NPPF; Development Management DPD Policy DM15; DPD 1 (Core Strategy) Policies Policy CP3; SPD 1 (Design & Townscape Guide (2009))

- 4.18 The property has an existing garage and two additional parking spaces are proposed to be formed to the front/side curtilage, including turning points within the application site. It is noted that the proposed garage does not meet the minimum dimension standards set in Policy DM15 and cannot be counted as a parking space; however, given that this is an existing garage, no objection is reasonable to be raised in that respect.
- 4.19 A new crossover is proposed to be formed onto Prittlewell Chase, 3.6m wide, which would be wide enough to allow vehicles to enter and exit the site without causing obstruction on the highway. As noted above, turning points are provided within the site to allow vehicles enter and exit the site in forward gear, although Prittlewell Chase is not a classified road and therefore, this is not a highway safety requirement.

The Traffic Signal Engineer has been consulted and raised no objection regarding the impact of the proposed vehicle crossover in this location. As such, the proposed vehicle access would be acceptable.

- 4.20 With regard to off-street parking spaces, no details have been provided in terms of the type of use and as such, the highways impact cannot be fully assessed. For most of the D1 educational uses one parking space is required per full time staff and a one space per 15 pupils. In the absence of information demonstrating otherwise, it is considered that it is likely the proposed use, based in the number of classrooms, would result in a parking demand which would exceed the parking availability on site. The site is located in an area which is mainly covered by double yellow lines, restricting on-street parking and also when permitted, area is of parking stress. Therefore, an objection is raised regarding lack of on-site parking provision.
- 4.21 No cycle parking is proposed to be provided. However, it is considered reasonable for cycle parking to be provided on site and there is space available. This would promote the sustainable transport and be an alternative to private vehicle use, in accordance with the NPPF and the Development Management DPD. A condition requiring the details of cycle parking would have been imposed, should permission be granted.

Waste Storage

- 4.22 No details have been provided regarding refuse storage. However, this could be dealt by condition, should permission be granted.

Community Infrastructure Levy

CIL Charging Schedule 2015

- 4.23 No new floor space is created. Therefore, the proposed development is not CIL liable.

5 Conclusion

- 5.1 The proposal would result in loss of a much needed family dwellinghouse and therefore, an objection is raised to the principle of the proposed development. Furthermore, no details have been submitted to the local planning authority to fully assess the highways impacts of the proposed development and also the impacts on the residential amenity. However, on the basis of the information provided, it is considered that the proposed development has the potential to result in detrimental impact on the amenity of the neighbours as a result if noise and disturbance and lead to an increased parking demand which cannot be accommodated on site and south have a detrimental on the highway network.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework (2012): Section 6 (Delivering a wide choice of high quality homes) and Section 7 (Requiring Good design)

- 6.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles),), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance), CP6 (Community Infrastructure) and CP8 (Dwelling Provision)
- 6.3 Development Management DPD 2015: Policies DM1(Design Quality), DM3 (Efficient and Effective Use of Land), DM11 (Employment Areas) and DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide, 2009.
- 6.5 CIL Charging Schedule 2015

7 Representation Summary

Transport & Highways

- 7.1 Having consulted with our traffic signal engineer there would not be a highway objection to the proposed vehicle crossover at this location. The proposal enables vehicles to enter and leave in a forward gear. Given that only 2 car parking spaces will be available via this entrance this would not have a detrimental impact on the capacity or the free flow of traffic in this location.

Concern is raised relating to the change of use to educational establishment. The applicant has not provided pupils numbers or any information relating to travel plan information. I would expect to see this type of information before determining if the proposal has a detrimental impact on the surrounding highway network.

Design and Regeneration

- 7.2 The application is making no external changes to the building so it will appear relatively unchanged in the streetscene except for the addition of parking and signage. It is noted however that the proposal includes the demolition of the boundary wall and this is a concern as this will expose the additional hardstanding to the detriment of local character. In addition to providing screening, the wall is an original feature, provides enclosure to the building and the streetscene and relates positively to the other houses in the street. There seems no reason to demolish the wall and it should be retained. There would be no objection to the removal of the timber top but the burr brick wall below should remain. There would also be no design objection to an additional access to Prittlewell Chase and additional parking provided it was well detailed with piers either side and that the parking area within was well landscaped, particularly in relation to the front parking space and new turning head.

Parks

- 7.3 No comments received.

Public Notification

7.4 Five neighbours have been notified and two representations have been received raising the following concerns:

- Detrimental impact on highway.
- Overdevelopment of the site.
- Lack of information regarding opening hours.
- Enquiry regarding the type of the proposed education/training centre.

[Officer Comment: It is noted that the above concerns are discussed within the main body of the report.]

7.5 The application has been called into committee by Cllr Garston.

8 Relevant Planning History

8.1 No relevant planning history.

9 Recommendation

9.1 REFUSE PLANNING PERMISSION for the following reasons:

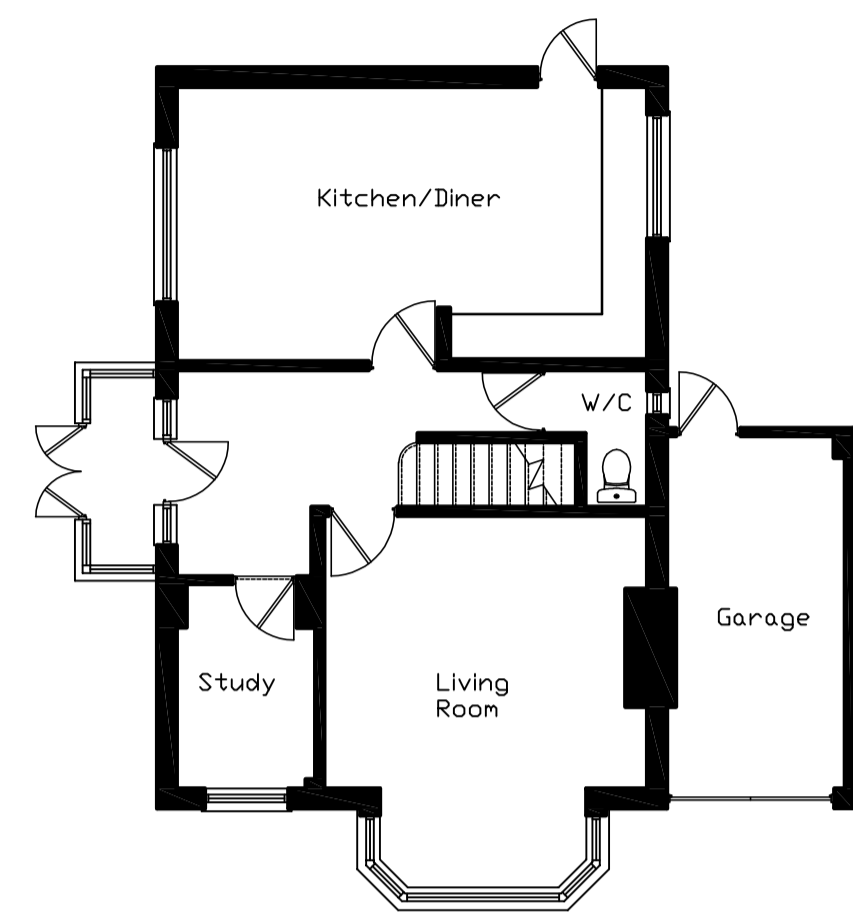
- 01 The proposed change of use would result in the loss of a single family dwellinghouse and thereby the reduction of housing supply within the Borough to the detriment of the area. No evidence has been submitted demonstrating the need of the proposed educational use in this location and therefore, the proposal is unacceptable in principle and contrary to the National Planning Policy Framework and Policy CP8 of the Southend-on-Sea Core Strategy (2007).**
- 02 The applicant has failed to demonstrate that the educational use of the premises would not result in undue noise or disturbance to the adjoining occupiers to the detriment of the residential amenity thereof. This is considered to be harmful to the amenities of the occupiers of nearby residential properties. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007); Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015); and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**
- 03 The proposed use would result in an increased demand for parking, which cannot be provided on site. The development would therefore result in additional on-street parking on a road with limited on-street parking availability and high levels of parking stress to the detriment of highway safety and the local highway network contrary to Policy CP3 of the Core Strategy and Policy DM15 of the Development Management DPD.**

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.

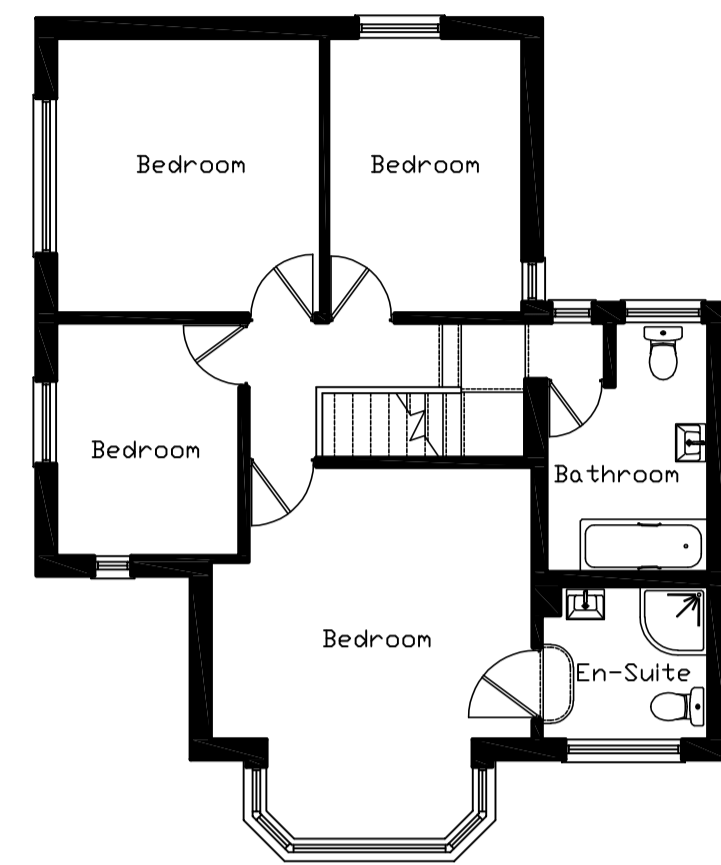
Informatives

- 1 You are advised that as the proposed alterations to your property do not result in new floorspace and the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.**

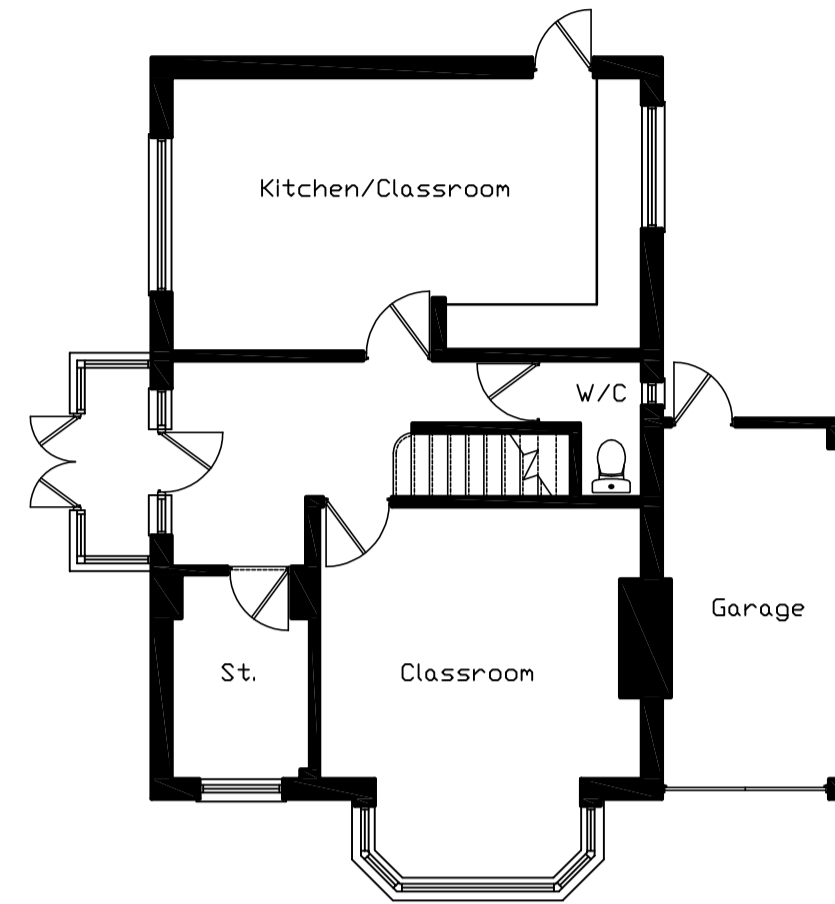
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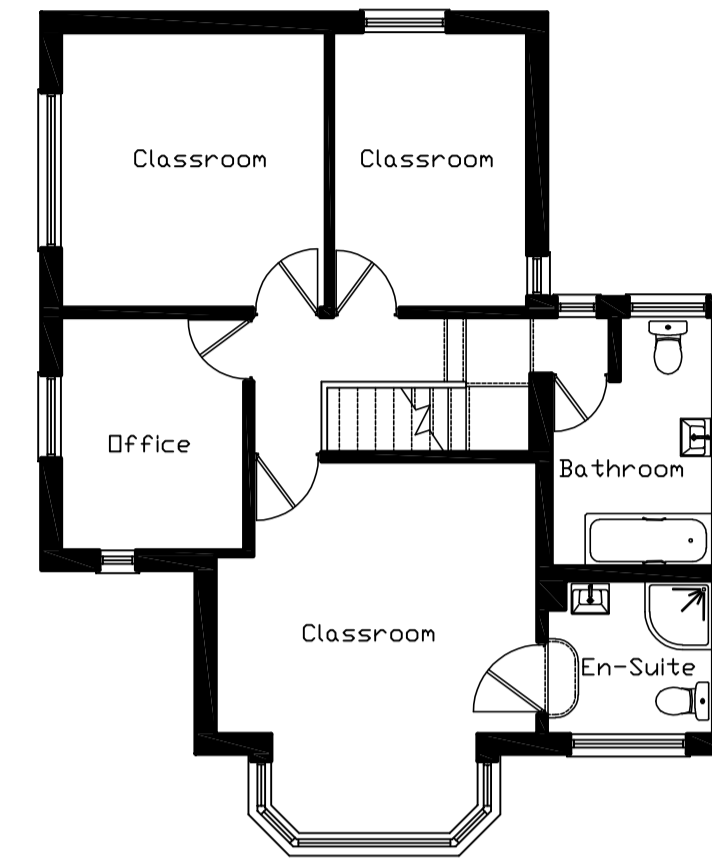
Existing Ground Floor Layout
Scale 1:100 @ A1



