

Public Document Pack
SOUTHEND-ON-SEA BOROUGH COUNCIL

Development Control Committee

Date: Wednesday, 5th July, 2017

Time: 2.00 pm

Place: Committee Room 1 - Civic Suite

Contact: Tim Row - Principal Committee Officer

Email: committeesection@southend.gov.uk

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- 2 Declarations of Interest
- 3 Supplementary Report
- **** **Introduction**
- **** **Reports on Pre-Meeting Site Visits**
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- 15 17/00784/BC3 - Barons Court Primary School And Nursery, Avenue Road, Westcliff on Sea (Milton Ward) (Pages 285 - 298)**

TO: The Chairman & Members of the Development Control Committee:

Councillor F Waterworth (Chair)

Councillors D Garston (Vice-Chair), B Arscott, B Ayling, M Borton, H Boyd, S Buckley, T Callaghan, N Folkard, J Garston, R Hadley, H McDonald, C Mulroney, D Norman MBE, P Van Looy, C Walker and N Ward

PLEASE NOTE: The minibus for the site visits will depart from the bus stop at the front of the Civic Centre at 10.00 a.m.

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:	16/01475/FULM	<h1>4</h1>
Ward:	Leigh	
Proposal:	Convert existing hotel into mixed use comprising of basement wine bar and health club, ground floor restaurants and terrace, 19 self-contained flats on three floors, form new mansard roof and penthouse roof extension and three storey rear extension with mansard roof, external alterations, install extract/ventilation equipment and solar PV panels, layout parking, associated landscaping and form new vehicular access onto Broadway	
Address:	Grand Hotel, Broadway, Leigh-On-Sea, Essex, SS9 1PJ	
Applicant:	460 Leisure Ltd	
Agent:	Mr Kieron Lilley	
Consultation Expiry:	13 th September 2016	
Expiry Date:	14 th July 2017	
Case Officer:	Anna Tastsoglou	
Plan No's:	1622-01; 1622-02F; 1622-03F; 1622-04F; 1622-05G; 1622-06E; 1622-07D; 1622-08B; 1622-09D; 1622-11A; 1622-12A; 1622-13A; 1622-14; Soft Landscape Plan; Site Plan & Location Plan	
Recommendation:	REFUSE PLANNING PERMISSION	



1 The Proposal

- 1.1 Planning permission is sought to convert the existing hotel into a mixed use building, comprising a wine bar and health club at basement level, a restaurant with external raised terrace at ground floor, nineteen self-contained flats to the upper three floors. It is also proposed to raise the mansard roof and erect a penthouse roof extension over the mansard roof together with a three storey rear extension with mansard roof and undercroft parking. Extract/ventilation equipment and solar PV panels are proposed to be installed at roof level. Parking would be formed to the front and rear of the building with associated landscaping and new vehicular access onto Broadway. Other external alterations to the building would include the installation of new full-height glazed doors, new railings and terraces at mansard roof level, replacement of the ground floor windows with glazed doors, demolition of existing chimneys and installation of new chimneys. The existing mansard roof would be demolished and rebuilt at a steeper pitch (from 45° to 65° angle), it would also be taller and closer to the front parapet.
- 1.2 The existing building is mainly rectangular in shape with single, two and three storey extensions to the rear, which are proposed to be demolished. The footprint of the main building would be retained and a substantial three storey extension with mansard roof would be erected to the rear, measuring 14m deep x 18.3m wide. Balconies would be incorporated to the east and west elevations of the proposed rear extension at first floor, replicating the design of the existing front balconies.
- 1.3 The existing mansard roof of the existing building would be demolished and rebuilt with an increased height of 900mm, resulting in an increased height of 14.7m (15.1m including the railings). The proposed penthouse roof extension on top of the enlarged mansard roof would increase the height of the building by another 2.7m, resulting in a maximum building height of 17.4m (3.6m higher than the existing building).
- 1.4 The proposed penthouse roof extension would be sited 4.7m back from the main parapet and less than 3m back (2.9m) from the front of the mansard roof. It would measure a maximum of 20m deep x 14.5m wide. The roof extension would have a curved metal roof to the front and a flat roof to the rear, with bi-folding doors to front, side and rear elevations, with the exception of the lift shaft to the rear which will be finished in metal sheet cladding. An open terrace is proposed to the front, side and rear of the proposed penthouse.
- 1.5 To the rear of the penthouse a 2.5m high lift shaft is proposed and a 2m high plant enclosure. 114 solar panels are proposed to be installed on the top of the part curved, part flat roof of the penthouse, the flat roof of the three storey rear extension and on the top of the plant room.
- 1.6 There is an existing basement which is proposed to be extended to the rear under the proposed three storey rear extension and it would measure approximately 761sqm. The basement would be used as a bar and health club.

1.7 Internally, the following uses are proposed:

- Basement: Wine bar (approximately 40 covers) and Health club
- Ground floor: Restaurant, brassiere and function room (approximately 144 covers) including terrace to front providing an additional 75 covers
- First to third floors and penthouse extension: 19 flats, including
 - 1 x 1 bedroom flat (60.3sqm)
 - 17 x 2 bedroom flats (varying between 71.4sqm and 110sqm)
 - 1 x 3 bedroom flat (162sqm)

1.8 The proposed basement wine bar would measure approximately 276sqm, while the proposed health club would cover an area of around 427sqm. The ground floor restaurant would measure 394sqm and the proposed front terrace would be around 185sqm. A kitchen, reception to the Health club, restaurant and apartments, cycle and bin storage, and three undercroft parking spaces would be located to the rear of the restaurant at ground floor.

1.9 With regard to amenity space, a 138sqm terrace would be provided for the proposed penthouse, four flats would benefit from small balconies and six flats at mansard roof level would be provided with small terraces, with indoor opening doors, similar to Juliet balconies. Eight (no's 1, 4, 7, 8, 9, 10, 11 and 12) out of nineteen flats would have no access to amenity space or a form of balcony.

1.10 19 parking spaces are proposed to the rear of the building, one per proposed flat, together with an additional 9 parking spaces, including two disabled persons to serve the proposed restaurant, bar and health club. A new crossover is proposed to be formed long the eastern boundary of the application site (along Broadway), 6.6m wide. The crossover on the northernmost part of the west side of the application site, along Leighton Avenue, would be reinstated.

1.11 22 cycle parking spaces would be provided within the rear part of the building at ground floor, together refuse store, which would be separated for the commercial and residential uses.

1.12 A structural report has been submitted in support of the application commenting on the need for renovation works. Some of noted defects are specific to the building and some common to renovation projects for all buildings of this age. The key issues in relation to the poor condition of the building relate mainly to the differential movement to the northeast caused by a tree which has now been removed and water damage, coming through the ceiling to second and third floors which were caused by vandalism to the plant room at roof level. The rest of the issues that have affected the building mainly result from lack of maintenance of the building. According to the applicant the following internal and external repairs are required:

- Repair to structural crack to the northeast corner.
- Replacement of defective flat roofs.
- Rebuilding one chimney and repairing/repainting the rest of the chimneys.
- Repointing of elevations and replacement of severely weathered brickwork.
- Repair of windows including some replacement of opening casements.
- Repair of stonework in places.
- Repair of soil pipes.

- Resurfacing of car parks.
- Repair to boundary wall.
- Repair of damp proof course.
- Re-plastering walls that have suffered damp.
- Treat damp in walls where appropriate.
- Treat small area of dry rot in southeast corner floors 1 and 2.
- Install new ceilings.
- Replace water heaters, heating and boiler.
- Replace missing pipework.
- Install new sanitary ware.
- Repair stained glass windows.

1.13 Materials to be used to the external elevations of the building would include white painted timber framed windows and doors (to match the style and colour of the existing); red clay tiles to the mansard roof; and the external walls would be finished in red brick and stone detailing. The proposed penthouse would have a part metal roof, part flat roof and fully glazed elevations, with the exception of the lift shaft which will be finished in metal sheet cladding.

1.14 It is noted that during the course of the application the applicant submitted amended plans, showing the following alterations:

- Further glazing incorporated to the proposed penthouse.
- The previously proposed barrel roof to the penthouse has been amended to a bowed roof.
- Previously removed chimneys (central chimneys) are now proposed to be retained.
- The lift shaft has been raised (approximately 200mm) and external finishing materials have been altered.
- A balcony has been added at mansard roof level to the rear elevation.

1.15 It is noted that a number of concerns in relation to the proposed development and particularly in relation to the unacceptability of the proposed penthouse were raised by officers during pre-application discussions with the applicant as well as during the course of the current application. However, the applicant has declined to remove the proposed penthouse. Lengthy negotiations regarding the design, viability, amenity space provision and dwelling mix took place during the course of the application. These are further discussed below.

1.16 It should be highlighted that there are discrepancies on the submitted plans (elevations and plans). The amended curved roof to the penthouse has not been amended on the roof plans, which still show a barrel style roof on the elevations. Furthermore, there are a number of errors in the visuals submitted (i.e. the lift shaft has not been depicted to the east and west views, the number of windows to the main building have not been shown correctly and the chimneys have not been presented at the scale and design shown in the submitted elevations).

2 Site and Surroundings

- 2.1 The application site is approximately 0.21 hectares in size and is located on the northwest corner of Broadway, east of Leighton Avenue, within Leigh Cliff Conservation Area and is an iconic building and principle landmark of the conservation area. The property is locally listed, is a late Victorian baroque building built in 1899 and it is a three storey building with mansard roof. The locally listed building is finished in red brick with stone detailing, with characteristic prominent gables and chimneys, metal balconies to the front elevation and large windows with small collared top panels and various styles of pediments to the windows.
- 2.2 The property is set well back in relation to the properties along Broadway, bounded by a brick boundary wall with pillars incorporating pediments terracotta copings. The original railings have been removed. At the time of the site visit the property was bounded by hoarding along its boundary and ground floor windows were boarded up.
- 2.3 In general, the property is well preserved externally, although in some areas the brick and stonework is eroded and also according to the applicant, the presence of Japanese Knotweed on site has caused cracks on the walls.
- 2.4 The site is located at the easternmost part of the Leigh Broadway and lies within a designated secondary shopping frontage area. To the west of the application site, lies a primary shopping frontage, comprising predominantly two and three storey buildings. Directly to the west are an open car wash and a new built five-storey block of flats. The character of the area immediately to the north of the application site is mainly residential.

3 Planning Considerations

- 3.1 The main considerations in relation to this application are the principle of the development, design and impact on the character of the locally listed building and the conservation area, living conditions for future occupiers, impact on neighbouring properties, any traffic and transport issues, sustainability and developer contributions/CIL.

4 Appraisal

Background of the application

- 4.1 It is noted that the site has lengthy history; however, the most relevant and recent history is as follows:
- An amended and approved proposal (ref. no. 12/01439/FUL) to erect a three-storey rear extension to form 3 additional bedrooms, enlarge existing kitchen facilities and form a basement to the existing hotel.
 - An application (13/00477/EXT) to extend the time of the previously approved applications 10/00421/FUL and 10/01447/FUL, which involved alterations to elevation, installation of a disabled access ramp and formation of a terrace with seating area to the front, was approved in June 2013.

The applicant in the design and access statement (para 3.12) confirms that the application ref no. 12/01439/FUL has commenced and therefore, suggests that this is extant.

4.2 As noted above, a pre-application request was submitted in 2016 for a proposal broadly similar to the current proposal. A number of concerns were raised by officers at that time regarding the proposed development, including the following:

- The design of the proposed penthouse, mansard roof and undercroft parking were not considered to be acceptable in terms of their visual impact.
- Lack of amenity space.
- Proposed dwelling mix not being in accordance with policy DM7 of the Development Management Document.

It should be reiterated that although these matters of concern were identified at an early stage the applicant failed to address them either prior to submission or during the course of the application.

Principle of Development

National Planning Policy Framework 2012, Core Strategy Policies KP1, KP2, CP1, CP2, CP4, and CP8, Development Management DPD Policies DM1, DM3, DM5, DM8, DM10 and DM15 and SPD1.

4.3 As noted above, the site previously had permission to be used as a hotel incorporating extensions of moderate scale in relation to the main building. The applicant has stated that by reason of a number of constraints of the site, the previously permitted hotel is not a commercially viable option and therefore, a proposal for the conversion of the building to a mainly residential use incorporating a restaurant use at ground floor and health club and bar at basement is the only commercially viable option to enable the development. This proposal includes a number of larger extensions.

4.4 One of the core planning policies of the NPPF is to *“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of environmental value”*. However, another core planning policy states that development should *“conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations”*.

4.5 The Grand Hotel is a landmark building, located in a prominent location within Leigh Cliff Conservation Area on a corner plot. This attractive late Victorian Baroque building is locally listed and whilst was once vibrant, it has been left unoccupied and boarded up for a number of years. Therefore, the Council wishes to see the building brought back to use; however, it has a statutory duty to preserve or enhance its character and the character of the Conservation Area.

- 4.6 Policy DM3 of the Development Management DPD 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.”* Moreover, policy DM5 highlights that *“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”* and it continues stating that *“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”*
- 4.7 Paragraph 140 of the NPPF advises that *“Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.”*
- 4.8 It is reiterated that concerns in relation to the proposed extensions and in particular the proposed penthouse were raised with the applicant well in advance. Whilst the details in respect to the design and impact of the proposed development on the conservation area are assessed further below, it is considered that the negative impacts and disbenefits of this element of the development (penthouse) are such that an in principle objection is raised to this element of the development of the proposed extensions.
- 4.9 Amongst other policies designed to support sustainable development, the NPPF seeks to boost the supply of housing by delivering a wide choice of high quality homes. Policy KP2 of the Core Strategy requires that *“all new development contributes to economic, social, physical and environmental regeneration in a sustainable way”*. This approach is enlarged upon in further policies within the Development Management Document. Furthermore, policy CP8 of the Core Strategy identifies the need of 6,500 homes to be delivered within the whole Borough between 2001 and 2021.
- 4.10 The site is located within a secondary shopping area and therefore, according to Policy DM13 *“All developments in the secondary shopping frontage, as defined on the Policies Map, must maintain or provide an active frontage with a display function for goods and services rendered and the proposed use will provide a direct service to visiting members of the general public.”*
- 4.11 It is recognised that whilst the building is within a shopping frontage, it has never been used as a shop and also the character of the area is not strictly for A1 uses. The proposed development would provide a restaurant/ brassiere use at ground floor as well as a wine bar and health centre within the basement. These uses would maintain an active and vibrant use and attractive frontage, being in keeping with the mixed retail/leisure character of the area.

4.12 Although the proposal would regrettably result in loss of an existing visitor accommodation use Policy DM12(3) states that “Proposals for alternative uses on sites used (or last used) for visitor accommodation outside the Key Areas in (1) will generally be permitted provided that the proposal meets other relevant planning policies”. The proposal would create residential accommodation (19 flats) to the upper floors, retaining an active leisure use at ground floor and basement and therefore, the proposal would accord with the objectives of the local plan in terms of the uses provided on site. Whilst the proposal would result in loss of a visitor accommodation, the applicant states that this is not a commercially viable use and also given that the site is not located within a key area for visitor accommodation, on balance, taking into consideration that the proposed use would bring a landmark building back to use, no objection is raised in terms of the loss of the hotel use.

4.13 Paragraph 137 of the NPPF states that:

“Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.”

4.14 It is noted that the existing building has been left vacant for a number years; it is currently in poor condition and a number of complains have been received in the past regarding its deterioration. It is therefore considered that the reuse of the building and land is crucial to its long terms survival. Given that the proposed residential/commercial/leisure use of the building would be compatible with the mixed character of the area, no objection in raised to the principle of the proposed use in this location. However, concerns are raised in relation to the impact of the development proposed to a locally listed building and character of the wider conservation area, which do not outweigh any positive impacts of the proposed residential/commercial development.

Dwelling Mix

4.15 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. A range of dwelling types would provide greater choice for people living and working in Southend and it would promote social inclusion. The Council seek to promote a mix of dwellings types and sizes as detailed below. The dwelling mix of the application is shown in the table below.

Dwelling size:	1-bed	2-bed	3-bed	4-bed
No bedrooms				
Proportion of dwellings (Policy DM7)	9%	22%	49%*	20%*
Proposal	30%	55%	15%	0%

- 4.16 The proposed development would result in 1 x 1 bedroom flat, 17 x 2 bedroom flats and 1 x 3 bedroom flat (162sqm). Whilst the proposed development does not accord with requirements of Policy DM7, the applicant has submitted evidence from local estate agents demonstrating that the market trend in the area is mainly for 2 bed units, when this relates to flatted schemes. Paragraph 50 of the National Planning Policy Framework states that '*plan for a mix of housing should be based on current and future demographic trends, market trends and the needs of different groups in the community*'. Therefore, on balance, in this particular instance, the dwelling mix, as proposed, whilst not strictly in accordance with policy DM7, taking into account the fact that the parameters of the conversion are fixed (there is an existing building on site) as well as the market trend in the area and the fact that it is a relatively small scheme, is considered adequate. However, this noted as a negative element of the scheme.

Affordable Housing

- 4.17 Policy CP8 of the Core Strategy explains that residential development proposals will be expected to contribute to local housing needs, including affordable housing.
- "All residential developments of 10-49 dwellings will be expected to provide not less than 20% of the total number of units on site as affordable housing"*
- 4.18 The applicant is seeking not to provide any affordable housing on viability grounds. A viability statement has been submitted with the application and assessed by an independent third party. Although the assessor initially expressed concerns regarding the methodology that has been applied by the applicant (which did not reflect best practice, using an appropriate assessment methodology), after negotiations it is accepted that the development as proposed could not viably make a contribution to affordable housing provision. Officers therefore accept that provision of affordable housing cannot be justified as part of the development, as proposed. However, this is not a positive element of the proposal and it does not weigh in favour of granting permission. Details of the viability assessment and affordable housing provision are discussed in more detail in 'Developer contributions' section of this report.
- 4.19 In light of the above, it is considered that although the principle of the proposed uses on site is acceptable, there is an objection in principle to an additional floor on the top of the existing raised mansard roof, given that this would be contrary to the objectives of the local plan and the advice contained in the National Planning Policy Framework. The issues relating to the design, as well as other material planning considerations, including impact on future neighbours' amenities, living conditions of future occupiers and parking standards are further discussed below.

Design and Impact on the Character of the Leigh Cliff Conservation Area

NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Development Management DPD Policy DM1, DM3 and DM5; SPD 1 (Design & Townscape Guide (2009))

- 4.20 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.”*
- 4.21 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.”*
- 4.22 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”*.
- 4.23 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 Core Strategy requires development proposals to *“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”*. It also 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”* and *“promoting sustainable development of the highest quality and encouraging innovation and excellence in design to create places of distinction and a sense of place”*.
- 4.24 In respect of altering a heritage asset, such as a locally listed building and development in conservation areas, the NPPF states that Local Authorities should *“recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.”* (paragraph 126)
- 4.25 Policy DM5 of the Development Management DPD states that:
- “2. Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted, unless there is clear and convincing justification that outweighs the harm or loss. Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal, and will be resisted where there is no clear and convincing justification for this. High quality redevelopment of existing buildings within conservation areas which are considered to be of poor architectural quality will be encouraged.*

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.”

- 4.26 The proposed development is to extend, convert and reuse the existing locally listed building as nineteen self-contained flats, with ground floor restaurant/brassiere/function room and basement health club and wine bar. It is noted that the existing locally listed building is of high significance, but also that because of its deterioration, there is a scope for enhancement. Therefore, it is considered that a proposal which would regenerate and restore an important building in an appropriate manner and preserve or enhance the building and the Leigh Cliff Conservation Area would be encouraged and supported.
- 4.27 A number of alterations and extensions to the existing building are proposed as listed above at ‘The Proposal’ section. As noted above, given the discrepancies between the plans and CGIs submitted and also the misrepresentation of the proposal on the CGI visuals, it is considered that they are not fully reflective of the impact of the proposals.
- 4.28 The proposal would include the erection of a three storey rear extension with a penthouse and basement extension under the proposed rear extension. A number of other alterations are proposed to the external elevations as noted above in the ‘Description of the Proposal’ section and are discussed in detail below.
- 4.29 The existing basement is proposed to be extended to the rear and reused as a wine bar and health club. This element of the proposal would have limited impact on the appearance and character of the existing building or the wider conservation area and therefore, no objection is raised in design terms. However, its usage is unclear, given that both the wine bar and spa would share the same access and sanitary facilities. Should permission be granted further clarification in relation to their operation would have been requested and restriction of the opening hours would have been imposed.
- 4.30 Part of the proposed development would involve the conversion of the ground floor to an A3 use (restaurant/brassiere/function room). This change of use of the ground floor would involve alterations to the external elevations of the building, including the replacement of the windows to the front elevation to French doors, providing access to the outside seating area. The provision of a restaurant and external seating area was previously approved (10/00421/FUL and 10/01447/FUL) and thereafter the permission was extended (13/00477/EXT). It is considered that subject to agreement of the details of the French doors and the part brick part metal railings boundary wall to the front of the terrace, which could be achieved by condition, the proposed alterations are considered acceptable in terms of their impact on the existing building and the conservation area. Should permission have been recommended these details would have been agreed by condition.

- 4.31 With regard to the proposed three storey rear extension, the proposal would significantly increase the scale of the existing building. It is noted that concerns were raised at the time of pre-application discussions in relation to the scale of the proposed extension along with the proposed undercroft parking to the full depth of the site.
- 4.32 The scale of the extension has subsequently been amended and the size of the undercroft parking has been reduced in line with the requests which is welcomed. It should be noted that the scale of the extension is still considered large. The extension is set in from the side elevations, provides a level of articulation and break down to the elevations, and is traditionally designed. It is also noted that it is sited away from the main views of the building. The detailing of the existing building has been continued through the extension and the proposed windows and their surrounds, balconies and chimneys depict from the existing of the historic building. It is therefore considered that, on balance, this element of the proposed development, in this particular instance and for the reasons stated above, could be accepted as a compromise, as it would facilitate reuse and refurbishment of the historic building and it acceptable in terms of its impact on character and appearance.
- 4.33 The proposal seeks to demolish the existing mansard roof and erect a taller and steeper mansard roof, which would be set closer to the front parapet. It would extend to the full width and depth of the main building and the proposed extension to the rear. The applicant has submitted a structural report stating that the existing roof is in poor condition, given the number of missing tiles and water running through the roof and suggesting the replacement of the roof is required, together with enhanced internal thermal protection, in order to accommodate a residential use. Although no objection is raised to the replacement of the roof, subject to materials being like for like, it is noted that the scale and mass of the proposed mansard roof, by reason of its proximity to the parapet, raised height, increased steepness and size would result in boxier and dominant appearance in the roof.
- 4.34 It is noted that the existing mansard roof by reason of its set back from the parapet, more gentle pitch and smaller size, is currently a low key and more subservient element of the building. It is therefore considered that the replacement mansard roof, as proposed, taken together with the proposed penthouse (which is further discussed below), would have a top heavy appearance, disproportionate to the scale and size of the building and that it would detrimentally impact upon its historic character and that of the streetscene. This element of the proposal would be harmful to the character and appearance of the conservation area.
- 4.35 As noted above, the replacement mansard roof is proposed to be erected closer to the parapet. Currently a gap between the end of the roof and the parapet is maintained, allowing for a box gutter which takes the rainwater from the roof to the downpipes. No justification or explanation as to how this can be maintained has been submitted and therefore, concerns are raised in relation to the possible adverse impacts the lack of a sufficiently sized gutter would have the fabric of the building. Should permission have been recommended, further details in that respect would have been requested to be provided or they would be conditioned to be agreed in writing by the local planning authority.

- 4.36 One of the main features of the historic building and in particular the roof is the prominent chimneys, which some of the largest and most distinctive chimneys within the Borough. Their scale, predominantly the one in the centre and front of the building, and their prominent and dramatic silhouette is a characteristic of the locally listed building and therefore, it is important that this is maintained. Unlike the rest of the chimneys which set directly on the top of the parapet, the main central chimney is set back and the chimney breast currently runs through the plant room at roof level and the every floor below it. It is noted that a bedroom is proposed to be sited at the current location of the plant room and therefore, how restraints would be retained under the chimney in order to provide an appropriate support to the chimney is not clear. At present no clarification as to how this will be achieved has been submitted to the local planning authority and as such, concerns are raised in relation to its possible loss. The amended plans show that a number of other chimneys within the central area of the roof would be retained. This is positive, given that it would preserve the character of the building; however, again a structural support solution would be required, especially in the cases where chimney breasts are lost. Should permission be have been recommended, these details would have been requested to be provided to the Council prior to the determination of the application, given that the loss of the chimneys would have a detrimental impact upon the distinctive character of the building and the conservation area.
- 4.37 Whilst the balustrades of the proposed Juliet balconies to the roof level would be taller in relation to the existing metal balustrades, on balance, given their overall design and detailing would be in keeping with balcony balustrades and that the existing decorative parapet would be retained, on balance, no objection is raised in terms of their design. They should however, be set back from the parapet.
- 4.38 Part of the proposed development involves the erection of a roof extension to accommodate a penthouse and a lift shaft to the rear. The roof extension would be set around 3m back from the front of the mansard roof, it would be largely glazed and it would have part bowed metal roof to front and a standards flat roof to the rear. This element of the proposed was first discussed during pre-application discussions and an objection was raised to the appearance and detrimental impact that the proposed roof extension would have to the historic building and the wider conservation area. Notwithstanding the concerns raised at such an early stage, the applicant submitted an application including this element. It is considered that the proposed penthouse would be largely visible within the streetscene and it would result in a dominant and incongruous addition to the historic building. Views of this extension would be possible from various points nearby the building and from within the conservation area. Following the submission of the application, the concerns regarding the penthouse were reiterated and it was requested this part of the development to be omitted, given that a larger three storey rear extension, which is on the margin of acceptability, is, on balance, accepted in order to enable the development. Although lengthy negotiation took place with the applicant in that respect, he was reluctant to remove the proposed roof extension, arguing that without this element the development is not viable.

Paragraph 133 of the national Planning Policy Framework state that “*where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss*”. In this instance, and for the reasons explained below, it is considered that the harm that the proposed development would cause to the heritage asset would be such that it has not outweighed any positive impacts of the development.

- 4.39 As noted above, following amendments, the proposed penthouse would be largely glazed. The elevations of the penthouse would be a combination of bi-folding doors and glazed walls. However, it is noted that the en-suite, kitchen and utility area would be set against a glazed wall and given that these rooms are likely to incorporate more solid areas, concerns are raised in regarding the external appearance of these areas and the lack of translucency of the extension. It is also noted that this large amount of glazing is likely to result in a need for solar shading, which has not been shown in the plans submitted and which could have a significant visual impact.
- 4.40 The roof of the proposed penthouse would be a combination of a curved metal roof to the front and flat roof to the rear. The roof would be completely at odds with the traditional design and decorative features of the existing building and the proposed materials, including a metal roof and metal sheet cladding to the lift shaft would further exacerbate the adverse impact of the proposed development.
- 4.41 Although an attempt has been made to increase transparency of the roof extension, it is considered that by reason of its scale, siting mass, detailed design and materials would appear dominant and visually obtrusive and would have a detrimental impact on the appearance of this landmark building and it would damage the character of the conservation area.
- 4.42 Although the applicant has submitted CGI visuals showing the proposed development from various points in the immediate area, it is considered that they do not depict the development as it would be seen from public vantage points.
- 4.43 It is therefore considered that the proposed development and in particular the proposed roof extension in conjunction with the increased mass of the mansard would result in a detrimental impact on the character and appearance of the locally listed building and the conservation area such that it has not outweighed the positive impacts of any proposed development.

Renewables

- 4.44 Solar panels are proposed to be installed to the rear of the proposed penthouse and on the top of the roof. Given the significance of the building, its prominent location, it is considered that the proposed solar panels should not be visible from public vantage points. Whilst the proposed solar panels to the rear penthouse may be hidden by the raised balustrade, the proposed panels on the top of the bowed roof are likely to be readily visible from the adjacent roads.

Although reduction of the number of the panels may have been resulted in failure to comply with the policy KP2 of the Core Strategy, in this particular instance a lesser provision of renewables would have been accepted. Therefore, should permission be granted solar panels would have been restricted to the areas not visible from the streetscene by condition.

Landscaping

- 4.45 In terms of the proposed landscaping, the larger part of the front garden is proposed to be kept hard surfaced, as existing; however, some additional soft landscaping has been incorporated on the eastern side of the front curtilage. It is positive that the front boundary wall would be retained, given that it is a significant part of the historic building and also that soft landscaping would be enhanced. However, the larger part of the front hard surfaced area to the front curtilage would be laid in tarmac, which is not considered to enhance the character of the historic building. Whilst the existing situation of the mainly hard surfaced area is taken into consideration it is considered that a higher quality permeable material would be agreed by condition, should permission be have been recommended.
- 4.46 With regard to the proposed landscaping to the rear of the building, an existing large area of soft landscaping would be lost; however, on balance, sufficient landscaping would be kept able to soften the development. A small stripe of soft landscaping is shown along the northern boundary of the application site. Given that this area appears to be very tight for planting, it should be carefully considered. No details of the plants to be used along this strip have been submitted. Similar to the situation with the front curtilage, a high quality permeable paving should be used for the large hard surfaced area to the rear. The details of the proposed landscaping would have been dealt with by condition, should permission be granted.

Comparable Site

- 4.47 The applicant has compared the proposal with a development to a locally listed building known as Clements Arcade at 9-11 Broadway in Leigh-on-sea, which is a locally listed building, located within Leigh Conservation Area. However, it is noted that there are significant differences between the proposed development at the Grand Hotel and the development at Clements Arcade.
- 4.48 Clements Arcade is a relatively smaller building located in a less prominent location than the Grand Hotel. Clements Arcade is sited between two storey buildings and is enclosed by buildings to the rear, while the Grand Hotel is sited in a plot which is open from all sides and it is visible from various points. Furthermore, it is noted that the penthouse at Clements Arcade is sited approximately 6m back from the front parapet, which is a significant setback in comparison to the approximate 3m set back of the proposed penthouse at the Ground Hotel. The height of the penthouse at Clements Arcade is around 1.6m above the top of the parapet, while the penthouse at the Grand Hotel would be 2.7m above the mansard roof.

- 4.49 There are also some significant differences between the two buildings. Clements Arcade is a simpler building with a flat roof and front parapet and therefore, an additional floor would not conflict with the appearance of the building, given that this is well details and well set back. In contrast, the Grand Hotel has an existing detailed mansard roof with a number of prominent chimneys. Therefore, the formation of an additional floor on the top on existing established roof, would appear at odds with the design of the building, it would conflict with style of the roof and it would appear incongruous.
- 4.50 With respect to the detailed design of the penthouses, it is considered that the design of the penthouse at Clements Arcade is much more appropriate than that proposed at Grand Hotel with simple high quality glazing, while the penthouse at the Grand Hotel is out of keeping with the character of the historic building, being topped with an unattractive and incongruous roof.
- 4.51 In light of the above it is considered that the comparable site is fundamentally different to the application site and also the proposed development is so different that it cannot be considered as setting a precedent.

Living Conditions for Future Occupiers

National Planning Policy Framework 2012, Core Strategy Policies KP2, CP4 and CP8; SPD1; Policies DM1 and DM8 of the Development Management DPD and National Housing Standards

- 4.52 Delivering high quality homes is one of the Government's requirements according to the NPPF. Since 1st of October Policy DM8 of the Development Management DPD has been superseded by the National Housing Standards regarding the minimum internal floorspace standards. these set out the following minimum internal floorspace standards for the sized of the flats proposed:

- *1 bedroom (2 bed spaces) 50sq.m*
- *2 bedroom (3 bed spaces) 61sq.m*
- *2 bedroom (4 bed spaces) 70sq.m*
- *3 bedroom (6 bed spaces) 95sq.m*

National standards also require bedrooms to have a minimum internal floor area, which is as follows:

- *Single bedrooms 7.5sqm*
- *Double bedrooms 11.5sqm*

4.53 The internal floor space of the proposed flats would mostly accord and in many cases would be higher than the minimum national internal floorspace standards. It is noted though that a number of bedrooms are under the minimum internal floorspace standards, as set out above. These rooms are the following:

- First floor, flat 4, both bedrooms.
- First floor, flat 5, bedroom 2.
- Second floor, flat 10, both bedrooms.
- Second floor, flat 11, bedroom 2.
- Third floor, flat 14, bedroom 2. Although bedroom one appears to be approximately 12sqm it is considered unlikely to be able to be used, given that there is existing triangular and large scaled restraint under the main front chimneys which runs through this bedroom.
- Third floor, flat 16, bedroom 2.

Given that the overall floor area of the flats is bigger than the minimum standards, it is considered that, following internal rearrangements, the above mentioned bedrooms could accord with the standards. This could also have been achieved if the double bedrooms were turned to single bedrooms. In case of the flats 4 and 10, where both bedrooms are under the minimum standards, one of the rooms could be enlarged to comply with the standards of double bedrooms and the second could be used as a single bedroom. In light of the above, although, as proposed, some of the flats would result in living accommodation of limited quality, it is considered that should permission have been recommended, the internal layout could be altered to accord with the national standards. Therefore, given that overall the floor area is sufficient to accommodate the size of the proposed flats, it is not considered reasonable to refuse the application on that basis.

4.54 Policy DM8 states that all new dwellings 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*”. The current proposal is to form 19 self-contained flats, including provision of balconies for four flats and a roof terrace to the penthouse. The flats contained within the mansard roof (6 in total) will benefit from Juliet balconies. Eight of the residential units proposed would have no access to any form of amenity space. Although it is undesirable that there are a large number of flats proposed with no access to amenity space, in this particular instance, taking into consideration the constraints of the site, which is a locally listed building, and that limited alterations are considered acceptable to its external appearance in this instance the benefits of bringing the site back into use outweigh concerns relating to the poor provision of amenity space.

4.55 According to SPD1 refuse storage and recycling should not be visible from the streetscene and as such, it should be located either internally to the development or to the rear of the property, to minimise the adverse visual impact. Refuse facilities for both the residential and commercial units will be provided to the northwest of the building. Part of the refuse storage facilities would be within the building, while part would be provided in an enclosed area to the west of the building adjacent to the western boundary.

The bins would be located to the rear of a high fence along the western boundary and therefore, they would not be visible from public vantage points. The position of the bin store, both for the residential and commercial uses is considered to be reasonably located to an easily accessible location and therefore, no objection is raised in relation to the position of the proposed refuse.

- 4.56 Policy DM8 of the Development management DPD states that all new dwellings should meet the Lifetime Homes Standards, this requirement has now been substituted by building regulation M4 (2). These include a step-free access to the residential units and any associated parking space, a step-free access to a WC and any private outdoor space, accessible accommodation and sanitary facilities for older people or wheelchair users and socket outlets and other controls reasonably accessible to people with reduced reach.
- 4.57 The parameters of the conversion are fixed by the existing building and on balance, it is considered that, in this particular instance, the proposal should not be required to fully accord with the M4(2) standards. However, an internal lift would be provided to give access to all proposed flats and a ramp would be formed giving access to the raise entrance of the building. Although the access to the rear car parking area would be also levelled in order to be accessible, there is no provision of disabled parking for the residential units.

Impact on Neighbouring Properties

NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Development Management DPD Policies DM1 and DM3; SPD 1 (Design & Townscape Guide (2009))

- 4.58 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.”*
- 4.59 The proposal would result in in activity and associated noise from the proposed flats; however, given the last use of the building was unrestricted and as a hotel/restaurant/bar, it is not considered that the impact from the activity associated with the proposed development would be materially greater or harmful to the residential amenity of the nearby neighbours.
- 4.60 The site is located at the southern end of a residential block, having no attachment to any other building. However, it is surrounded by residential properties. The proposed rear extension would be sited approximately 13.7m away from the neighbouring building to the north (Southdown Court). Whilst there are windows in the southern elevation of this building which face the site, it appears that the main habitable room windows are on the east and west elevations of the building. Taking into consideration that there is slight increase of the ground levels towards the north, the neighbouring building sits marginally higher than the application site.

Given that the level of separation of the extension to the rear and the building to the north, the marginally increased levels towards the north and the fact that primary windows are not sited to the south elevation of the adjacent building (no. 133 Broadway), on balance, it is not considered that the impacts on the occupants of the properties to the north would result in unacceptable overshadowing or have an overbearing impact. The proposed windows and Juliet balcony to the rear elevation are not considered capable of materially increasing overlooking, given the separation distance to the property to the north. The proposed roof terrace would be sited an additional 11.3m away from the neighbouring property to the north and given this separation, it is not considered that it would result in overlooking or loss of privacy.

- 4.61 The development would be located around 17.7m away from the properties to the west, along Leighton Avenue. This separation distance is considered sufficient to protect from any unacceptable loss of light or domination. The proposed roof terrace, balconies and Juliet balconies would overlook the highway and the neighbouring front gardens, which is considered acceptable.
- 4.62 A marginally larger (approximately 21m) separation distance would be maintained to the maintained to the neighbouring properties to the east, along Broadway. As noted above, this separation distance is considered to be a reasonable to mitigate against overshadowing and to ensure that the proposed extensions would not overbearing upon neighbouring occupiers. The neighbouring block of flats to the west has existing balconies facing the application site. However, it is considered that balconies to the elevations facing the highway are semi-private amenity areas and that a level of overlooking is acceptable. The application site would have balconies, windows and Juliet balconies opposite the windows and balconies of the property to the east; however, on the basis of the above, in this instance, this is considered acceptable.
- 4.63 The separation distance to the properties to the south would be around 40m. As such, by reason of the position of the building, the relationship with the properties to the south would not be materially harmful in terms of loss of light, overlooking, overbearing impact or sense of enclosure.
- 4.64 With regard to the noise generated by the proposed fixed plant, the outdoor siting area and traffic movement, the applicant has submitted an acoustic statement, concluding that the plant would not increase noise levels to a degree that would exceed the typical quietest background noise levels. Whilst the Environmental Health Officer raised some concerns in relation to non-consideration of other noise sources, such as the function room and health club, it is considered that this issue could be dealt with by condition and therefore, had permission been recommended, a condition would be been imposed for an acoustic survey assessing those matter to be submitted.
- 4.65 Regarding the noise and disturbance generated by the use of the front seating area, the Environmental Health Officer has raised concerns in relation to the potential impact that it would have to the occupants of the upper floors of the application building and possibly the impact on the occupants of the properties along Leighton Avenue. It is noted that the property previously had permission to erect a front terrace of a similar size to the proposed terrace and use it as outdoor seating area to serve the ground floor restaurant.