Existing First Floor Layout
Scale 1:100 @ A1



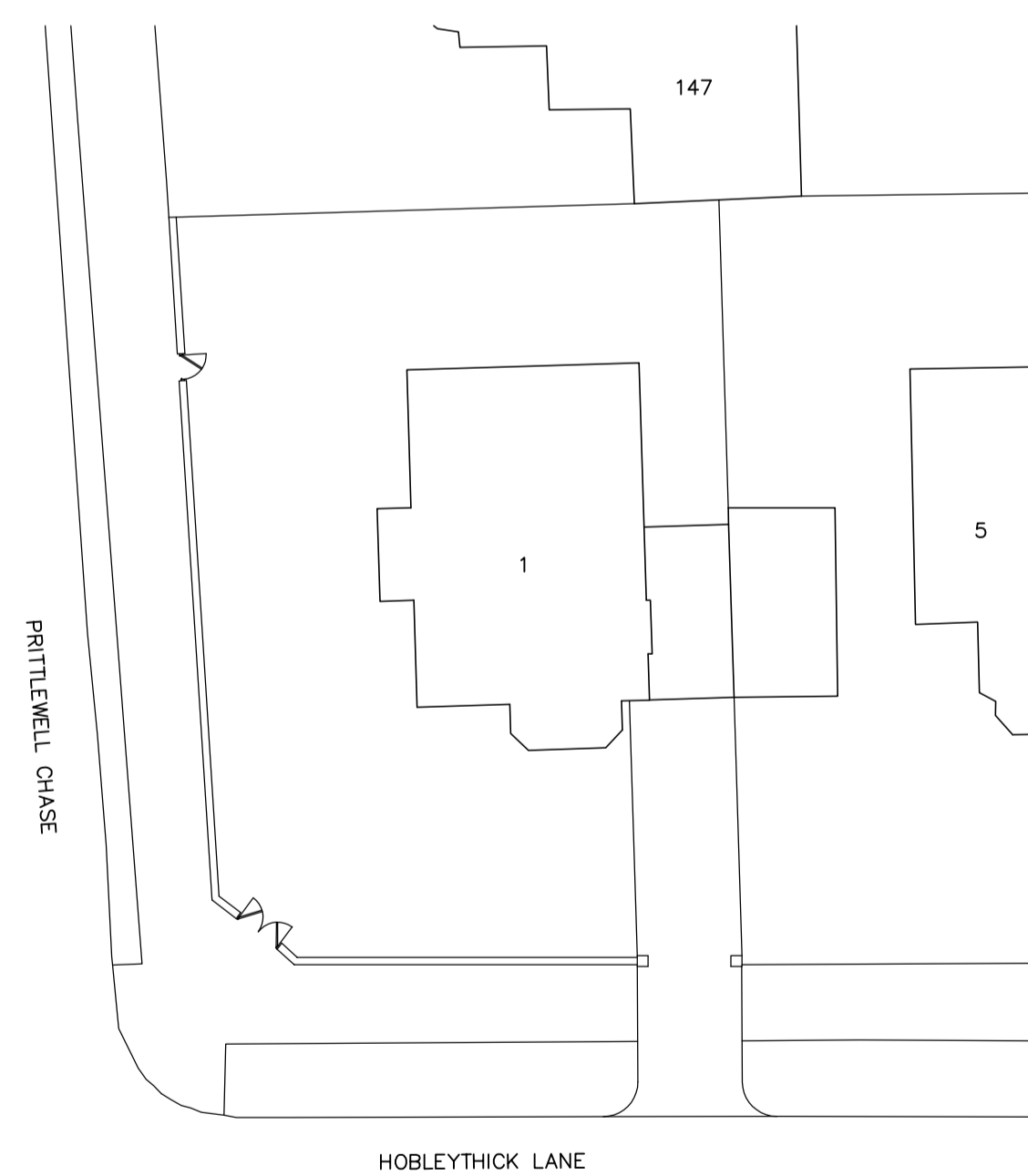
Proposed Ground Floor Layout
Scale 1:100 @ A1



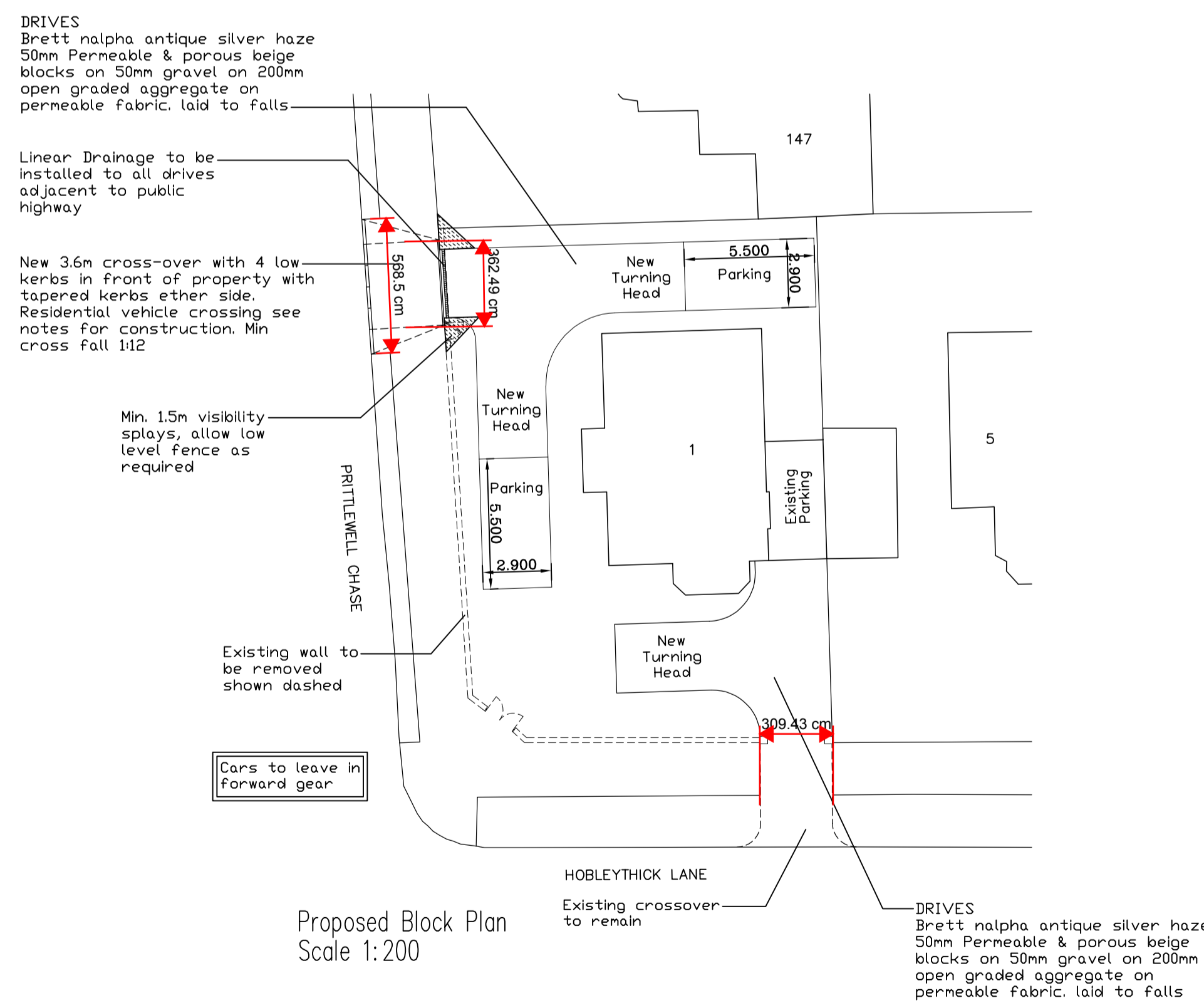
Proposed First Floor Layout
Scale 1:100 @ A1



Location Plan
Scale 1:1250 @ A1

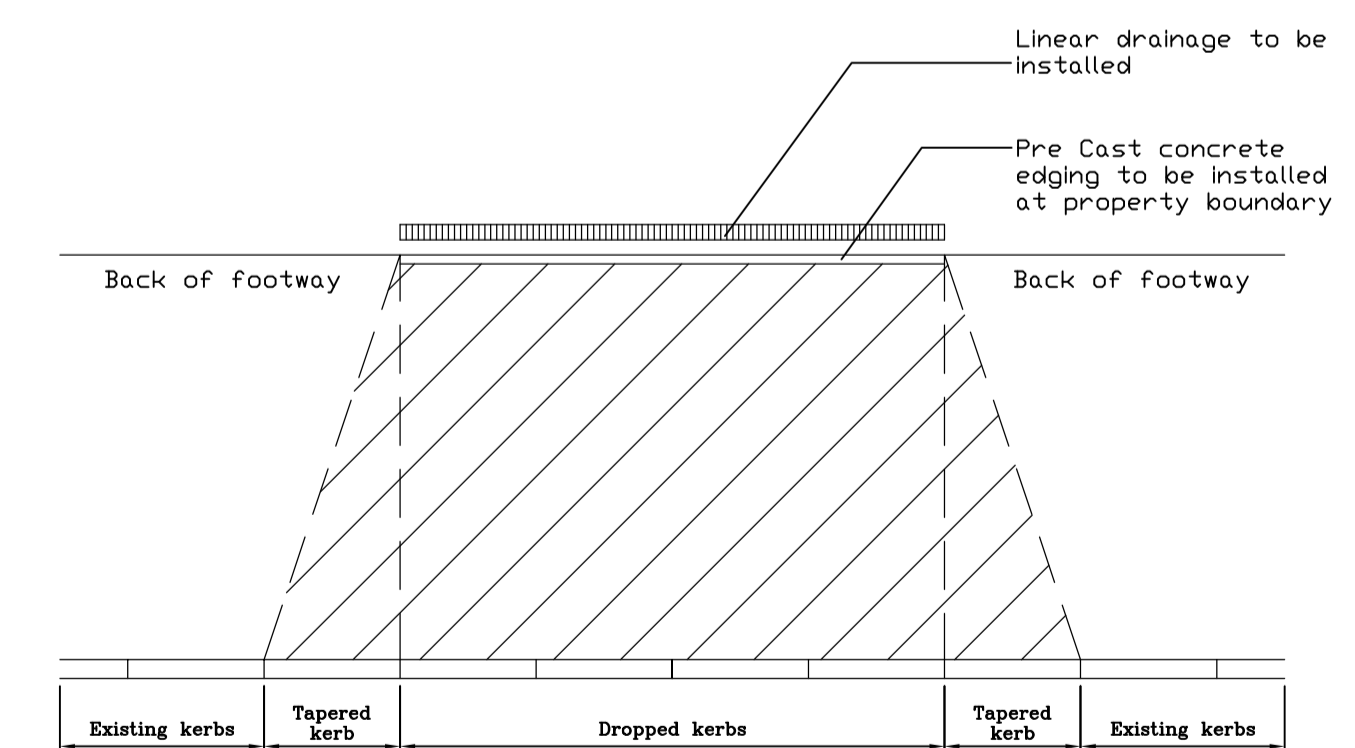


Existing Block Plan
Scale 1:200



Proposed Block Plan
Scale 1:200

Vehicle crossing construction specification	
<u>Residential Vehicle Crossing</u>	
Sub Base	150mm Type 1 unbound mixture granular material to the specification of MCHW Clause 803
Binder	100mm AC 20 Dense Binder 100/150 Rec to BS EN 13108-1 Asphalt Concrete
Surface	25mm AC 6 Dense Surf 100/150 Rec to BS EN 13108-01 Asphalt Concrete



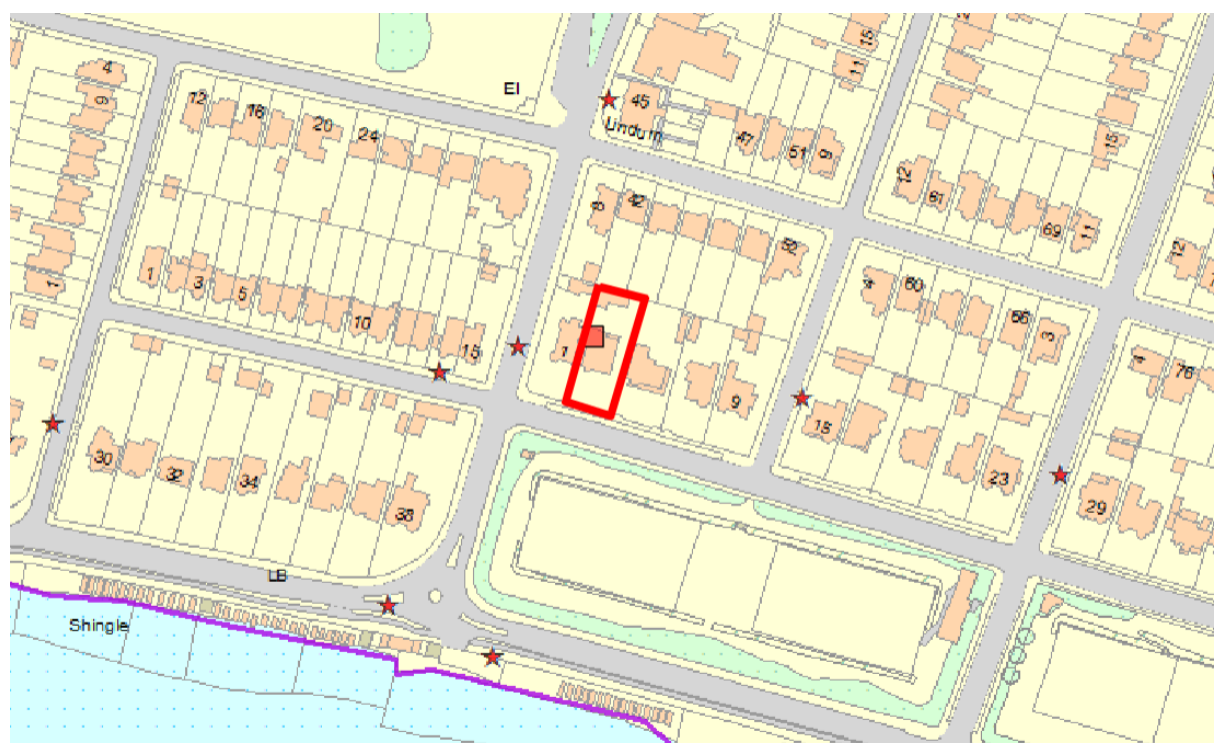
Typical Crossover Detail
Scale 1-50 @ A1

PROJECT: 1 Hobblythick Lane Westcliff-on-Sea SSO ORP		 Breley Design Ltd, Harrier House Aviation Way, Southend on Sea Essex SS2 6UN, England Telephone: +44 (0)1702 541300 Facsimile: +44 (0)1702 543123 Email: info@breleydesign.com
TITLE: Existing & Proposed Layouts		
SCALE: As Shown	DATE: JAN 17	
Drawing No. 1289-01	REV. A	

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Reference:	17/00041/FULH
Ward:	Thorpe
Proposal:	Convert existing rear garage into habitable accommodation and alter elevations
Address:	3 Thorpe Bay Gardens, Thorpe Bay, Essex, SS1 3NS
Applicant:	Mr And Mrs Pace
Agent:	Knight Gratrix Architects
Consultation Expiry:	9 th February 2017
Expiry Date:	9 th March 2017
Case Officer:	Anna Tastsoglou
Plan Nos:	1035 020
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought to convert the existing garage to a habitable room and alter south and east elevations to install aluminium bi-folding doors.
- 1.2 The outbuilding is located to the rear of the property and it is partially used as garage (4.7m wide x 4.7m deep) and also currently contains a recreation room, kitchen, lobby, two loft rooms and a bathroom. The proposal is to convert this area to a garden room and install bi-folding doors to the southeast corner.
- 1.3 It is noted that the an application for a certificate of lawful development to convert the garage to habitable room and alter the external elevations was previously refused by reason of removal of permitted development rights to carry out operational development (Ref No.: SOS/96/0902 and SOS/97/0066) and therefore, express planning permission is required.

2 Site and Surroundings

- 2.1 The site is located on the northern side of Thorpe Bay Gardens, to the east of Thorpe Hall Avenue and it is occupied by a large detached two storey dwellinghouse with roof accommodation. The property has a double hipped roof, a double storey front bay window with a top gable and a verandah to the front with a balcony at first floor. The property is bounded by a stone boundary wall and hedges to the front. The front curtilage of the dwelling is partially hard surfaced and used for parking. A detached outbuilding is sited to the rear of the dwelling and it is a hipped room single storey building incorporating roof accommodation (flat roof dormers).
- 2.2 The area is residential in character, comprising mainly two storey large sized dwellings, which size, mass and form vary. The majority of the properties along Thorpe Bay gardens have balconies to the front, given that they benefited from long estuary views. There are a number of examples of outbuildings within the immediate area at the back of the dwellings. The dwellings are sited well back from the highway. To the south of the application site is a public open green space.

3 Planning Considerations

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

4 Appraisal

Principle of Development

NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Development Management DPD Policies DM1 and DM3.

- 4.1 The dwelling is located within a residential area and alterations to the garage/outbuilding is considered acceptable in principle. Other material planning considerations are discussed below.

Design and Impact on the Character of the Area:

NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Development Management DPD Policies DM1 and DM3; SPD 1 (Design & Townscape Guide (2009))

- 4.2 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in the Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management DPD. The Design and Townscape Guide (SPD1) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 4.3 Paragraph 56 of the NPPF states that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*
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- 4.5 Policy DM3 (5) also advises that *‘Alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area through:*
- (i) The use of materials and detailing that draws reference from, and where appropriate enhances, the original building, and ensures successful integration with it; and*
 - (ii) Adopting a scale that is respectful and subservient to that of the original building and surrounding area; and*
 - (iii) Where alternative materials and detailing to those of the prevailing character of the area are proposed, the Council will look favourably upon proposals that demonstrate high levels of innovative and sustainable design that positively enhances the character of the original building or surrounding area.’*
- 4.6 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”*.
- 4.7 It is proposed to convert an existing detached garage which is part of the outbuilding to the rear of the property to a habitable room. The proposal would replace the existing garage door and window to the south elevation with aluminium bi-folding doors. The building is not visible from public vantage points and therefore, the proposed alteration would not result in a detrimental impact on the streetscene. Furthermore, there is no objection to the replacement of the up and over garage door with bi-folding doors, in design terms. No other external alterations or extensions are proposed to the existing outbuilding and as such, no objection is raised with regard to the visual impact of the proposal.

Traffic and Transport Issues

NPPF; Development Management DPD Policy DM15; DPD 1 (Core Strategy) Policies Policy CP3; SPD 1 (Design & Townscape Guide (2009))

- 4.9 Policy DM15 of the Development Management DPD requires all development to meet the minimum off-street parking standards. Although the garage would be converted into a habitable room and therefore, it would be no longer a usable parking space, at least two off-street parking spaces would still be provided to the front curtilage and driveway of the dwelling and as such, no objection is raised regarding the loss of off-street parking provision.

Impact on Residential Amenity:

NPPF; Development Management DPD Policies DM1 and DM3; SPD 1 (Design & Townscape Guide (2009))

- 4.10 The Design and Townscape Guide (SPD1) states that *“extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.”* (Paragraph 343 - Alterations and Additions to Existing Residential Buildings). Policy DM1 of the Development Management DPD requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities *“having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”*
- 4.11 The proposed doors would be installed to the south and east elevations, facing the application dwelling to the south and No. 5 Thorpe Bay. A high fence separates the application site with the neighbouring dwelling to the east and therefore, it is not considered that the proposed ground floor glazed doors would result in an unacceptable overlooking or loss of privacy.
- 4.12 No other external changes or extensions are proposed to the outbuilding and thus, the proposal would not adversely impact upon the residential amenity of the rest of the nearby neighbours.
- 4.13 It is noted that the building is already used for other purposes ancillary and incidental to the main dwelling, apart from the garage. The existing loft room and bathroom to the roof space and recreation room at ground floor would be retained as existing. A condition in relation to retain the ancillary and incidental use of the outbuilding in order to safeguard the character and amenities of the area will be imposed.

Community Infrastructure Levy

CIL Charging Schedule 2015

- 4.14 No new floor space is created. Therefore, the proposed development is not CIL liable.

5 Conclusion

- 5.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, the street scene and the locality more widely. The proposal would not result in a material harm on the parking availability. This application is therefore recommended for approval subject to conditions.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (2012) : Section 7 (Requiring Good design)
- 6.2 Development Plan Document 1:, KP2 (Development Principles), CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance)
- 6.3 Development Management DPD 2015: DM1 (Design Quality), DM3 (Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 6.5 CIL Charging Schedule 2015

7 Representation Summary

Public Consultation

- 7.1 Five neighbours were notified and a site notice posted on site and one representation has been received raising concerns regarding the existing windows to the west elevation of the outbuilding, requesting that these should not to be changes to clear glass or be opening.

[Officer Comment: It is noted that no alterations are shown to the existing windows to the west elevation and it is noted that any external alterations to the building would require express planning permission, given that permitted development rights were withdrawn by applications SOS/96/0902 and SOS/97/0066.]

- 7.2 The application has been called into committee by Cllr Woodley, who commended as follows:

- *This is an application to turn what is described as a garage into habitable accommodation. However the plans show that the existing building is already habitable in the sense of having a bathroom, kitchen and other rooms capable of being habitable. Superficially this application is a simple change of part of the internal layout and is of little consequence over and above the current situation. But an application for a lawful use certificate was refused last year and this application for planning permission is the result.*

Design and Regeneration

7.3 No objection received.

Transport and Highways

7.4 There are no highway objections to this proposal the applicant has retained 2 off street parking spaces.

8 Relevant Planning History

8.1 84/1289 - Use house as old persons home. Planning permission granted.

8.2 96/0902 - Erect single storey extension to outbuilding at rear to form garage. Planning permission refused.

8.3 97/0066 - Erect single storey extension to outbuilding at rear to form garage. Planning permission refused.

8.4 16/01187/FULH - Erect two storey rear extension including habitable accommodation in the roof, erect garage to side, extend single storey side extension and porch to front, form new balconies to front, enlarge existing dormer to front and alter elevations. Planning permission granted.

8.5 16/01898/CLP - Alter elevations and convert garage into habitable accommodation (Lawful Development Certificate - Proposed). Certificate of Lawfulness refused.

9 Recommendation

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.

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: 1035 020.

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 the choice of materials, method of construction and finished appearance of the existing outbuilding, unless otherwise shown on the drawings hereby approved.

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, Development Management DPD Policies DM1 and DM3,

and SPD1 (Design and Townscape Guide).

- 04 The converted outbuilding hereby permitted shall only be used for purposes incidental to the residential use of the dwelling known as No. 3 Thorpe Bay Gardens.

Reason: To safeguard the character and amenities of the area and to safeguard the amenities of adjoining residential properties, in accordance with the Development Management DPD policies DM1 and DM3.