The impacts of the potential noise generation of that scheme were dealt with by conditions requesting the submission of a noise management plan and the restriction of hours of use. Should permission have been recommended, a similar approach to this matter would have been taken. It is however suggested that measurement to prevent the impact on the occupants of the first, second and third floors to the south of the building to prevent from the noise generated by the use of the front terrace are required. It is noted that the measurements such as the installation of triple glazing would not be considered acceptable and therefore, alternative options to mitigate for the impacts from the noise generation would have been needed.

Traffic and Transport Issues

NPPF; DPD 1 (Core Strategy) Policies CP3; Policy DM15 of the emerging Development Management DPD; SPD1

4.66 Policy DM15 of the Development Management DPD requires all development to provide adequate parking. The parking requirement for the proposed uses is the following:

- A3 (Restaurants & Cafes) - 1 space per 5sq.m. A maximum of 83 parking spaces.
- A4 (Drinking Establishments) - 1 space per 5sq.m. A maximum of 61 parking spaces.
- D2 (Health club) - 1 space per 10sq.m. A maximum of 43 parking spaces.
- D2 (Function room) -1 space per 20sqm. A maximum of 3 parking spaces.
- C3 (Flats) - 1 per flat. A minimum of 19 parking spaces.

4.67 Nine parking spaces would be provided to the front curtilage of the property to serve the ground floor and basement commercial uses and an additional nineteen parking spaces for the proposed nineteen residential units are proposed to the rear. The applicant has submitted a transport statement in support of his application, concluding the impacts caused to the highways network and parking availability would be acceptable.

Residential element

4.68 Nineteen parking spaces would be provided for the proposed flats, which will accord with the requirements as set in Policy DM15. Access to the residential parking is via a new vehicular access onto Broadway. There is on street parking along this part of Broadway and the proposal would result in loss of at least one parking space; therefore, the existing traffic regulation order will require amending. Should permission have been recommended, this amendment would have been required to be carried out prior to the commencement of the development.

4.69 Normally it would be necessary for a travel pack to be provided to the future occupiers of flats, notifying them about sustainable travel choices. In this instance it is considered unnecessary, taking into account that the proposal would accord with the minimum parking requirements as set out in policy DM15 for the residential element of the development.

However, it is noted that paragraph 5.26 of the Transport Statement suggest that Travel Information Packs and “how to get here” information would be provided to first residents, staff and visitors of other uses and this is welcomed.

Commercial/leisure element

- 4.70 As noted above the amount of parking provided to serve the commercial/leisure element of the development is well below the maximum parking standards. However, it is noted that similar uses have previously approved on site (12/01439/FUL) and no objection was raised in relation to the development failing to meet the off-street parking requirement. The ground floor has an existing restaurant/bar use. Although the current proposal would increase the size of the commercial/leisure uses at ground floor and basement however, the applicant has submitted a Transport Statement, including a TRICs Assessment comparing the trips generation at AM and Pm peak hours between the previously approved extended hotel/spa/restaurant/bar with the current mixed use residential/restaurant/bar/spa. The TRICs assessment concludes that the additional vehicle movement (3 in the morning hours and 22 in the evening hours) would be unlikely to cause a significant capacity issues on the local highway network. It is noted that the on-street parking is available in the vicinity and a temporary car park is located adjacent to the junction of Leigh Road and Leigham Court Drive which can be used by the restaurant/bar users. It is also of considered likely that the ground floor and basement uses would be part of linked trips or be used from local residents, which would not further increase the vehicle movements. In light of the above, it is considered that, on balance, the proposed development including the ground floor and basement commercial/leisure uses would not have a detrimental impact on the highway network, nearby local roads and parking availability which would warrant refusal of the application. However, it is noted that, given the level of lack of parking provision for the commercial element of the development, a Travel Plan encouraging sustainable travel for the users and staff of the commercial use is considered to be necessary and it would have been requested to be agreed by condition.
- 4.71 In terms of the refuse collection, it will be undertaken from Leighton Avenue. This would be consistent with the previous use of the building and it is therefore, considered acceptable. It is noted that there is a refuse store door opens onto the highway. This is not considered acceptable in terms of the pedestrian safety; however, should permission be granted, this would have been dealt with by condition.
- 4.72 Servicing would be undertaken from the car parking area to the front of the building, accessed from Leighton Avenue. This proposal would not require the formation of a loading bay and no objection is raised in terms of the impact of the proposal on the local highway network.

Construction Traffic

- 4.73 Although it is difficult to identify the construction vehicle movements associated with the development before a contractor has been appointed, it is anticipated that vehicle movement would be channelled from the A13 to Hadleigh Road/Broadway or Leigh Road. A Construction Management Plan would be conditioned to be agreed prior to the commencement of the development, had approved been recommended.

Sustainable Transport

- 4.74 Twenty-two cycle parking spaces are proposed to be provided to the rear of the property for the prospective occupiers. Although it has not been confirmed, it is assumed that the proposed cycle store would be used from both the future occupiers of the residential units and the staff of the commercial/leisure uses. It is noted that the Development Management standards for cycle parking is as follows:

- C3 (flats) – 1 secure covered space per dwelling. A minimum of 19 cycle spaces.
- A3 (Restaurants & Cafes) – 1 space per 100sq.m for staff & 1 space per 100sq.m for customers. A minimum of 8 cycle spaces.
- A4 (Drinking Establishments) – 1 space per 100sq.m for staff & 1 space per 100sq.m for customers. A minimum of 6 cycle spaces.
- Health club – 10 spaces plus 1 space per 10 vehicle space. A minimum of 10 cycle spaces.
- Function room - there are no set standards for this particular use.

22 cycle parking spaces would be provided and therefore, the proposal would not accord with the minimum cycle parking standards. Furthermore, there is no provision for cycle parking for visitors and also it is not considered acceptable that cycle store would be shared between the residential and commercial elements of the development. Should permission have been recommended a condition to provide additional cycle parking for visitors and also separate the cycle store for the commercial and residential uses would be have been imposed. As noted above Travel Information Packs and “how to get here” information would be provided to first residents, staff and visitors of other uses which is welcomed.

- 4.75 In light of all the above, it is considered that on balance the impacts of the proposed development on the highways network, vehicle and pedestrian safety and parking provision would not be such that to warrant refusal of the application on these grounds.

Use of on Site Renewable Energy Resources and SUDs

National Planning Policy Framework 2012, Core Strategy Policy KP2 and SPD1; Policy DM2 of the emerging Development Management DPD

- 4.76 Policy KP2 of the Core Strategy requires that *“at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in SPD 1 Design and Townscape Guide, wherever feasible.*

How the development will provide for the collection of re-usable and recyclable waste will also be a consideration". Policy DM2 of the Development Management DPD also states that "to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions"

- 4.77 Photovoltaic panels are proposed to be installed onto the roof of the building (114 solar panels in total); however, given the sensitive nature of the building which is locally listed, the proposed solar panels should be sited away from the corners of the building and not be visible from the public realm. Although the panels proposed to the rear of the proposed penthouse may not be visible, it is highly likely that the proposed panels on the curved roof of the penthouse to be visible from public vantage points. Taking into account that this would have an adverse impact on the character and appearance of the historic building and the conservation area, in this particular instance, although the requirement of 10% of energy demand from onsite renewables is normally sought for all new development, it is considered that a different approach should be taken in terms of on-site renewables demand in order to preserve the character of the building and the conservation area. Should permission have been recommended, a condition would have been imposed to ensure full details are submitted and agreed with the local planning authority on this matter.
- 4.78 The applicant has submitted a Sustainable Strategy Report stating the water would be disposed from the site via a gravity drain connected to public sewer system, as existing. Surface water runoff would be restricted to below pre-development discharge and use of SUDS techniques would be introduced on site to reduce potential increase of flooding. Permeable paving would be used to the hard surfaced areas. Anglia Water has been consulted in and although they have raised no objection in relation to the sustainable drainage system, they state that the surface water strategy/ flood risk assessment as submitted is unacceptable and the applicant is advised to discuss the matters with Anglia Water. Should permission have been recommended, the sustainable drainage system and surface water strategy would have been agreed by condition.
- 4.79 Policy DM2 (iv) of the Development Management Document requires all new development to provide *"water efficient design measures that limit internal water consumption to 105 litres per person per day (lppd) (110 lppd 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, officers are satisfied this matter can be dealt with by condition.

Developer Contributions

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

The conclusion is that the planning obligation outlined in this report would meet all the tests and so that if the application were otherwise considered to be acceptable this would constitute a reason for granting planning permission in respect of application. However, this is not the case.

CIL Charging Schedule 2015

- 4.81 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. Draft calculation of the CIL estimated charge would be approximately £78,855.79 (this is subject to confirmation). It is noted that any revised application would also be CIL liable.

Planning obligations

NPPF; DPD1 (Core Strategy) policies KP3, CP6 and CP8; SPD1 Design and Townscape Guide

- 4.82 The Core Strategy Policy KP3 requires that:

*“In order to help the delivery of the Plan’s provisions the Borough Council will:
2. Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed.”*

This includes the provision of affordable housing and contribution to education.

- 4.83 The following addresses specific mitigation for the Grand Hotel for matters not addressed in the Regulation 123 Infrastructure List.

Affordable housing

- 4.84 The viability of the proposed scheme and the ability to provide Affordable Housing has been subject to lengthy discussion between the applicant and the Council. There were originally a number of concerns regarding the approach taken by the applicant, given that the viability assessment and in particular the Benchmark Land Value (BLV) of the scheme was based on an unviable development (previously approved hotel and restaurant), that the construction costs were not based on a market value but on the personal specifications of the applicant and that the finance of the scheme was based on the personal circumstances of the applicant. Viability best practice directs that finance should reflect a ‘market-based approach’ and finance costs are not developer specific as the planning permission is attached to the site and not the developer. Similarly, construction costs for the commercial and leisure uses should be based on a shell and core standards and should not be developer specific.
- 4.85 Following negotiations, the approach taken by the applicant in terms of the viability of the scheme has been changed and a new viability report has been submitted stating that the scheme, taking into consideration the potential impact from the development at 114-120 Broadway, would result in a deficit and thus, the proposal would be unable to support the provision of affordable housing.

It is also argued that given the impacts caused to the sales value of the proposed development (by the development at 114-120 Broadway), the penthouse element of the proposal would be critical to enable the development. Although the proposed development at 114-120 Broadway has no planning permission yet, given the fact that it is a potentially development site, it is accepted that it may have a level of impact on the proposed scheme. It is considered tough that the applicant's argument regarding the proposed penthouse is arbitrary, given that the inclusion or exclusion of various parts of the development may result in viable or unviable schemes. Furthermore, as calculated, the BLV is disputed, given that it does not take into account the reduction of the construction costs of the penthouse, but only the reduction of the sales value of the development following the removal of the penthouse. This result in significantly larger deficit.

- 4.86 The council has undertaken its own independent viability assessment, accepting a BLV based on the agreed rent between the applicant and the previous landlord. An allowance period of six months has been taken into consideration given that the building requires works to be made structurally sound and be able to attract a tenant. Moreover, subject to specification of the applicant that significant costs may incur during the remediation works to the building, a premium of 20% can be considered reasonable to be added to the calculations of the BLV. Taking into account all the above and also the potential impact that the development would have from the development of the site at 114-120 Broadway, it can be justified that the site cannot support any affordable housing, given that the Residual Land Value (RLV) generated by a development is lower than the BLV.
- 4.87 Therefore, in light of the above, it is considered that the absence of a contribution to affordable housing has been successfully demonstrated. However, this is not found to be a positive element of the scheme.

5 Conclusion

- 5.1 Following lengthy negotiations and discussions with the applicant, officers have compromised in a number of areas initially raised, including the lack of amenity space and provision for affordable housing, the erection of a significantly large rear extension, the failure to accord with the dwelling mix provision, the impacts on parking provision and increased traffic generations in order to bring this landmark building back into use. Although officers sought to resolve and narrow down the matters of concerns, the applicant failed to provide amended plans removing the additional floor on the top of an enlarged mansard roof as requested at a very early stage and reiterated a number of times during the course of the application. Officers maintain their initial objection to the principle of an additional floor to form a penthouse and the increase of the scale of the mansard roof, which would significantly harm the appearance of the locally listed building and would damage the character of the Conservation Area. Protection of heritage assets is a national and local requirement and therefore, the development, as proposed, would be contrary to the objectives of the development plan. The development would substantially harm the visual amenity of the landmark building and Conservation Area to an extent that it has not outweighed the positive impacts of bringing the building back into use.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework (2012): Section 4 (Promoting sustainable transport), Section 6 (Delivering a wide choice of high quality homes), Section 7 (Requiring good design) and 12 (Conserving and enhancing the historic environment)
- 6.2 Development Plan Document 1: 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 (The Environment and Urban Renaissance); CP6 (Community Infrastructure); CP8 (Dwelling Provision)
- 6.3 Development Management DPD 2015: Policies DM1(Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), Policy DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM10 (Employment Sectors), Policy DM12 (Visitor Accommodation), Policy DM13 (Shopping Frontage Management outside the Town Centre) and DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide, 2009.
- 6.5 CIL Charging Schedule 2015
- 6.6 National Housing Standards 2015

7 Representation Summary

The Leigh Society

- 7.1 The Leigh Society considers that in view of the importance of this building to the street scene and character of Leigh, that the officers use their best endeavours to ensure that this building is retained and improved for the future benefit of Leigh on Sea.

We regret that this building is not to have a hotel element and it seems extraordinary that there is no hotel in Leigh.

The upstairs was refurbished as flats some years ago, but these were unsuitable for occupation and their use dwindled.

We are concerned that the proposed flats, except the penthouse, have little or no amenity areas, and would be substandard in consequence.

We share the officers concern of the impact of so many uses in one building, and the effect on local parking.

We share the officers concern about the level of development and the lack of information about the viability and scale of development to enable this plan to proceed.

We are not worried about the lack of conformity with our bedroom policy in this rather special case, and we all are happy about the design of the proposed changes and extensions to the building, including the penthouse. The existing mansard does cause some South facing windows to have no views, which is undesirable, and we support the higher roof which will give better accommodation and make the changes more viable. We urge the planning team to make design concessions where possible that do not affect the public good to meet the viability needs of the proposed development.

Leigh Town Council

7.2 Leigh Town Council has no objection to the application, but would like to make the following comments:

- a) There is insufficient parking for the development both residentially and for the public facilities.
- b) New vehicle access onto Broadway will cause a loss of at least 2 public on street parking spaces, restricted vision and hazardous given the close proximity to another junction.
- c) Have lessons been learnt from the Bell falling down and can they be applied so it won't happen here.
- d) Acoustic reports are detailed with recommendations and Leigh Town Council hope they are applied.
- e) Extension will overshadow the West side of Leighton Avenue.
- f) Affordable housing should make up 20% of this development. Leigh Town Council have expected at least 3 of the 19 flats to be set aside for this.
- g) Keen to keep the exterior of the Grand the same and we are in favour of this aspect, but have concerns regarding the curved roof and aluminium fascia's on the penthouse – It is not in keeping historically.
- h) Pleased it has the potential for good local employment.
- i) The lack of communal amenity space is of concern.
- j) The planning application mentioned that the foul water would flow into the main sewage system, but didn't mention volumes. We need assurances that the infrastructure will be able to cope with the higher volumes of waste/foul water from 19 permanently occupied flats (significantly more than a hotel).

Anglia Water

7.3 Section 1 – Assets Affected

1.1 Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

Section 2 – Wastewater Treatment

2.1 The foul drainage from this development is in the catchment of Southend Water Recycling Centre that will have available capacity for these flows.

Section 3 – Foul Sewerage Network

3.1 The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Section 4 – Surface Water Disposal

4.1 The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option.

Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

4.2 The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA).

We request a condition requiring a drainage strategy covering the issue(s) to be agreed.

[Officer Comment: Should permission have been recommended, a condition in relation to surface water management would have been imposed.]

Design and Regeneration

7.4 The Grand Hotel is an important part of the local townscape in Leigh-on-Sea, situated on a prominent corner plot in the main commercial area and is an iconic building and the principal landmark within the Leigh Cliff Conservation Area. This attractive late Victorian Baroque building is locally listed and was once a vibrant public house and hotel but has been left unoccupied and boarded up for a number of years. The Council is therefore keen to see it regenerated and brought back to life, however, we have a statutory duty to preserve and enhance the character and appearance of the conservation area and therefore the special historic character of this landmark building and any proposal will be assessed on this basis. Planning permission has been previously granted for the erection of a terrace to the front and a 3 storey extension to the rear and the use of the building as a spa, restaurant and hotel.

The extension in this proposal was much smaller than now proposed and was a much more subservient addition to the historic building and was considered to be compatible with the historic character of the building and the wider conservation area. This remains the preferred option for this building, however, if it can be demonstrated that further enlargement is required to facilitate the regeneration of the building then other options will be considered provided the proposal does not cause significant harm to the character and significance of the historic building and the wider conservation area. A number of different changes and extensions are proposed and these are considered below.

Revised building uses

The proposal has retained the commercial A3 uses to the ground floor as previously approved and this is welcomed. It also now proposes an enlargement of the basement area for part wine bar and part spa. These uses will have little impact on the character of the historic building in townscape terms and therefore there are no design objections to these uses. The upper floors and extension are now changed from hotel to residential apartments as flats are more viable than the commercial uses originally proposed. It is considered that, whilst a boutique hotel would be the preferred option and would add to the visitor offer in Leigh, which currently has no hotel provision, from a design perspective the impact on the character of the building would be minimal and this is therefore not objected to.

Basement enlargement

As noted above it is proposed to use the existing basement as a wine bar and to dig out the area to the rear of the site to be used as a spa. There is no objection to the wine bar proposal as this would have no design implications and seems compatible with the uses at ground floor and in the vicinity. There is also no objection in principle to a large spa to the northern section of the basement but it is rather unclear from the plans how this would operate. It seems that the proposed spa and wine bar will share an entrance and share wcs facilities which seems to be rather a clash in uses although could operate on a day and night arrangement although this should maybe be clarified. Alternatively the spa could have a separate entrance to Leighton Avenue and separate facilities with the spa area. However, in principle, the proposal for basement is not objected to.

Ground floor commercial uses

The ground floor arrangement is similar to the previous approval and is therefore considered generally acceptable subject to detailing. It is noted that conditions and details for this element have been previously discharged and it is assumed that these details will remain unchanged. The proposal shows the extraction for the commercial kitchen to be located at roof level which seems to have some sort of enclosure although the details of this area are unclear and should be requested. The ventilation intakes have been routed to the undercroft which seems to be a well-considered arrangement.

Rear extension

The proposed rear extension has significantly increased in size over the previously approved scheme. At pre app the applicant was advised that if a viability argument can be justified an increased scale of rear extension was considered preferable to a penthouse addition as this would have a lesser impact on key views of the historic building (from within the conservation area and from the south/south east) although the scale of the extension should not span the full depth of the site and the undercroft should be minimised. The scale of the rear addition has now been amended to reflect these suggestions and on balance it is considered that this scale of extension could be accepted as a compromise if the case for viability of the refurbishment can be fully justified. It will, however, be crucial that the design of this element including detailing and materials is of a high quality so that it does not compromise the special historic character of the original building. It is noted that, as before, a traditional appearance that replicates the design of the existing building is preferred. Whilst there may be scope for a high quality modern extension to contrast with the historic building, it is considered that a traditional scheme could be accepted if the detailing and materials match that of the existing building. As proposed the decoration for this element seems to be reasonable but close details of the windows and façade decoration should be clarified so that the Council can be confident of a high quality continuation of the existing character. An objection was raised during pre app to full undercroft parking but this has been reduced in line with the revised footprint and the location of the bin and cycle stores at the edges of the building will help to reduce the visible void. This is considered to be an acceptable compromise provided it can be demonstrated that the scale of extension is needed to make the renovation of the building viable.

Mansard

The proposal seeks to demolish the existing mansard roof and replace it with a wider, taller and steeper version which extends across the proposed rear extension as well as the existing building. The plans show the footprint to be set much closer to the parapet and the height to be taller to include enhanced thermal requirements and part of the proposed balustrade to the roof terrace (+500mm approx.) and that the angle of the pitch has increased from 45 to 65 degrees. The existing mansard is an original feature of the building and it has been designed to have a subservient relationship with the rest of the building so that it does not compete with the decoration and in particular the feature chimneys. These are probably the largest and most distinctive chimneys in the Borough and are key to the historic significance of the building. Their dramatic silhouette at roof level can be seen from a number of vantage points and are an important landmark feature in the wider conservation area. It is therefore important that the prominence of this element of the building is maintained in any proposal.

The preferred option would be for the existing roof form here to be retained but looking at the structural report it seems that the flat roof and the tiles are in a poor condition and letting in water and that the materials of this element are not the original. Therefore it is considered that there would be scope for a rebuilding of the mansard to a similar design. The proposed plans show the footprint at this level to be set close behind the parapet but it is noted from the structural report photos there is box gutter of some 300mm wide in this location which will need to be maintained to take the rainwater from the roof to the downpipes.

It is unclear from the drawings whether this is to be maintained as the layout suggests that the walls are much closer to the back of the parapet. It is also noted that there are a number of small terraces protruding into the small gap that has been maintained here. This therefore needs to be clarified. Looking at the photos in the structural report it seems that the existing mansard is as close as it can be to this edge (where it is shown) so it is suggested that the existing line would seem sensible to replicate. It may be that the existing plan for this floor is wrong as the setback shown on these plans seems too generous in this respect. In principle therefore a footprint which maintains an appropriate separation from the parapet to enable retention of the box gutter would be acceptable. However, the visuals seems to show a much boxier profile and a noticeable change in impact between the scale of the existing mansard and the proposed particularly in relation to the chimneys, even in short views and this seems to be due to the combination of a steeper angle and taller parapet height which is proposed to incorporate part of the balustrade of the terrace above. It is considered that a slight reduction in pitch to reduce the scale of the mansard as seen from the street would be preferable. A of 55 degrees which is midway between the existing 45 degrees and proposed 65 degrees is suggested. It is also suggested that and that the height of the mansard be reduced to that required to meet the minimum building regulation standards. (i.e. omit the balustrade) . If a balustrade is still required it can be fully ornamental and set back slightly thus breaking up the scale of this element and better replicating the original design shown in the historic photo. If these changes are made then a replacement mansard is considered to be acceptable.

It would be preferred if this could be restricted to the main building only but if it can be demonstrated that the additional accommodation at this level is required for viability reasons an extension onto the rear projection can be accepted.

A detail of the roof showing the set back and relationship with box gutter should be sought as well as the detail to the ridge.

It is noted also that unlike the rest of the chimneys, which are located directly on top of the parapets, the main central chimney is set back from the parapet and runs through the current plant roof on the 3rd floor (see img 2662 of structural report which shows the substantial chimney supports in the plant room in this location) This will need to be accommodated in the rebuilding of this element so that it appears unchanged externally. It is noted that a bedroom is proposed directly under this feature and no structural support is shown. Clarification should be sought on the intended solution here or the proposal should be amended to maintain the existing supports. The amended plans show that a number of other chimneys within the central area of the roof are also proposed to be retained. This is welcomed in principle however again the structural support solution for these will be required especially where the chimney breast have been lost at the lower levels. Unlike the main central chimney which stands alone, the chimney set further in have been incorporated into the proposed penthouse. Whilst their retention is welcomed this is likely to result in an awkward detail where they are integrated with the wall of the penthouse. Standalone chimneys in these locations would be preferable.

There is no objection in principle to Juliette balconies on the mansard provided that they have low overall impact in the streetscene, do not detract from the decorative parapet or interfere with the box gutter and a detail of this would be required. Balustrades should be set back behind the parapet and have minimal visual impact.

It is pleasing to see that the visuals for this element have amended the grey tile to a red tile as this is more appropriate for the style of building. Material details for this will need to be conditioned.

Penthouse

It is proposed to construct an additional floor to the historic building to house a large penthouse and lift shaft. The proposal has a bowed metal roof to the front and a standard flat roof to the rear. The design of the proposal has been amended to include more glazing to the walls. This seems to be a combination of bi fold doors and glazed walling although it is noted that some of this walling is to the ensuite, kitchen and utility area and therefore is likely to be more solid in appearance. The lift shaft to the rear is proposal as metal sheet cladding.

The proposal is set back around 3m from the edges of the building. This area is proposal as an amenity terrace. It is also proposed to install a 1.2m high plant enclosure on the roof to the northern side of the lift shaft.

The suggestion of an additional floor/ penthouse to the historic building was raised at pre app but after considering the impact this would have on the character and proportions of the building and in particular on the setting and silhouette of the feature chimneys, which are key to the significance of The Grand, it was considered that any form of penthouse in principle would conflict with this aspect of the buildings character and the applicant was advised that a larger extension to the rear extension than previously approved was more appropriate in this instance. Nevertheless the applicant has sought to include both these elements with the application.

An objection is raised therefore to the principle of a penthouse in this location particularly of the scale proposed as it would be visible from the surrounding streets and interfere with the roof profile and proportions of the building. Although the amended plans have sought to increase the transparency of the extension, the detailing remains rather heavy and the roof design and profile is still very dominant and it is considered that this would conflict with the very decorative detailing of the historic building as well as adding significantly to its visibility in the streetscene. There is also an objection to the metallic cladding of the lift shaft which will only serve to highlight this utilitarian element of the proposal in the streetscene.

As noted above, whilst the retention of the additional chimneys is welcomed it seems that they will be fully within the proposed penthouse and this it is difficult to see how this could be well detailed. The increase in glazing is also likely to result in significant solar shading which will need to be addressed as part of the design and which appears to be missing.

Notwithstanding the issue of principle there is therefore also an objection raised to the detailed design of this element which it is considered will cause harm to the significance of the locally listed building and the wider conservation area.

The applicant has cited the penthouse extension to Clements Arcade, also a locally listed building in a conservation area, which was allowed on appeal, as justification for this element, however, it is important to note that there are key differences between these two schemes which means that they are not directly comparable either in itself or in its context to The Grand.

Clements Arcade is a much smaller building and its location is not as prominent or exposed as The Grand. It is also noted that the penthouse at Clements Arcade is set back 5.9m from the front elevation and is around 1.6m in height above the parapet whereas The Grand penthouse would only be set back 3m and has a height of 2.2m above the balustrade (plus solar panels on top). This is a significant difference in setback and height which means that the proposed penthouse to The Grand would be much more prominent in the streetscene than that at Clements Arcade.

There are also some significant differences in detail between to two schemes. Clements Arcade is a much simpler building with a flat parapetted roof which means that an additional storey does not cause a conflict with the form and proportions of the building. The Grand, in contrast, already effectively has a penthouse floor, the mansard, which completes the profile of the building above the existing parapet below. There is a concern that the addition of another level above the mansard would appear top heavy and compete with the mansard.

In terms of design detail it is also considered that the design of the penthouse at Clements Arcade is much more refined with simple high quality glazing and a well details slender profiled roof such that it does not seek to compete with the more elaborate character of the historic building below. This is not the case for The Grand where the penthouse is topped with a rather odd and very dominant feature domed roof. Indeed it is noted that the appeal inspector for Clements Arcade particularly commented on the non-bulky roof of the proposal as being to its benefit (para 7) It is therefore considered that the acceptance by the Inspector of a penthouse which was well set back and well detailed at Clements Arcade does not have significant bearing on the acceptability of the proposed penthouse at The Grand.

There would, however, be no objection to a communal roof terrace amenity area on the roof and small access enclosure subject to details being agreed.

Changes to existing building

Doors to east side – the elevations appear to show that these have been changed from the existing original solid timber doors to a glazed option. This is inappropriate for the building a should revert to the existing or more formal half glazed option similar to the front door.

Windows – the intention for the existing windows should be clarified. Any proposed replacements will need to match the existing design and profiles.

Internal arrangement and flat sizes

Internally the arrangement generally acceptable except for there being a conflict between the kitchen units and windows for flats 3 and 7 but it is noted that flat sizes are generous so there would be scope for some rearrangement to regain some of the lost floorspace from the penthouse at the lower levels.

Amenity Provision

The amended scheme has resulted in the loss of the garden area which was proposed in the last approval and as it stands only 5 properties have any form of useable balcony or terrace. This is not ideal for family sized flats, however, if an under provision of amenity helps to make the proposal without the penthouse more viable then this should be considered although, it is suggested that, with the removal of the penthouse there would be scope for an attractive and useable communal roof terrace which too would add value to the proposal as well as providing a good level of amenity space.

It is noted that doors to very small terraces are proposed at mansard level but given the space proposed, these will be more like Juliettes than useable balconies and cannot be counted as amenity provision.

Renewables

118 pvs are shown to be on the roof of the proposed penthouse, on the roof of the plant enclosure at this level and on the roof of the mansard to the rear of the building. It is noted that those at the lower roof level, on the mansard roof itself would be screened by the parapet so should be hidden from public view but it is considered that those on the higher roofs may be visible from the street given the exposure of the building and the positioning of the panels so close to the edges.

Only limited information has been provided regarding the scale of the plant enclosure at this level (height 1200mm, no design details) but given that the parapet is around 1100mm it is likely that the plant enclosure and the pvs would also protrude above the parapet and will also be visible and this too is a concern. Under normal circumstances proposals of this scale would be required to provide 10% of energy demand from onsite renewables, however, in this instance, given the viability concerns and the sensitive nature of the site there may be an exceptional circumstances argument to be made for zero renewables if it helped to make the proposal without the penthouse viable. This will need to be justified in the viability case. If, however, they are to be retained then, given the prominence of the building it will need to be demonstrated that the pvs are not publically visible.

Landscaping and boundaries

To the front it is pleasing to see that the front boundary, which is so much a part of the streetscene and character of the building and wider conservation area, is to be retained and that the landscaping in this area enhanced. The soft landscaping here area looks to be of a good level although parks should be consulted to confirm that a hawthorn is an appropriate species for this urban location as this is not a typical choice for a street tree and has rather an irregular form. It is also noted that the frontage take is proposed to remain as tarmac.

This is regrettable and consideration should be given to using a more attractive surface especially to the front as this would enhance the setting of the building and the quality of the scheme and the wider conservation area. To the rear the open parking area will also need to be well landscaped and it is pleasing to see details for planting on the east boundary but there is a concern that planting is lacking within the car park itself. A small green strip is shown on the landscaping plan on the northern boundary but planting details for this area are not provided on the landscape plan and should be clarified. Space here looks tight and this will need to be carefully considered. As with the front parking area it is suggested that a good quality permeable surfacing is used for this area too to improve the setting of the building although the front parking area is this principle frontage and this should be the priority.

Details of the boundary enclosures for this rear section will also be important in ensuring a positive relationship with the streetscene and should be conditioned. It is imperative that the roof to the bin store is set down behind the wall so that the flat roof is not visible to the street or indeed the parking area. Doors for the bin stores should be painted timber (black).

Visuals

The visual show that the penthouse will be very visible from all sides and have not demonstrated that the impact of this element will be insignificant.

It is also noted that there are a number of errors some of which have diminished the impact of the penthouse which means it is likely to be even more visible than shown.

- East side – lift shaft missing, doors at ground floor different from elevation (better on visual – see comments above)
- West side – the number of windows in the main building is wrong
- South side - window detailing wrong at first floor, chimneys still seem a bit squat and in slightly different locations to existing
- Grand drive (2) - chimney again seem a bit squat in relation to existing situation and this will have knock on effects for the penthouse which is as tall as some of the chimneys
- Leigh road (2) – again the lift shaft appears to be missing
- General - the longer views in which more of the penthouse will be seen show a white roof against white cloud and this is underlining the impact of the proposal.

Comments on structural case and viability of scheme

The structural report was commissioned in Jan 2012. The wording of the report suggests that it was commissioned to facilitate the sale and at the time it was published there had not been an exchange of contracts. It is therefore it is assumed that the condition of the building would have been factored into the sale price. The structural report comments that the building is in need of renovation with a number of defects some specific to the building and some common to renovation project to all buildings of this age.

The key issues arising are a relatively minor differential movement to the NE corner thought to have been caused by a tree which was removed some time ago (see para 4.2.9 , 4.2.12, 3.3.6) and water damage caused by vandalism to the plant room on the roof which has caused water to come through the ceilings in this area in the 2 levels below. Other items seems to have arisen mainly from the lack of maintenance to the building including damp in a number of areas caused by blocked gutters, cement pointing or lost pointing causing the brickwork to become porous and leaky roofs.

There is no doubt that the building needs a complete internal renovation but some of the issues noted above would have been included as part of the regeneration of the building even if the condition was reasonable. The individual costs for these works do not seem to have been provided so it is difficult to assess whether the cost are reasonable and relevant. It is also noted that some area require further investigation. The Council is very keen to see this iconic landmark restored but the enabling scheme should not be granted if it causes substantial harm to the character and significance of the historic building. There is a public benefit to regeneration of the building but this should not be at the expense of its special historic character and significance and that of the wider conservation area.

Conclusion

The various elements of the proposal can be categorised as having little or no harm to character and significance of the historic building, having less than substantial harm and having substantial harm. The change of use from hotel to flats and the proposed extensions to the basement will have little impact; the enlarged extension and rebuilt mansard are considered to cause less than substantial harm as they would not significantly impact on the principle elevation or views and would therefore be acceptable subject to the comments made above if they enabled the regeneration of the building but it is considered that the proposed penthouse is of a poor design, would be visible from a number of angles and would be detrimental to the character and significance of the historic building and the wider conservation area (designated asset). Therefore it is considered that this element of the proposal would cause substantial harm. The applicant comments that the penthouse is required to make the scheme more viable but this should not be at any cost and the council should not accept the poor design of this element.

Housing Strategy and Affordable Housing

- 7.5 No comments received.

Environmental Protection

- 7.6 The acoustic report prepared by SRL Technical Services Ltd. and dated 20/7/16 (rev. 22/7/16) refers to the assessment and control of noise from fixed plant, the outdoor terrace and traffic.

No reference has been made to the generation of noise from other sources, most notably the function room and the health club.

Assumptions have been made with regard to the likely containment of noise from the terminals of the air extract ducts by virtue of being located in semi-closed areas.

The location of the (24 hour) refrigeration plant seems yet to be finally determined.

The report indicated that noise levels arising from the use of the terrace were based on an occupancy of 40 persons, yet the plan reveals that 72 covers are to be provided in that area. Whilst the report states that diners generally generate less noise than drinkers, which may be true, numbers on the terrace, and adjacent outside areas, will inevitably be swelled by smokers from within the building and drinkers from the brasserie and, possibly, the wine bar. It might be assumed that the number of people resorting to the front external area could approach 100. Breakout of noise from this area beyond the site boundary could, therefore, be significant.

Measures are proposed to control noise (from the terrace) affecting the flats fronting the south elevation. The provision of 10/12/6.8 acoustic glazing (or triple glazing) and acoustic vents may serve to prevent noise ingress into the first floor flats. However, use of the balconies serving those flats may be compromised due to noise arising from use of the terrace.

With perhaps the exception of the suggested possibility of providing glass screening, the Complaint Management Plan in respect of behavioural noise arising from use of the terrace generally fails to show effective controls. The installation of monitoring equipment would serve solely to assess the degree of any problems without providing any resolution.

The report's author states his understanding that no amplified music is to be played in the restaurant or brasserie, yet later mentions that no loud music is to be played in those areas. I assume the latter statement to be indicative of an intention to give performances of live, unamplified music within those areas.

I am concerned that smokers and drinkers from the basement wine bar may gather in the external area adjacent to the wine bar entrance located in Leighton Avenue, thereby giving rise to noise complaints from residents of opposite premises. Noise breakout from the (open) kitchen, restaurant and health club doors which also front onto Leighton Avenue could also give rise to complaint.

Reference is made to the quiet collection of glasses and bottles from the terrace, but none to the disposal of bottles in the bin store area fronting onto Leighton Avenue.

[Officer comment: Consideration has been given to the above comments from the Environmental Health Officer; however, as noted in the relevant section, it is considered that the principle of the proposed ground floor and basement uses and the external seating area were previously accepted and thus, no objection is considered reasonable to be raised for the current uses. The impacts that the development would have to the nearby occupant would have been minimised by the imposition of conditions, should permission be granted.]

Waste Management

7.7 No comments received.

Education

7.8 No comments received.

Transport and Highways

7.9 Residential Element

19 dwellings are proposed each benefiting from 1 car parking space the layout of the car park allows vehicles to manoeuvre effectively, cycle parking has also been provided which is policy compliant. Access to the residential parking is via The Broadway a traffic regulation order will require amending to create the entrance/exit. This is the same location as previous application therefore no highway objections are raised to this proposal. Refuse storage that has been proposed is acceptable the applicant should be advised that the refuse store doors should not open out over the highway.

The applicant is advised to provide travel packs to future occupiers which details sustainable travel choices within the local area. It is not considered that the proposed residential properties will have a detrimental impact upon the public highway.

Commercial Element

Servicing

Servicing will be undertaken from the car parking area to the front of the site, this is to ensure that local on street parking is not affected by the need to introduce a loading bay on Leighton Avenue. There are no highway objections to this approach.

Refuse Collection

This will be undertaken from Leighton Avenue this is as the previous use and as such no objections are raised. Refuse storage has been provided and is acceptable.