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

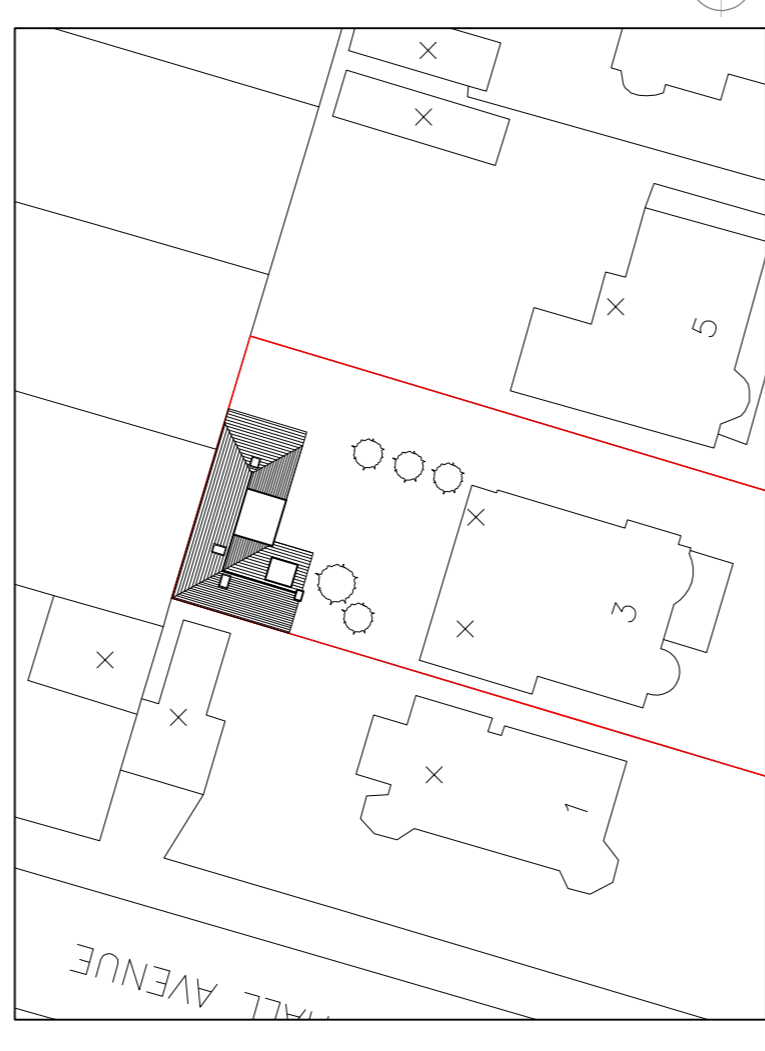
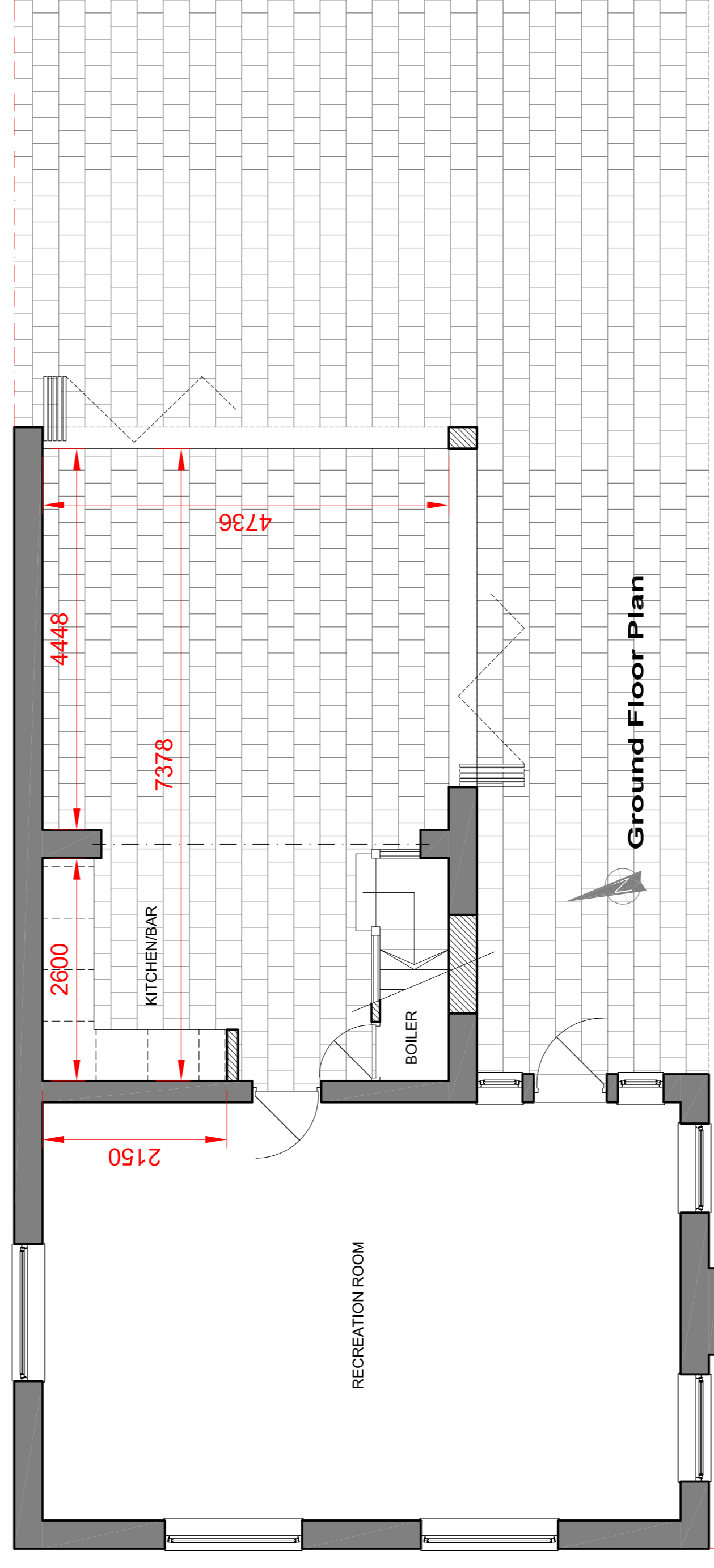
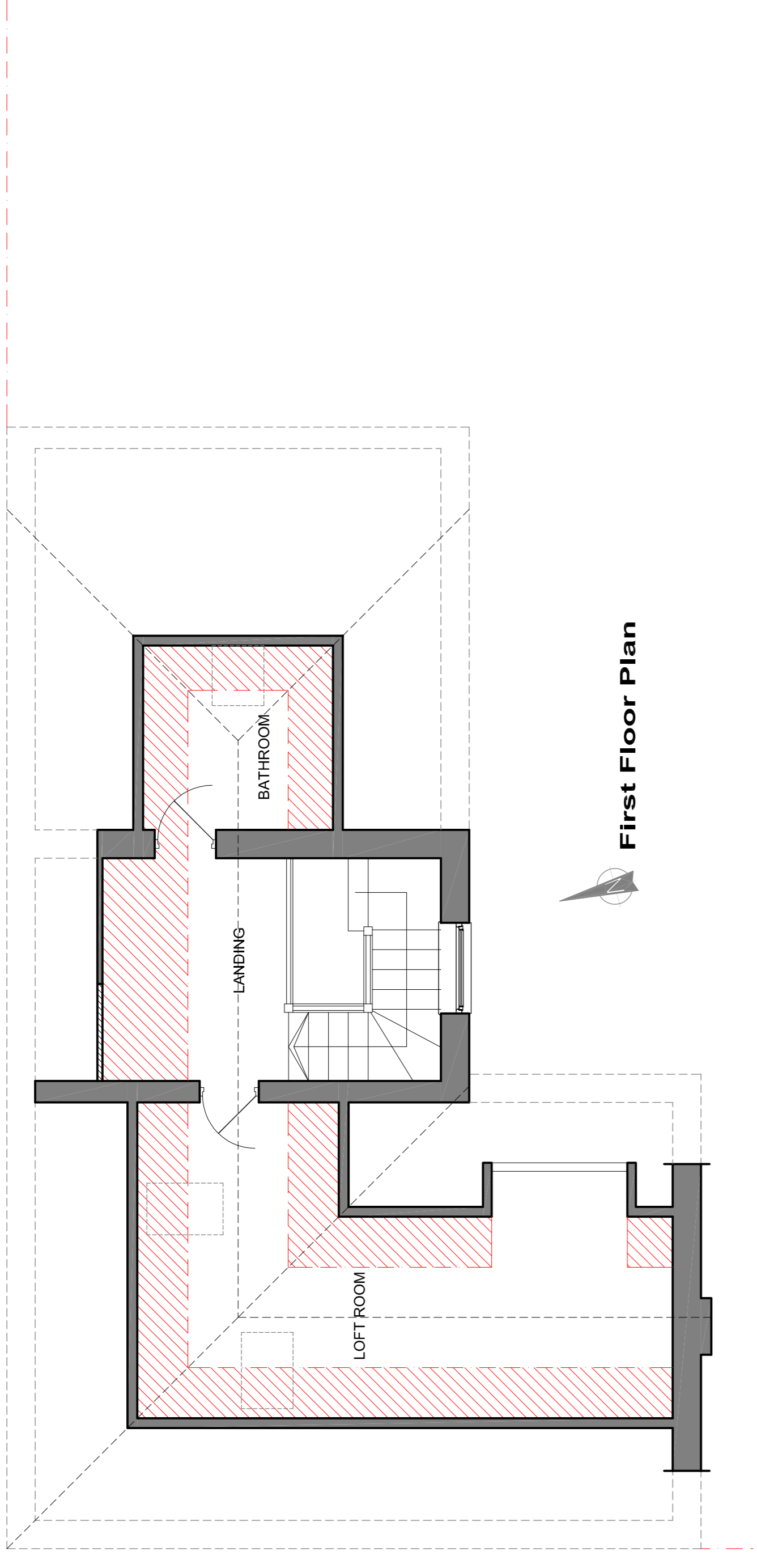
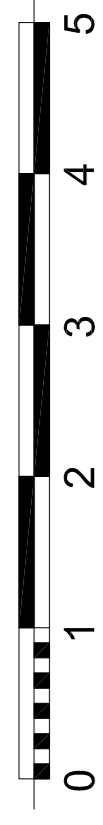
Informative

- 1 You are advised that as the proposed alterations to your property do not result in new floorspace and the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

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Revision: _____ Date: _____

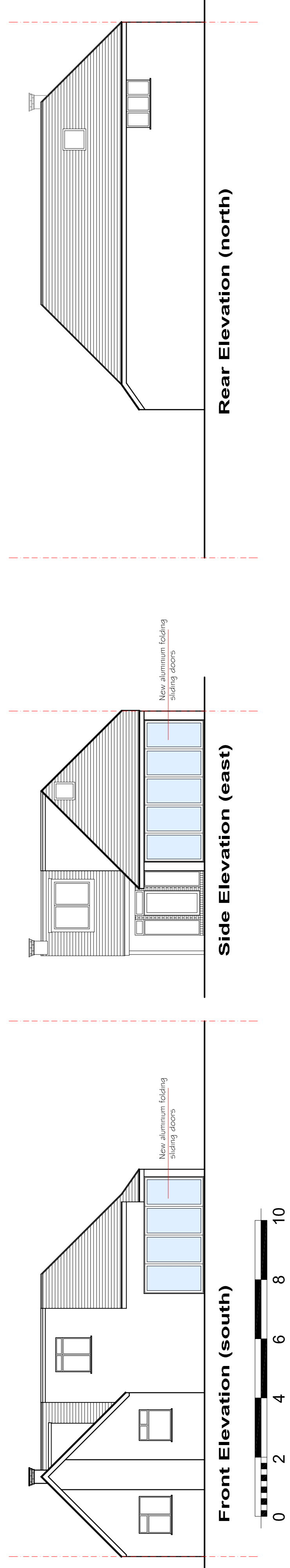


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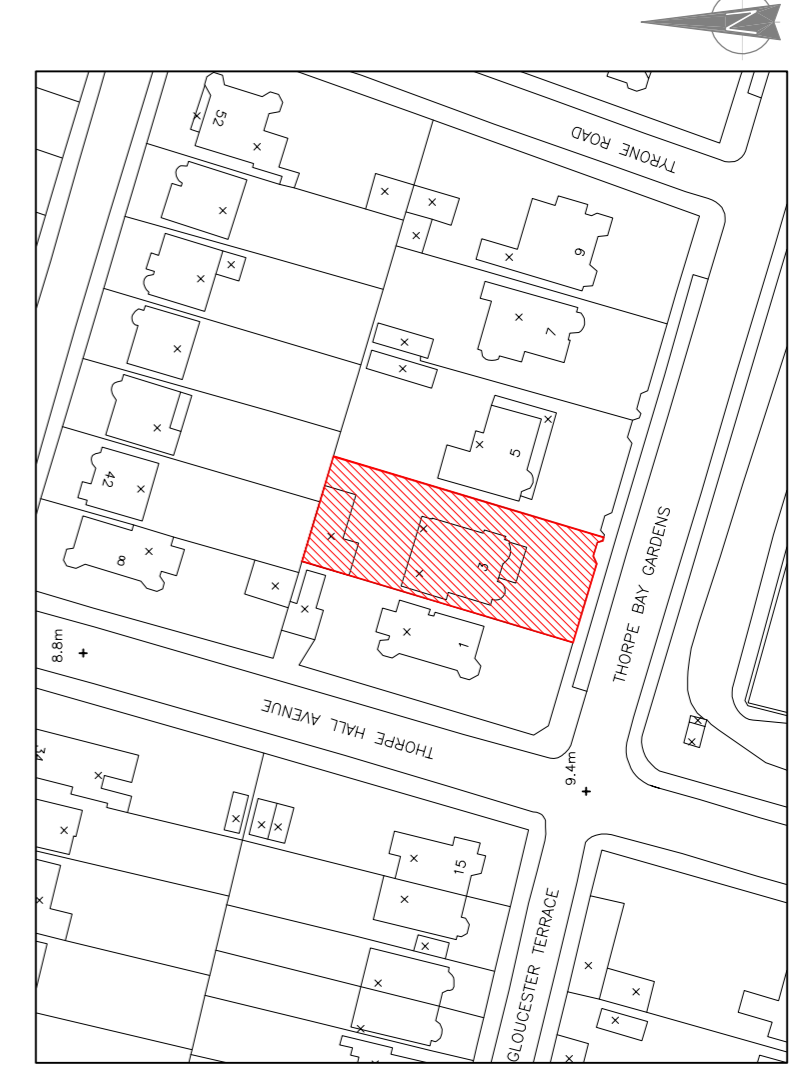
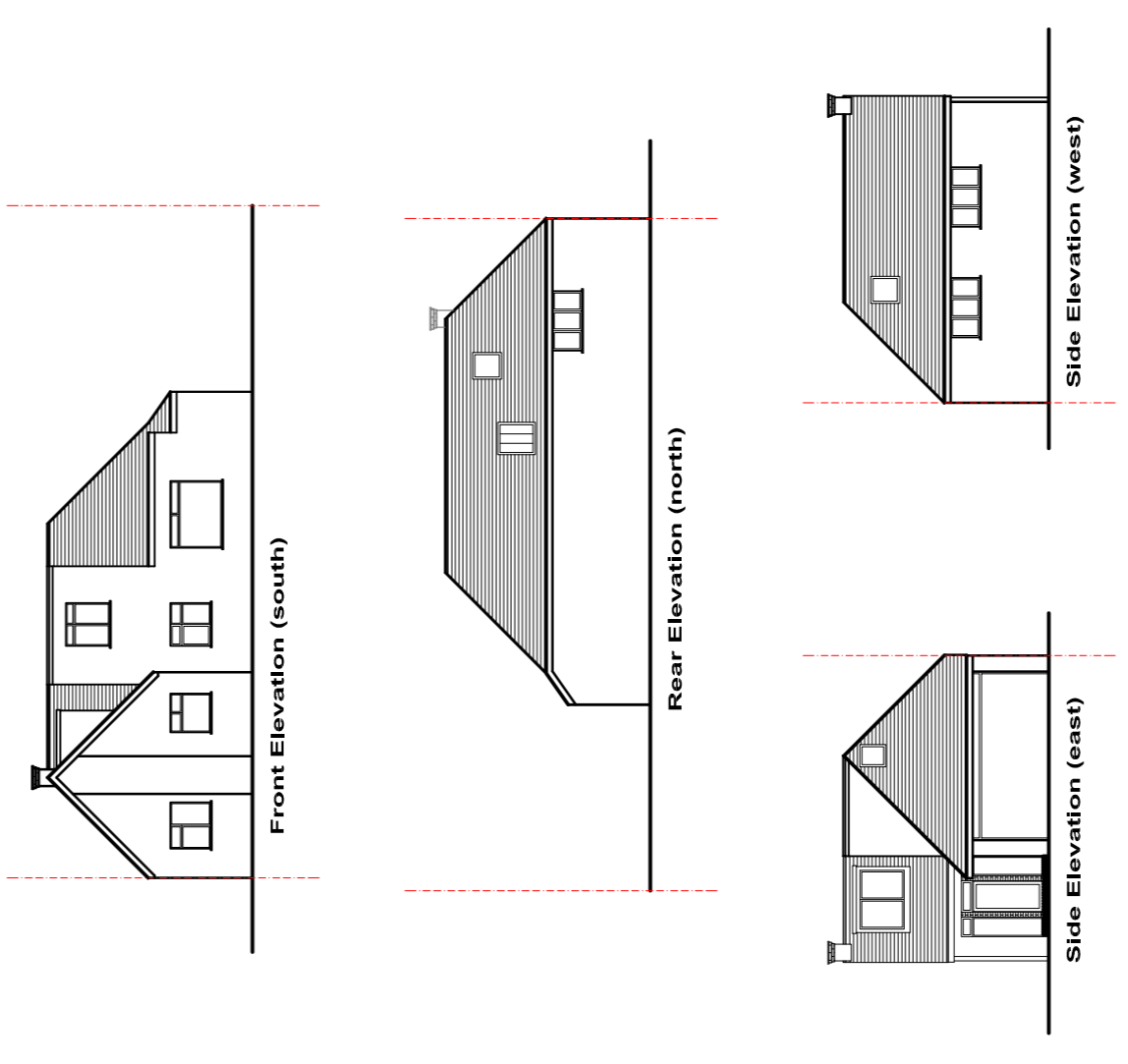
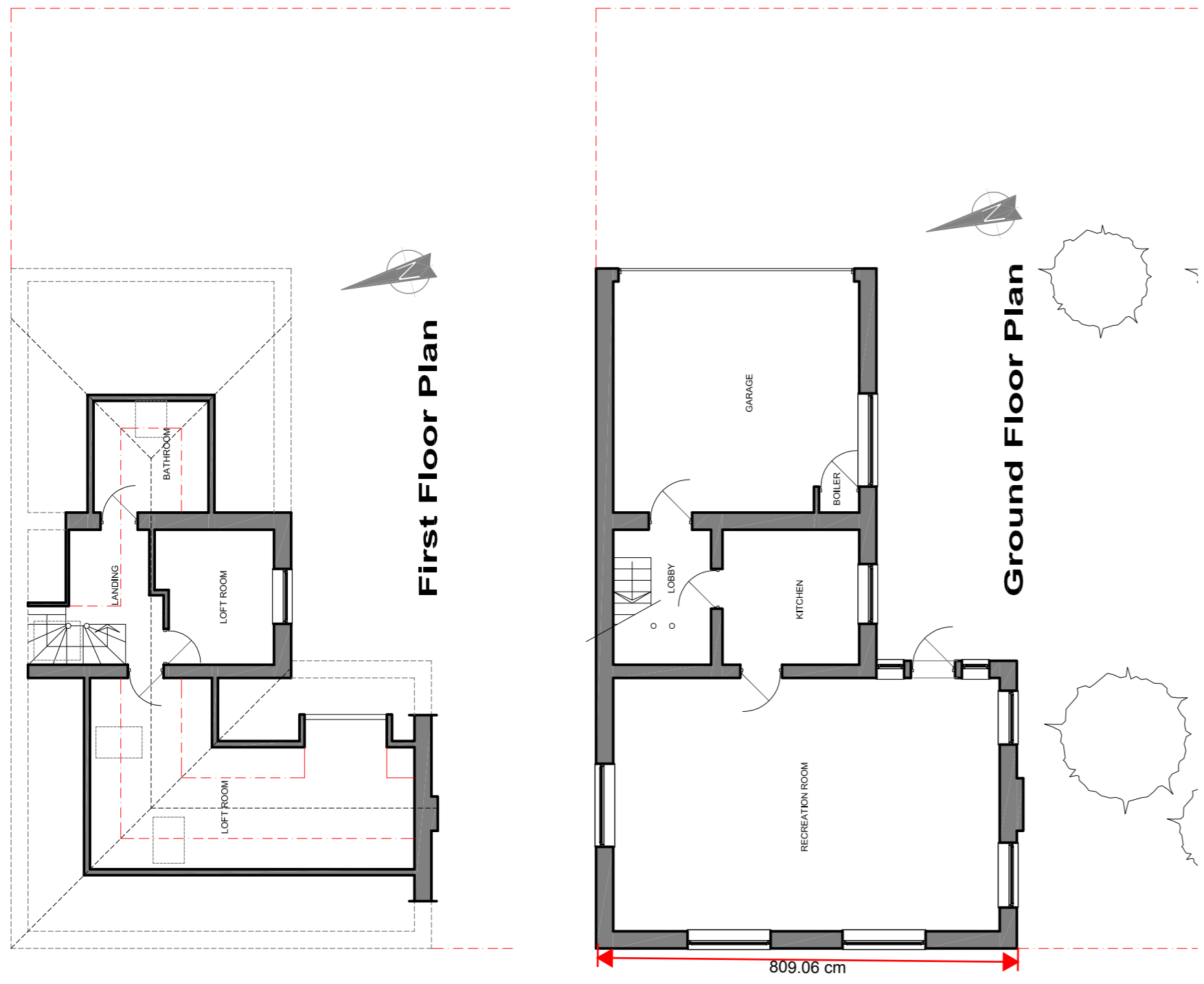
Client
 Mr J Pace
Project
 3 Thorpe Bay Gardens
Description
 Out Building Alterations
 Existing & Proposed Plans

Status
 Planning
Scale
 1:50/100/200 nr
Date
 14.10.16
Drawings no.
 1035
Revision
 020

PROPOSED PLANS

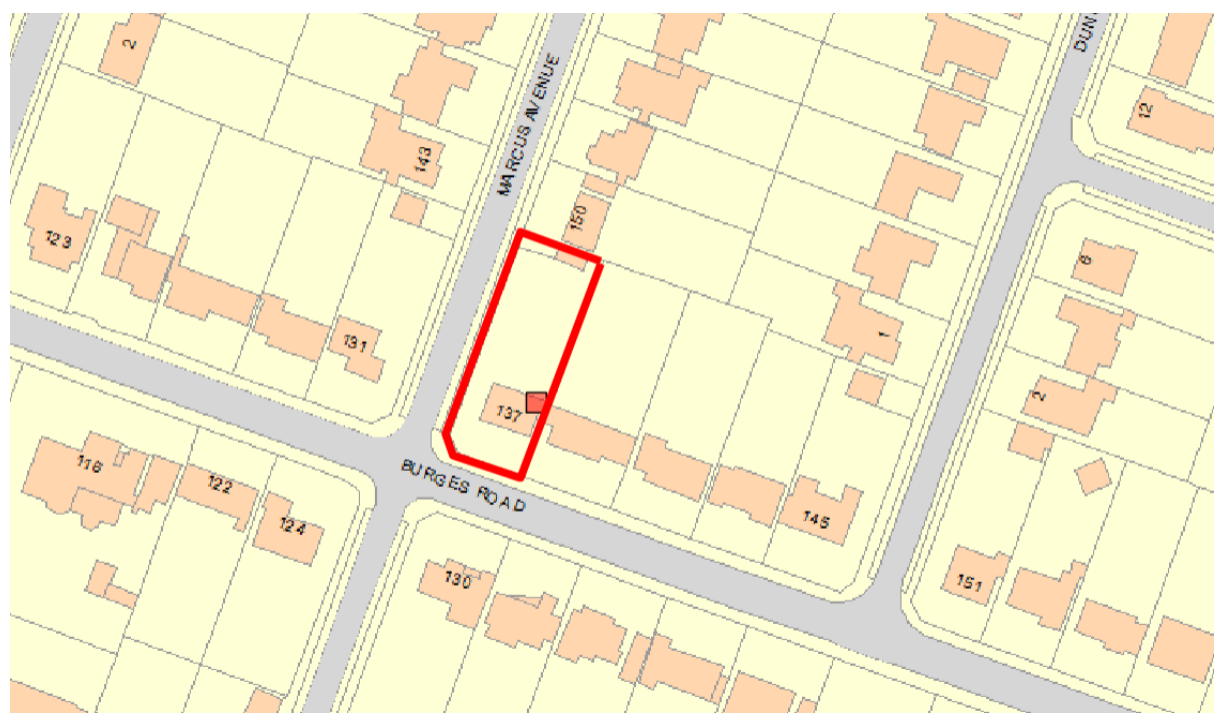


EXISTING PLANS



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Reference:	17/00085/FULH
Ward:	Thorpe
Proposal:	Convert and extend existing garage to rear to form garden room/storage and alter elevations
Address:	137 Burges Road, Thorpe Bay, Essex, SS1 3JN
Applicant:	Mr B Sullivan
Agent:	Mr Paul Seager
Consultation Expiry:	24 th February 2017
Expiry Date:	27 th March 2017
Case Officer:	Anna Tastsoglou
Plan Nos:	2508 01; 2508 02; 2508 03; 2508 04; 2508 05 & 2507 06
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 The application seeks to extend an existing garage and convert it to a garden room.
- 1.2 The outbuilding would be extended to the east by 3.4m, to the full depth of the existing outbuilding, resulting in a total width of 10.4m. The height to the eaves and maximum height would be maintained at the same level as the existing (2.6m high to the eaves with a 4.3m maximum height).
- 1.3 Materials to be used to the external elevations would include UPVC doors, concrete tiles and the external walls would be finished in render.

2 Site and Surroundings

- 2.1 The site is occupied by a large sized detached two storey dwelling, located on the corner of the junction of Burges Road and Marcus Avenue. The property is finished in red brick and cladding painted white, with brown/red tiled roof. Similar to the neighbouring properties, the site benefits from a large sized rear garden and a deep front garden which is partially hard surfaced and used for parking.
- 2.2 The area is residential in character. This section of Burges Road is characterised by simple 1970s style large houses of similar designs and forms and with consistent materials. The properties extend in two storeys with simple roofs and they are of cohesive character. Generally spacious gaps are maintained around the junctions and the dwellings set back from the pavement.

3 Planning Considerations

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

4 Appraisal

Principle of Development

NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Development Management DPD Policies DM1 and DM3.

- 4.1 The site is occupied by a residential dwelling. An outbuilding ancillary and incidental to the main dwelling is considered acceptable in principle. Other material planning considerations are discussed below.

Design and Impact on the Character of the Area:

NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Development Management DPD Policies DM1 and DM3.

- 4.2 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in the Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management DPD.