Parking Provision

The site provides 9 car parking spaces for the commercial use which includes 2 disabled spaces. This fails to meet the required policy standard however the applicant has provided a detailed transport statement in support of the application. It should be noted that in terms of vehicle parking this is the same amount as the previous use of the site which had a similar commercial offer in terms of floor area.

Traffic Generation

The applicant has provided a detailed transport statement for the residential/commercial element and has undertaken a TRICS database review relating to all proposed uses associated with the site. This is considered to be an extremely robust approach.

The applicant has previously supplied a detailed parking survey in the following roads from 6pm – 22.00pm this time frame is considered to be within the worst case scenario for on street parking availability The Broadway, Leighton Avenue, Ashleigh Drive, Redcliff Drive and Grand Drive this concluded that on street parking is available within the vicinity of the site. It is considered that the number of additional vehicle movements are unlikely to have an adverse impact upon the public highway network. Consideration has also been given to the previous use of the site in relation to trip generation and also to the more recent approved applications.

Highways Conclusion

The applicant has provided detailed highway information relating to the proposed use of the site which has demonstrated that the site is in a sustainable location with regard to public transport with good links in close proximity which include rail and bus services. A previously submitted parking survey concluded that short term on street parking is available within the vicinity of the site and also benefits from a public car park in North Street. The applicant has used the TRICS database when predicting vehicle trip rates this is a nationally recognised approach and is considered to be a robust evaluation. Given the information provided by the applicant there are no highway objections to the proposal.

The applicant will be required to enter into the appropriate highway agreement to construct the vehicle crossover in the Broadway and to remove and any redundant vehicle crossovers and return them to public footway.

Parks

7.10 No comments received.

Public Notification

7.11 Sixty-six neighbours have been consulted and site notices posted on site and seven letters have been received making the following comments:

- Positive that the proposal is for a mixed use scheme rather than being a hotel.
- It is positive that original materials and architectural details are proposed to be used.
- The use of native plants is positive.
- Concerns regarding the increased depth and height of the development.
- The penthouse, as proposed, would be excessive. It should be as low profile and set back.
- No smoking area.
- Noise generation from the uses and music. A condition has been requested for the terrace to be used only by customers.
- The side door onto Leighton Avenue should only be a fire exit.
- The proposal would result in further parking stress.
- Concerns are raised regarding the retention of the existing building and the amount of extension proposed.
- Concerns regarding the use of the wine bar and the character of the building.
- Objection to the proposed flats.

- A letter of support has been received, stating that the proposal would still satisfy the primary aim which is the renovation of the building. There is a clear intention to preserve the historic integrity of the building. The proposed uses would directly benefit the local community and are supported. Furthermore, with regard to the proposed flats, it is noted that there is a great demand issue in the area. Although the development would have a potential pressure to infrastructure, the benefits of restoring a building such as the Grand far outweigh those concerns in this particular instance. A hotel use is not commercially viable. In the event that the Application is rejected, the building is likely to eventually fall down.
- A petition in support of the development signed by 119 local residents has been submitted.
- Concerns were raised regarding the delay of the application. **[Officer comment: It is noted that the reason for the delay in determination has been officers seeking to resolve and narrow the areas of difference on this scheme. Unfortunately the detailed pre-application advice that officers gave to the applicant was not taken on board to an extent that would have enabled the proposal to move forward in a more timely manner. As a result it has taken a significant amount of work to get the application to the present position, where the only remaining issue is the penthouse extension. The other planning concerns raised are noted and have been taken into account in the assessment of the proposal.]**

8 Relevant Planning History

- 8.1 15/01696/AD - Application for Approval of Details pursuant to condition 04 (samples of materials) condition 05 (details of panel of pointing profile, copings, mortar mix, bricks, brick bond) and condition 07 (detailed drawings of pediment feature, materials of windows, doors and glazed lantern) of planning permission 12/01439/FUL dated 12/12/2012. Details approved.
- 8.2 14/01033/AD - Application for approval of details pursuant to condition 3 (Brick Samples), 4 (Materials), 5 (Pointing) and 6 (Terrace) of planning permission 10/00421/FUL dated 04/05/2010. Details approved.
- 8.3 13/00477/EXT - Alterations to elevations, form disabled access ramp to side elevation, form terrace with seating areas and form additional vehicular access onto Leighton Avenue (application to extend the time limit for implementation following planning permission 10/00421/FUL dated 04/05/2010 and 10/0144/FUL dated 23/09/2010). Permission granted.
- 8.4 12/01439/FUL - Erect three-storey rear extension to form 3 additional bedrooms, enlarged kitchen facilities, form basement spa, alter car parking at rear and form new vehicular accesses (Amended proposals). Permission granted.
- 8.5 12/00719/FUL - Erect two storey rear extension to form 2 additional bedrooms and enlarged kitchen facilities, form basement spa, alter car parking at rear and form new vehicular accesses (amended proposal). Permission granted.

- 8.6 12/00069/FUL - Create Basement Spa, erect single storey rear extension, alter car parking at rear, lay out car parking spaces and form new vehicular access onto Broadway. Permission granted.
- 8.7 11/01723/NON - Enlarge first floor extension at rear (Non Material Amendment following planning permission 10/00741/FUL dated 17/06/10). Allowed.
- 8.8 10/01447/FUL - Variation of condition 02 of planning permission 10/00421/FUL to allow use of the outdoor terrace area at front until 23:00 hours Monday to Sunday and Bank Holidays. Permission granted.
- 8.9 10/00741/FUL - Erect single storey rear extension, alterations to fenestration at rear, three storey infill extension and external staircase to western elevation from basement to ground floor level. Permission granted.
- 8.10 10/00421/FUL - Alterations to elevations, form disabled access ramp to side elevation, form terrace with seating areas and form additional vehicular access onto Leighton Avenue. Permission granted.
- 8.11 99/0165 - Erect external fire escape to rear elevation; alterations to windows; form new vehicular access onto Leighton avenue and lay out eight additional parking spaces. Permission granted.
- 8.12 97/0500 - Install externally illuminated projecting sign and erect two free standing advertisements boards. Permission granted.
- 8.13 92/0050 - Demolish outbuildings part of single storey rear extension and part of boundary walls. Permission granted.
- 8.14 92/0048 - Erect rear ground floor toilet block following demolition of existing repair boundary walling to front and sides install new vehicular barrier erect new refuse stores to either side and crate store to rear re-grade parts of existing rear garden close existing eastern vehicular access onto Broadway and wall in re-surface existing frontage and alter ground floor door and window to western side. Permission granted.
- 8.15 92/0049 - Remove existing signs on front elevation and install illuminated fascia sign lantern and amenity boards free standing car park sign 6 coach lights & 2 floodlights to east front balcony. Permission granted.
- 8.16 90/0647 - Install ventilation services at rear to first floor function room including acoustic control plant to be located on roof. Permission granted.

9 Recommendation

9.1 Members are recommended to REFUSE PLANNING PERMISSION for the following reason:

- 01** The development, by reason of the design, mass, scale, siting and size of the proposed fourth floor penthouse roof extension and the increased scale and detailed design of the enlarged mansard roof, would have a detrimental impact on and be significantly harmful to the character and appearance of the locally listed building and the Leigh Cliff Conservation Area more widely. The development is therefore considered to be unacceptable and contrary to the National Planning Policy Framework (2012), policies KP2 and CP4 of the Southend Core Strategy (2007), policies DM1, DM3 and DM5 of the Southend Development Management Document (2015) and the advice contained in the 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 discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application and therefore, the proposal is not considered to be sustainable development. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Informative

- 1** 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.

Client Name : Mr M Norcross		Smart Planning Ltd Old School House Rettendon Turnpike Battlesbridge Essex SS11 7QL +44(0) 870 013 6996 contact@smartplanning.co.uk www.smartplanning.co.uk	
Project Title : The Grand Hotel, Broadway, Leigh-on-Sea, SS9 1PJ			
Drawing Name : Location Map			
Scale : 1:10000 @ A4	Checked : KL	Status : Preliminary	Rev : -
Date : 22 Jan 2016	Plot Date : 22 Jan 16 12:20	Dwg No : 15.2934/M001	



Leigh
National Nature Reserve



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Local Service - Nationwide

No.	Date	Amendment	Initials

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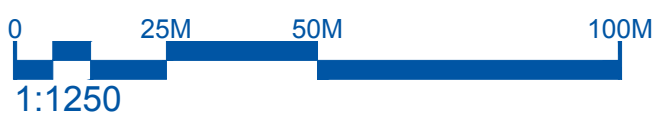
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Client Name : Mr M Norcross		Smart Planning Ltd Old School House Rettendon Turnpike Battlesbridge Essex SS11 7QL +44(0) 870 013 6996 contact@smartplanning.co.uk www.smartplanning.co.uk	
Project Title : The Grand Hotel, Broadway, Leigh-on-Sea, SS9 1PJ			
Drawing Name : Location Plan			
Scale : 1:1250 @ A4	Checked : KL	Status : Preliminary	Rev : -
Date : 22 Jan 2016	Plot Date : 22 Jan 16 12:20	Dwg No : 15.2934/M002	



Site Area
2099.29sq.m.
0.21ha

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This plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

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No.	Date	Amendment	Initials

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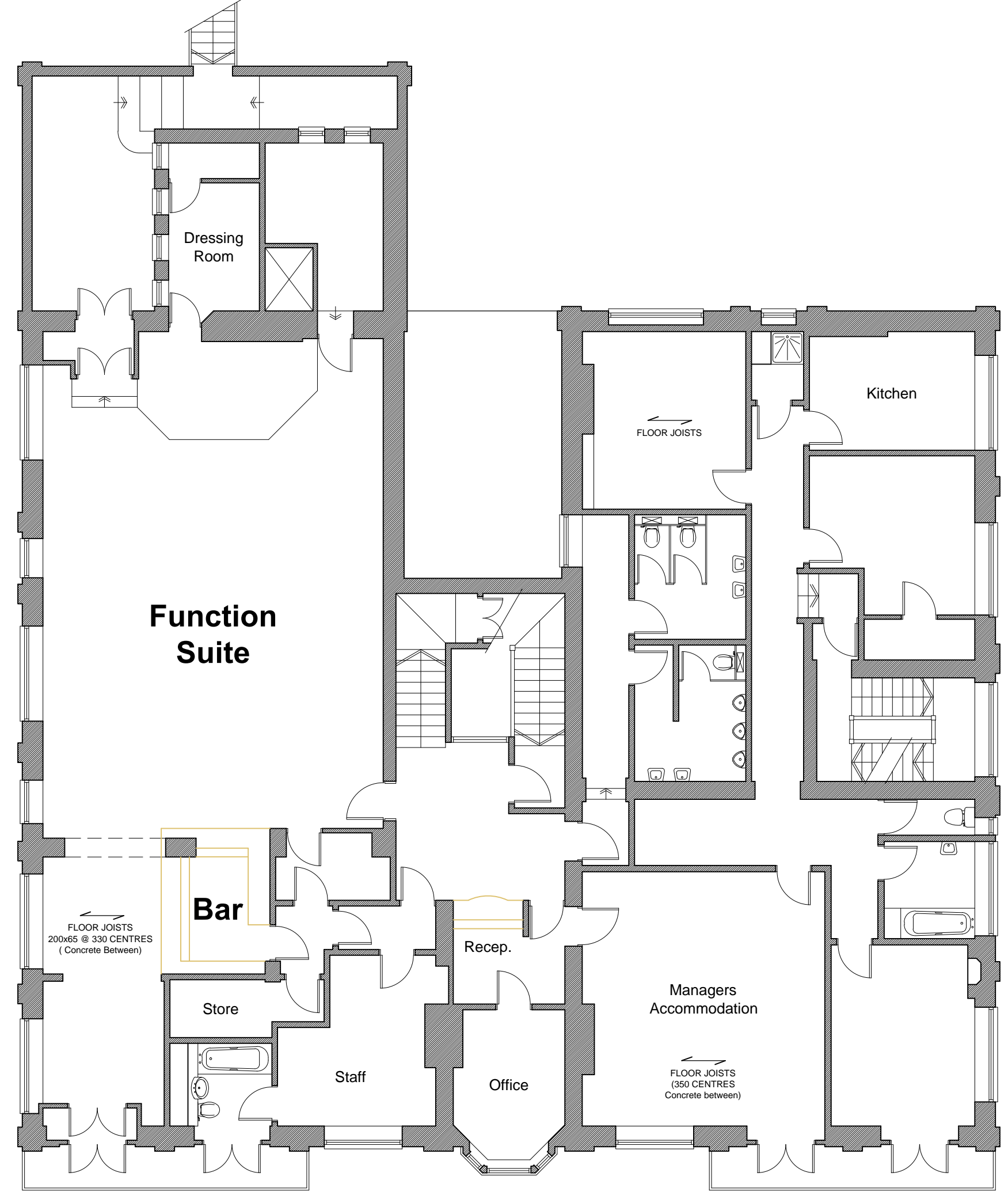
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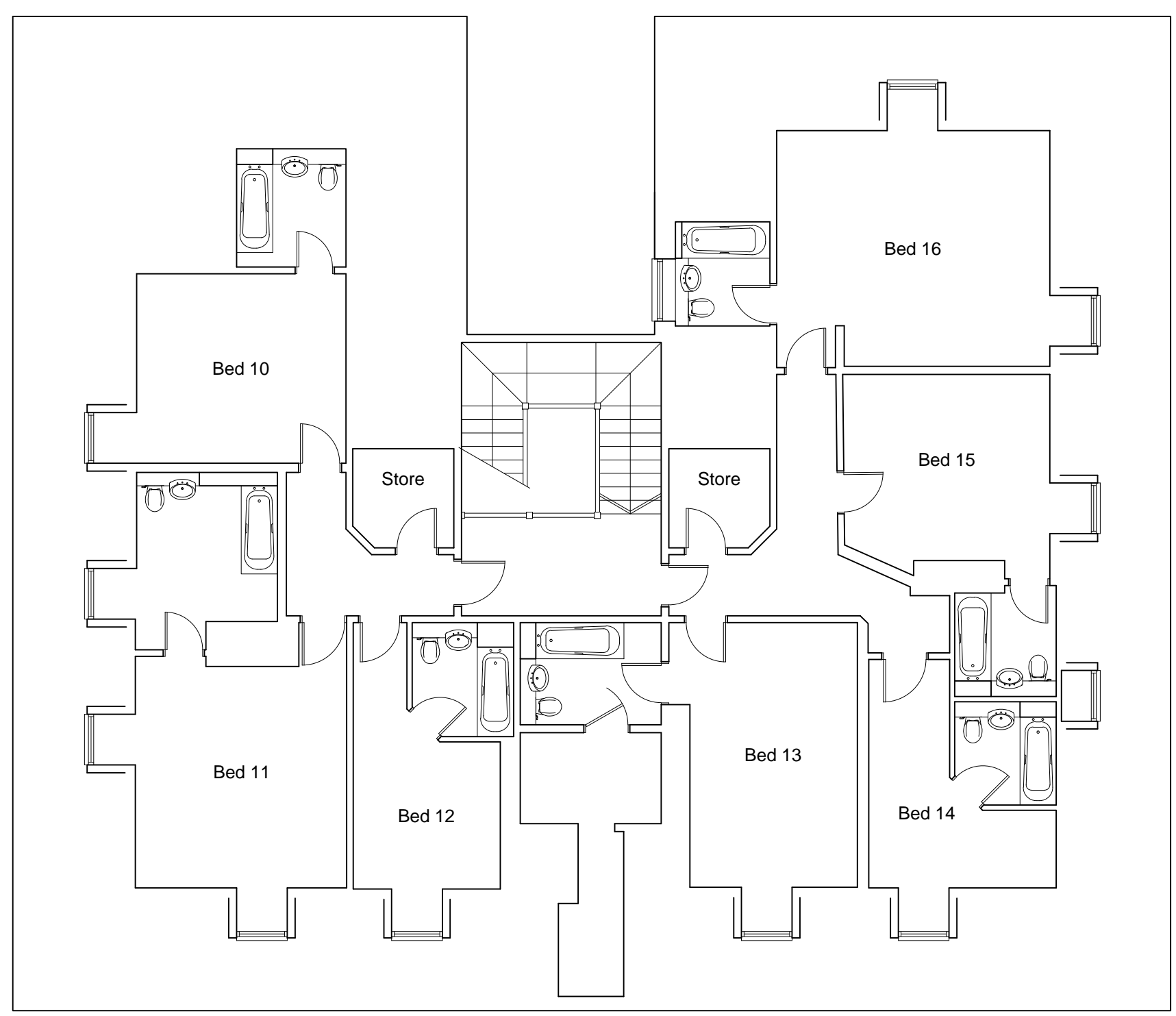
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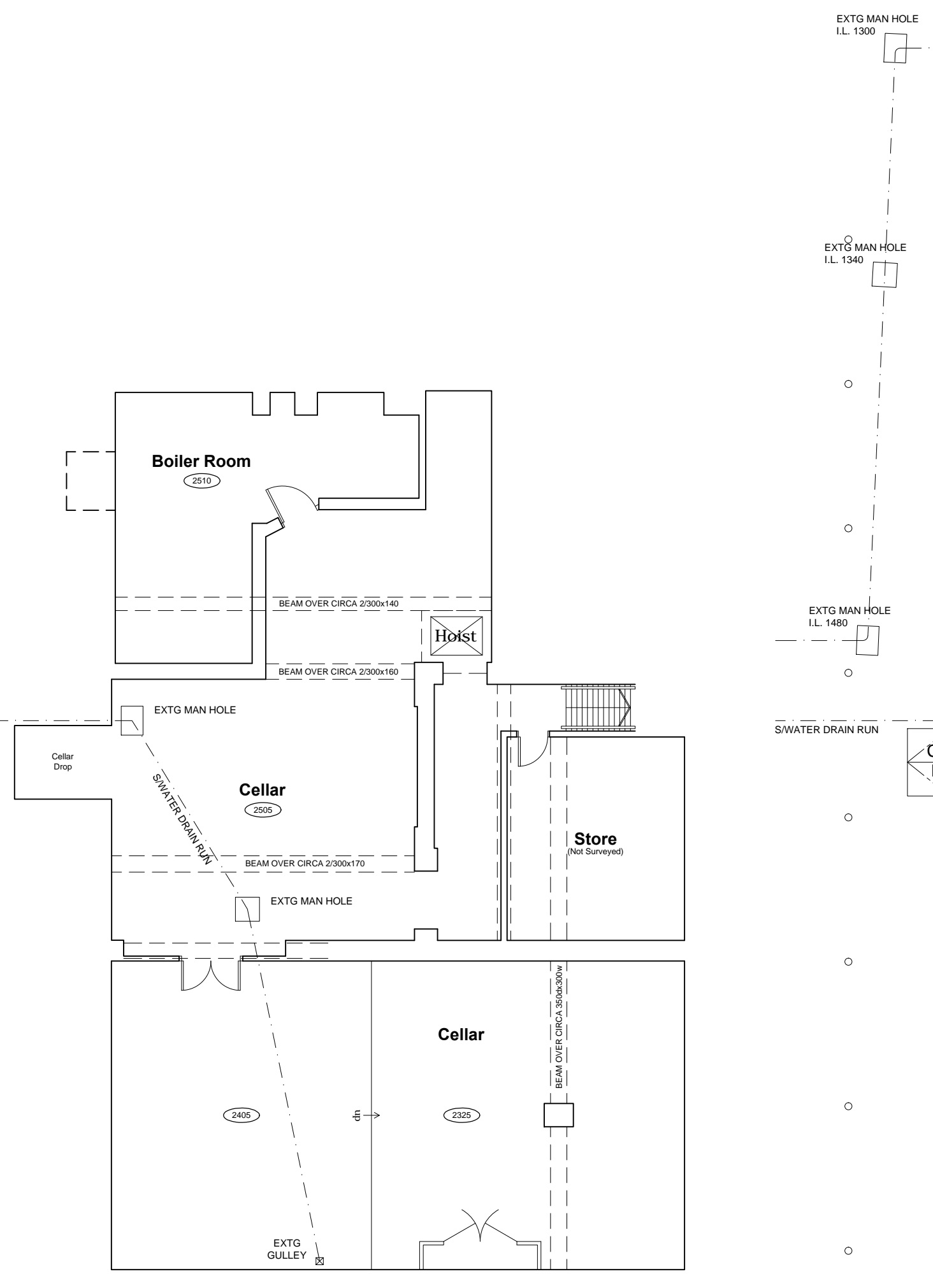
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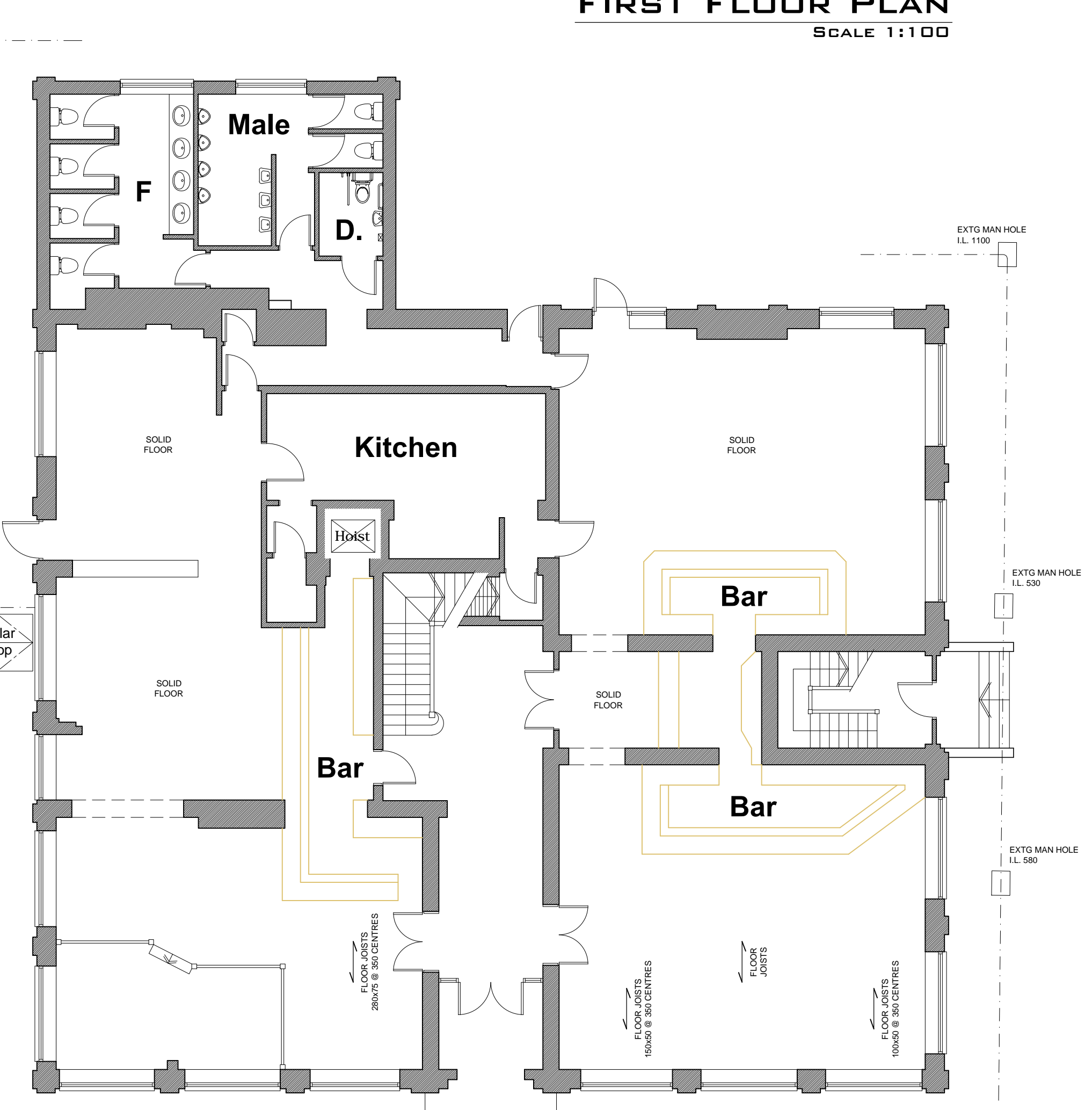
FIRST FLOOR PLAN
SCALE 1:100



THIRD FLOOR PLAN
SCALE 1:100



BASEMENT PLAN
SCALE 1:100



GROUND FLOOR
SCALE 1:100



SECOND FLOOR PLAN
SCALE 1:100

Rev: | Date: | Amendment:



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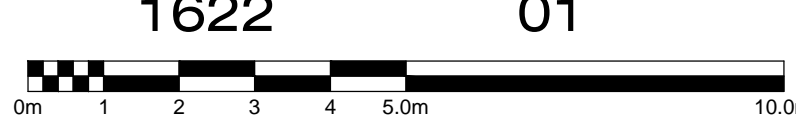
Client: THE GRAND BOUTIQUE HOTEL, RESTAURANT AND BAR

Project: THE GRAND HOTEL BROADWAY, LEIGH-ON-SEA, ESEEX, SS9 1PJ

Drawing: EXISTING LAYOUT PLANS

Date: 14.11.2011 Scale: 1:100 @ A1

Project No.: 1622 Drawing No.: 01



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Front Elevation



Side Elevation - Broadway



Rear Elevation



Side Elevation - Leighton Avenue



Rev:	Date:	Amendment:
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Stone!
architectural & interior design

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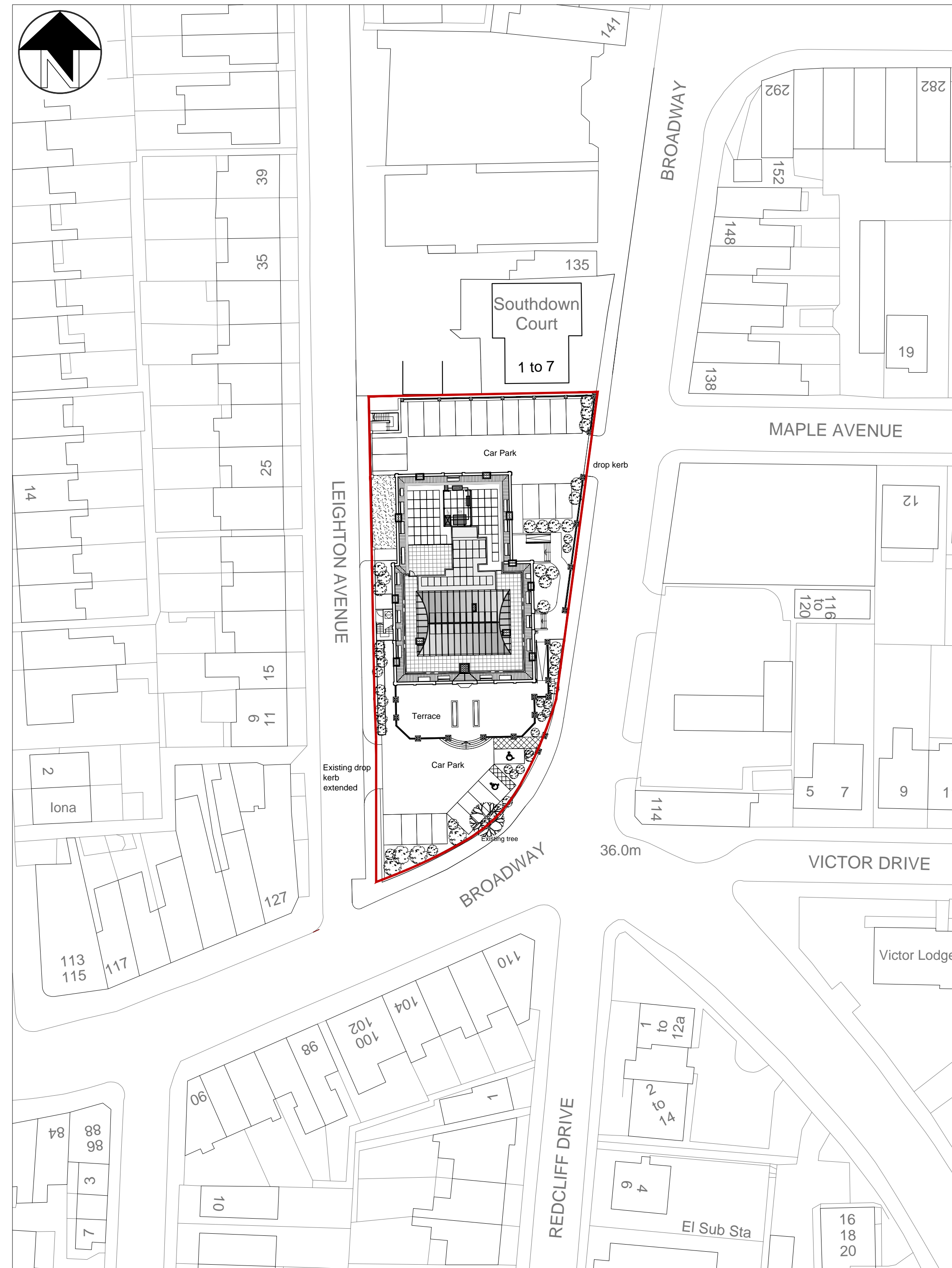
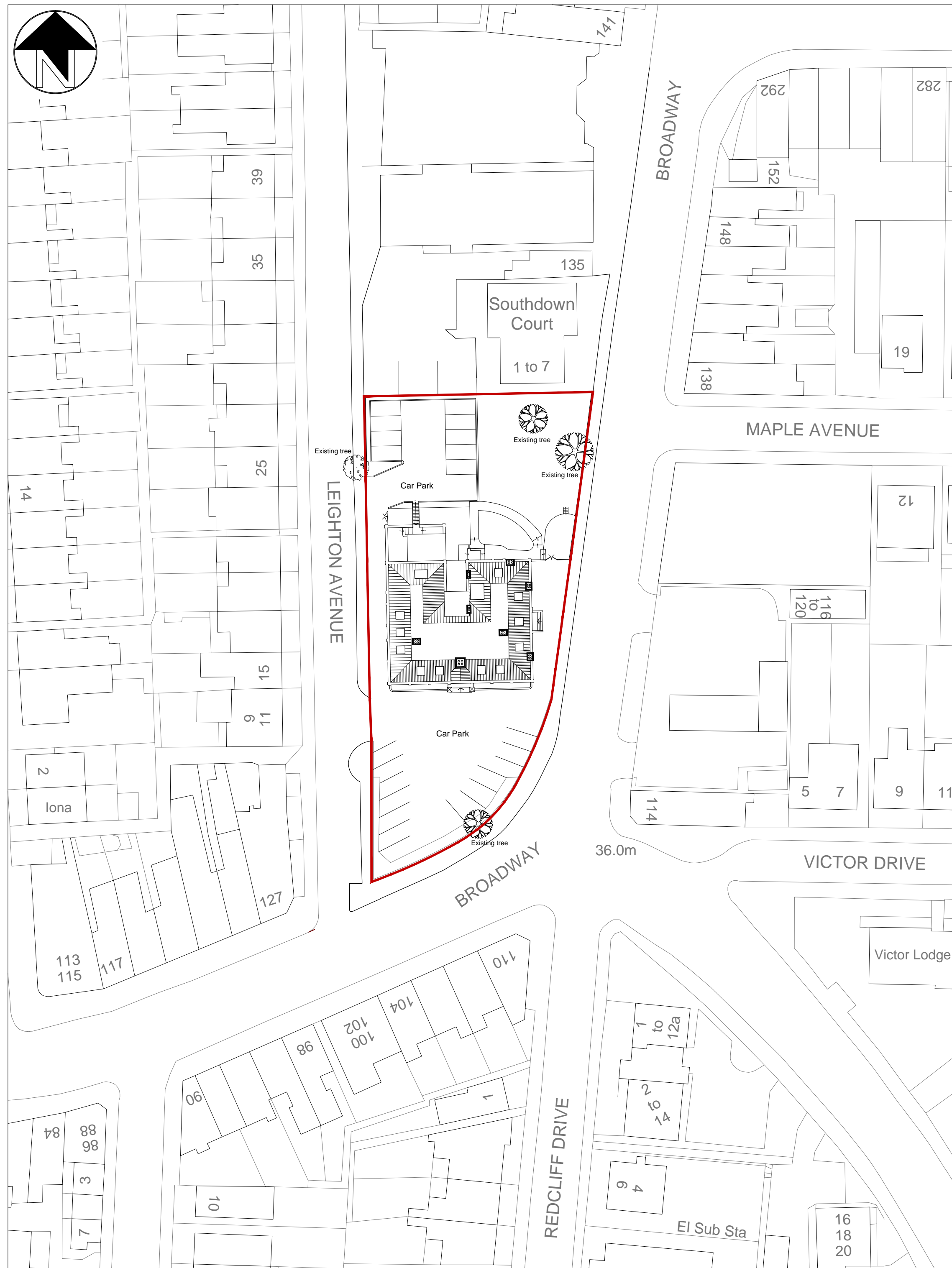
Project: THE GRAND HOTEL
LEIGH-ON-SEA
ESSEX

Drawing: EXISTING ELEVATIONS

Date: 16.11.2015 Scale: 1:100 @ A1

Project No.: Drawing No.:

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Existing Block Plan
Scale 1:500

Proposed Block Plan
Scale 1:500

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Client: MR M NORCROSS

Project: THE GRAND HOTEL
LEIGH-ON-SEA
ESSEX

Drawing: EXISTING PROPOSED BLOCK PLANS

Date: 16.11.2015 Scale: 1:500 @ A1

Project No.: Drawing No.:

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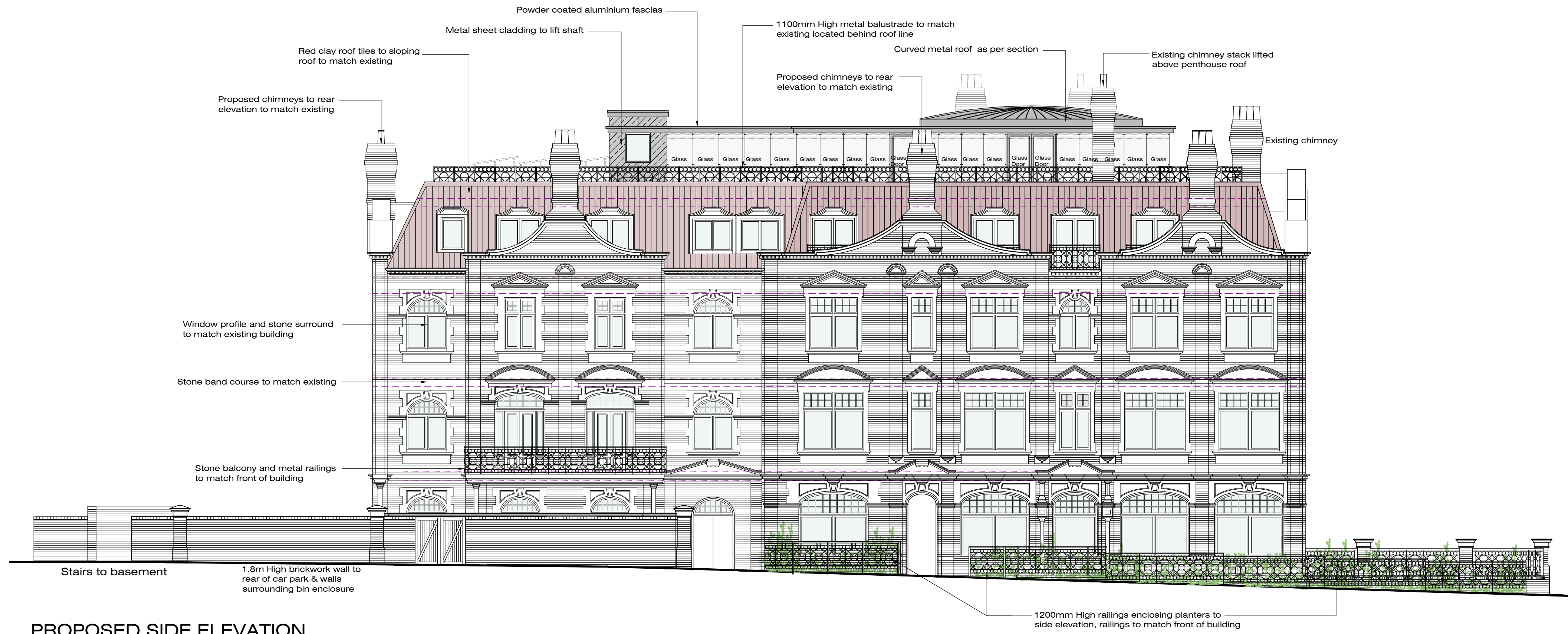
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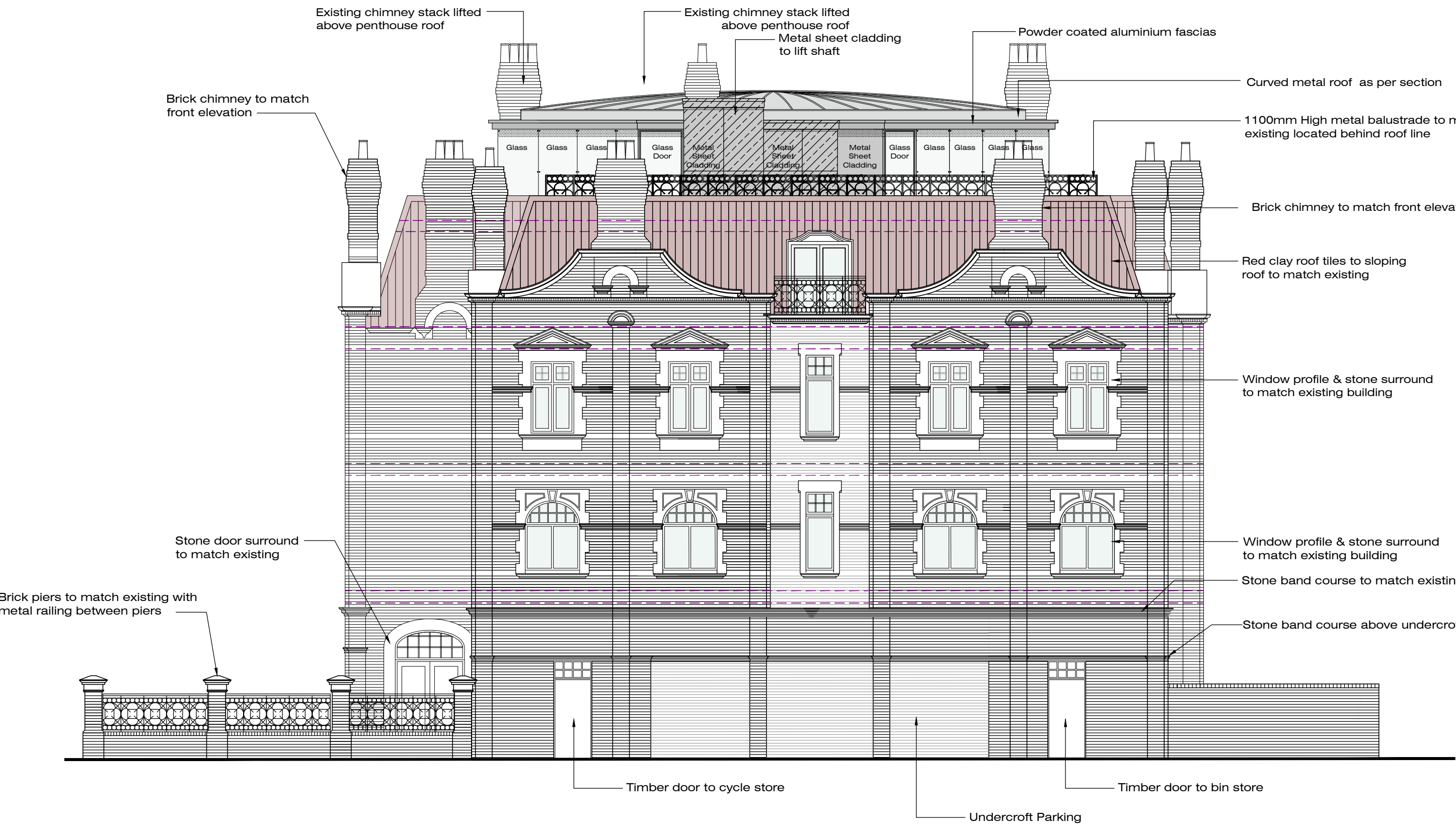
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PROPOSED SIDE ELEVATION
Scale 1:100



PROPOSED REAR ELEVATION
Scale 1:100

E	16.05.2017	PLANNING AMENDMENTS
Rev:	Date:	Amendment:



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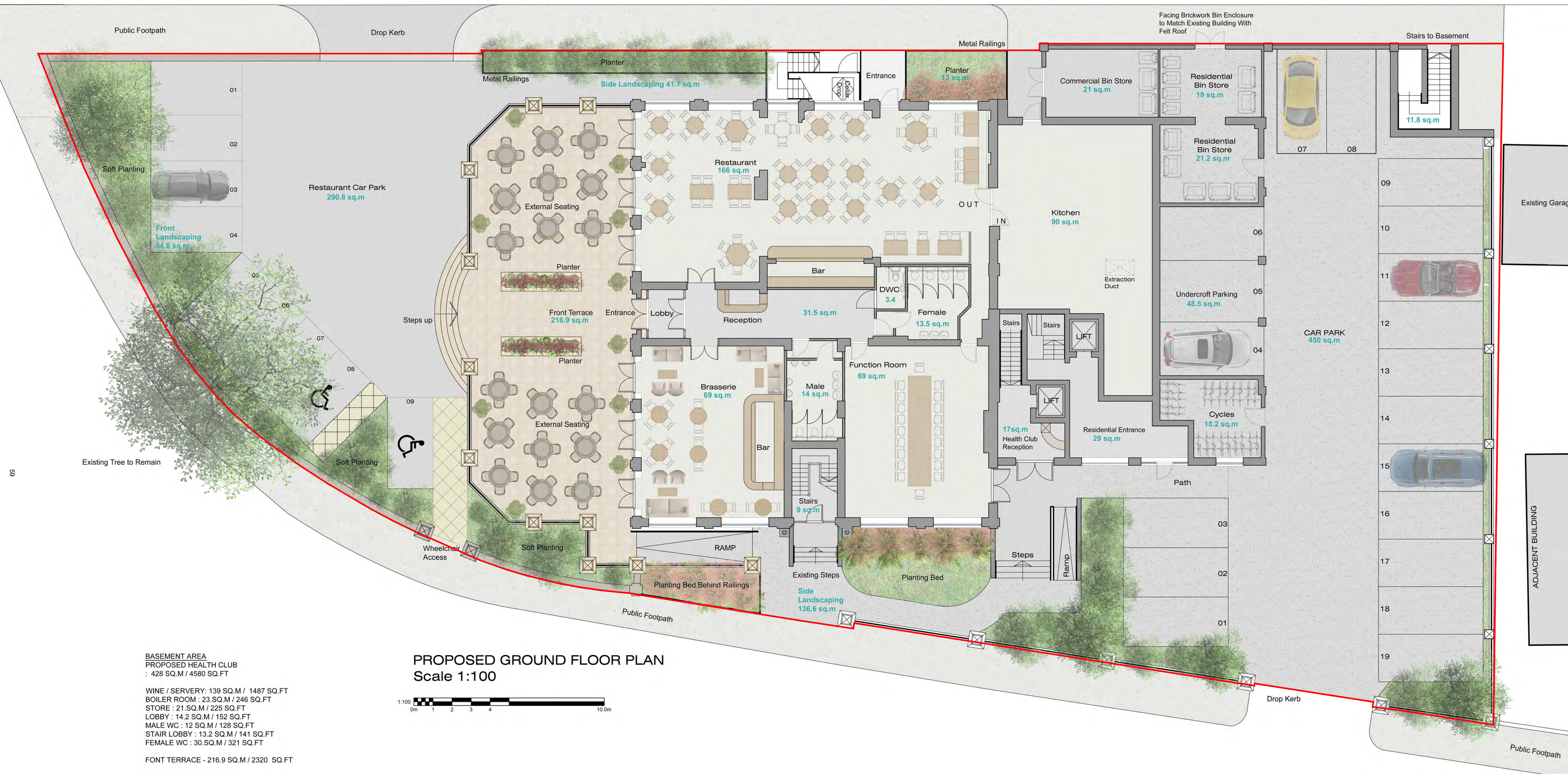
Project: THE GRAND HOTEL
LEIGH-ON-SEA
ESSEX

Drawing: PROPOSED ELEVATIONS
SHEET 2

Date: 16.11.2015 Scale: 1:100 @ A1

Project No.: Drawing No.:

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BASEMENT AREA
 PROPOSED HEALTH CLUB
 : 428 SQ.M / 4580 SQ.FT

WINE / SERVERY: 139 SQ.M / 1487 SQ.FT
 BOILER ROOM : 23 SQ.M / 246 SQ.FT
 STORE : 21 SQ.M / 225 SQ.FT
 LOBBY : 14.2 SQ.M / 152 SQ.FT
 MALE WC : 12 SQ.M / 128 SQ.FT
 STAIR LOBBY : 13.2 SQ.M / 141 SQ.FT
 FEMALE WC : 30 SQ.M / 321 SQ.FT

FONT TERRACE - 216.9 SQ.M / 2320 SQ.FT

GROUND FLOOR AREA

FUNCTION ROOM : 69 SQ.M / 738 SQ.FT
 BRASSERIE : 69 SQ.M / 738 SQ.FT
 KITCHEN : 90 SQ.M / 963 SQ.FT
 RESTAURANT / BAR : 166 SQ.M / 1776 SQ.FT
 MALE WC : 14 SQ.M / 149 SQ.FT
 FEMALE WC : 13.5 SQ.M / 144 SQ.FT
 DWC : 3.4 SQ.M / 36 SQ.FT
 HC BAR & RECEPTION : 17 SQ.M / 182 SQ.FT
 APARTMENT RECEPTION : 29 SQ.M / 310 SQ.FT
 KITCHEN BIN STORE : 21 SQ.M / 225 SQ.FT
 RESIDENTIAL BIN STORE : 40 SQ.M / 428 SQ.FT
 UNDERCROFT PARKING : 48.5 SQ.M / 519 SQ.FT
 CYCLE STORE : 18.2 SQ.M / 195 SQ.FT
 CAR PARK : 450 SQ.M / 4815 SQ.FT
 SIDE LANDSCAPING : 136.6 SQ.M / 1461 SQ.FT
 FRONT LANDSCAPING : 94.6 SQ.M / 1012 SQ.FT
 RESTAURANT CAR PARK 288 SQ.M / 3081 SQ.FT
 8 PARKING SPACES + 1 DISABLED SPACE
 SIDE LANDSCAPING : 41.7 SQ.M / 446 SQ.FT
 SIDE LANDSCAPING : 13 SQ.M / 139SQ.FT

PROPOSED GROUND FLOOR PLAN
 Scale 1:100



F	20.07.16	Planning submission
Rev:	Date:	Amendment:



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 Project: THE GRAND HOTEL
 LEIGH-ON-SEA
 ESSEX
 Drawing: PROPOSED GROUND FLOOR
 PROPOSED BASEMENT PLAN
 Date: 16.11.2015 Scale: 1:100 @ A1
 Project No.: Drawing No.:
1622 - 02F

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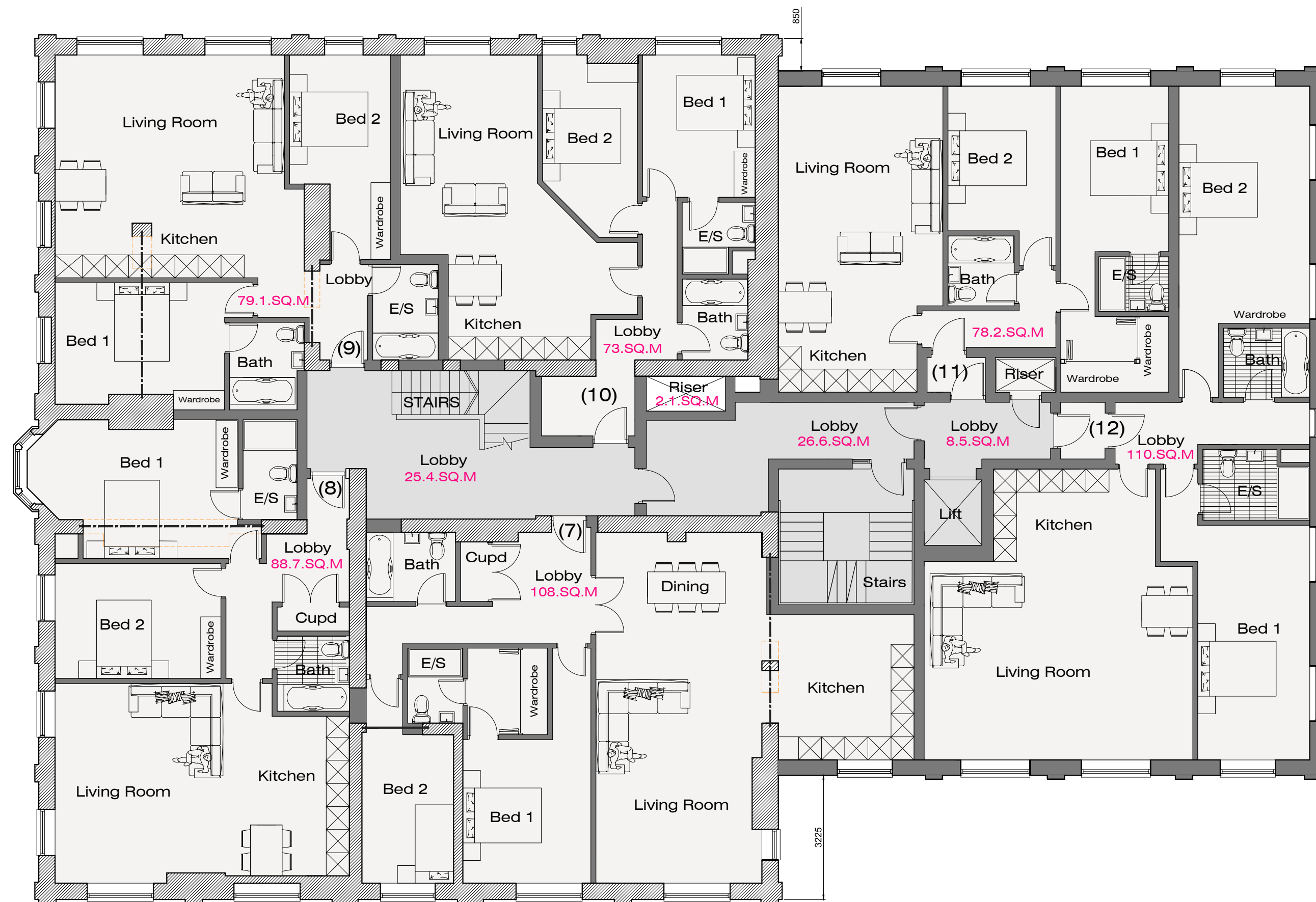
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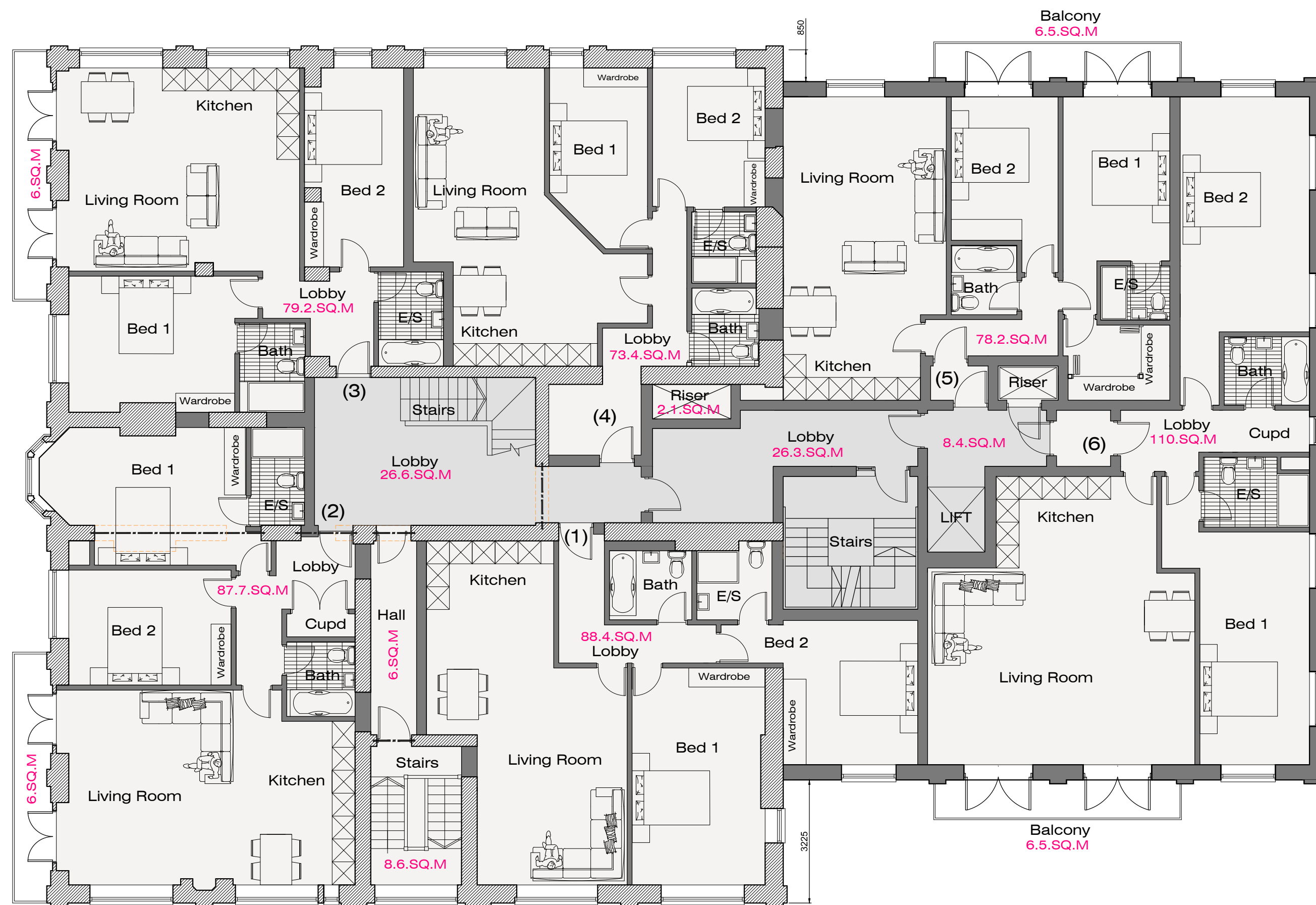
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- FLAT 1 : 88.4 SQ.M + 1 PARKING SPACE
- FLAT 2 : 87.7 SQ.M + 1 PARKING SPACE
- FLAT 3 : 79.2 SQ.M + 1 PARKING SPACE
- FLAT 4 : 73.4 SQ.M + 1 PARKING SPACE
- FLAT 5 : 78.2 SQ.M + 1 PARKING SPACE
- FLAT 6 : 110 SQ.M + 1 PARKING SPACE
- FLAT 7 : 108 SQ.M + 1 PARKING SPACE
- FLAT 8 : 88.7 SQ.M + 1 PARKING SPACE
- FLAT 9 : 79.1 SQ.M + 1 PARKING SPACE
- FLAT 10 : 73 SQ.M + 1 PARKING SPACE
- FLAT 11 : 78.2 SQ.M + 1 PARKING SPACE
- FLAT 12 : 110 SQ.M + 1 PARKING SPACE
- FLAT 13 : 92.5 SQ.M + 1 PARKING SPACE
- FLAT 14 : 82.8 SQ.M + 1 PARKING SPACE
- FLAT 15 : 92 SQ.M + 1 PARKING SPACE
- FLAT 16 : 75 SQ.M + 1 PARKING SPACE
- FLAT 17 : 60.3 SQ.M + 1 PARKING SPACE
- FLAT 18 : 71.4 SQ.M + 1 PARKING SPACE
- FLAT 19 : 162 SQ.M + 1 PARKING SPACE + 138 SQ.M TERRACE SPACE



PROPOSED SECOND FLOOR PLAN
Scale 1:100



PROPOSED FIRST FLOOR PLAN
Scale 1:100



F	16.05.17	PLANNING SUBMISSION
Rev.	Date:	Amendment:



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Client: MR M NORCROSS

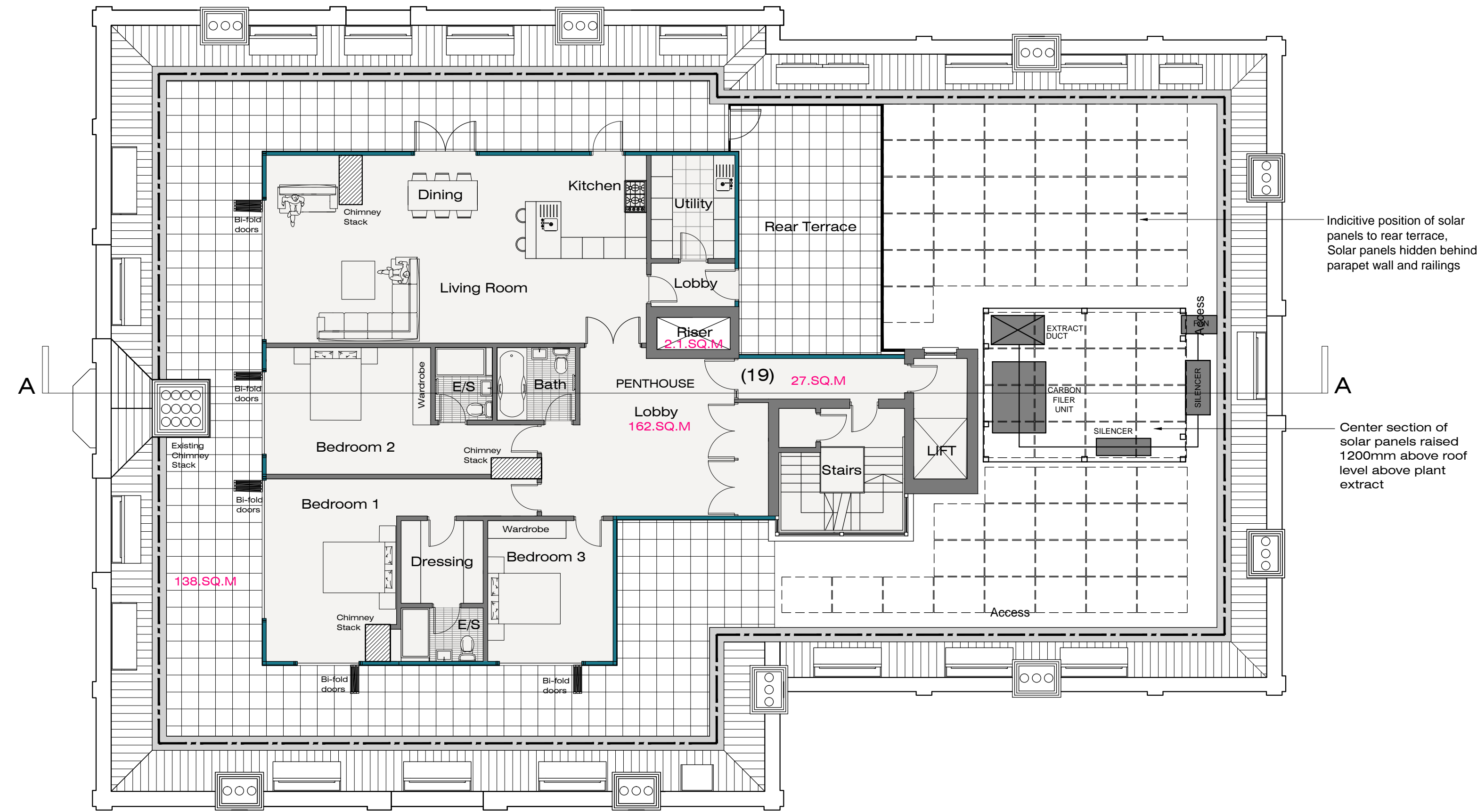
Project: THE GRAND HOTEL
LEIGH-ON-SEA
ESSEX

Drawing: PROPOSED FIRST FLOOR
PROPOSED SECOND FLOOR

Date: 16.11.2015 Scale: 1:100 @ A1

Project No.: Drawing No.:

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Indicative position of solar panels to rear terrace, Solar panels hidden behind parapet wall and railings

Center section of solar panels raised 1200mm above roof level above plant extract

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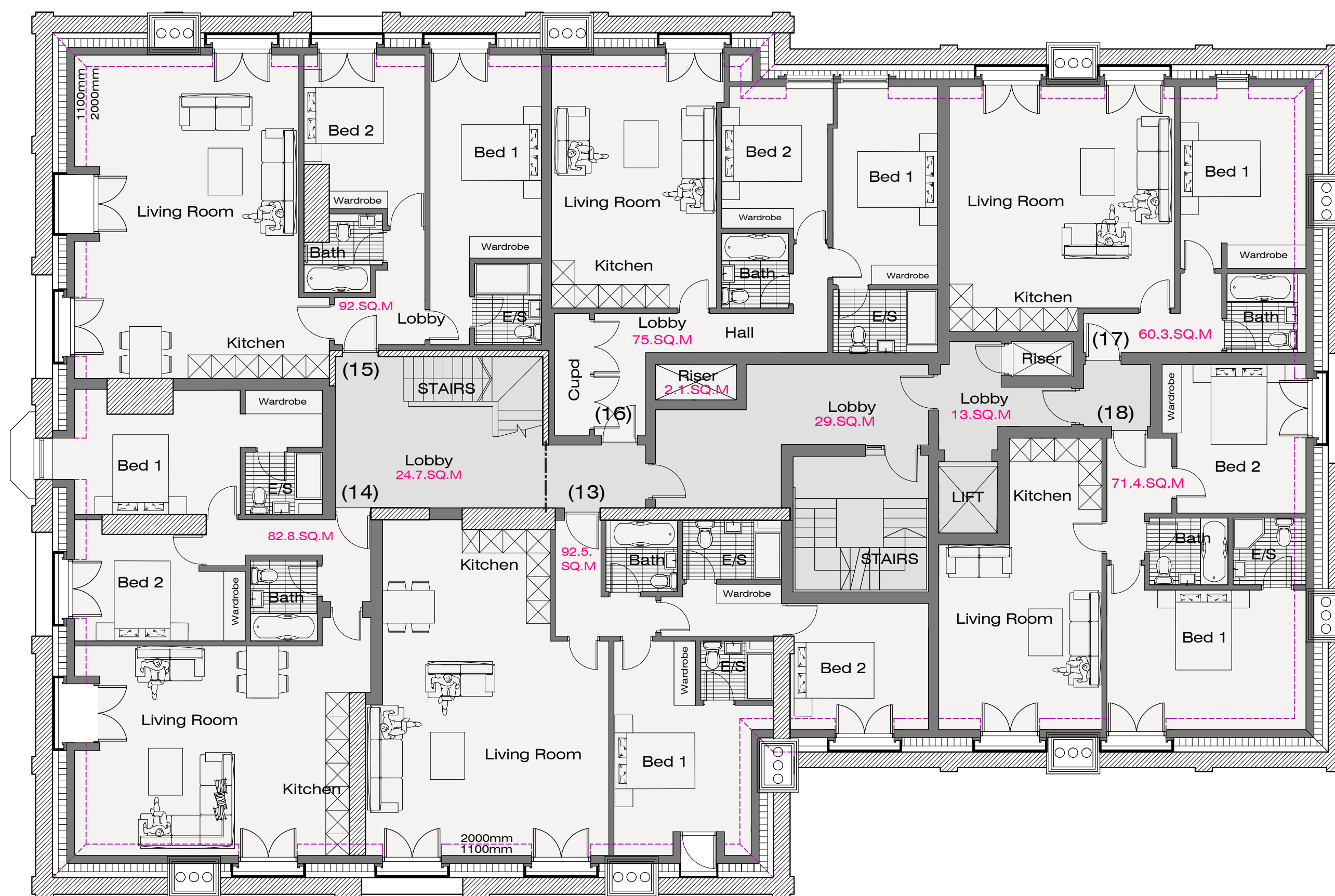
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PROPOSED PENTHOUSE PLAN
Scale 1:100



- FLAT 1 : 88.4 SQ.M + 1 PARKING SPACE
- FLAT 2 : 87.7 SQ.M + 1 PARKING SPACE
- FLAT 3 : 79.2 SQ.M + 1 PARKING SPACE
- FLAT 4 : 73.4 SQ.M + 1 PARKING SPACE
- FLAT 5 : 78.2 SQ.M + 1 PARKING SPACE
- FLAT 6 : 110 SQ.M + 1 PARKING SPACE
- FLAT 7 : 108 SQ.M + 1 PARKING SPACE
- FLAT 8 : 88.7 SQ.M + 1 PARKING SPACE
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- FLAT 14 : 82.8 SQ.M + 1 PARKING SPACE
- FLAT 15 : 92 SQ.M + 1 PARKING SPACE
- FLAT 16 : 75 SQ.M + 1 PARKING SPACE
- FLAT 17 : 60.3 SQ.M + 1 PARKING SPACE
- FLAT 18 : 71.4 SQ.M + 1 PARKING SPACE
- FLAT 19 : 162 SQ.M + 1 PARKING SPACE + 138 SQ.M TERRACE SPACE



PROPOSED THIRD FLOOR PLAN
Scale 1:100

Rev.	Date:	Amendment:
F	16.05.2017	PLANNING REVISIONS



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E: info@stoneme.com W: www.stoneme.com

Client: MR M NORCROSS

Project: THE GRAND HOTEL
LEIGH-ON-SEA
ESSEX

Drawing: PROPOSED THIRD FLOOR
PROPOSED PENTHOUSE

Date: 16.11.2015 Scale: 1:100 @ A1

Project No.: Drawing No.:

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The contractor is to check and verify all building and site dimensions, levels, and sewer invert levels at connection points before work starts.

This drawing must be read with and checked against any structural or other specialist drawings provided.

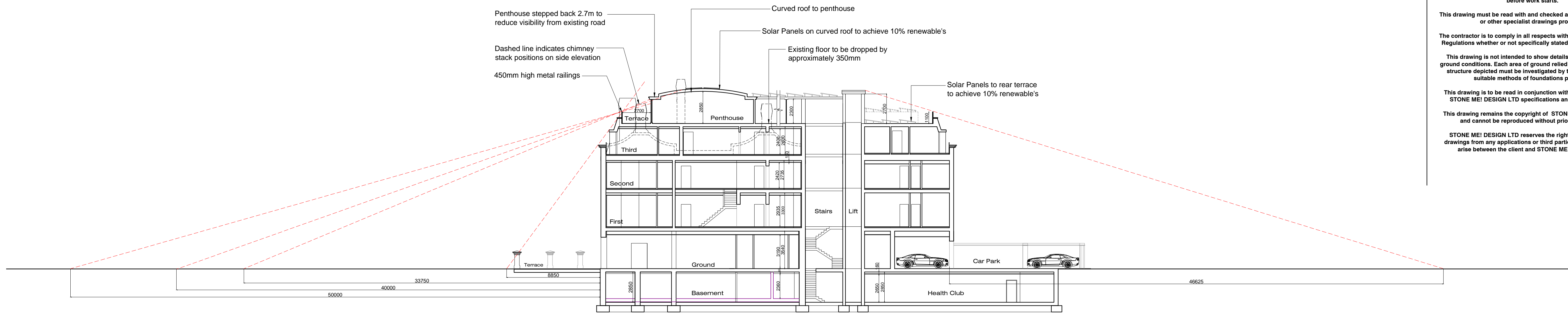
The contractor is to comply in all respects with the current Building Regulations whether or not specifically stated on these drawings.

This drawing is not intended to show details of foundations or ground conditions. Each area of ground relied upon to support the structure depicted must be investigated by the contractor and suitable methods of foundations provided.

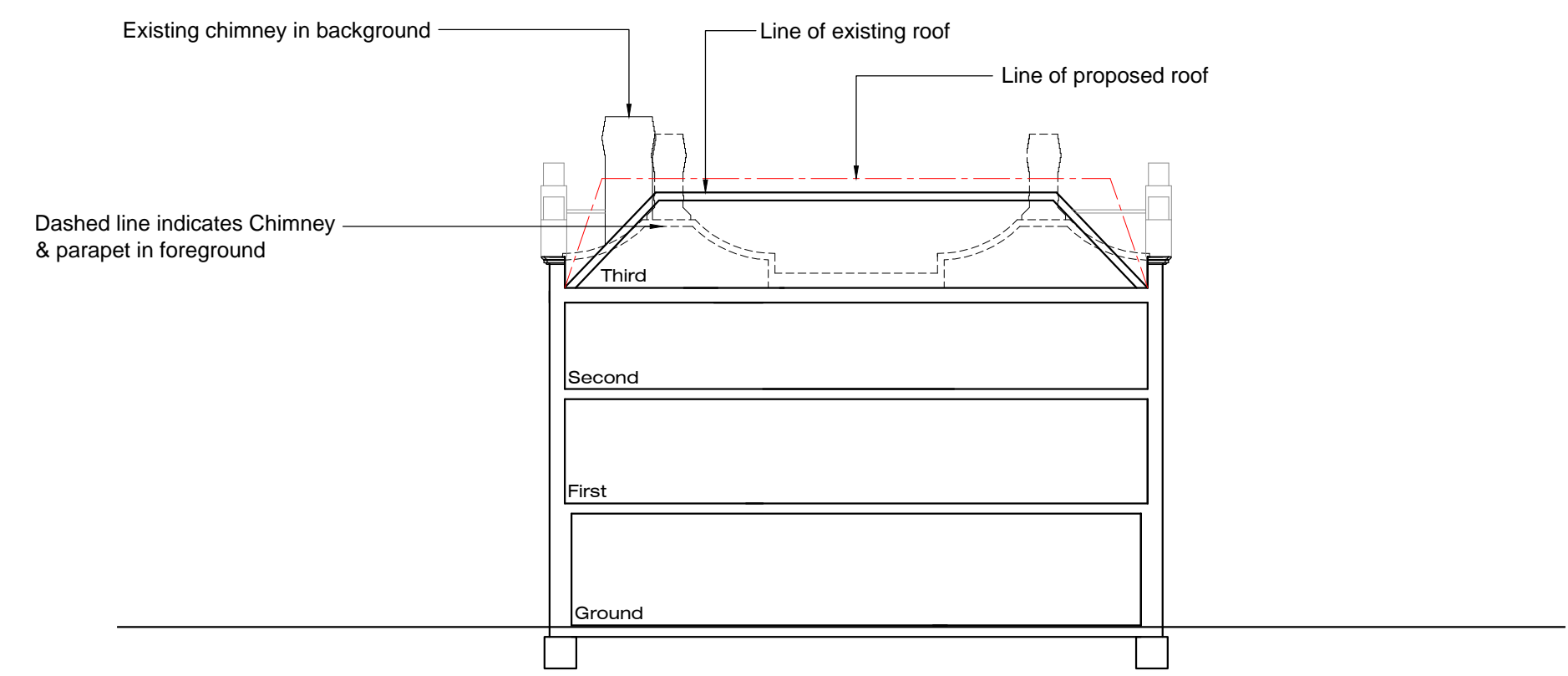
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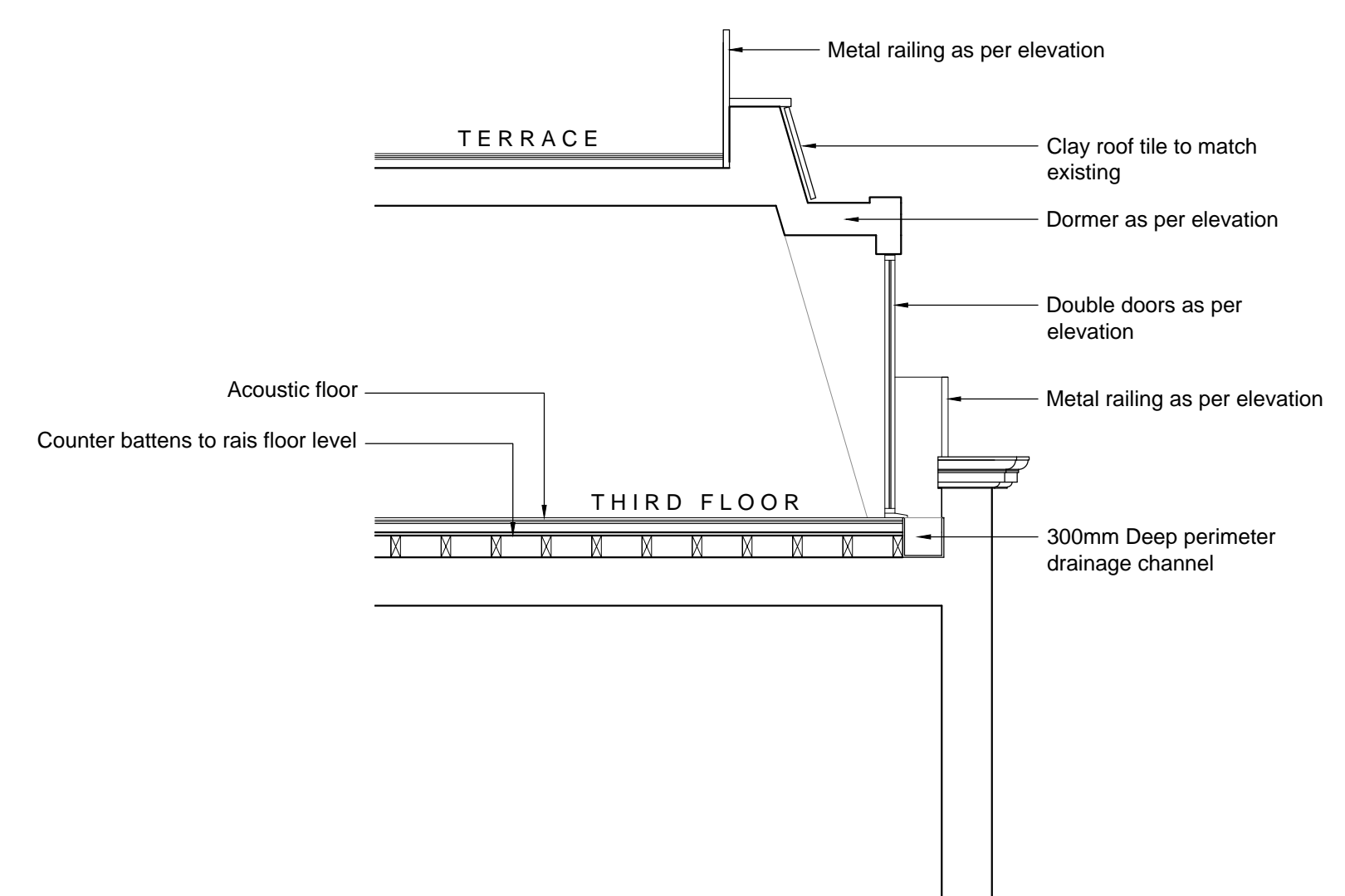
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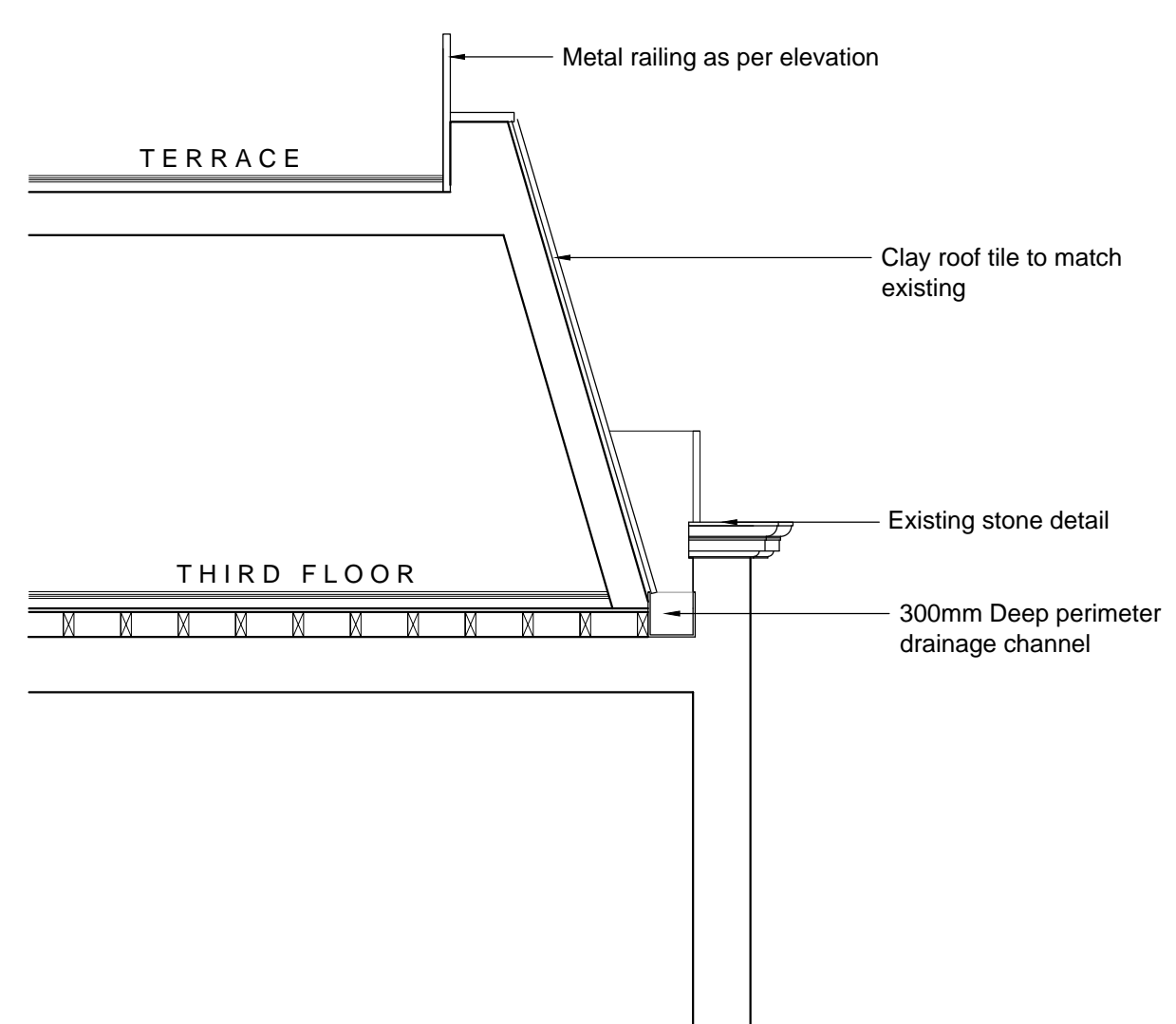
PROPOSED PLANNING SECTION A-A
Scale 1:200