The Design and Townscape Guide (SPD1) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*

- 4.3 Paragraph 56 of the NPPF states that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*
- 4.4 Policy DM1 of the Development Management DPD states that all development should *“add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features”*.
- 4.5 Policy DM3 (5) also advises that *‘Alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area through:*
- (i) The use of materials and detailing that draws reference from, and where appropriate enhances, the original building, and ensures successful integration with it; and*
 - (ii) Adopting a scale that is respectful and subservient to that of the original building and surrounding area; and*
 - (iii) Where alternative materials and detailing to those of the prevailing character of the area are proposed, the Council will look favourably upon proposals that demonstrate high levels of innovative and sustainable design that positively enhances the character of the original building or surrounding area.’*
- 4.6 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”*.
- 4.7 Paragraph 358 of The Design and Townscape Guide (SPD1) advises that outbuildings *“should be designed to complement the character of the associated building”* and also embrace the design principles set out in the SPD1.
- 4.8 The proposed outbuilding, although large in scale, it would be of an acceptable size in relation to the main house and the plot, within which it is located. The outbuilding is located to the rear of the dwelling; however, given the location of the plot on a junction, it is visible from the public realm. However, as noted in the description of the proposal, the outbuilding would not be altered to the front, given that it would maintain the existing height and it would only be extended to the rear. It is therefore considered that, on balance, the design and scale of the extended outbuilding would relate satisfactorily to the dwelling and it would not result in a dominant form of development.

- 4.9 With regard to the materials, although the render finish would not match the external finishing materials of the existing dwelling, it is noted that another application, including various extensions and alterations to the dwelling has been submitted, and the current proposal is to match the external finishing materials of the altered dwelling. Whilst this application has not been determined yet, given that render finishing is not uncommon in the area, on balance, no objection is raised to the proposed materials, given they would not be out of keeping with the character of the wider area.

Traffic and Transport Issues

NPPF; Development Management DPD Policy DM15

- 4.10 Policy DM15 of the Development Management DPD requires all development to meet the minimum off-street parking standards. At least two parking spaces would be available to the front curtilage of the property and two more to the hard surfaced area in front of the outbuilding. Thus, no objection is raised in relation to car parking space provision.

Impact on Residential Amenity:

NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Southend-on-Sea Borough Local Plan Policies C11 and H5; SPD 1 (Design & Townscape Guide (2009))

- 4.11 The Design and Townscape Guide (SPD1) states that *“all developments and extensions must be designed so as not to give rise to unreasonable or perceived overlooking or compromise the privacy of an existing building or private garden. This is particularly important in residential areas and proposals for new development will be expected to maintain an acceptable distance between boundaries and habitable rooms in surrounding properties.”* (Paragraph 213 – Relationship with Neighbours – under the heading of ‘Overlooking and Privacy’).
- 4.12 In terms of impact to the neighbours, the proposed extended outbuilding would be located 500mm off the northern boundary and it would extend 3.4m to the east. The outbuilding would not extend further to the front and it would not result in an increased ridge height. Therefore, it would not have an additional impact on the windows to the front elevations of the neighbouring property. To the rear, the extended outbuilding would project 2m beyond the rear elevation of the adjacent dwelling to the north and it would be sited 1.1m away. Given the limited rearward projection and height of the outbuilding, it is not considered that the proposal would result loss of light on windows to the rear or in an overbearing impact.
- 4.13 Concerns have been raised by the neighbour regarding the impact of the extended outbuilding on the existing south facing windows at ground and first floors. Whilst it is accepted that the window at ground floor would be affected by the proposed extension, given that it is a secondary window to a habitable room, which benefits from full height glazed doors to the rear elevation, it is not considered that it would result in a detrimental loss of light such that to justify refusal of the application.

The outbuilding is single storey and therefore, it would have limited impact on the window at first floor, which is not the primary or sole source of light to a habitable room. On that basis, it is not considered that the extended outbuilding would have a detrimental impact on the amenity of the occupiers of 150 Marcus Avenue.

- 4.14 An overall 24m separation distance would be maintained between the extended outbuilding and No. 139 Burges Road. As such, the proposed development would not result in a detrimental impact on the residential amenity of the neighbours to the east.
- 4.15 The extended outbuilding would not have any additional impact any other nearby residential dwelling. The proposed glazed doors would be facing the application dwelling and thus, no objection is raised regarding overlooking or loss of privacy.

Community Infrastructure Levy

CIL Charging Schedule 2015

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

5 Conclusion

- 5.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal, on balance, would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, the streetscene and the locality more widely. The proposal would not result in any adverse impact on parking provision or highways safety. This application is therefore recommended for approval subject to conditions.

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 KP1 (Spatial Strategy), KP2 (Development Principles) and CP4 (Environment & Urban Renaissance)
- 6.3 Development Management DPD 2015: DM1 (Design Quality), DM3 (Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 6.5 CIL Charging Schedule 2015

7 Representation Summary

Transport and Highways

7.1 No comments received.

Parks

7.2 No comments received.

Public Notification

7.3 Seven neighbours were notified and one representation has been received, raising concerns regarding the overshadowing impact of the proposed development on the existing ground and first floor windows to the south elevation of the neighbouring dwelling.

7.4 Cllr Woodley requested this application to be presented before members for the following reason:

- *There are two windows on the south elevation, one the ground floor sitting room, the other at first floor level which is the master bedroom. Both overlook the rear of 137 Burges Road. The ground floor room would be worse affected because it would provide a view of a brick wall about three feet from the window. Obviously unsightly as well as cutting out light. The light reduction although possibly not drastic would have an effect. Upstairs the view would be of the pitched roof of the proposed garden room (not pretty) and with some minor reduction of light.*

I believe that because of the proposed positioning of the garden room (ie a brick wall 3 feet from 150 Marcus Ave) would have a major impact on their amenities as well as some loss of light to the ground floor sitting room.

8 Relevant Planning History

8.1 99/00909/FUL - Demolish single garage and erect detached double garage at rear. Planning permission granted.

8.2 16/00887/FULH - Demolish existing side extension and erect a two storey side extension, single storey rear extension and convert loft into habitable accommodation with dormers to front and rear, incorporating balcony to front, alter elevations and erect porch canopy to front. Planning permission refused.

8.3 16/02270/FULH - Erect part single/part two storey rear extension, single storey side extensions, convert loft into habitable accommodation incorporating dormers to front and rear, balconies to front and rear elevations and erect porch canopy to front. Application pending consideration.

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. (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: 2508 04; 2508 05 & 2507 06 (C01D)

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan. (R01D)

- 03 All new work to the outside of the building must match be of the choice of materials, method of construction and finished appearance as shown on the drawings hereby approved.

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, Development Management DPD policies DM1 and DM3, and SPD1 (Design and Townscape Guide).

- 04 The outbuilding hereby permitted shall only be used for purposes incidental to the residential use of the dwelling known as No. 137 Burges Road.

Reason: To safeguard the character and amenities of the area and to safeguard the amenities of adjoining residential properties, in accordance with the Development Management DPD policy DM1.

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

Informative

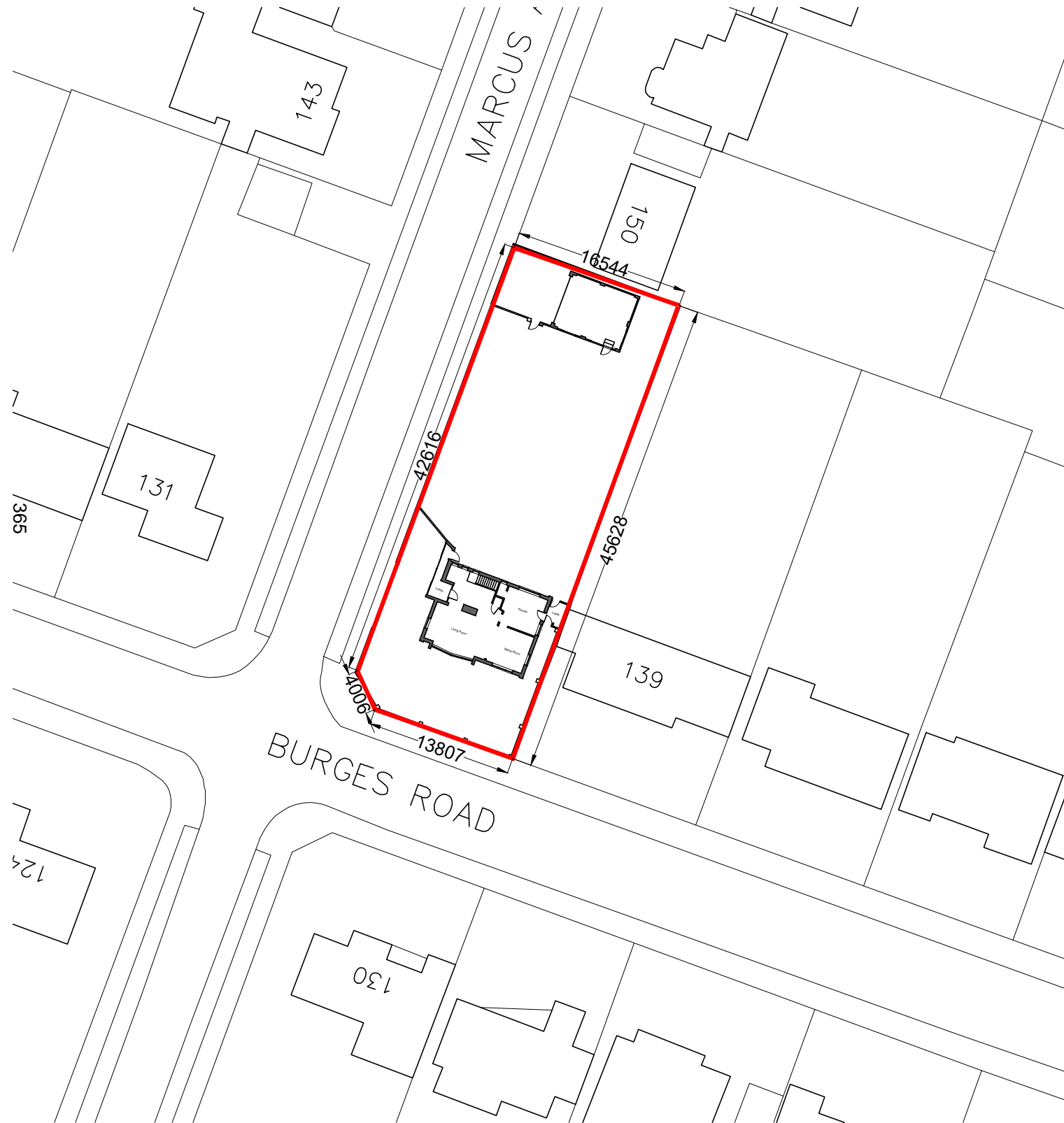
- 1 You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil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

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137 BURGESS ROAD

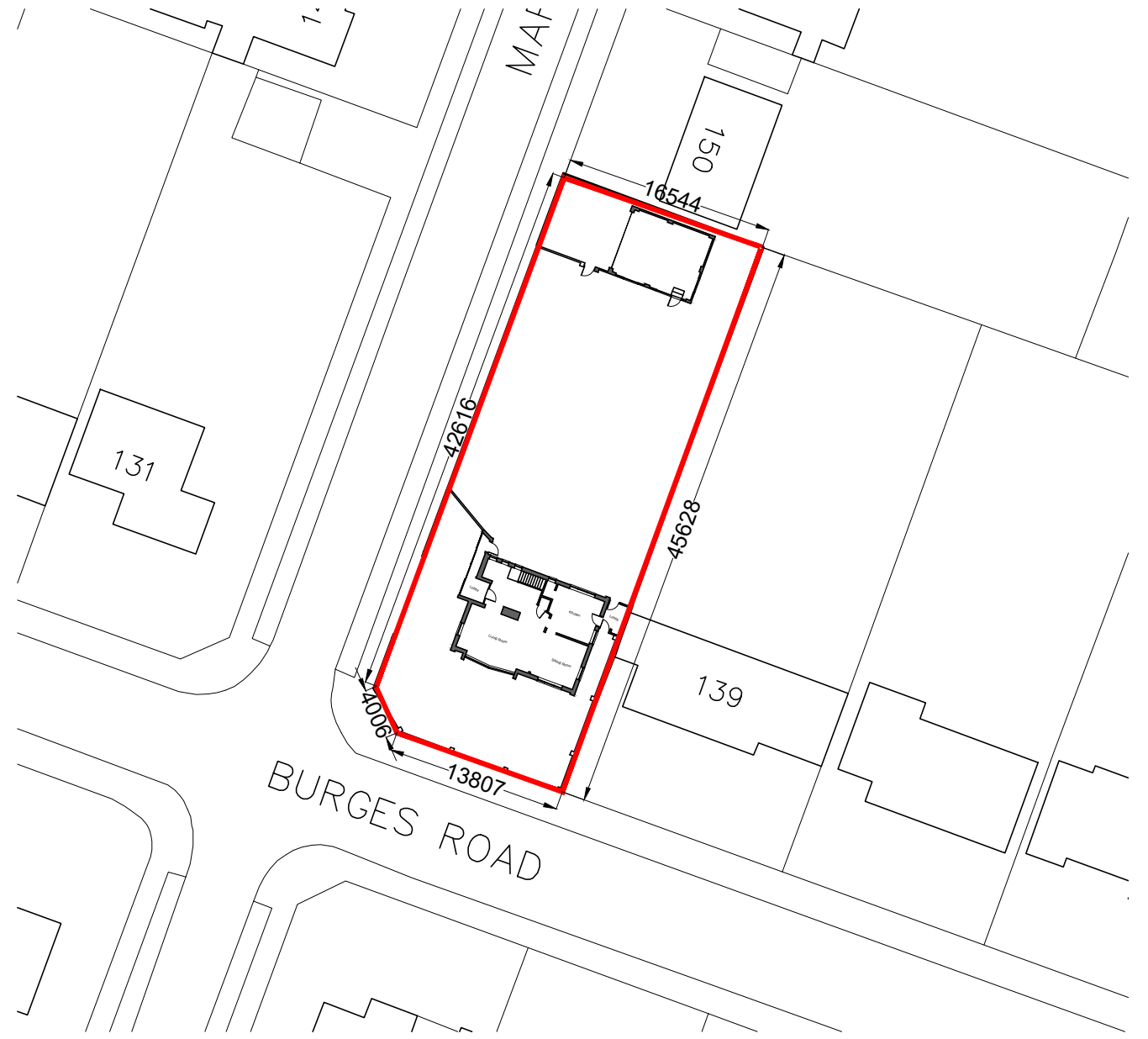
THORPE BAY, ESSEX

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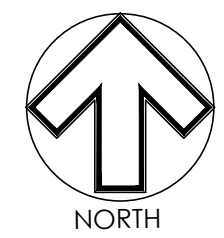
1 Site Plan