EXISTING PLANNING SECTION A-A
Scale 1:200

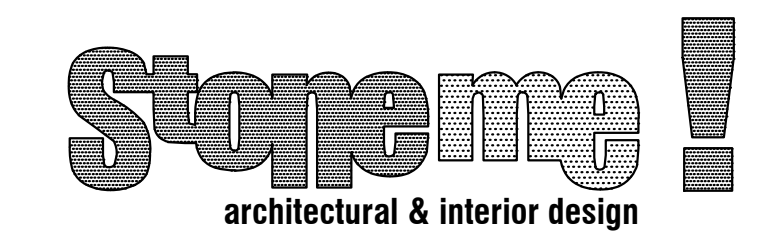


SECTION THROUGH THIRD FLOOR DOOR
Scale 1:50



SECTION THROUGH THIRD FLOOR ROOF
Scale 1:50

B	16.05.2017	PLANNING AMENDMENT
Rev:	Date:	Amendment:



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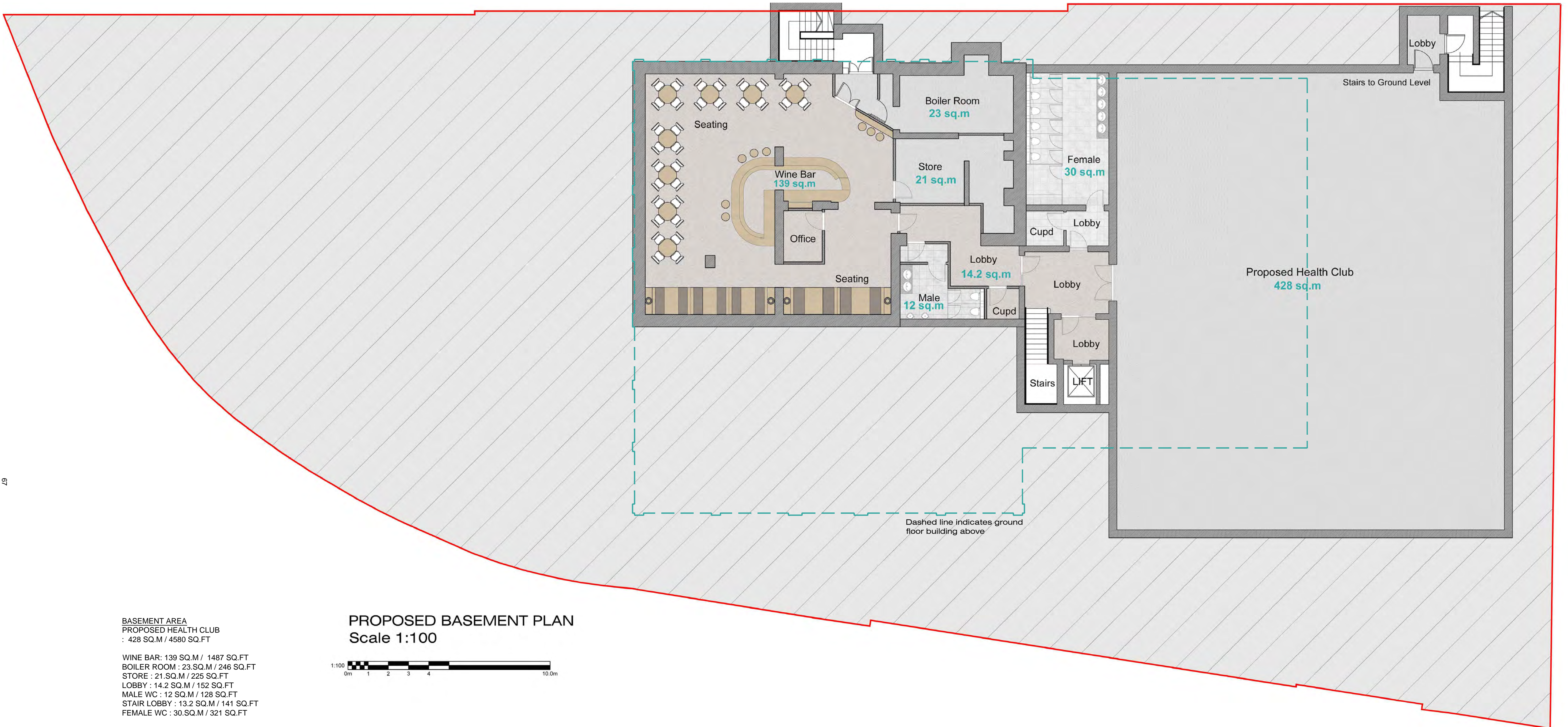
Drawing: PLANNING SECTION A-A

Date: 16.11.2015 Scale: 1:200 @ A1

Project No.: Drawing No.:

1622 - 08B

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BASEMENT AREA
PROPOSED HEALTH CLUB
 : 428 SQ.M / 4580 SQ.FT

WINE BAR: 139 SQ.M / 1487 SQ.FT
 BOILER ROOM : 23.SQ.M / 246 SQ.FT
 STORE : 21.SQ.M / 225 SQ.FT
 LOBBY : 14.2 SQ.M / 152 SQ.FT
 MALE WC : 12 SQ.M / 128 SQ.FT
 STAIR LOBBY : 13.2 SQ.M / 141 SQ.FT
 FEMALE WC : 30.SQ.M / 321 SQ.FT

FONT TERRACE - 216.9 SQ.M / 2320 SQ.FT

GROUND FLOOR AREA

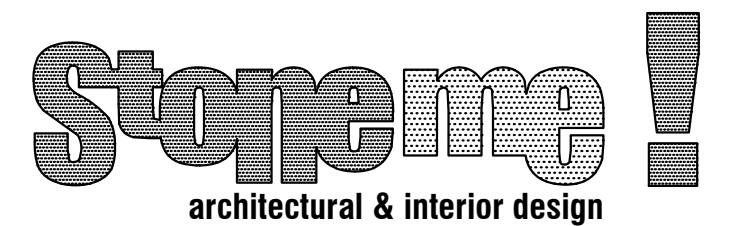
FUNCTION ROOM : 69 SQ.M / 738 SQ.FT
 BRASSERIE : 69 SQ.M / 738 SQ.FT
 KITCHEN : 90 SQ.M / 963 SQ.FT
 RESTAURANT / BAR : 166 SQ.M / 1776 SQ.FT
 MALE WC : 14 SQ.M / 149 SQ.FT
 FEMALE WC : 13.5 SQ.M / 144 SQ.FT
 DWC : 3.4 SQ.M / 36 SQ.FT
 HC BAR & RECEPTION : 17 SQ.M / 182 SQ.FT
 APARTMENT RECEPTION : 29 SQ.M / 310 SQ.FT
 KITCHEN BIN STORE : 21 SQ.M / 225 SQ.FT
 RESIDENTIAL BIN STORE : 40 SQ.M / 428 SQ.FT
 UNDERCROFT PARKING : 48.5 SQ.M / 519 SQ.FT
 CYCLE STORE : 18.2 SQ.M / 195 SQ.FT
 CAR PARK : 450 SQ.M / 4815 SQ.FT
 SIDE LANDSCAPING : 136.6 SQ.M / 1461 SQ.FT
 FRONT LANDSCAPING : 94.6 SQ.M / 1012 SQ.FT
 RESTAURANT CAR PARK 288 SQ.M / 3081 SQ.FT
 8 PARKING SPACES + 1 DISABLED SPACE.
 SIDE LANDSCAPING : 41.7 SQ.M / 446 SQ.FT
 SIDE LANDSCAPING : 13 SQ.M / 139SQ.FT

PROPOSED BASEMENT PLAN
 Scale 1:100



Dashed line indicates ground floor building above

D	21.07.2016	PLANNING SUBMISSION
Rev:	Date:	Amendment:



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Project: THE GRAND HOTEL
 LEIGH-ON-SEA
 ESSEX

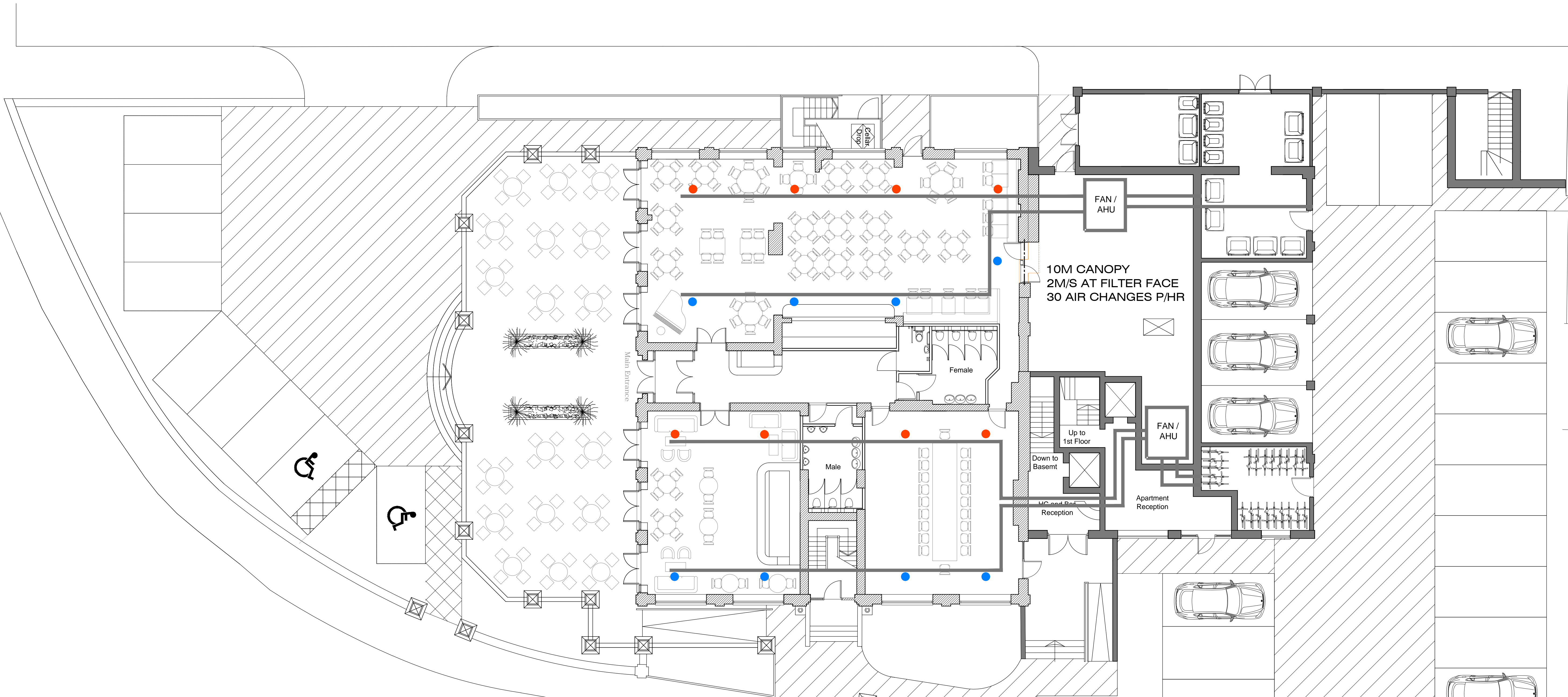
Drawing: PROPOSED BASEMENT PLAN

Date: 16.11.2015 Scale: 1:100 @ A1

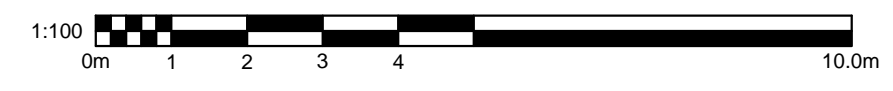
Project No.: Drawing No.:

1622 - 09D

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PROPOSED GROUND FLOOR PLAN
Scale 1:100



- DUCT
- SUPPLY
- EXTRACT

- FUNCTION ROOM
BRASSERIE - 10 AIR CHANGES PER HOUR = 1535M3/HR DUPLEXVENT FLEXI DV2600
- RESTAURANT - 10 AIR CHANGES PER HOUR = 1465M3/HR DUPLEXVENT FLEXI DV2600
- KITCHEN - 10M CANOPY, 2M/S AT FILTER FACE, 30 AIR CHANGES P/HR

A	21.07.16	PLANNING SUBMISSION
Rev:	Date:	Amendment:



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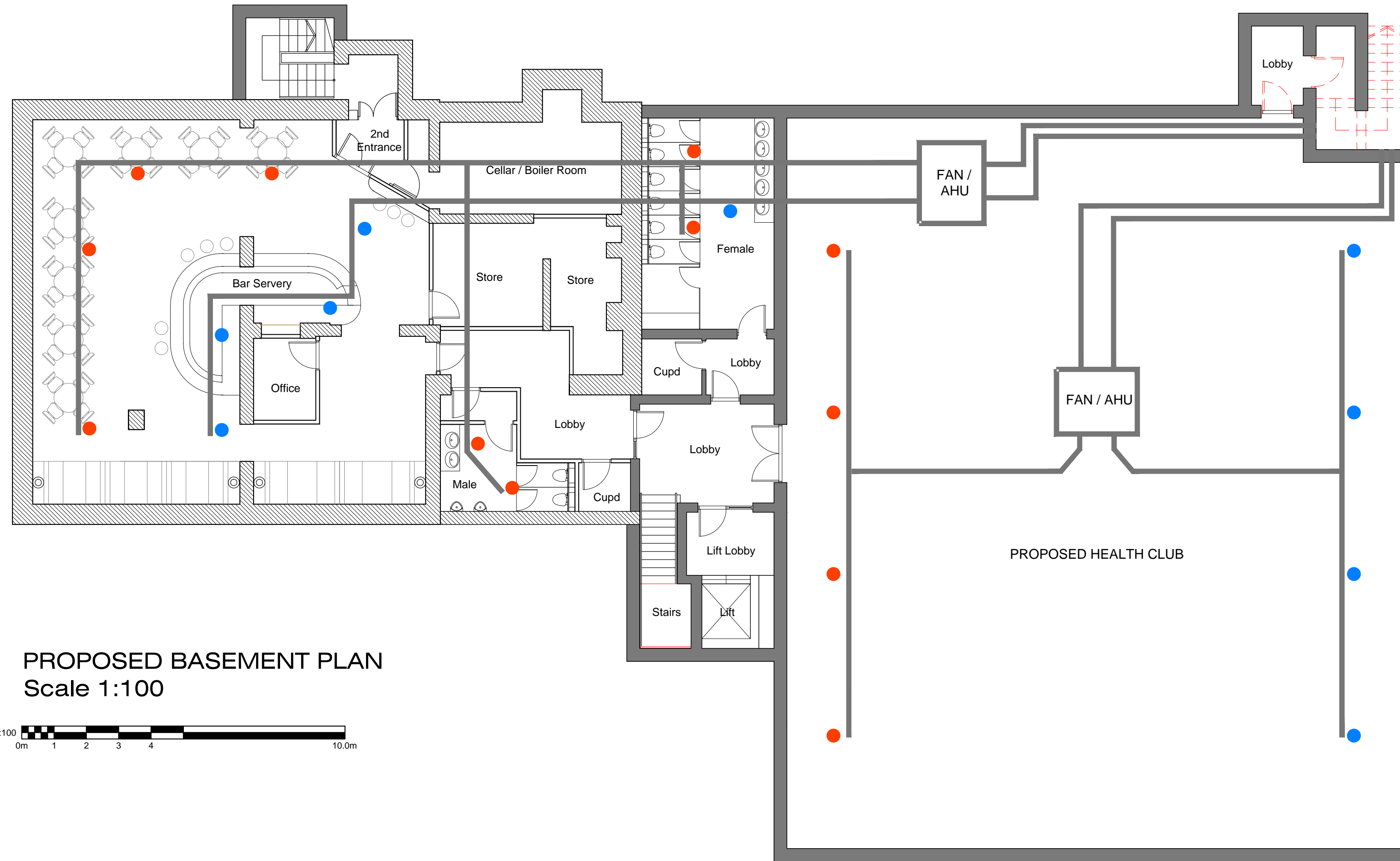
Project: THE GRAND HOTEL
LEIGH-ON-SEA
ESSEX

Drawing: PROPOSED GROUND FLOOR
VENTILATION

Date: 16.11.2015 Scale: 1:100 @ A1

Project No.: Drawing No.:

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PROPOSED BASEMENT PLAN
Scale 1:100



- DUCT
- SUPPLY
- EXTRACT

HEALTH CLUB - 7 AIR CHANGES PER HOUR = 3115M3/HR - DUPLEXVENT FLEXI DV3600

WINE BAR
FEMALE WC - 10 AIR CHANGES PER HOUR = 1655M3/HR
MALE WC - 10 AIR CHANGES PER HOUR = 1655M3/HR
DUPLEXVENT FLEXI DV2600

A	21.07.16	PLANNING SUBMISSION
Rev:	Date:	Amendment:



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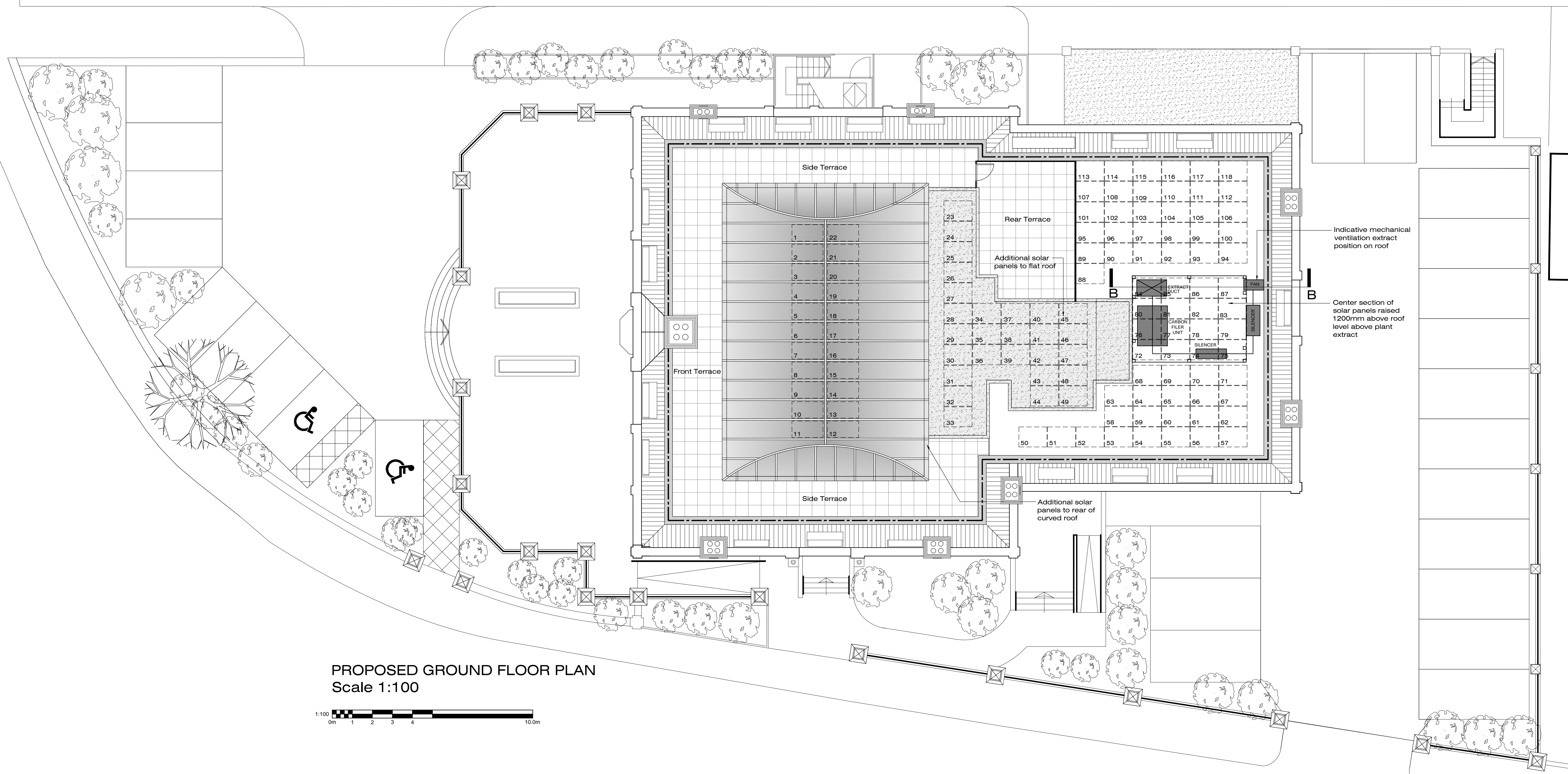
Project: THE GRAND HOTEL
LEIGH-ON-SEA
ESSEX

Drawing: PROPOSED BASEMENT VENTILATION

Date: 16.11.2015 Scale: 1:100 @ A1

Project No.: Drawing No.:

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PROPOSED GROUND FLOOR PLAN
Scale 1:100



Indicative mechanical ventilation extract position on roof

Center section of solar panels raised 1200mm above roof level above plant extract

CARBON FILTER UNIT - 1300h X 2000w X 1500l, FILTERS TO HAVE 3 STAGE FILTRATION MESH FILTERS, BAG FILTERS, CARBON FILTERS

630JM THREE PHASE FAN, 72DBa BREAKOUT, 2 SILENCERS FITTED WILL REDUCE TO 48DBa

A	21.07.16	PLANNING SUBMISSION
Rev.	Date:	Amendment:



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Client: MR M NORCROSS

Project: THE GRAND HOTEL
LEIGH-ON-SEA
ESSEX

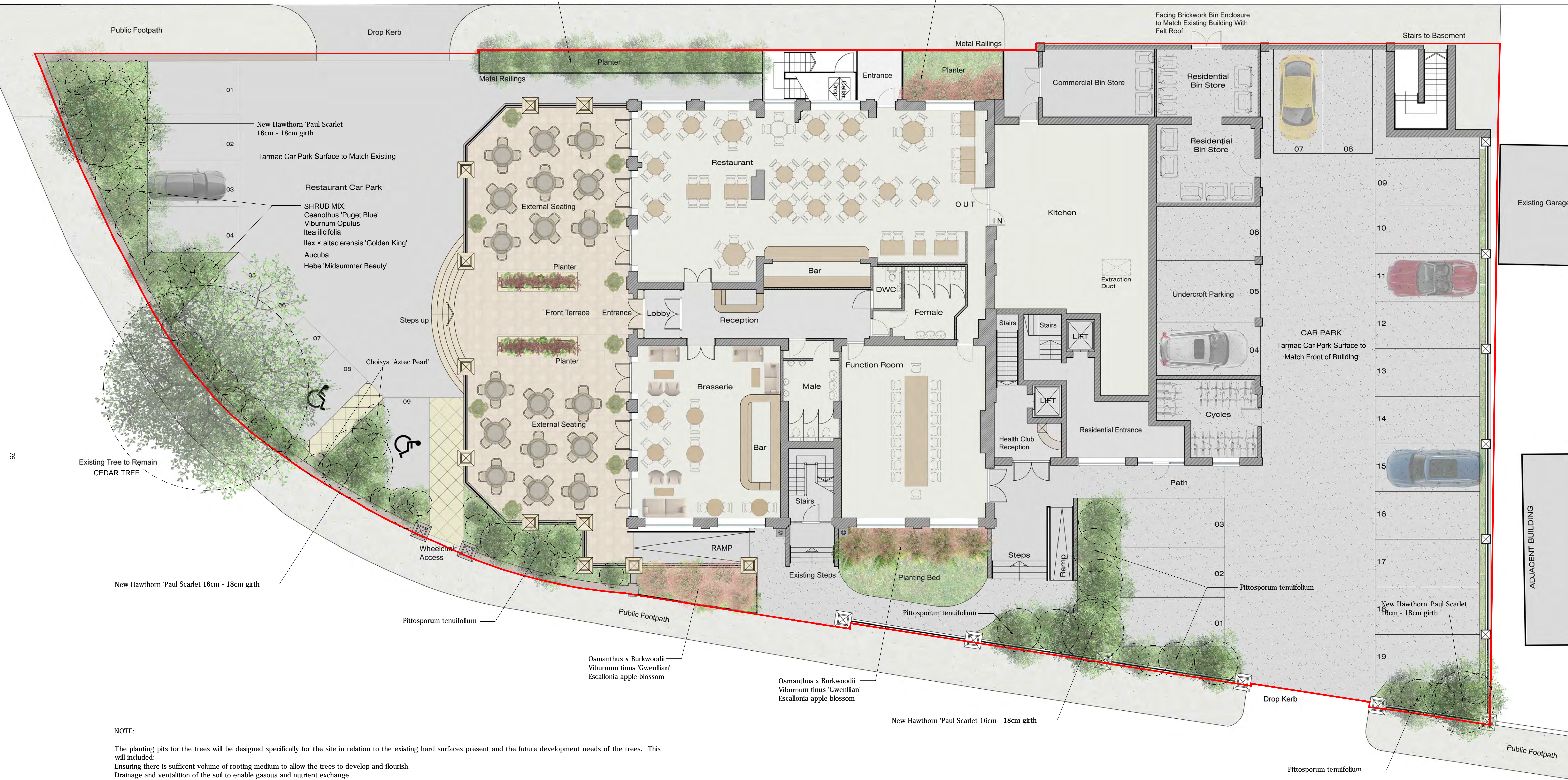
Drawing: PROPOSED ROOF PLAN /
EXTRACT FILTERS

Date: 16.11.2015 Scale: 1:100 @ A1

Project No.: Drawing No.:

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LEIGHTON AVENUE



75

NOTE:

The planting pits for the trees will be designed specifically for the site in relation to the existing hard surfaces present and the future development needs of the trees. This will include:
 Ensuring there is sufficient volume of rooting medium to allow the trees to develop and flourish.
 Drainage and ventilation of the soil to enable gaseous and nutrient exchange.
 Under ground anchorage of root ball if required.
 Water filtration system to ensure watering when required reaches all parts of the root spread.
 Geo textile lining to ensure future root growth does not cause damage to adjacent structures to ensure long term retention of the trees

All trees and shrub plants supplied shall comply with the requirements of British Standard 3936, Specification for nursery stock.
 All pre planting site preparation, planting out and post planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).
 Shrubs to be of 5l - 10l size at time of planting., tree sizes as specified. All details relating to species number, size and specific variety to be confirmed and approved by council prior to work.

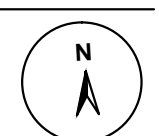
The aim of this scheme is to provide plants that will complement the site and surrounds, by providing seasonal interest with a combination of colours and sented foliage / flowers to enhance and soften the built environment.

Attention has been made to ensuring the plants specified do not have associated characteristics that may present conflict with users of the site or surrounds, such as soft fruits that could cause slip hazards when fallen onto pavements etc.

Security has also been considered to the rear of the site in the form of a native hedge, to ensure access on this boundary is not desirable. The species used will also be of ecological benefit to local wildlife by providing habitat and food sources for a variety of insects and birds.

SOFT LANDSCAPE PLAN

CLIENT: Stone Me
 Architectural & Interior design
 Project: THE GRAND HOTEL, BROADWAY
 LEIGH-ON-SEA, ESSEX, SS9 1PJ
 DATE: 21st January 2016
 SCALE: 1:100



ANDREW DAY
 ARBORICULTURALCONSULTANCY LTD
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 BROOK ROAD
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 ESSEX
 CM0 7SG
 TEL: 01621 779811 MOB: 0777 231 7770
 EMAIL: andrewdayconsultancy@ajday.plus.com

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Reference:	16/02045/FULM	<h1>5</h1>
Ward:	Leigh	
Proposal:	Demolish existing building and erect 5 storey building incorporating 22 self-contained flats with balconies/terraces, layout parking and cycle stores at basement level, refuse store and amenity space.	
Address:	Riley's, 258 Leigh Road, Leigh-on-Sea, Essex, SS9 1BW	
Applicant:	Property Generation Services Limited	
Agent:	Pomery Planning Consultants	
Consultation Expiry:	23.02.2017	
Expiry Date:	14.07.2017	
Case Officer:	Janine Rowley	
Plan Nos:	01 Site Location Plan; 02 Existing plans and elevations; 03 Proposed Site Plan & Parking Revision D; 05 Proposed Plans 0-3 Revision E; 06 Proposed fourth floor and roof plan Revision B; Proposed elevations north and south revision C; Proposed elevations east and west revision C	
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 Planning permission is sought to demolish the existing building and erect a 5 storey building incorporating 22 self-contained flats with balconies/terraces, layout parking to the basement and ground floor, cycle stores at basement level, refuse store and amenity space to the rear.

1.2 The details of the scheme are summarised as follows:

Units	2 x 1 bedroom (2 persons) 50sqm 13 x 2 bedroom (3 persons) 61sqm-63sqm 7 x 3 bedrooms (4 persons) 81 sqm and (6 persons) 96sqm-108sqm
Parking	22 car parking spaces (22 cycle spaces for residential)
Amenity space	131sqm including terraces (plus private balconies to each flat)
Height (max)	5 storey (12.3m to 14.1m)
Width	27.3m
Depth	16.8m to 22.5m (including a splayed rearward projection)

1.3 The floors will include:

- Ground floor- 1 x 1 bedroom, 3 x 2 bedroom and 1 x 3 bedroom flats;
- First floor- 1 x 1 bedroom, 2 x 2 bedroom and 2 x 3 bedroom flats;
- Second floor- 4 x 2 bedroom, 1 x 3 bedroom
- Third floor 4 x 3 bedroom, 1 x 3 bedroom
- Fourth floor 2 x 3 bedroom

1.4 The proposed amenity space serving the flats would be located at ground level to the south of the building amounting to 90sqm. In addition each flat from ground to third floor would benefit from private balconies and to the fourth floor are terraces serving the two units.

1.5 The building would front onto Leigh Road and would be set on the same building line as the existing building, which is set forward of the properties to the east by 1.2m and to the west by 2.8m. The existing building to be demolished is 12.4m high by 26.4m deep by 22.9m wide.

1.6 The previous history to this site is of some relevance. Application 10/01748/FULM sought permission to demolish the existing buildings, erect a 5 storey building incorporating a 720sqm replacement leisure facility (class D2) and 20 self-contained flats with balconies/terraces and a 4 storey building incorporating 18 self-contained flats, parking at basement level, refuse store and amenity area and access onto Maple Avenue. Application 10/01748/FULM was allowed at appeal reference appeal reference A/11/2150238/NWF.

- 1.7 Under application 10/01748/FULM the building fronting Leigh Road was five storeys measuring 28.1m wide, by 14.9m high, by 15.5m to 19.9m deep.
- 1.8 The site has now been split whereby the rear part of the site of planning application 10/01748/FULM has been redeveloped for 8 two storey houses.
- 1.9 The current application is accompanied by an assessment of economic viability, leisure facilities assessment, energy assessment, transport statement, waste management plan, stage 1 road safety audit, ecology report and a planning statement.

2 Site and Surroundings

- 2.1 The site lies on the south side of Leigh Road and includes a large two to three storey building (although due to the floor heights of the building it is equivalent of a 4 storey building on the Leigh Road frontage). The building is currently vacant but was previously used as a bowling alley and snooker hall.
- 2.2 To the north of the site is a mix of 1 to 3 storey commercial and residential buildings of various styles. To the immediate east of the site is a 4 storey residential block (Leigh Cliff Heights), with a pair of modest 2 storey semi-detached properties (which are in fact 2 flats) behind this, on Leigh Cliff Heights. To the immediate west is a 4.5 storey residential block in a 'mock Tudor design' and two storey terraced properties lie to the immediate south of the site on the Maple Avenue Frontage.
- 2.3 The wider area is generally residential in character, with commercial uses along the main road arteries. The predominant building style is late Victorian and early-20th Century bay-fronted dwellings, but the period and character on Leigh Road is more varied.

3 Planning Considerations

- 3.1 The main considerations in relation to this application include the principle of development, design, impact on the street scene, residential amenity for future and neighbouring occupiers, parking implications, sustainability, developer contributions and CIL.

4 Appraisal

Principle of development

National Planning Policy Framework; DPD1 (Core Strategy) policies KP1, KP2, CP1, CP2, CP4, CP6, CP7, CP8; Development Management DPD Policies DM1, DM3, DM7, DM8, DM10, DM11, and DM15 and the Design and Townscape Guide SPD1 (2009)

Loss of Leisure Use and Principle of Residential Development

- 4.1 Paragraph 74 of the National planning Policy framework 2012 advises that existing open space, sports and recreation buildings and land, should not be built on unless an assessment has been undertaken which shows the open space, buildings or land to be surplus to requirements or that the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality, in a suitable location, or the development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss.
- 4.2 Core Strategy policies CP6 and CP7 seek to maintain and improve leisure facilities unless other facilities of a higher standard are being provided in a conveniently accessible location for the local community.
- 4.3 The history of the leisure use on site is as follows:

	Leisure floorspace (m²)
Original building	2,100 (approximately)
10/01748/FULM- to erect a five storey building fronting Leigh Road containing 20 flats and a building to the rear fronting Maple Avenue containing 18 flats. Allowed under appeal reference APP/D1590/A/11/2150238.	720 (approximately)
Allowed under application reference 11/01709/FUL (erection of 8 dwellinghouses along Maple Avenue)	720 (approximately)
Currently sought	None

- 4.4 The application is accompanied by supporting information in relation to the loss of the leisure facility. Part 3 of policy CP6 of the Core Strategy states:
- “Safeguarding existing and providing for new leisure, cultural, recreation and community facilities, particularly:
- a. optimising the potential of Garon’s Park;
 - b. Phase 2 of the refurbishment of the Cliffs Pavilion;
 - c. Securing a landmark facility to exhibit finds associated with the 7th Century Saxon King;
 - d. Reinforcement of Southend Pier as an Icon of the Thames Gateway;
 - e. Cliff Gardens Land Stabilisation”.
- 4.5 The applicant contends the above policy does not provide guidance as to how the protection of such uses should be measured. Furthermore, criteria 1, 2 and 4 of policy CP6 of the Core Strategy relates to specific community projects or locations not relevant to this site.

- 4.6 Policy CP7 of the Core Strategy focuses upon safeguarding sport, recreation and green space including bowls clubs, tennis clubs, allotments, parks and sports pitches. There are no specific policies contained within the Development Management Document that are relevant to leisure facilities other than paragraph 3.18 which seeks to promote Southend on Sea as a major tourist destination and has long had a leisure and cultural infrastructure of regional significance.
- 4.7 As stated above this application is accompanied by a leisure facilities needs assessment carried out by Ploszajski Lynch Consulting Limited May 2017. The leisure use ceased trading March 2015 and has been marketed for leisure purposes by Ayers and Cruiks. This states that not one query has been received in relation to the site. Ayers and Cruiks believe the site has not attracted interest due to the gym relocating to Pall Mall, Leigh Cliff buildings to the south of the site providing daily activities including karate to Pilates and the bowling alley at the Kursaal 3 miles away is the main focus given the location for tourists in particular. The Riley's snooker club in Alexandra Street has also ceased trading due to the business no longer being viable.
- 4.8 The overall findings of the leisure facilities needs assessment in Leigh on Sea has reviewed the supply and demand of leisure facilities including quantity, quality, accessibility and availability of facilities in Leigh on Sea. The applicants state that the main conclusions are, that due to the overall size of the site, the space is rather limited for a leisure facility to compete with larger facilities and there is adequate provision within Leigh on Sea to meets the demands of the existing and future population at this time. Sport England states that 90% of leisure facilities access their chosen sites by car and the site is constrained in the fact there is no off street parking, which undermines the viability of site to attract a leisure use particularly given the high levels of parking stress in the area.
- 4.9 The National Planning Policy Framework advises that the best and most efficient use of land should be sought. It also requires local authorities to consider whether housing is appropriate on commercial and industrial sites.
- 4.10 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.”*
- 4.11 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.
- 4.12 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, which would result in undue stress on local services, and infrastructure, including transport capacity.”*

- 4.13 Overall, taking into account the supporting evidence, the location of the site, which is bounded by residential properties the amenities of which could potentially be affected by the unrestricted leisure use of the site, on balance, the loss of the leisure facility is not objected to and the provision of 22 new homes in this area is supported by policy CP8 of the Core Strategy and policy DM7 of the Development Management Document DPD2.

Dwelling Mix

- 4.14 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%
Proposed	9%	59%	32%	0%

- 4.15 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.
- 4.16 The proposal would result in 2 x 1 bedroom units, 13 x 2 bedroom units and 7 x 3 bed units. Whilst the proposed development does not accord fully with requirements of Policy DM7, the applicant has submitted evidence from local estate agents and viability assessment demonstrating that the market trend in the area is mainly for the proposed mix, when this relates to flatted schemes. Paragraph 50 of the National Planning Policy Framework states that *‘plan for a mix of housing should be based on current and future demographic trends, market trends and the needs of different groups in the community’*. Therefore, the dwelling mix, as proposed, on balance, taking into account the market need in the area the proposal is considered acceptable.

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 (SPD1).

- 4.17 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.*”

- 4.18 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.
- 4.19 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*”.
- 4.20 This section of Leigh Road has a varied character and is generally mixed use including commercial units and residential properties.
- 4.21 In terms of scale, the building would be up to five storeys high with a height of 12.3m to 14.4m when viewed from Leigh Road. The building, whilst set 1.8m above the existing building to the east of the site, will be set down below the ridge height of the property to the west of the site. The top floor would be set back 2.2m from the front and flank facades. This would reduce the perceived height of the building to little more than a four storey building when viewed from ground floor level. This set back, along with the articulation of the façade, would result in a building that would not appear over-scaled within its proposed context.
- 4.22 In terms of design and appearance, the building would be a simple contemporary design. The design uses box projections to the front and balconies to break up its massing and louvres adding interest to the streetscene. This approach breaks up the mass of the development and provides an attractive elevation. The fenestration proportions, in terms of their length reflect the character of the existing buildings to the east and west in a contemporary design.
- 4.23 The proposed materials to be used in the construction of the development have been submitted for consideration within a materials schedule including bronze aluminium cladding to the front entrance and penthouse, projecting box features include brick, aluminium cap and cover in bronze, light grey acrylic render, louvered panel set in line with windows with matching aluminium surround, low profile Juliet balconies in aluminium with brick opening, aluminium windows and doors, red brickwork and white render.

The overall appearance in terms of the detailing and materials should make a positive contribution to the streetscene. This design approach is considered acceptable on this main artery into the town, where buildings of various designs and ages exist. The immediate area does not have a specific character and the proposed scheme has the potential to improve and create local character in accordance with current planning policy.

- 4.24 With respect to the overall layout, 22 flats can satisfactorily accommodate within the envelope of the building. The floorplans submitted indicate all units would be of a reasonable size, and with sufficient circulation space, outlook and balconies and this will be discussed in further detail below.
- 4.25 The proposed layout would be set on roughly the same building line as the existing building set forward of the buildings to the east and west of the site.
- 4.26 The position and size of refuse stores and cycle stores are shown on the plans. A residential bin store, and cycle store can be adequately accommodated to the rear of the building, and accessed from the basement parking area.
- 4.27 The residential entrance is shown off Leigh Road and the parking area via Maple Avenue to the south. The parking within the basement level will be accessed via an existing road from Maple Avenue that previously served the commercial premises.
- 4.28 In terms of landscaping, the proposals includes a green wall to be located on the south east elevation adding interest and biodiversity to the proposed development including details of the species and green wall system that will be used and further details can be sought by a way of condition. Whilst no details have been submitted in relation to the soft landscaping proposed at ground floor level to the amenity area and access road this could be dealt with by condition to enhance the overall character and appearance of this development and provide a positive contribution to this part of Leigh Road.
- 4.29 The proposal is considered to improve the current streetscene, which is somewhat dominated at present, by the existing building, which is of a poor visual quality and has no architectural merit. The proposal is considered to comply with the above policies.

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.

- 4.30 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.

Amenity refers to well-being and takes account of factors such as privacy, overlooking, outlook, noise and disturbance, the sense of enclosure, pollution and daylight and sunlight. Policy DM1 of the Development Management requires that all development should (inter alia):

“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;”

- 4.31 It is not considered the proposed development will be harmful to the amenities of properties to the immediate north of the site taking into account the overall separation distance and given the nature of the existing buildings to the east and west in terms of overall scale.
- 4.32 The building would project 8.4m further rearward than the rear of Leigh Cliff Heights at ground floor level, which is similar to that previously accepted under application 10/01748/FULM. Leighcliff Heights on the eastern boundary has a depth of 9.2m and the proposed development would have a depth of 9.9m including the projecting balconies to the front of the building. The applicant has demonstrated the proposal complies with the notional 45 degree rule and whilst there would be some loss of light to immediate upper floor windows in Leigh Cliff Heights, the orientation and position of windows mean that the development would not have a significant additional impact compared to the existing situation.
- 4.33 The majority of the windows and balconies in the rear of the Leigh Road elevation would be of sufficient distance from the backs of houses in Maple Avenue with some 19m to rear of properties 35, 37 and 41 and Leigh Cliff Road so as not to result in material overlooking. The eastern-most south facing balconies would not be afforded views from their east flanks due to screening, thus would not have direct views over the properties in Leigh Cliff Road. The rear elevation has been splayed, and the flats will include Juliet balconies however a screen is proposed to mitigate against overlooking. A condition to ensure adequate screening is retained is recommended.
- 4.34 The proposed development, although higher than the existing building, would not extend the full depth of the site, and therefore would represent an improved situation in terms of the outlook from the rear of neighbouring properties in Leigh Cliff Road. It would result in greater enclosure to the south of the rear gardens of properties in Maple Avenue and have an increased impact in this respect. However, taking into account the overall relationship with the existing building on the site, it is not considered the resultant relationship would be materially worsened compared to the present.
- 4.35 The proposed development would reduce the overall impact of noise and disturbance in comparison to the associated with the current leisure use, given the scheme is for 100% residential flats. Although it is acknowledged the vehicle movements from Maple Avenue will increase in terms of amenities enjoyed by existing occupiers at 35, 37 and 41 and Leigh Cliff Road, the noise impact is considered negligible.

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.

4.36 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:
 - 1 bedroom (2 bed spaces) 50sqm
 - 2 bedroom (3 bed spaces) 61sqm
 - 3 bedroom (4 bed spaces) 74sqm
 - 3 bedroom (6 bed spaces) 95sqm
- 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.

4.37 The proposed flats would be built to meet the standards that have been set out at paragraph 4.36 above. Bedrooms and main living areas are served by windows to provide adequate natural light and outlook and refuse and cycle storage facilities are provided. The proposal is therefore considered to be in accordance with the abovementioned policies and guidance.

4.38 With regard to external amenity space, a communal garden area is proposed at ground floor to provide amenity space for the flats that would have an area of 90 square metres. This amounts to 4.5sqm of shared amenity space per flat excluding the two flats to the fourth floor that benefit from private terrace areas. In addition to this shared provision, all of the remainder 20 flats would also be served by balconies measuring at least 5.2 square metres per flat which, when combined with the communal amenity area, would ensure that the overall provision of amenity space at the site would be appropriate for the occupants of the proposed flats. Taking into account all of the above points, the level of amenity space proposed is considered acceptable.

4.39 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 and CP4 of the Core Strategy, Development Management DPD Policies DM1, DM3 and DM15 and the Design and Townscape Guide.

4.40 The existing highway has parking restrictions to the front of the site and there is an access road to the rear of the site that does not benefit from a vehicle crossover. Currently the site has no off street parking serving the existing D1 leisure use.

4.41 The site is considered to be within a sustainable location, close to the Leigh on Sea centre, on a bus route. Policy DM15 of the Development Management Document seeks 1 space per flat. This would equate to a maximum requirement of 22 spaces. The proposed development will provide 22 parking spaces, which is policy compliant.

- 4.42 The vehicle access to serve the development is proposed from Maple Avenue to the south, measuring 5m wide and this will provide access to the 22 parking spaces within the basement and at ground level together with servicing and refuse collection. No objections have been raised by the Councils Highway Officer in relation to the parking provision and vehicle crossover from Maple Avenue. There is sufficient space within the site for vehicles to exit in forward gear and passing places to ensure traffic does not become backed up along Maple Avenue. Whilst the proposal will result in the loss of one parking space along Maple Avenue taking into account the benefits of new housing in this location and the removal of the existing leisure use, no objection is raised.
- 4.43 The transport statement accompanying this application states that the proposed development would generate less than one vehicular trip every 12 minutes and would therefore have negligible impact on the local highway network. Furthermore, the applicant has submitted a Stage 1 safety audit which demonstrates that the provision of visibility splays and other mitigation measures will ensure that the proposed development are not considered harmful to the highway network. Subject to the mitigation measures recommended within the safety audit, the development would not impact upon highway or pedestrian safety, nor result in vehicle conflict to a degree that would justify a refusal of planning permission
- 4.44 Thus, the proposal is in accordance with policy CP3 of the Core Strategy and policy DM15 of the Development Management Document, enabling cars to exit in forward gear.

Waste Management

- 4.45 In terms of servicing, there are currently restrictions in place on Leigh Road to the front of the site, however the existing leisure use has been serviced from this area in the past. The application is accompanied by a waste management plan stating the refuse storage will provide storage for four waste containers within 25 metres of the highway, which currently falls outside of current policy guidance however; this can be dealt with by condition to ensure full details of waste management for the development are provided including collection details and times.

Cycle storage

- 4.46 At basement level 22 cycle spaces are proposed within a secure location. The cycle parking provision is policy compliant with policy DM15 of the Development Management Document and further details of how the cycle's will be stored will be dealt with by condition.
- 4.47 Subject to the above, the proposal is considered to comply with the relevant highways policy in terms of access and level of parking provision, servicing and cycle/refuse storage.

Sustainability

Core Strategy Policies KP2, CP4 and CP8, Development Management DPD Policies DM1, DM2 and SPD1

- 4.48 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
- 4.49 The applicant has submitted an energy report stating that an area of 310sqm of the roofspace could successfully provide 200 panels equivalent to 50kW, which can be provided on site complying with policy KP2 of the Core Strategy and policy DM2 of the Development Management Document. Whilst the calculations of the renewable energy have not been provided at this stage, it is considered that this would be adequate to address the abovementioned requirements through the imposition of a condition.
- 4.50 The site is located in flood risk zone 1 (low risk). Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk.
- 4.51 The existing site includes buildings and areas of hardstanding. This application is accompanied by a sustainable drainage system, scoping and methodology note carried out by Waterman. A preliminary drainage strategy has been designed to manage excess runoff generated from the developed site. The techniques to be employed include a green roof, which stores water in the soil, permeable paving to allow rainwater to be stored and released from the sub-base strata or infiltrated into the ground, soakaway chambers to allow water to infiltrate into the ground, geocellular structure to store water during a high density storm, hydro-break chamber and self-activating vortex flow control device to ensure precise discharge from the site and other techniques appropriate to the overall design. Given the mitigation measures proposed a suitable condition can be imposed to ensure a full drainage strategy is provided to comply with policy KP2 of the Core Strategy.
- 4.52 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 would be dealt with by conditions recommended if the application is deemed acceptable.

Other Matters

- 4.53 The NPPF (section 11) states that local authorities should aim to conserve and enhance biodiversity appropriately. Planning decisions must prevent unacceptable harm to bio-diversity and impose adequate mitigation measures where appropriate. Officers have carried out an assessment of the application under the Habitats Regulations 2010 and in particular Regulation 61. The Habitats Regulations require a two-step process. Firstly consideration needs to be given as to whether the development is likely to have a significant effect and if it does, the next step is to make an appropriate assessment. The site itself has no ecological designation.
- 4.54 As required by the regulations the applicant has provided such information as the authority reasonably requires for the purposes of the assessment or to enable them to determine whether an appropriate assessment is required. The application is accompanied by Bat Roost Potential Building Assessment Report carried out by Hone Ecology dated 6th June 2016. With respect to Bats, the report states that the no signs of roosting bats have been identified and no further surveys are required. The proposal is considered to be adequate in these respects.

Community Infrastructure Levy

- 4.55 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 gross internal area of the proposed development is 1,739sqm of residential floorspace and this would result in a net increase in gross internal area of 629sqm (taking into account a deduction of 1,110sqm of existing 'in-use' floorspace that is being demolished). The CIL chargeable rate for residential use in this location is £66 per square metre. Therefore, this equates approximately to £41,514.

Planning Obligations

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (NPPG), Southend Core Strategy (2007) strategic objective SO7, policies KP3 and CP8; Development Management Document (2015) policy DM7 and A Guide to Section 106 & Developer Contributions (2015)

- 4.56 The Core Strategy Policy KP3 requires that:

*"In order to help the delivery of the Plan's provisions the Borough Council will:
2. Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed."*

In this instance, affordable housing and a contribution towards secondary education are of relevance. For information, primary education is covered by the Community Infrastructure Levy, as set out in the Council's Infrastructure Delivery Plan and CIL Regulation 123 Infrastructure List, but the impact on secondary education is currently addressed through planning obligations (subject to complying with statutory tests and the pooling restriction).

4.57 Paragraph 205 of the NPPF states the following:

Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

4.58 The need to take viability into account in making decisions in relation to planning obligations on individual planning applications is reiterated in Paragraph: 019 Reference ID: 10-019-20140306 of the NPPG, which sets out the following guidance:

In making decisions, the local planning authority will need to understand the impact of planning obligations on the proposal. Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations.

This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability. The financial viability of the individual scheme should be carefully considered in line with the principles in this guidance.

4.59 Specifically in relation to incentivising the bringing back into use of brownfield sites, which the application site is, the NPPG also requires local planning authorities “...to take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable.” (NPPG Paragraph: 026 Reference ID: 10-026-20140306).

4.60 The need for negotiation with developers, and a degree of flexibility in applying affordable housing policy, is echoed in Core Strategy policy CP8 that states the following:

The Borough Council will:

...enter into negotiations with developers to ensure that:

.... all residential proposals of 10-49 dwellings or 0.3 hectares up to 1.99 hectares make an affordable housing or key worker provision of not less than 20% of the total number of units on site...

For sites providing less than 10 dwellings (or below 0.3 ha) or larger sites where, exceptionally, the Borough Council is satisfied that on-site provision is not practical, they will negotiate with developers to obtain a financial contribution to fund off-site provision. The Council will ensure that any such sums are used to help address any shortfall in affordable housing.

- 4.61 Furthermore, the responsibility for the Council to adopt a reasonable and balanced approach to affordable housing provision, which takes into account financial viability and how planning obligations affect the delivery of a development, is reiterated in the supporting text at paragraph 10.17 of the Core Strategy and paragraph 2.7 of “Supplementary Planning Document: Planning Obligations” (SPD2).
- 4.62 The clear preference in terms of affordable housing provision in this instance would be for 20% of the dwellings on-site to be affordable. However, it is acknowledged that national and local planning policy requires this to be adjusted if necessary on viability grounds.
- 4.63 The applicant’s viability assessment has been independently appraised on the Council’s behalf by BNP Paribas, experts in providing town planning and viability advice. The conclusions of this advice are set out below:
- There were a number of key areas where BNP Paribas disagreed with the applicant’s approach to the viability of the scheme including sales values and site value/Benchmark Landmark Value (BLV)
 - BNP Paribas have appraised the scheme, making adjustments where necessary to reflect comparable market evidence and industry standards, and conclude that the proposed scheme would generate a surplus of £227,800
- 4.64 Initially the applicant stated that they could not provide any affordable housing or other S106 contributions on viability grounds. They subsequently offered a financial contribution of £165,000 whilst also requesting that Vacant Building Credit be applied in respect of the affordable housing contribution.
- 4.65 As set out in the NPPG (www.gov.uk/guidance/planning-obligations), where vacant buildings are brought back into any lawful use, or are demolished to be replaced by a new building, developers should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant building when any affordable housing contribution is calculated. The NPPG states the following in relation to applying Vacant Building Credit:
- In doing so, it may be appropriate for authorities to consider:*
- *Whether the building has been made vacant for the sole purposes of re-development.*
 - *Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.*
- Taking the site’s planning history into account, the applicant has been advised that in this instance, Vacant Building Credit is considered not applicable.
- 4.66 Subsequent negotiations between the applicant and the Council have resulted in the financial contribution offer being increased to the surplus figure identified by BNP Paribas of £227,800.

- 4.67 In accordance with the policies and guidance set out above, and on the basis of the advice given to the Council by BNP Paribas, it is deemed appropriate in this instance to accept a S106 financial contribution of £227,800 (index linked) as it is considered that this figure represents a reasonable and maximum viable developer contribution.
- 4.68 In determining how the financial contribution should be split between education and affordable housing, officers have given consideration to the fact that the impact on education from a new development is both immediate and, in the absence of a developer contribution, will have to be funded by the local authority. Therefore, it is considered appropriate that the requested contribution from the School Development Manager be met first, and the remaining funding be allocated to affordable housing. Hence, the contribution will address the impact the development will have on secondary education provision by providing a contribution of £40,315 towards increasing capacity at Futures Community College (to be re-launched as Southchurch High School). And in lieu of on-site provision of affordable housing, £187,485 of the funding will be utilised to provide further affordable housing in the borough by either purchasing units or helping to fund the Council's affordable housing development programme.
- 4.69 The standard S106 terms relating to the delivery of affordable housing require that no more than 35% of the Market Housing Units be occupied until all of the Affordable Housing Units have been constructed. Therefore, consistent with this it has been agreed that the affordable housing contribution be payable prior to occupation of the 7th unit. An education contribution would usually be secured prior to commencement; however, it is deemed reasonable in this instance to impose the same 'trigger' for payment as the affordable housing contribution due to the viability considerations relating to delivery of the development.

Conclusion

- 4.70 Having taken all material planning considerations into account, it is found that subject to compliance with the proposed conditions and S106 agreement, the development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. Whilst the loss of a leisure facility is regrettable, a mixed use development in this location is welcomed. The proposed development by reason of its design, scale, and layout would provide an acceptable addition within the streetscene maintaining the overall character and appearance of the surrounding locality, while providing adequate amenities for future occupiers and protecting the amenities of neighbouring properties. The application is therefore recommended for approval.

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); KP3 (Implementation and Resources); CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure); CP7 (Sport, Recreation and Green Space) and CP8 (Dwelling Provision)

- 5.3 Development Management DPD 2015: Policies DM1(Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), Policy DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), Policy DM10 (Employment Sectors), Policy DM11 Employment Areas, Policy DM13 (Shopping Frontage Management outside the Town Centre) and DM15 (Sustainable Transport Management)
- 5.4 SPD1 Design & Townscape Guide 2009
- 5.5 SPD2 Planning Obligations 2010
- 5.6 Community Infrastructure Levy Charging Schedule 2015

6 Representation Summary

Design and Regeneration

- 6.1 No comments.

Traffic and Transportation

- 6.2 The proposal provides 22 car parking spaces for each of the dwellings. This is considered acceptable given the sustainable location of the site which has good links to public transport in close proximity. The design of the car park layout ensures that vehicles can manoeuvre effectively within the site and exit in a forward gear. A stage 1 safety audit has also been provided which has not raised any highway safety issues. The application also provides 22 secure cycle parking spaces which provides an alternative travel option.
Refuse collection is outside of current collection guidance therefore alternative arrangements will have to be made on the day of collection.

Given the above information and that contained within the transport statement there are no highway objections to this proposal.

Leigh on Sea Town Council

- 6.3 Leigh-on-Sea Town Council object as follows:

1. To the omission of the ground floor D2 leisure use where there is a considerable and growing need for this type of facility in Leigh.

The basis of the objection is as follows:

- a. The applicant has produced no evidence of research to support the loss of 720 sq. m. leisure use. The Planning Inspector on appeal allowed the reduction from 2200 sq. m as being a satisfactory replacement but pointed out that no study or research into this aspect had taken place in 2011 and that remains the same to date. The applicant confirmed to us that the marketing report referred to in the application related to the old leisure building and not the 720 sq. m of refurbished building.

- b. Leigh Town Council research in 2011 and 2015 plus the views of local providers of leisure and the local community all suggest a growing demand for leisure in Leigh. This is highlighted by the reduction in public transport links especially in the evening.
 - c. Riley's existed as a bowling alley and snooker hall not a sports bar as referred to in the application.
 - d. The site remains the only opportunity for large scale leisure development in Leigh.
2. To the omission of ground floor commercial use which has an effect on the local economy and is not in line with SBC policy

The basis of the objection is as follows:

- a. The Broadway is a highly successful trading area and Leigh Road provides an equally diverse selection of retail and leisure opportunities. The 'break' between the two areas has long been identified as a significant barrier which is holding back the economic development of Leigh Road.
- b. A visual barrier has been created by the construction of three purely residential blocks in a short area between Highcliff Drive and the junction with the Broadway and this is due to their bulk rather than the frontage presented which remains circa 25% of the street frontage at this point. This creates a divide in an otherwise continuous commercial road. The businesses of Leigh Road are smaller than those in Broadway and so provide a high density of employment, self-employment and economic activity in a smaller area. With such marginal viability, the traders are working together to improve trading conditions and recognise that the ground floor commercial area at 258/Riley's provides a vital bridging link between Broadway and Leigh Road.
- c. The divide between Broadway and Leigh Road is considered to be one of the most significant risks to the local economy and Leigh Town Council do not wish any further damaging effect to the economic viability of the area and which would be contrary to SBC planning policy.

[Officer Note – In relation to these points it is noted that the site is not included within the designated Primary Shopping Frontage of the Broadway or the Secondary Shopping Frontage of Leigh Road. These two designated areas are separated and are not linked. The site falls within the land of no site-specific policy designations that sites between the two designated shopping frontages. There is therefore no planning policy basis to support or enforce the suggestions of Leigh-on-Sea Town Council and no adopted planning policies that are aiming to achieve the connection that is sought by Leigh-on-Sea Town Council.]

3. To the parking stress and extra traffic flow generation on Maple Avenue

The basis of the objection is as follows:

- a. The residents' concerns are supported by Leigh Town Council. The significant parking stress of the area is already well known.

In a development of 22 flats (a mixture of 1-3 bedrooms) only 22 parking spaces have been provided which will place an additional burden on the reduced off-street parking.

- b. Maple Avenue is a narrow residential one way street further narrowed by parking to both sides. It already has increased traffic loads as a result of the Grand View block at the west end and the proposed development is also to be access from Maple Avenue.
4. To the balconies at the rear of the development overlooking existing residential properties

The basis of the objection is as follows:

- a. Leigh Town Council supports the residents' concerns with regard to their loss of privacy with balconies at the rear of the development.

In addition to the objections, Leigh Town Council recommend a planning condition that should the development proceed, during construction, it is serviced from Maple Avenue.

Finally, we wish to comment that the developers confirmed to the Council that their application makes allowances for social housing and CIL and yet page 20 of their planning statement contradicts this. We would hope that their planning obligations with regard to the development are met.

Airport Director

- 6.5 Our calculations show the given position and height will have no effect on our operations. We therefore have no safeguarding objections as long as there are no plant rooms or aerials and the building is no taller than 56.4m AOD. Any crane or piling rig to construct the proposed development will need to be safeguarded separately and dependant on location would be restricted in height.

Essex and Suffolk Water

- 6.6 Our records show that we do not have any apparatus located in the proposed development.

We have no objection to this development subject to compliance with our requirements; consent is given to the development on the condition that a water connection is made onto our Company network for the new dwelling for revenue purposes.

Environmental Health

6.7 No objection subject to conditions arising during demolition and construction including:

1. During the demolition and construction, noise and vibration issues may arise which could lead to the hours of work being restricted. Demolition and construction hours are therefore restricted to 8am – 6pm Monday to Friday, 8am – 1pm Saturday. No demolition or construction shall be carried out on Sundays or Bank Holidays.
2. Full details of mitigation measures to be taken to minimise and/or control noise and potential fugitive dust emissions resulting from the works must be submitted in writing for approval by the local planning authority prior to demolition or construction commencing, taking into consideration 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
3. There shall be no burning of waste materials on the site during the construction and demolition given the site’s proximity to other properties.

School Development Manager

6.8 This application site falls within the catchment areas of Leigh North Street Primary School and Belfairs Academy (Secondary). Both are full. Places are only available for Primary at Darlinghurst Primary School (0.6 miles away) and at Futures Community College (changing name to Southchurch High School) for secondary which is 3.94 miles away. A contribution to secondary school impact would be expected against the secondary impact. On the breakdown of the number of bedrooms per unit, a contribution towards increasing capacity at Futures College/Southchurch High School of £40,314.13 is requested.

7 Public Consultation

7.1 Two site notices displayed 02.02.2017 and 112 letters sent to neighbouring properties notifying them of the proposal.

3 letters of support and a proforma letters, with 36 supporting signatures have been received which support the proposal on the following grounds:

- Any development other than flats would be completely out of keeping of the surrounding part of this stretch of Leigh Road;
- It would see the end, if this proposed plan went ahead, of any future noise and disturbance which have had to endure from social activities at Riley’s

9 objections including a letter from Leigh Southside Management Company Limited representing 33 leaseholders, a letter from Mr Wyles on behalf of 10 surrounding residents and Leigh Road Traders and Community Association. These raise the following issues:

- Harm to neighbouring occupiers amenity and poor design.
- Maple Avenue lacks parking and additional 22 additional properties is going to make matters worse;
- Loss of three on street parking spaces;
- Increased congestion and harm to highway safety conditions;
- Noise and disturbance;
- Loss of privacy due to the balconies, terraces and windows proposed to the rear elevation;
- Building works will result in disruption;
- Drainage implications;
- Existing flooding problems to basement of Southside made worse.
- Risk of asbestos migration;
- If constructed there would be noise, vibration, dust migration, loss of light, risk to neighbouring foundations;
- Post construction will increase traffic given only one space per flat is proposed;
- Refuse collection cannot be collected at the site given Maple Avenue is already congested;
- Landscaping should be increased to reduce noise
- Loss of leisure facility;
- The Leigh Road is a commercial area that was originally linked via retail and leisure to the Broadway. The loss of retail facilities in the past development of 3 blocks of flats (Southside, Leighcliff Heights and Ospreys) has caused a detrimental effect to the retail potential of many independent retailers;
- The demographic of Leigh on Sea is getting younger and it is not encouraged for the wellness of the population;
- Members of the Leigh Road and Community Association that provide leisure space and community facilities report increasing demand on their spaces for use throughout the week and are nearing capacity. Demand is high for leisure facilities for a rounded experience for Leigh's residents.
- A leisure or retail space should be included to the ground floor.

These concerns are noted and they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

8 Relevant Planning History

- 8.1 Application for approval of details pursuant to condition 08 (hard and soft landscaping) of planning permission 14/00704/AMDT dated 22nd July 2014- Granted (15/00396/AD)
- 8.2 Replace drawings 4542-B-6-C, 4542-A-7-D, 4542-A-8-E for 300/11A, 300/16A 300/17A single storey rear extension to plots 2, 3 and 4 and amend roof details to plots 2, 3, 4, and 5 (minor material amendment to planning permission 11/01709/FUL dated 27th June 2012 and 14/00270/AMDT dated 11th April 2014- Granted (14/00704/AMDT)
- 8.3 Application for approval of details pursuant to condition 04 (samples of materials) of planning permission 11/01709/FUL dated 02/07/2012- Granted (14/00565/AD)

- 8.4 Application to vary condition 02 (the development shall be carried out in accordance with the approved plans) of planning application 11/01709/FUL granted on 27/06/2012 to allow removal of plot 1- Granted 14/00270/AMDT
- 8.5 Application for approval of details pursuant to condition 11 (Contamination Risks) of planning permission 11/01709/FUL dated 27/6/2012- Granted (13/01440/AD)
- 8.6 Part demolish snooker hall/bowling alley, erect 8 two storey dwellings on land at rear, layout parking and erect wall at rear- Granted (11/01709/FUL)
- 8.7 Demolish buildings, erect 5 storey building incorporating 720sqm replacement leisure facility (class D2) and 20 self-contained flats with balconies/terraces and 4 storey building incorporating 18 self-contained flats, lay out parking at basement level, refuse store and amenity area and form vehicular access onto Maple Avenue (Amended proposal)- Refused (10/01748/FULM). Appeal reference A/11/2150238/NWF.
- 8.8 Demolish buildings, erect three part 3/part 4/part 5 storey blocks comprising 452sqm replacement leisure facility (class D2) 40 self-contained flats, basement parking for cars and cycles, layout refuse store and amenity areas and form vehicular access onto Maple Avenue- Refused (08/01187/FULM)

9 Recommendation

Members are recommended to:

- (a) **DELEGATE to the Director of Planning and Transport or Group Manager of Planning & Building Control to GRANT PLANNING PERMISSION subject to completion of a PLANNING AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) and all appropriate legislation to secure the provision of:**
- a financial contribution for affordable housing of £187,485 (index-linked) in lieu of on-site provision, which is payable prior to occupation of the 7th dwelling
 - a financial contribution towards secondary education provision of £40,315 (index-linked), specifically providing increased capacity at Futures Community College/Southchurch High School, which is payable prior to occupation of the 7th dwelling
- (b) **The Director 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: 01 Site Location Plan; 02 Existing plans and elevations; 03 Proposed Site Plan & Parking Revision D; 05 Proposed Plans 0-3 Revision E; 06 Proposed fourth floor and roof plan Revision B; Proposed elevations north and south revision C; Proposed elevations east and west revision C.

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 lower ground floor (parking) 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, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in full 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 policies DM1 and DM3 of the Development Management DPD 2015

- 04** No construction works above the lower ground floor (parking) 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 policies DM1 and DM3 of the Development Management DPD 2015.

- 05** 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.

- 06** The development shall not be occupied until space has been laid out within the site in accordance with drawing No. 03 for cars to be parked 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 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.

- 07** No construction works above lower ground floor slab level shall take place until details of 1.8m high balcony/terrace screens to the eastern and rear splayed elevation serving flats 2 and 3 on the second, third, fourth floor and the balustrade detailing for flats 1 and 2 on the fifth floor shall have been submitted to and approved in writing by the Local Planning Authority. The screens, as approved, shall be erected prior to first occupation of those units, and retained thereafter in perpetuity.

- 08** 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.

- 09** The development shall not be occupied until details of the secure, covered cycle parking spaces to serve the residential development and cycle parking spaces have been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development 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.

- 10** 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.

11 No development shall take place until details of the implementation, maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SuDs) Principles have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed in accordance with the approved details before the development is occupied and brought into use and be maintained as such thereafter. 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.

12 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 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.

- 13** A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources must be submitted to and agreed in writing prior to occupation of the development hereby approved by the Local Planning Authority and implemented in full prior to the first occupation of the development. 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 and Development Management Document policy DM2.

- 14** Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays and at no time 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.

- 15** 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 hereby approved 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 and airport safety in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.

- 16** Before the development 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 20 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).

Informatives

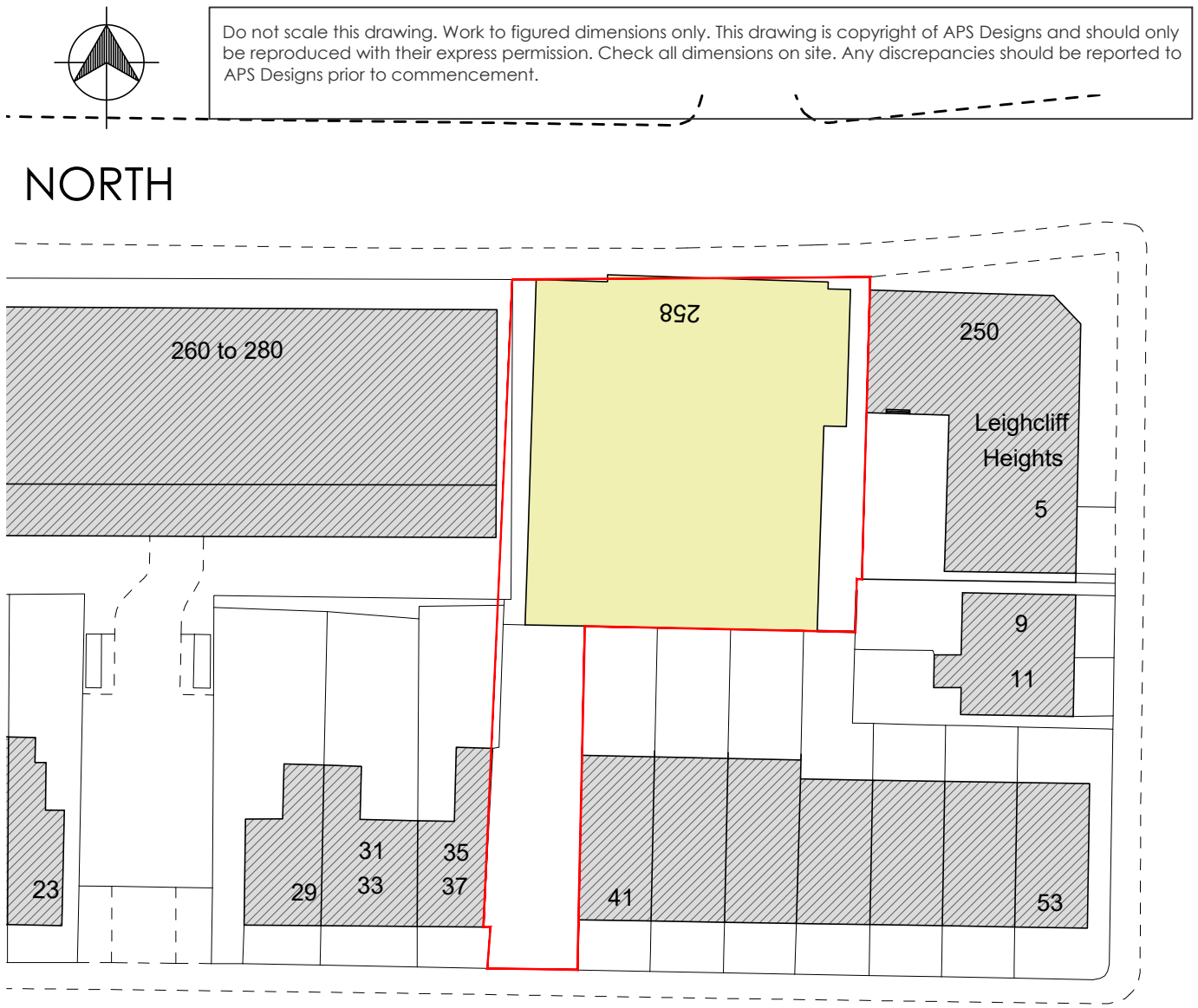
- 1** Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains 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** 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.
- 3** This permission is governed by a legal agreement between the applicant and the Borough Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to a financial contribution towards affordable housing and secondary education.
- (c)** In the event that the planning obligation referred to in part (a) above has not been completed by 14th July or an extension of this time as may be agreed by the Director 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 provide for affordable housing or education provision. As such, the proposal would be contrary to Policies KP2, KP3, CP6 and CP8.