Scale: 1:500



2 Location Plan

Scale: 1:1250



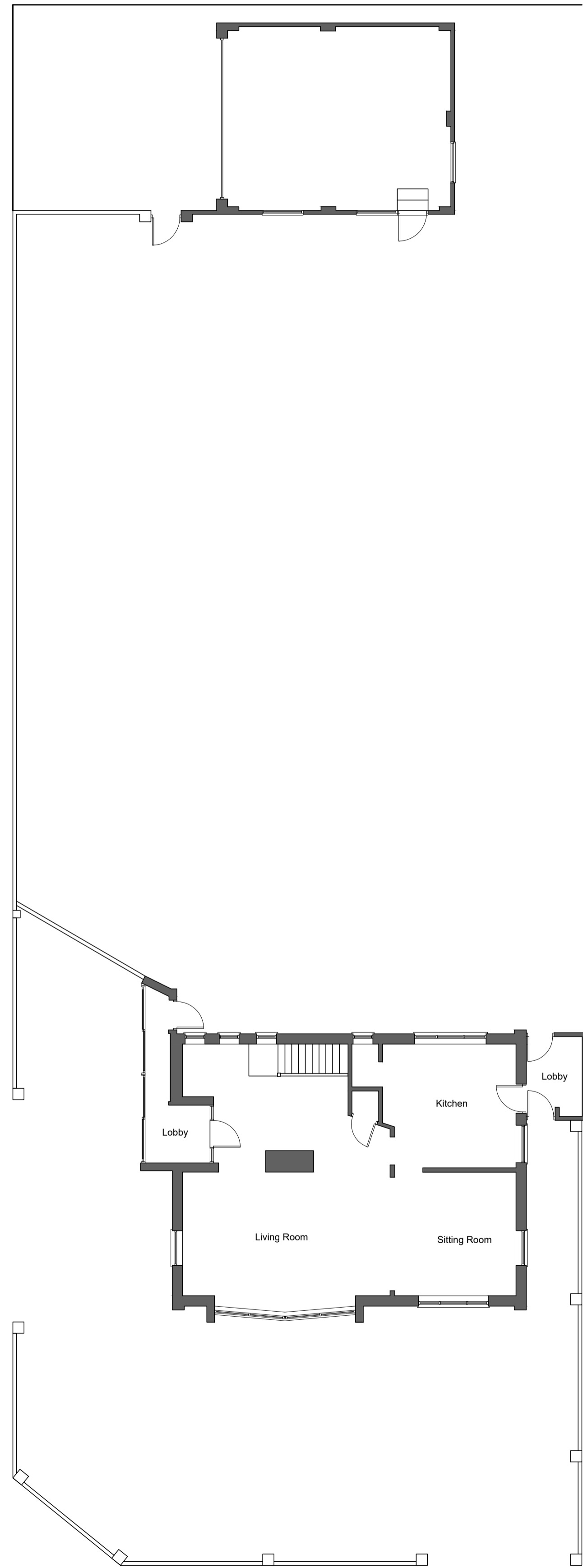
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ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS		
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Town Planning	RB/KG	January 2017
CLIENT:		
PROJECT:		
137 Burgess Road		
JOB NO:	DRAWING NO:	REVISION:
2508	01	
DRAWING TITLE:		
Existing Site and Location Plans		
SCALE:		
Varies @ A3		
The Design Studio		
1 Cambridge Road (Rear)		
Nelson Street		
Southend-On-Sea		
Essex		
SS1 1ET		
Tel: 01702 469 769 - 01702 337328		
Email: admin@apsdesignsuk.com		
designteam@apsdesignsuk.com		
planning@apsdesignsuk.com		
Website: www.apsdesignsuk.com		

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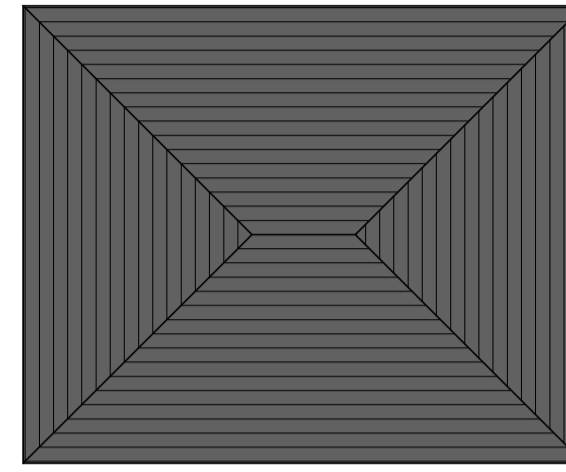
137 BURGESS ROAD

THORPE BAY, ESSEX

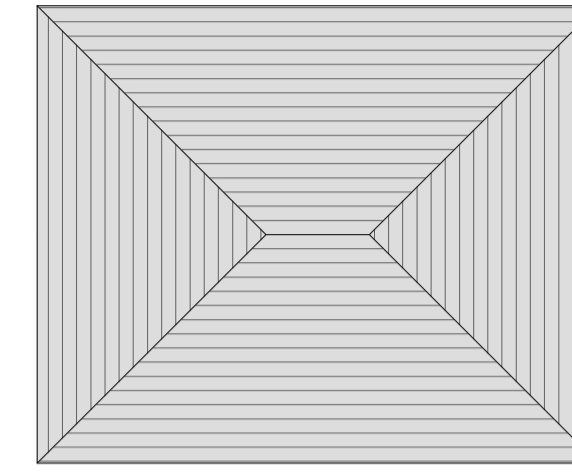
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① Existing Ground Floor Plan
Scale: 1:100



② Existing First Floor Plan
Scale: 1:100



③ Existing Roof Plan
Scale: 1:100

REVISION	DATE	AMENDMENT
APS DESIGN ASSOCIATES LTD ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS		
PROJECT STAGE: TOWN PLANNING	DRAWN BY: RB/KG	DATE: January 2017
CLIENT:		

PROJECT: 137 Burgess Road	DRAWING NO: 02	REVISION:
JOB NO: 2506	SCALE: 1:100 @ A1	Tel: 01702 469 769 - 01702 337328
DRAWING TITLE: Existing Plans	The Design Studio 1 Cambridge Road (Rear) Nelson Street Southend-On-Sea Essex SS1 1ET	Email: admin@apsdesignsuk.com designteam@apsdesignsuk.com planning@apsdesignsuk.com Website: www.apsdesignsuk.com

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137 BURGESS ROAD

THORPE BAY, ESSEX

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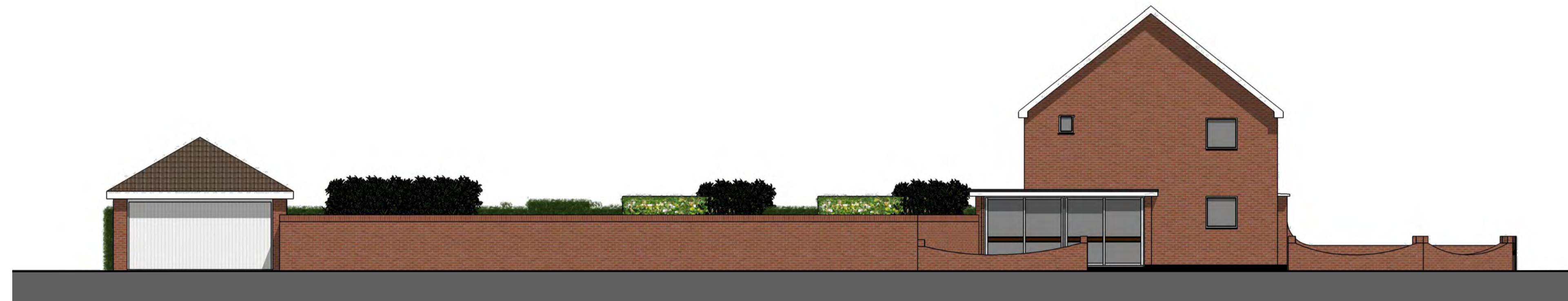
① Existing Front (South) Elevation

Scale: 1:100



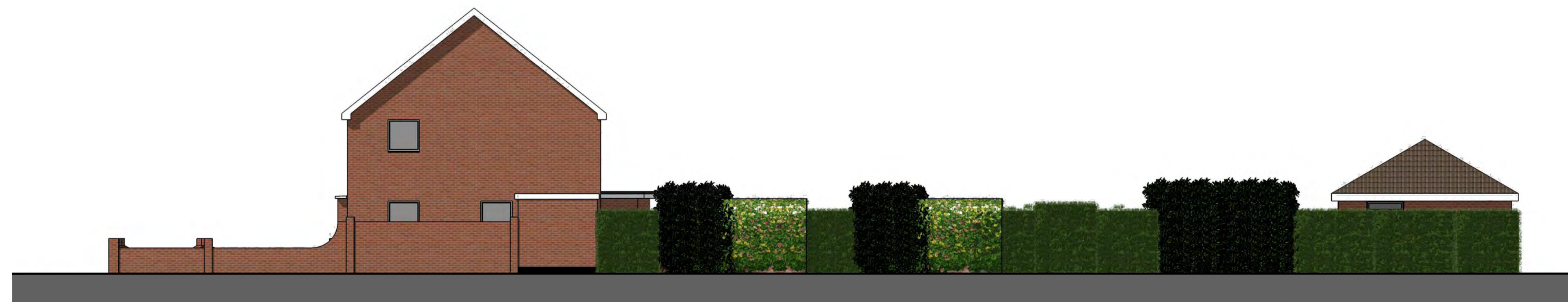
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③ Existing Left (West) Elevation

Scale: 1:100



④ Existing Right (East) Elevation

Scale: 1:100

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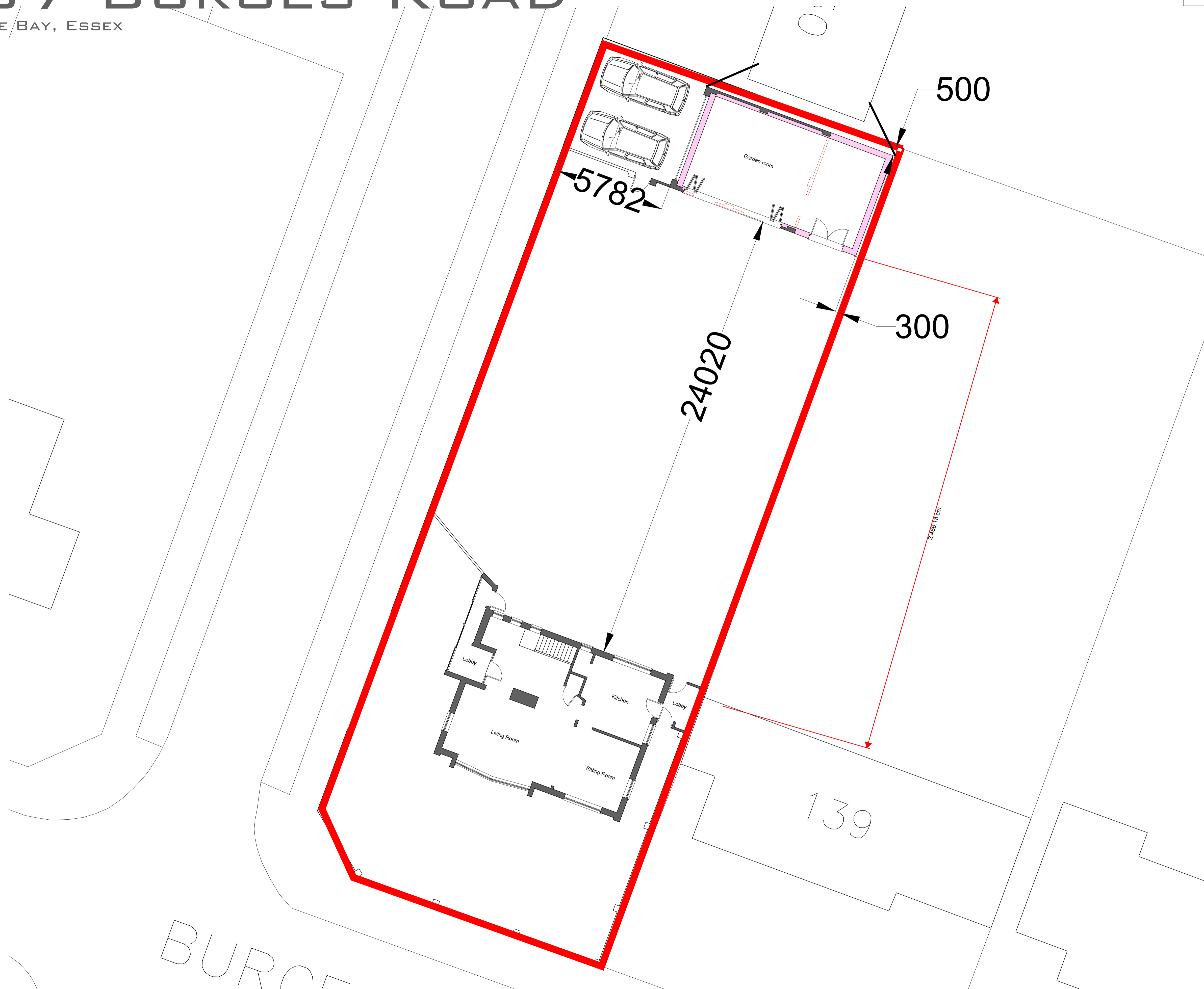
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PROJECT STAGE: TOWN PLANNING	DRAWN BY: RB/KG	DATE: January 2017
CLIENT:		
PROJECT: 137 Burgess Road	DRAWING NO: 03	REVISION:
JOB NO: 2506		SCALE: 1:100 @ A1
DRAWING TITLE: Existing Elevations		
The Design Studio 1 Cambridge Road (Rear) Nelson Street Southend-On-Sea Essex SS1 1ET		
Tel: 01702 469 769 - 01702 337328 Email: admin@apsdesignsuk.com designteam@apsdesignsuk.com planning@apsdesignsuk.com Website: www.apsdesignsuk.com		