1 Existing Site Location Plan

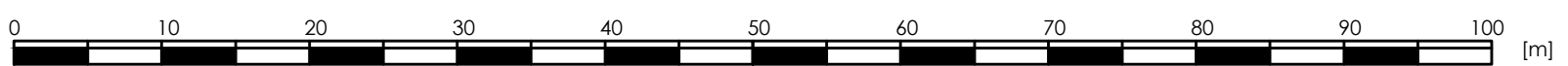
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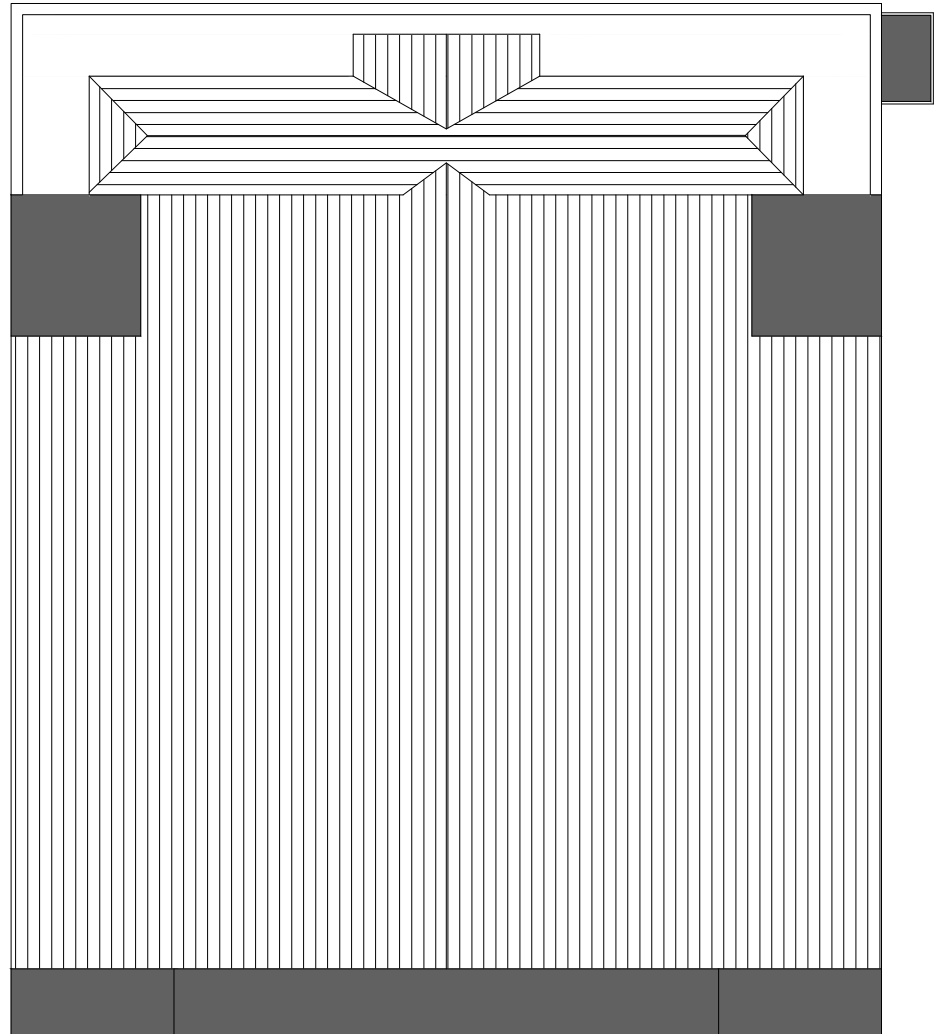
2 Existing Site Plan

Scale: 1:500

scale 1:500



scale 1:1250



3 Existing Roof Plan

Scale: 1:100

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B	01-02-2017	Access Red Line
A	21-11-2016	Added existing roof plan 1:100

REVISION DATE AMENDMENT

APS DESIGN ASSOCIATES LTD
ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS

PROJECT STAGE: Town Planning DRAWN BY: MA DATE: June 2016

CLIENT: PROJECT: 258 Leigh Road JOB NO: 2408 DRAWING NO: 01 REVISION: 01

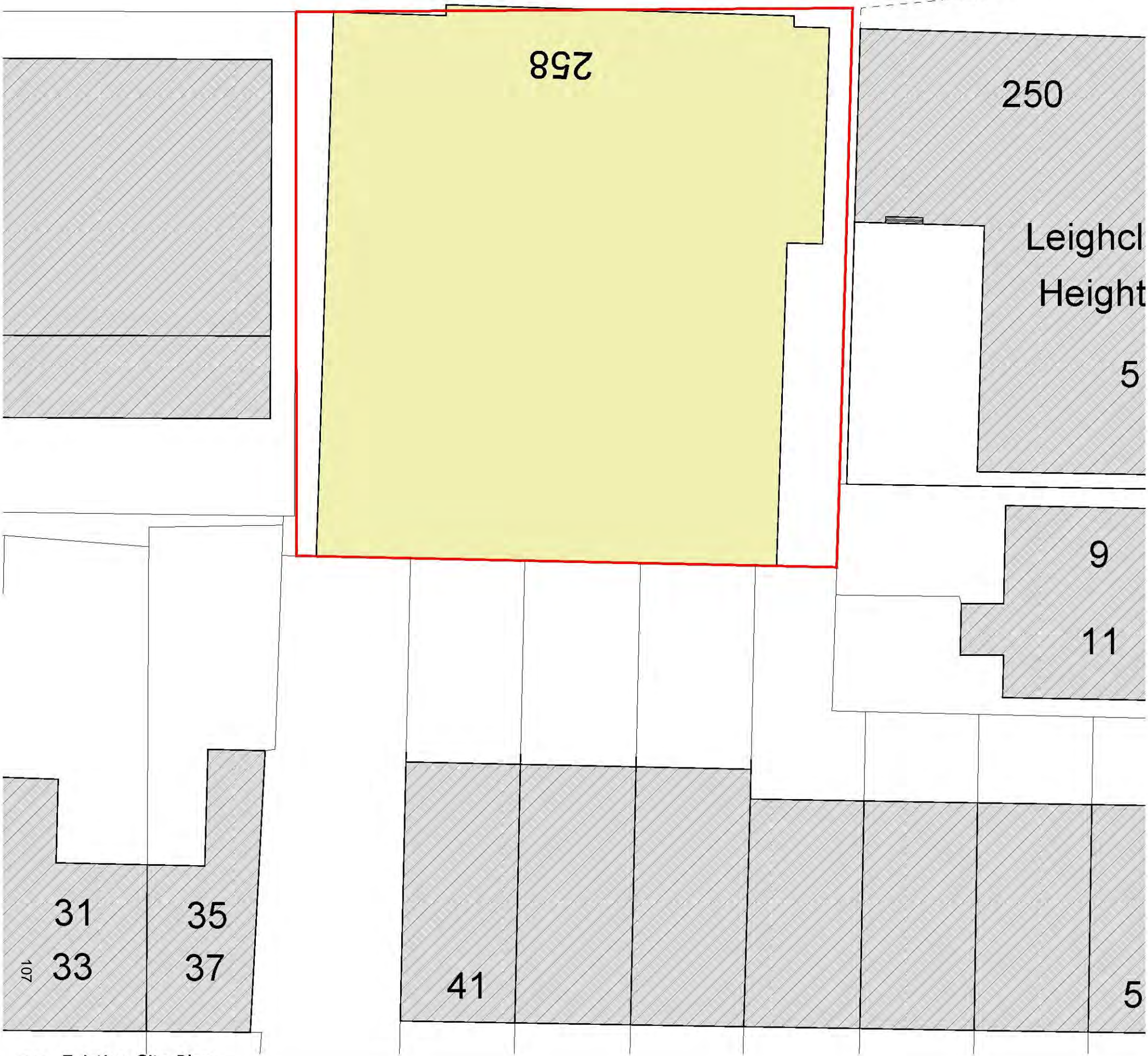
DRAWING TITLE: Site Location Plan SCALE: 1:1250, 1:500 @ A3

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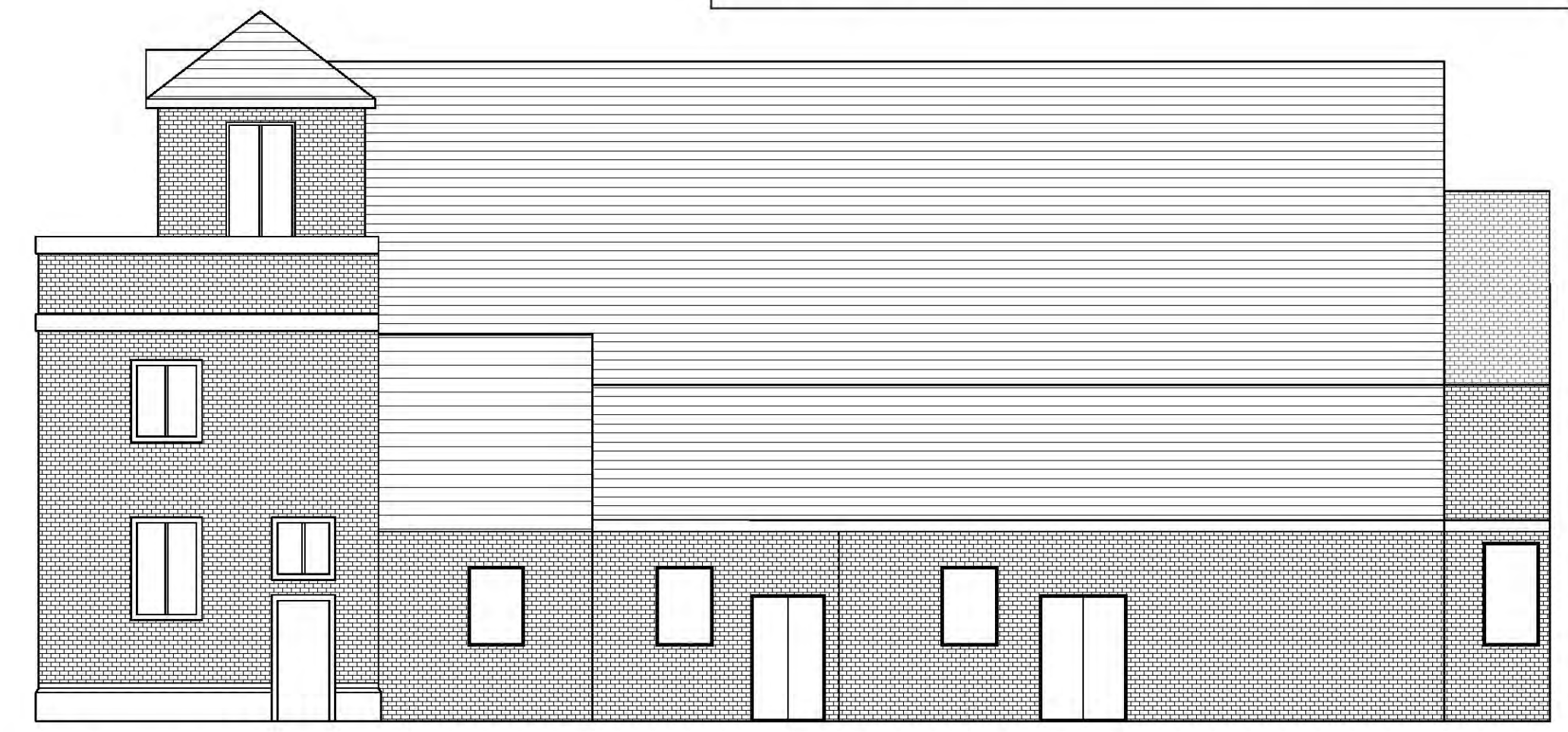
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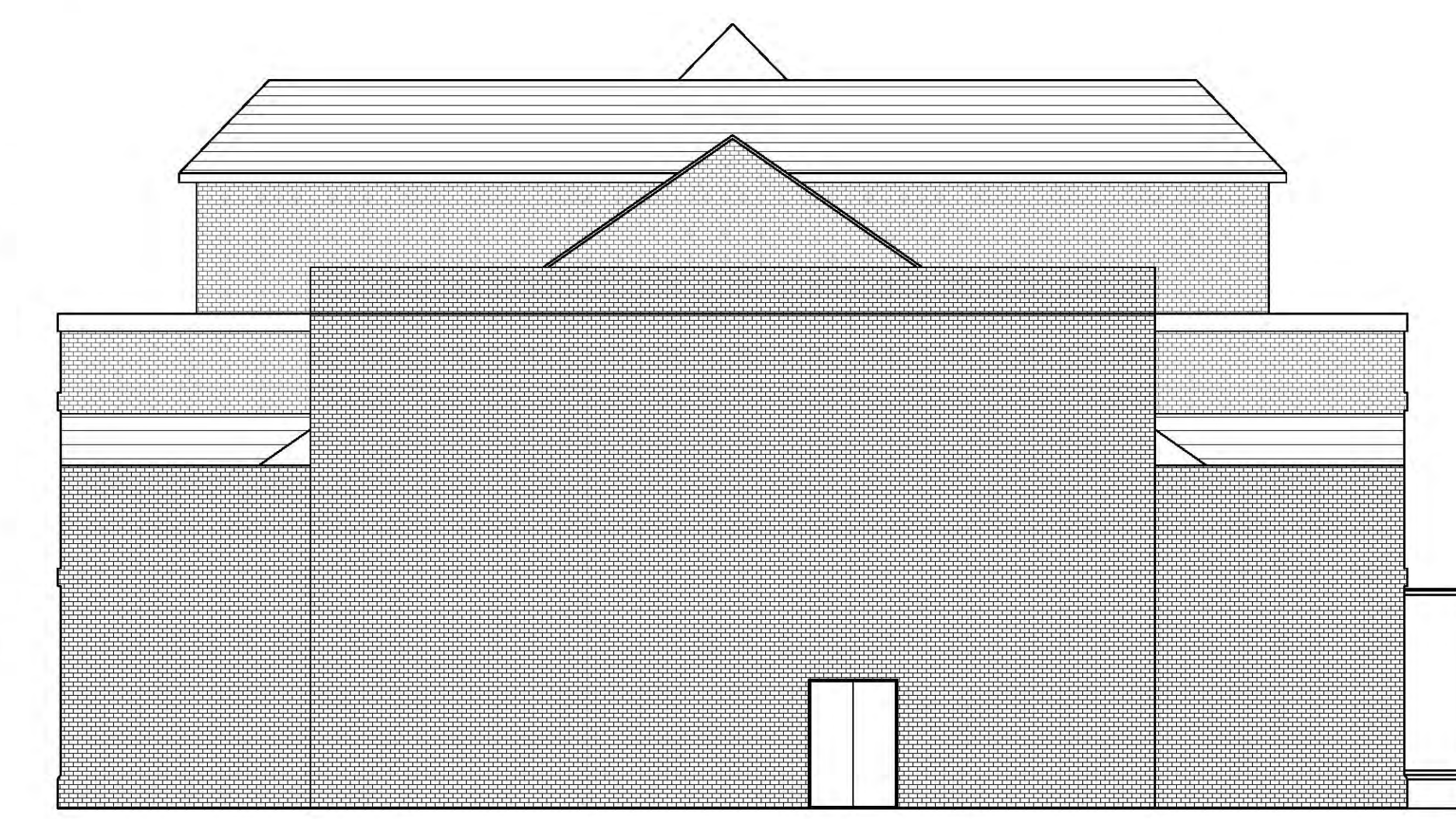
① Existing Site Plan Scale: 1:200



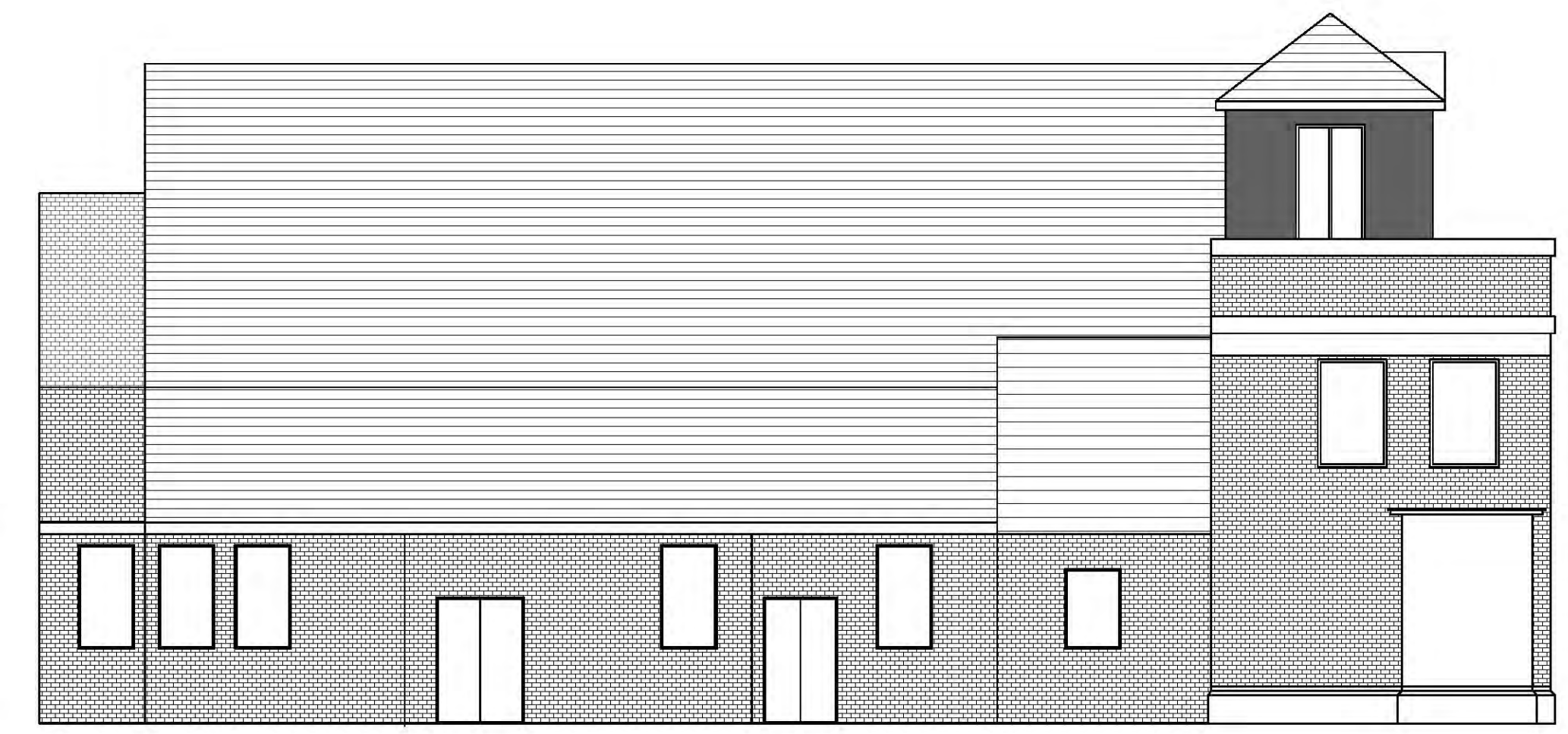
② Existing Front elevation Scale: 1:100



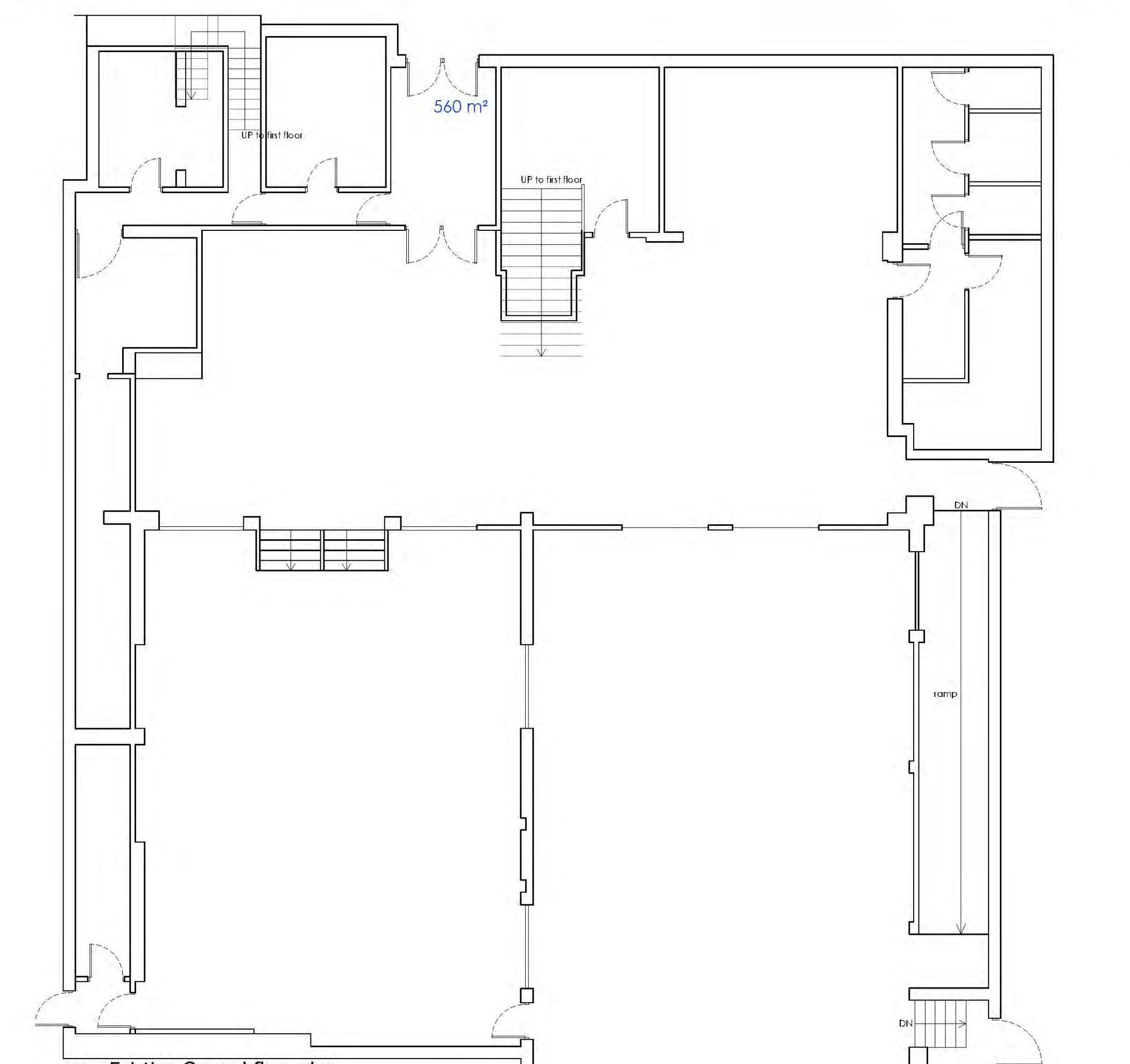
③ Existing Side elevation Scale: 1:100



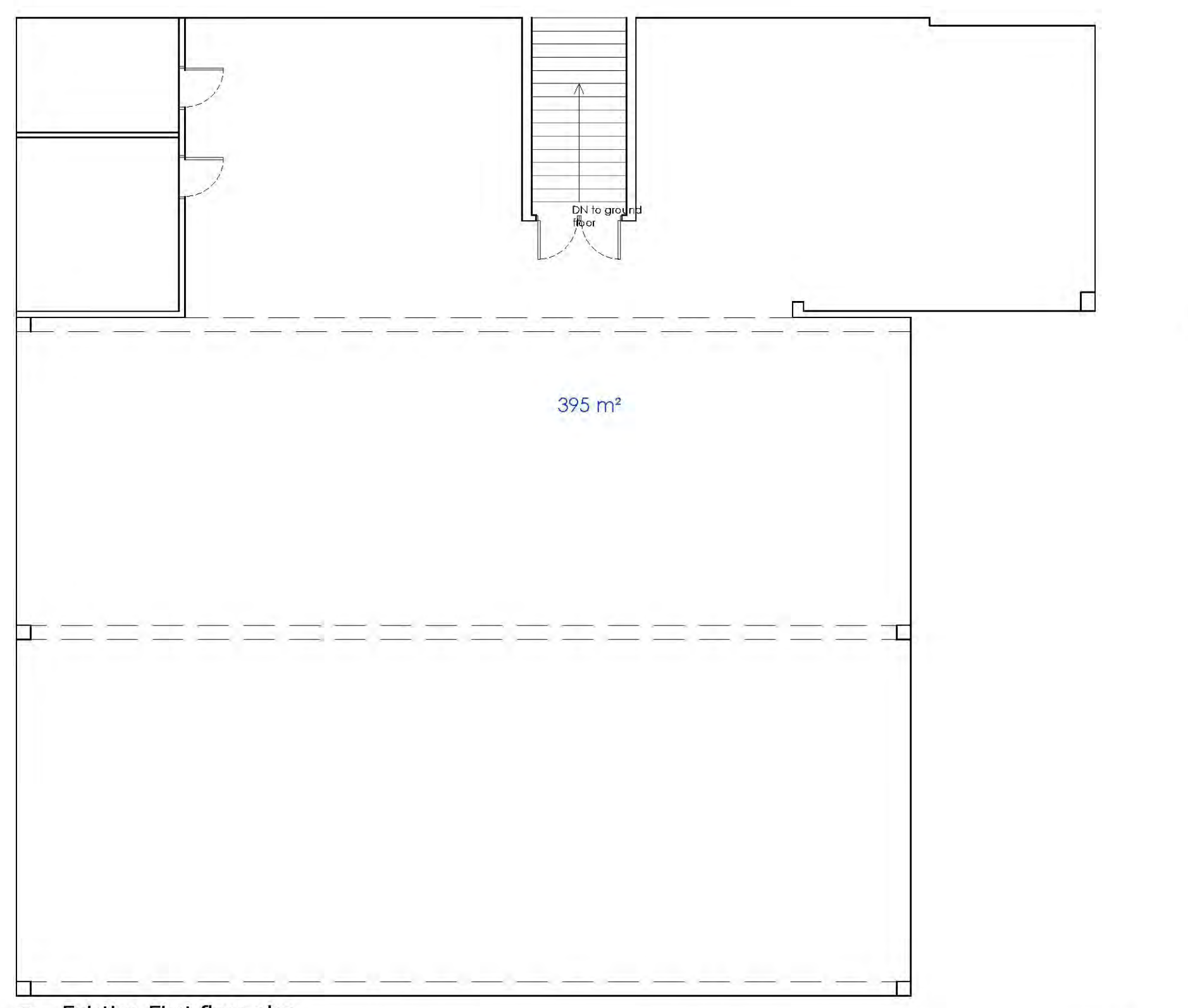
④ Existing Rear elevation Scale: 1:100



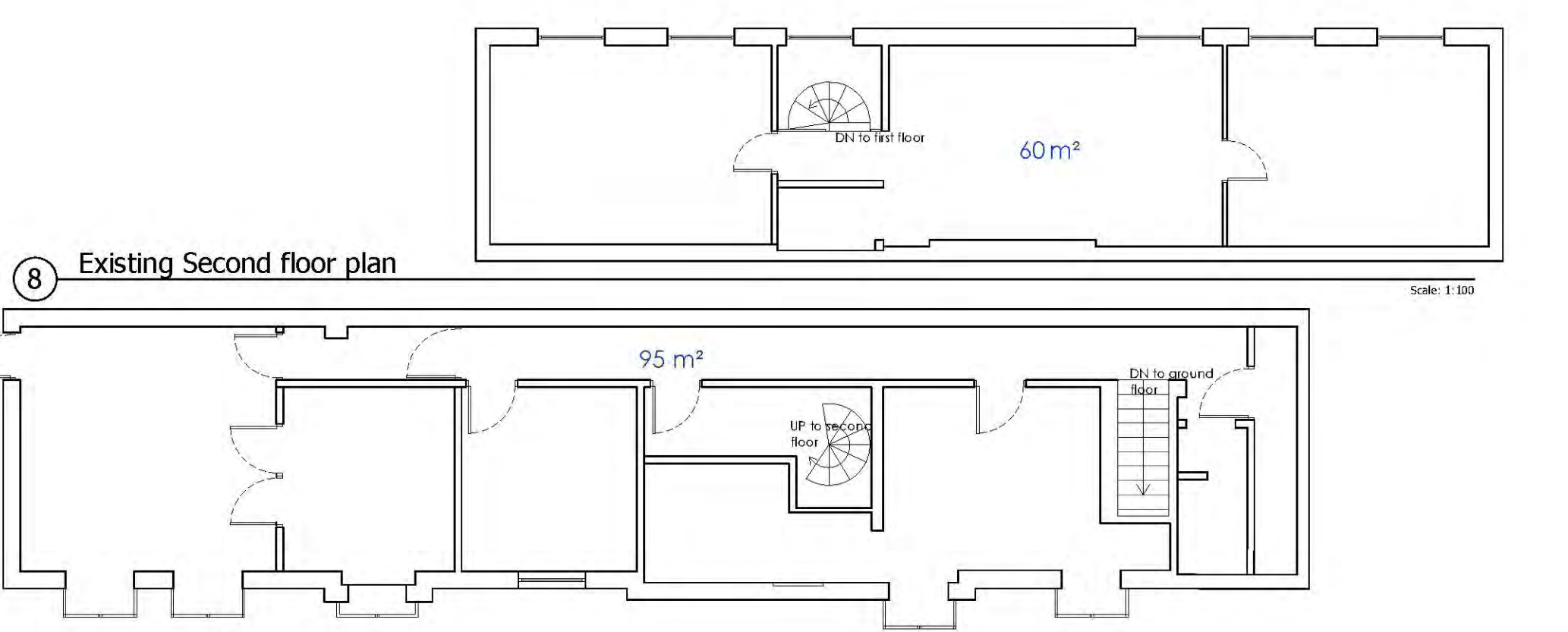
⑤ Existing Side elevation Scale: 1:100



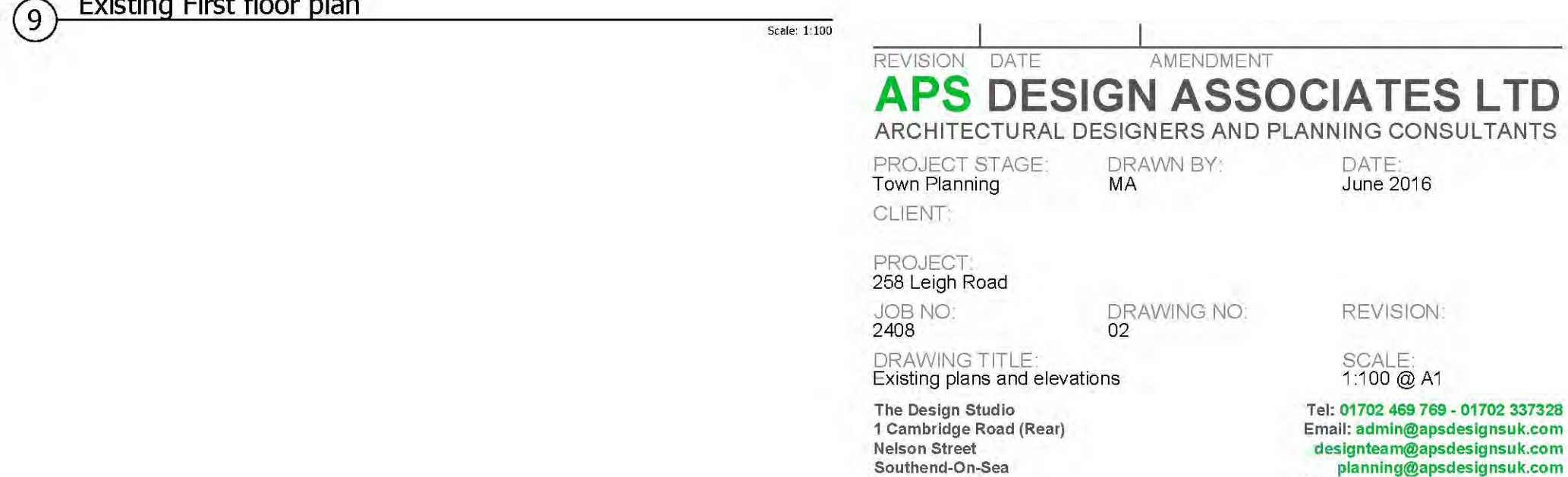
⑥ Existing Ground floor plan Scale: 1:100



⑦ Existing First floor plan Scale: 1:100



⑧ Existing Second floor plan Scale: 1:100



⑨ Existing First floor plan Scale: 1:100

REVISION:	DATE:	AMENDMENT:
APS DESIGN ASSOCIATES LTD		
ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS		
PROJECT STAGE:	DRAWN BY:	DATE:
Town Planning	MA	June 2016
CLIENT:		
PROJECT:	DRAWING NO.:	
268 Leigh Road	02	
JOB NO.:	REVISION:	
2408	02	
DRAWING TITLE:		
Existing plans and elevations		
SCALE:		
1:100 @ A1		
The Design Studio		
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1 Proposed Lower Ground (Parking)

Scale: 1:100

REVISION	DATE	AMENDMENT
D	03-04-2017	Added Annotation to boundary planting
C	10-11-2016	Added planting and altered parking spaces
B	09-11-2016	Added guest parking spaces + bin stores rearranged
A	07-11-2016	Revised Parking Layout to east

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 ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS

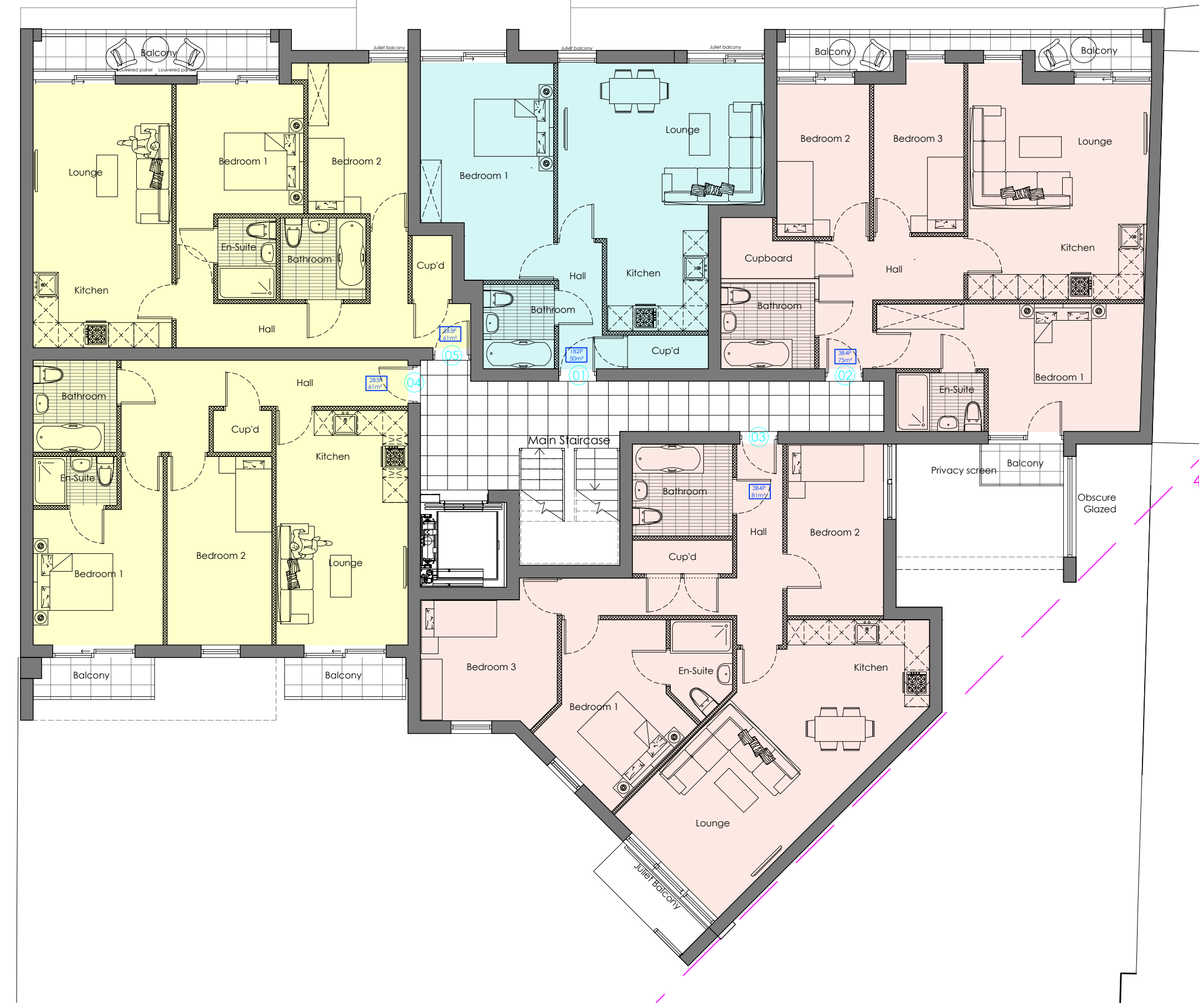
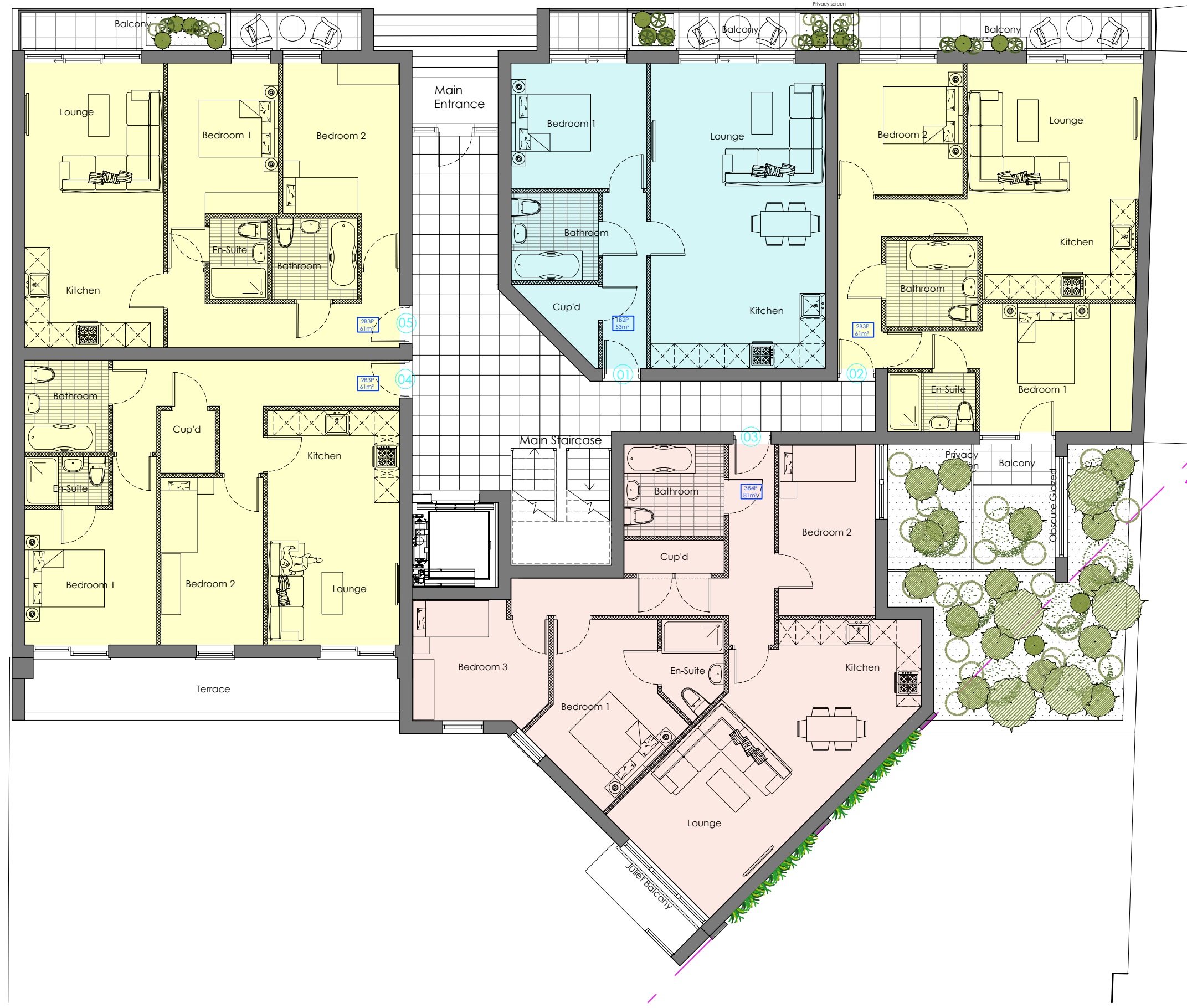
PROJECT STAGE: Town Planning
 DRAWN BY: TE
 DATE: 07-11-2016