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137 BURGESS ROAD

THORPE BAY, ESSEX

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REVISION	DATE	AMENDMENT
APS DESIGN ASSOCIATES LTD ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS		
PROJECT STAGE: TOWN PLANNING	DRAWN BY: RB/KG	DATE: December 2016
CLIENT:		
PROJECT: 137 Burgess Road	DRAWING NO: 04	REVISION:
JOB NO: 2508	SCALE: 1:100 @ A1	
DRAWING TITLE: Proposed Ground Floor Plan		
The Design Studio 1 Cambridge Road (Rear) Nelson Street Southend-On-Sea Essex SS1 1ET		Tel: 01702 469 769 - 01702 337328 Email: admin@apsdesignsuk.com designteam@apsdesignsuk.com planning@apsdesignsuk.com Website: www.apsdesignsuk.com

1 Proposed Ground Floor Plan

Scale: 1:100

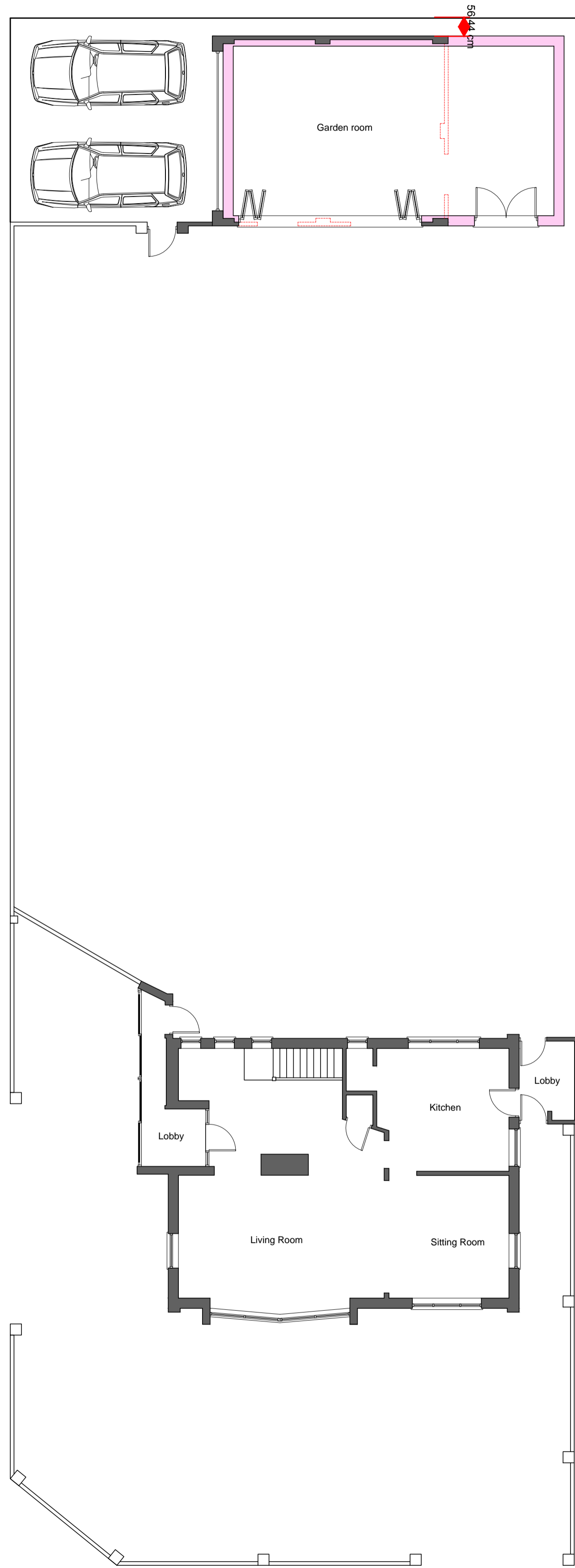
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137 BURGESS ROAD

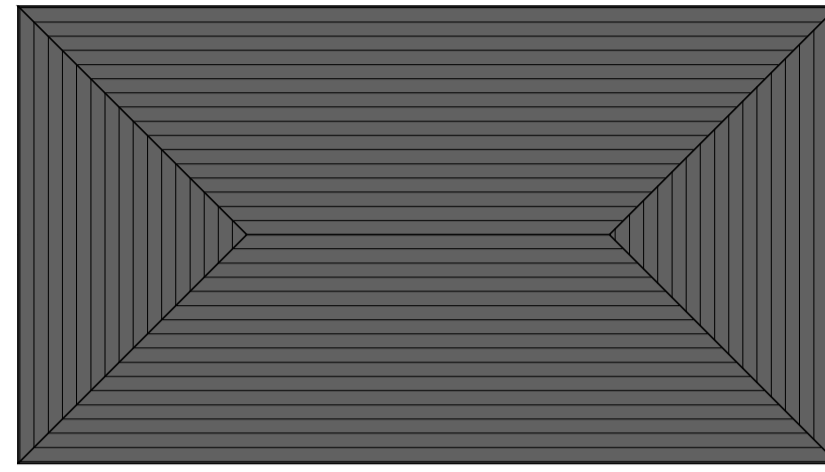
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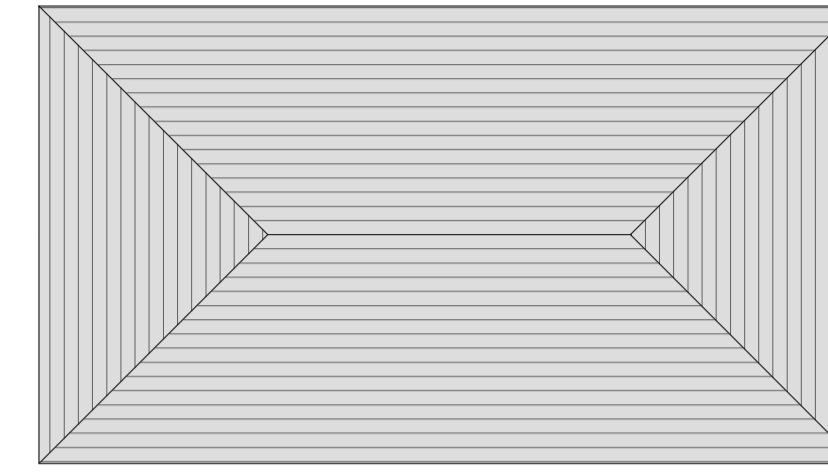
REVISION	DATE	AMENDMENT
APS DESIGN ASSOCIATES LTD		
ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS		
PROJECT STAGE: TOWN PLANNING	DRAWN BY: RB/KG	DATE: January 2017
CLIENT:		
PROJECT: 137 Burgess Road	DRAWING NO: 05	REVISION:
JOB NO: 2508		SCALE: 1:100 @ A1
DRAWING TITLE: Proposed Plans		
The Design Studio 1 Cambridge Road (Rear) Nelson Street Southend-On-Sea Essex SS1 1ET		Tel: 01702 469 769 - 01702 337328 Email: admin@apsdesignsuk.com designsteam@apsdesignsuk.com planning@apsdesignsuk.com Website: www.apsdesignsuk.com



1 Proposed Ground Floor Plan Scale: 1:100



2 Proposed First Floor Plan Scale: 1:100



3 Proposed Roof Plan Scale: 1:100



4 Proposed 3D Perspective Scale: NTS

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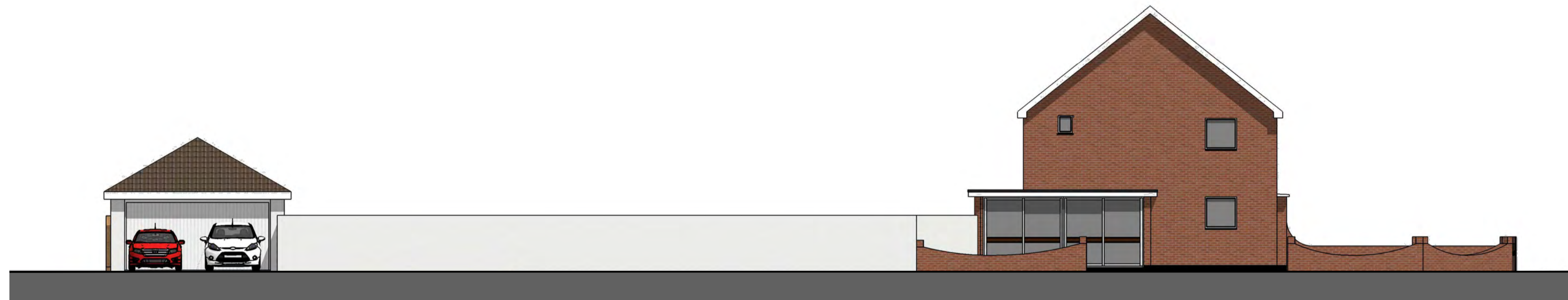
1 Proposed Front (South) Elevation

Scale: 1:100



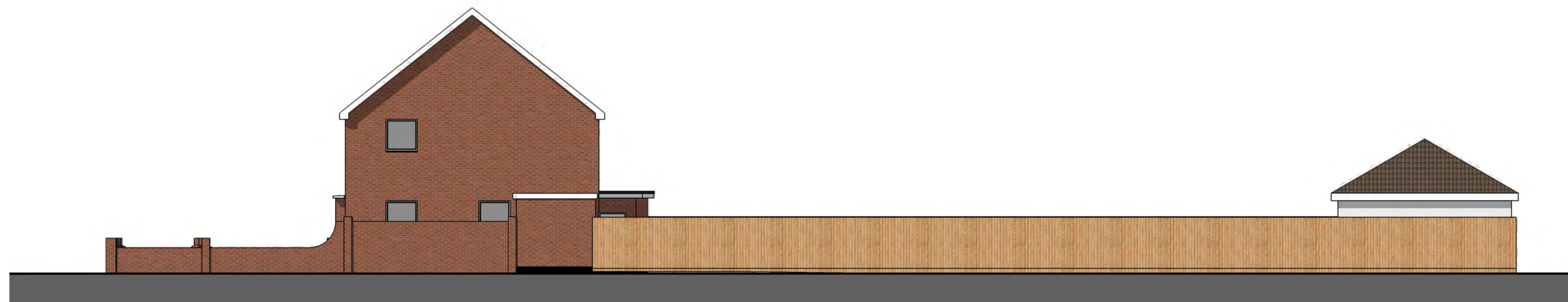
2 Proposed Rear (North) Elevation

Scale: 1:100



4 Proposed Left (West) Elevation

Scale: 1:100



5 Proposed Right (East) Elevation

Scale: 1:100

3/25

REVISION	DATE	AMENDMENT
APS DESIGN ASSOCIATES LTD		
ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS		
PROJECT STAGE:	DRAWN BY:	DATE:
TOWN PLANNING	RB/KG	December 2016
CLIENT:		
PROJECT:	DRAWING NO:	REVISION:
137 Burgess Road	06	
JOB NO:	SCALE:	
2507	1:100 @ A1	
DRAWING TITLE:		
Proposed Elevations		
The Design Studio	Tel: 01702 469 769 - 01702 337328	
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