CLIENT:
 PROJECT: 258 Leigh Road
 JOB NO: 2408
 DRAWING TITLE: Proposed plans
 The Design Studio
 1 Cambridge Road (Rear)
 Nelson Street
 Southend-On-Sea
 Essex
 SS1 1ET

REVISION: 03
 SCALE: 1:100 @ A1
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1 Proposed Ground

Scale: 1:100

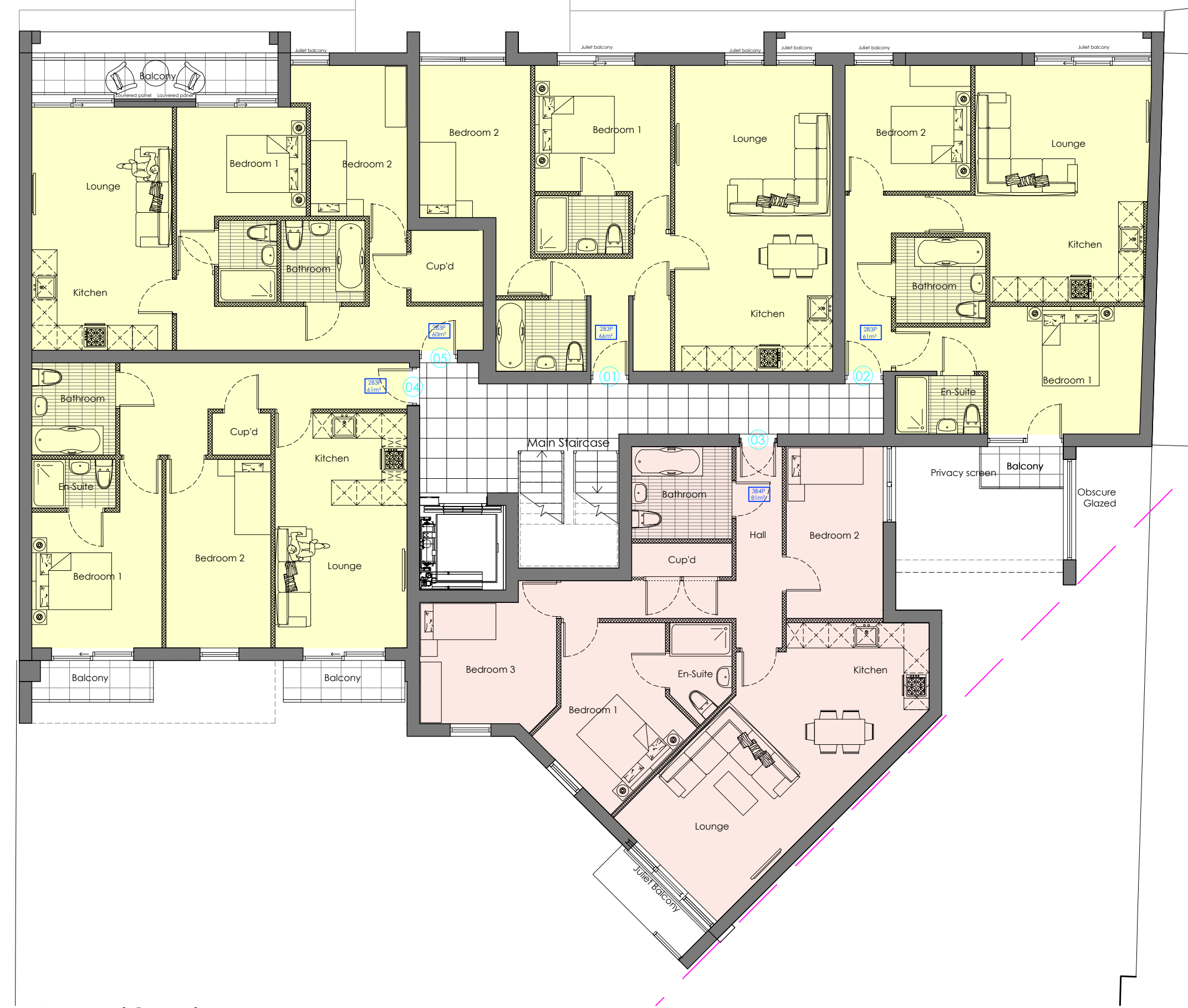
2 Proposed First

Scale: 1:100

Schedule of accommodation

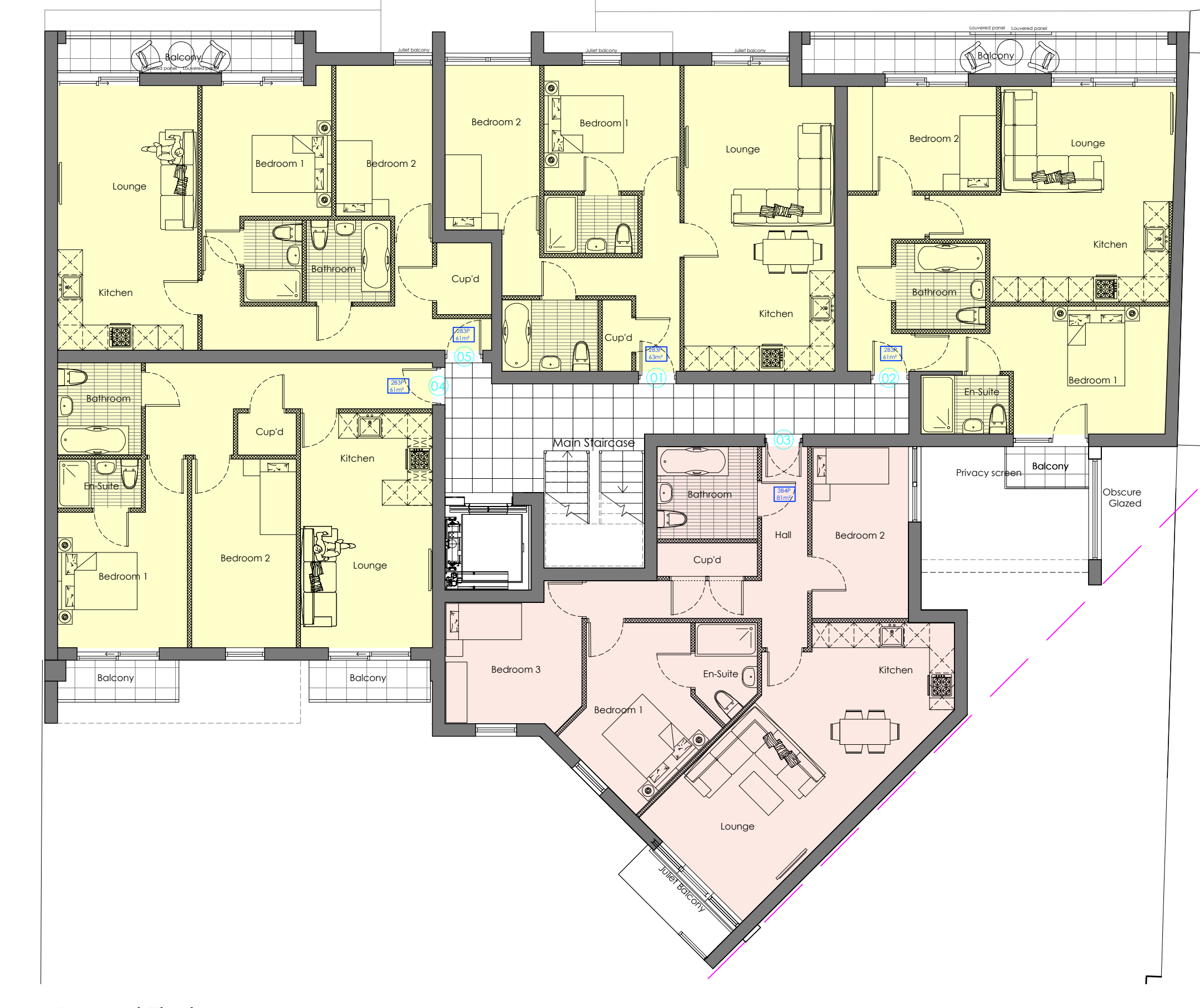
LEVEL	GROUND FLOOR	FIRST FLOOR	SECOND FLOOR	THIRD FLOOR	FOURTH FLOOR
NUMBER OF FLATS (per floor)	5	5	5	5	2
1 BED FLATS (2)	1B2P 53m ²	1B2P 50m ²			
2 BED FLATS (13)	2B3P 61m ²	2B3P 61m ²	2B3P 66m ²	2B3P 63m ²	
	2B3P 61m ²	2B3P 61m ²	2B3P 61m ²	2B3P 61m ²	
	2B3P 61m ²		2B3P 61m ²	2B3P 61m ²	
3 BED FLATS (7)	3B4P 81m ²	3B4P 75m ²	3B4P 81m ²	3B4P 81m ²	3B4P 108m ²
		3B4P 81m ²			3B4P 76m ²

TOTAL NUMBER OF FLATS : 22



3 Proposed Second

Scale: 1:100



4 Proposed Third

Scale: 1:100

E 03-04-2017 Amended Box Section to Front
 D 27-03-2017 Amended Planting to front and Rear
 REV C 10.11.2016 Amendments to Ground floor (entrance)
 REV B 12.09.2016 Minor amendments to Ground floor (entrance)
 REV A 08.09.2016 Added Schedule of accommodation

APS DESIGN ASSOCIATES LTD
 ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS

PROJECT STAGE: Town Planning DRAWN BY: TE DATE: August 2016
 CLIENT:

PROJECT: 258 Leigh Road JOB NO: 2408 DRAWING NO: 05 REVISION:

DRAWING TITLE: Proposed plans 0-3rd floors SCALE: 1:100 @ A1

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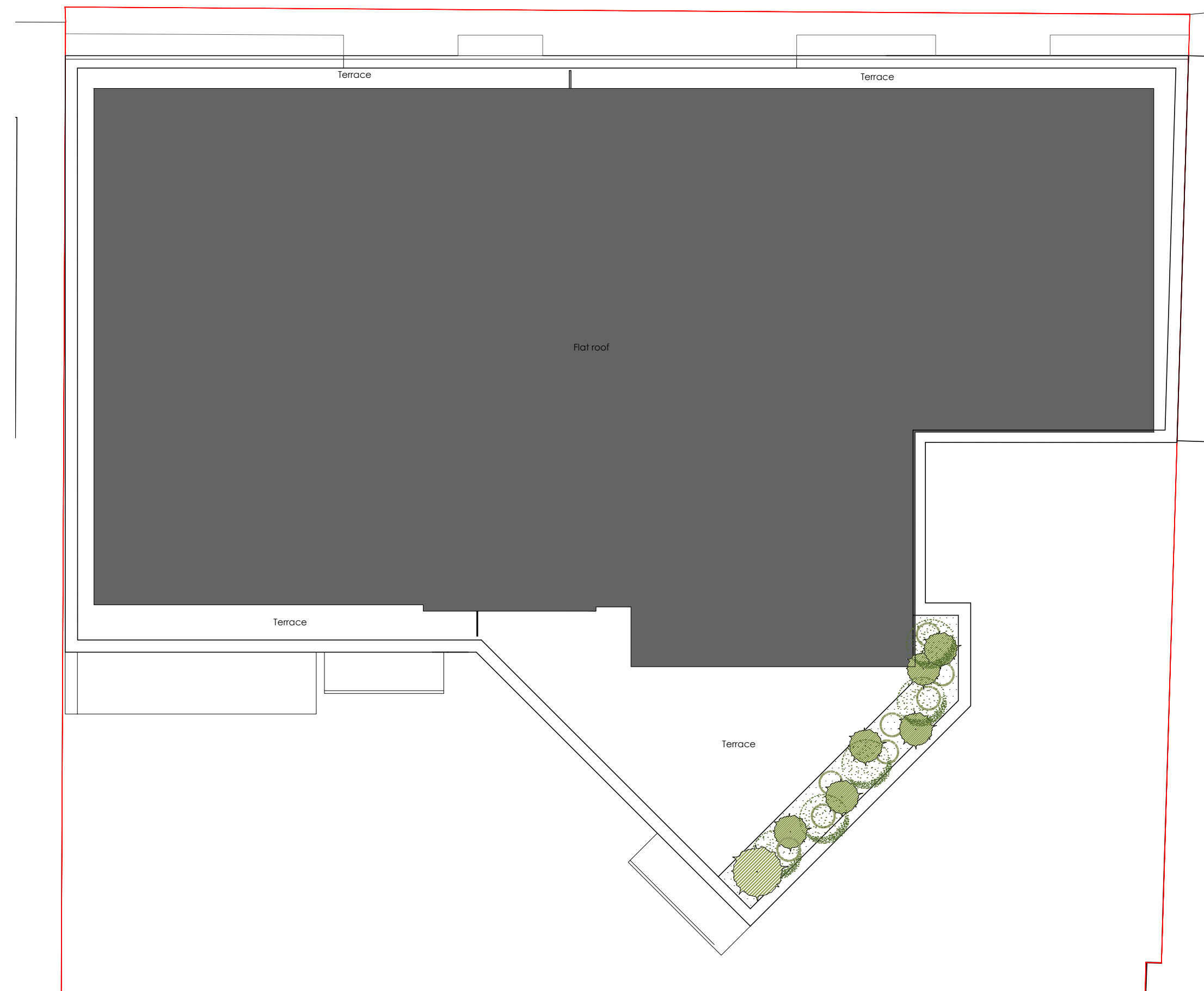
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113



1 Proposed Fourth Floor plan

Scale: 1:100



1 Proposed Fourth Floor plan

Scale: 1:100

Schedule of accommodation

LEVEL	GROUND FLOOR	FIRST FLOOR	SECOND FLOOR	THIRD FLOOR	FOURTH FLOOR
NUMBER OF FLATS (per floor)	5	5	5	5	2
1 BED FLATS (2)	1B2P 53m ²	1B2P 50m ²			
2 BED FLATS (13)	2B3P 61m ²	2B3P 61m ²	2B3P 66m ²	2B3P 63m ²	
	2B3P 61m ²	2B3P 61m ²	2B3P 61m ²	2B3P 61m ²	
	2B3P 61m ²		2B3P 61m ²	2B3P 61m ²	
			2B3P 61m ²	2B3P 61m ²	
3 BED FLATS (7)	3B4P 81m ²	3B4P 75m ²	3B4P 81m ²	3B4P 81m ²	3B4P 108m ²
		3B4P 81m ²			3B4P 96m ²

TOTAL NUMBER OF FLATS : 22

REV B 21.10.2016 Added proposed roof plan
 REV A 12.09.2016 Altered exterior facade to suit elevations

APS DESIGN ASSOCIATES LTD
 ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS

PROJECT STAGE: Town Planning DRAWN BY: TE DATE: June 2016
 CLIENT:

PROJECT:
 258 Leigh Road
 JOB NO:
 2408

DRAWING NO:
 06 REVISION:

DRAWING TITLE:
 Proposed plans - 4th floor

SCALE:
 1:100 @ A1

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Schedule of accommodation

LEVEL	GROUND FLOOR	FIRST FLOOR	SECOND FLOOR	THIRD FLOOR	FOURTH FLOOR
NUMBER OF FLATS (per floor)	5	5	5	5	2
1 BED FLATS (2)	1b2P 53m ²	1b2P 50m ²			
2 BED FLATS (13)	2b3P 61m ² 2b3P 61m ² 2b3P 61m ²	2b3P 61m ² 2b3P 61m ²	2b3P 66m ² 2b3P 61m ² 2b3P 61m ² 2b3P 61m ²	2b3P 63m ² 2b3P 61m ² 2b3P 61m ² 2b3P 61m ²	
3 BED FLATS (7)	3b4P 81m ²	3b4P 75m ² 3b4P 81m ²	3b4P 81m ²	3b4P 81m ²	3b4P 108m ² 3b4P 96m ²

TOTAL NUMBER OF FLATS : 22



1 Proposed Fourth Floor plan

Scale: 1:100

REV A | 12.09.2016 | Altered exterior facade to suit elevations

APS DESIGN ASSOCIATES LTD
ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS

PROJECT STAGE: Town Planning DRAWN BY: TE DATE: June 2016
CLIENT:

PROJECT:
258 Leigh Road
JOB NO:
2408

DRAWING NO:
06

REVISION:

DRAWING TITLE:
Proposed plans - 4th floor

SCALE:
1:100 @ A1

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planning@apsdesignsuk.com
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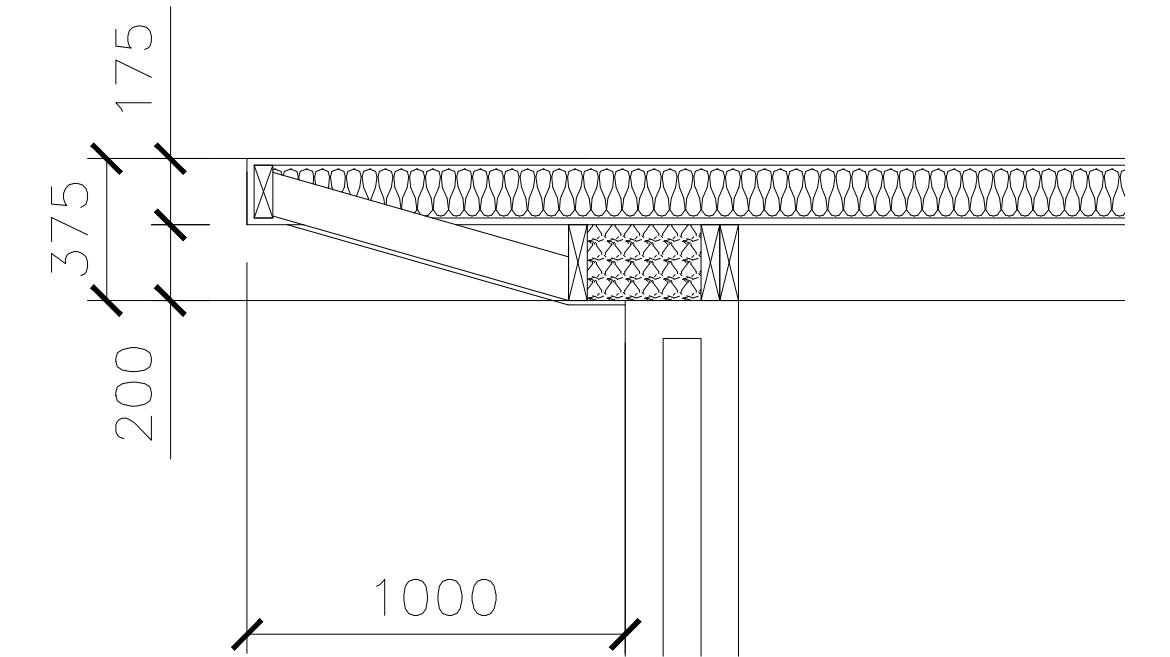
1 Proposed Front (North) Elevation

Scale: 1:100



2 Proposed Rear (South) Elevation

Scale: 1:100



3 Warm Roof Eaves Detail

Scale: 1:20

C 03-04-2017 Minor Alterations
 B 27-03-2017 Amended Penthouse and Rear Julietts
 REV A 08.09.16 Amended North and South elevations
 REVISION DATE AMENDMENT

APS DESIGN ASSOCIATES LTD
 ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS

PROJECT STAGE: Town Planning DRAWN BY: TE DATE: June 2016
 CLIENT:

PROJECT:
 258 Leigh Road
 JOB NO:
 2408

DRAWING TITLE:
 Proposed Elevations (1 of 2)

The Design Studio
 1 Cambridge Road (Rear)
 Nelson Street
 Southend-On-Sea
 Essex
 S81 1ET

DRAWING NO:
 07

REVISION:
 07

SCALE:
 1:100 @ A1

Tel: 01702 469 769 - 01702 337328
 Email: admin@apsdesignsuk.com
 designteam@apsdesignsuk.com
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1 Proposed Left (East) Elevation

Scale: 1:100



2 Proposed Right (West) Elevation

Scale: 1:100

REVISION	DATE	AMENDMENT
C	03-04-2017	Minor Alterations
B	27-03-2017	Amended Penthouse and Rear Juliet
REV A	08.09.16	Amended East and West elevations

APS DESIGN ASSOCIATES LTD
ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS

PROJECT STAGE: Town Planning
DRAWN BY: TE
DATE: June 2016

CLIENT:

PROJECT: 258 Leigh Road
JOB NO: 2408
DRAWING TITLE: Proposed Elevations (2 of 2)

SCALE: 1:100 @ A1

The Design Studio
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A 01/04/2017 Revised External Appearance

REVISION DATE AMENDMENT
APS DESIGN ASSOCIATES LTD
ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS

PROJECT STAGE: **Town Planning** DRAWN BY: **TE** DATE: **June 2016**
CLIENT:

PROJECT:
258 Leigh Road
JOB NO:
2408

DRAWING TITLE:
Proposed Visuals

The Design Studio
1 Cambridge Road (Rear)
Nelson Street
Southend-On-Sea
Essex
SS1 1ET

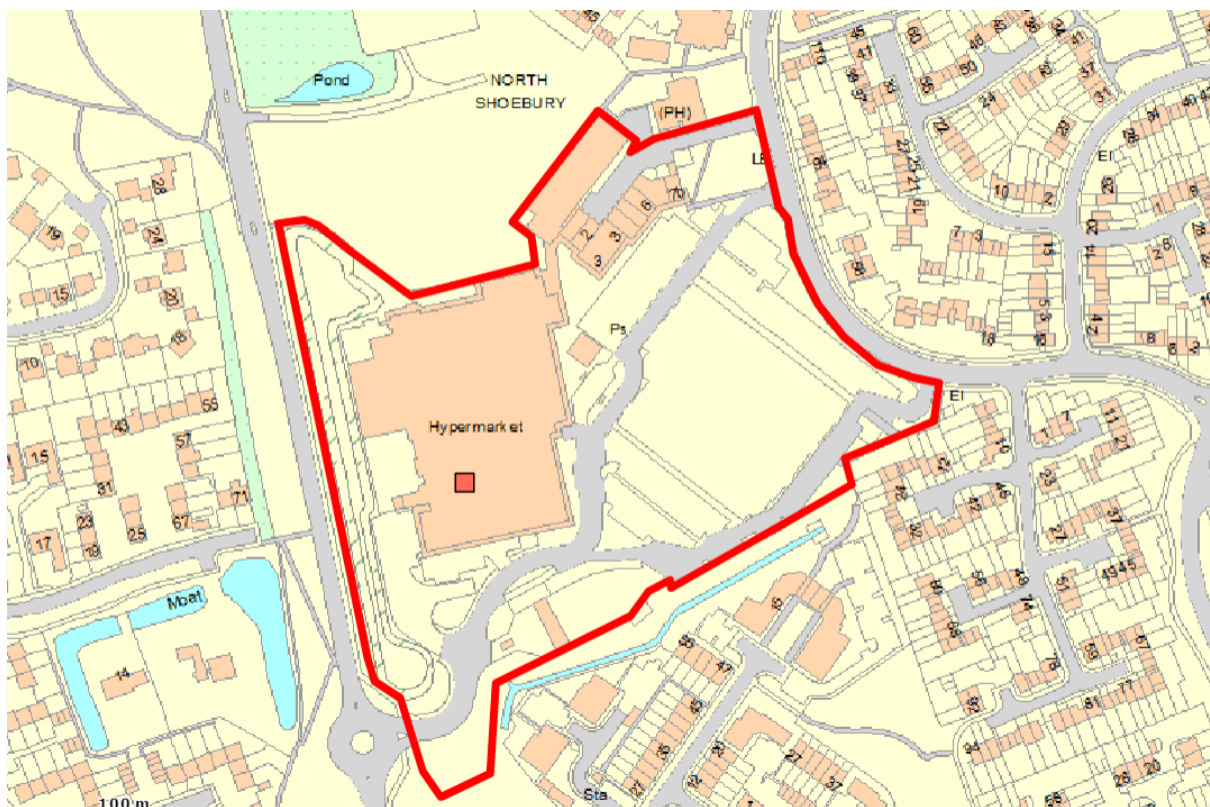
DRAWING NO:
09

REVISION:
SCALE:

Tel: **01702 469 769 - 01702 337328**
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designteam@apsdesignsuk.com
planning@apsdesignsuk.com
Website: **www.apsdesignsuk.com**

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Reference:	17/00559/FULM	<h1>6</h1>
Ward:	Shoeburyness	
Proposal:	Demolish existing two lane shopping collection point to the side and install a five lane shopping collection point to the side and alter vehicular access and erect new canopy	
Address:	Asda, North Shoebury Road, Shoeburyness, Southend on Sea, Essex	
Applicant:	Asda Superstores Limited	
Agent:	Whittam Cox Architects	
Consultation Expiry:	14.06.2017	
Expiry Date:	08.08.2017	
Case Officer:	Janine Rowley	
Plan Nos:	PL_01A Site Location Plan; PL_02B Proposed external Drive Thru; PL_03 Existing click and Collect Canopy	
Recommendation:	GRANT PLANNING PERMISSION	



The Proposal

- 1.1 Planning permission is sought to demolish an existing canopy and two lane, shopping collection drive through point, to side of the existing supermarket and install a five lane shopping drive through collection point, with a new canopy and alteration to the vehicular access. The applicant states the proposed development is in response to customers demand for the “click and collect” service offered by Asda.
- 1.2 The proposed canopy is 20m wide, by 4.6m deep, by 3.8m high and constructed from a lightweight profiled steel low pitch roof sheets in a grey colour. Lights will be installed to the canopy and wall mounted lighting on the side of the canopy also.
- 1.3 The proposed vehicle access is 19.2m wide to enable five vehicles to park while picking up for “click and collect” of goods from the supermarket.
- 1.4 The application is accompanied by a Design and Access Statement and a Transport Statement.
- 1.5 The supporting information accompanying this application states customers are able to book a specific time slot to collect their online shopping order.

2 Site and Surroundings

- 2.1 The site contains a supermarket and associated parking and is located to the northeast of North Shoebury Road. North Shoebury Road also runs through the site linking to Frobisher Way to the east. The wider surrounding area is residential in character. To the north of the existing car park is a mix of commercial units including retail, beauty salon, public house and church.

3 Planning Considerations

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

4 Appraisal

Principle of Development

National Planning Policy Framework; Development Plan Document 1 (Core Strategy) 2007 policies KP1, KP2, CP2, CP3, CP4; Development Plan Document 2 (Development Management) 2015 policies DM1, DM3, DM13 and DM15 and the Design and Townscape Guide SPD1 (2009)

- 4.1 The proposal is considered in the context of the National Planning Policy Framework, Core Strategy policies KP2 and CP4, Development Management policies DM1 and DM13 and the Design and Townscape Guide.

These policies and guidance generally support new development but require that any new development respect the existing character and appearance of the surrounding area and ensure the highway network and highway safety are protected. This is dealt with in more detail below.

- 4.2 No objections are raised in principle to the reconfiguration of the parking layout to create five spaces and a new canopy to the south of the existing supermarket. This area is already used as a pick up point for “click and collect” from the supermarket albeit less intensely.

Design and impact on the character of the area

National Planning Policy Framework; Development Plan Document 1: (Core Strategy) 2007 policies KP2, CP4; Development Plan Document 2 (Development Management) 2015 policies DM1 and DM3 and the Design and Townscape Guide SPD1 (2009)

- 4.3 It is not considered that the alterations to the layout of the vehicular access to the south of the site to enable 5 drive through lanes onto the existing road within the Asda site will harm the existing character. The proposed canopy is to be positioned above the five drive through lanes opposite the existing petrol station to the south. The overall design and scale of the canopy is considered acceptable given the scale of existing development on site. It will not harm the surrounding character and appearance of the area.

Traffic and transportation

National Planning Policy Framework; Development Plan Document 1 (Core Strategy) 2007 policy CP3; Development Plan Document 2 (Development Management) 2015 policy DM15 and the Design and Townscape Guide SPD1 (2009)

- 4.4 The existing access to the supermarket is from the west via North Shoebury Road and Frobisher Way to the east. The existing “click and collect facility” located to the immediate south of the supermarket opposite the petrol station. Currently there are two lanes and this application seeks alter the layout providing five lanes facing the existing road serving the supermarket.
- 4.5 The proposed layout will enable vehicles to access to enter the shopping lanes from the west and exit to the south. Customers accessing the new pick up facility will utilise the same access point as the current collection point. Vehicles will be loaded with shopping and exit in a forward gear. The location of the collection points provides good visibility in both directions to ensure customers can make a safe exit. The access to the store will remain from North Shoebury Road to the west and Frobisher Way to the east.
- 4.6 In light of the above, it is not considered the reconfiguration of existing collection facility from two lanes to five lanes will result in any harm to the existing highway network.

Impact on residential amenity

National Planning Policy Framework; DPD1 Core Strategy policies KP2 and CP4; Development Plan Document 2 (Development Management) 2015 policy DM1 and the Design and Townscape Guide SPD1 (2009)

- 4.7 It is not considered the proposed changes to the existing layout or the repositioning of the canopy will harm the amenities of residential properties given the separation distances to the west and south of the site. The proposal is found to be acceptable and compliant with the development plan policies and guidance on the protection of the amenities of neighbouring occupiers.

Community Infrastructure Levy

- 4.8 Given the proposal is for the reconfiguration of the existing collection point parking layout the application is not CIL liable.

Conclusion

- 4.9 The number of parking spaces serving the collection point facility on site will increase from two to five extending the new vehicle crossover to the south and the erection of a canopy. There are no objections on highway grounds and customers will be able to leave the parking lanes in forward gear and there is high visibility to the east and west of the site. The erection of a new canopy and associated lighting will not harm the amenities of nearby residential occupiers given the overall separation distance.
- 4.10 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, the character and appearance of the application site, the street scene and the locality more widely and the highways network. This application is therefore recommended for approval subject to conditions.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework
- 5.2 Development Plan Document 1: Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance)
- 5.3 Development Plan Document 2: Development Management (2015) policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM13 (Shopping Frontage Management outside the town centre), DM15 (Sustainable Transport Management)

5.4 SPD1 Design & Townscape Guide (2009)

6 Representation Summary

Design and Regeneration

6.1 No comments.

Traffic and Transportation

6.2 No objections. The customers accessing the new pick up facility will utilise the same access point as the current collection point. Vehicles will be loaded with shopping and exit in a forward gear. The location of the collection points provides good visibility in both directions to ensure customers can make a safe exit.

7 Public Consultation

7.1 Two site notices were displayed on the 24.05.2017 and no letters of representation have been received in relation to this proposal.

8 Relevant Planning History

There is an extensive history relating to this site, the most relevant applications include:

8.1 2017- Car park alterations, relocation of lighting columns and associated works- Refused (17/00446/FULM)

8.2 Erect canopy to be used in association with waiting and loading area for customer grocery collection to south elevation- Granted (13/00571/FUL)

9 Recommendation

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

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

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

2 The development hereby permitted shall be carried out in accordance with the approved plans PL_01A Site Location Plan; PL_02B Proposed external Drive Thru; PL_03 Existing click and Collect Canopy.

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

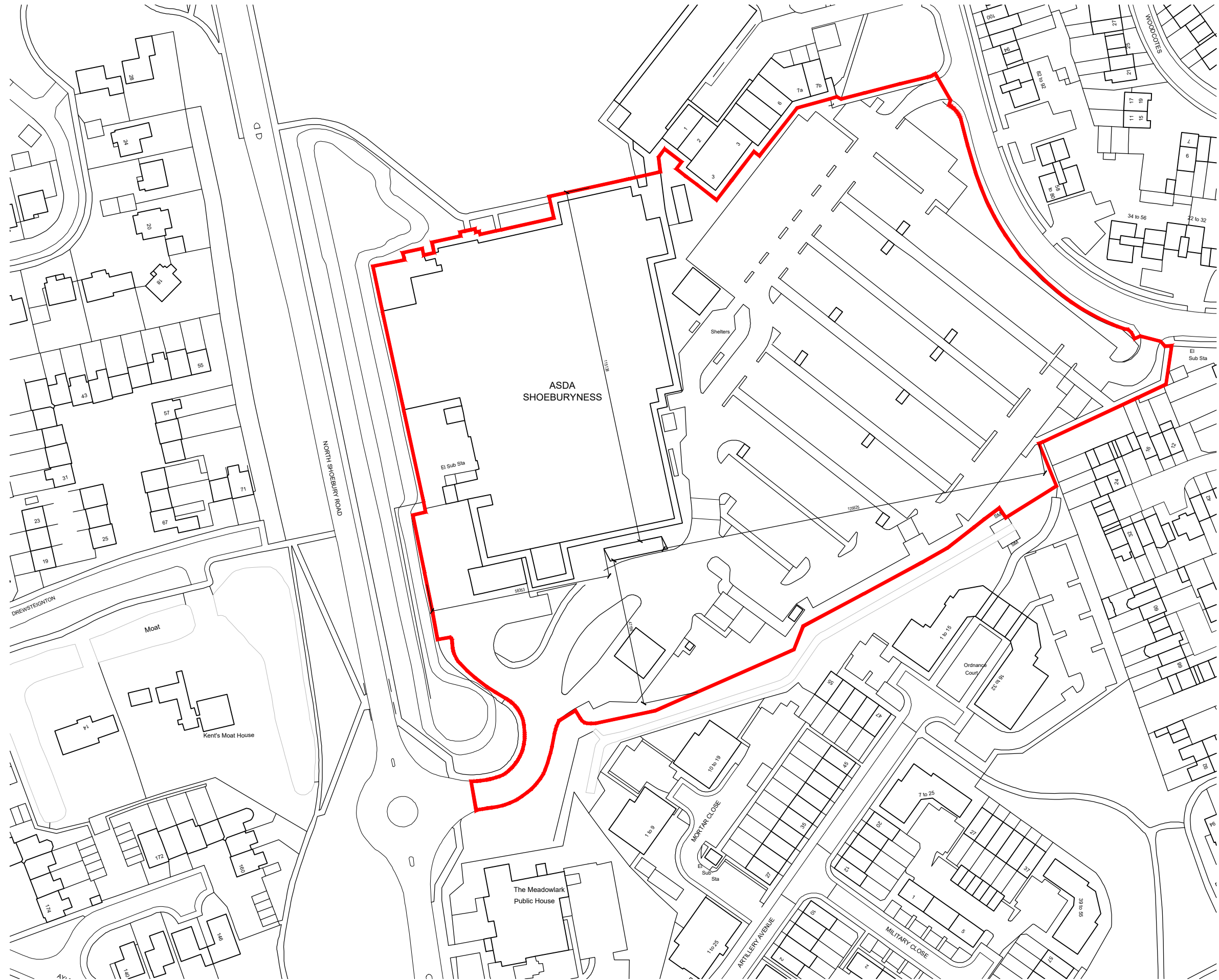
- 3 The development hereby approved shall be carried out in accordance with details on drawing PL_02 Revision with respect to the materials used before it is brought into use.

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 policies DM1 and DM3 and SPD1 (Design and Townscape Guide)

Informative

- 1 You are advised that as the proposed works will not result in the creation of internal floorspace in accordance with 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.



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LEGEND:

RED LINE INDICATES EXISTING SITE OWNERSHIP BOUNDARY.



129

A 28/04/17, Boundary line amended to suit planners comments. | LB / AB

PLANNING

No. Date Description Drawn/Checked by
CLIENT



PROJECT
ASDA SHOEBURYNESS

TITLE
SITE LOCATION PLAN

DRAWING STATUS
PLANNING

DRAWN DB CHECKED LB

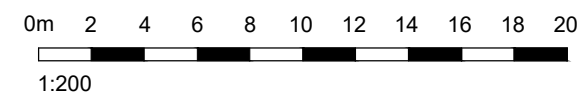
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DATE MARCH 2017

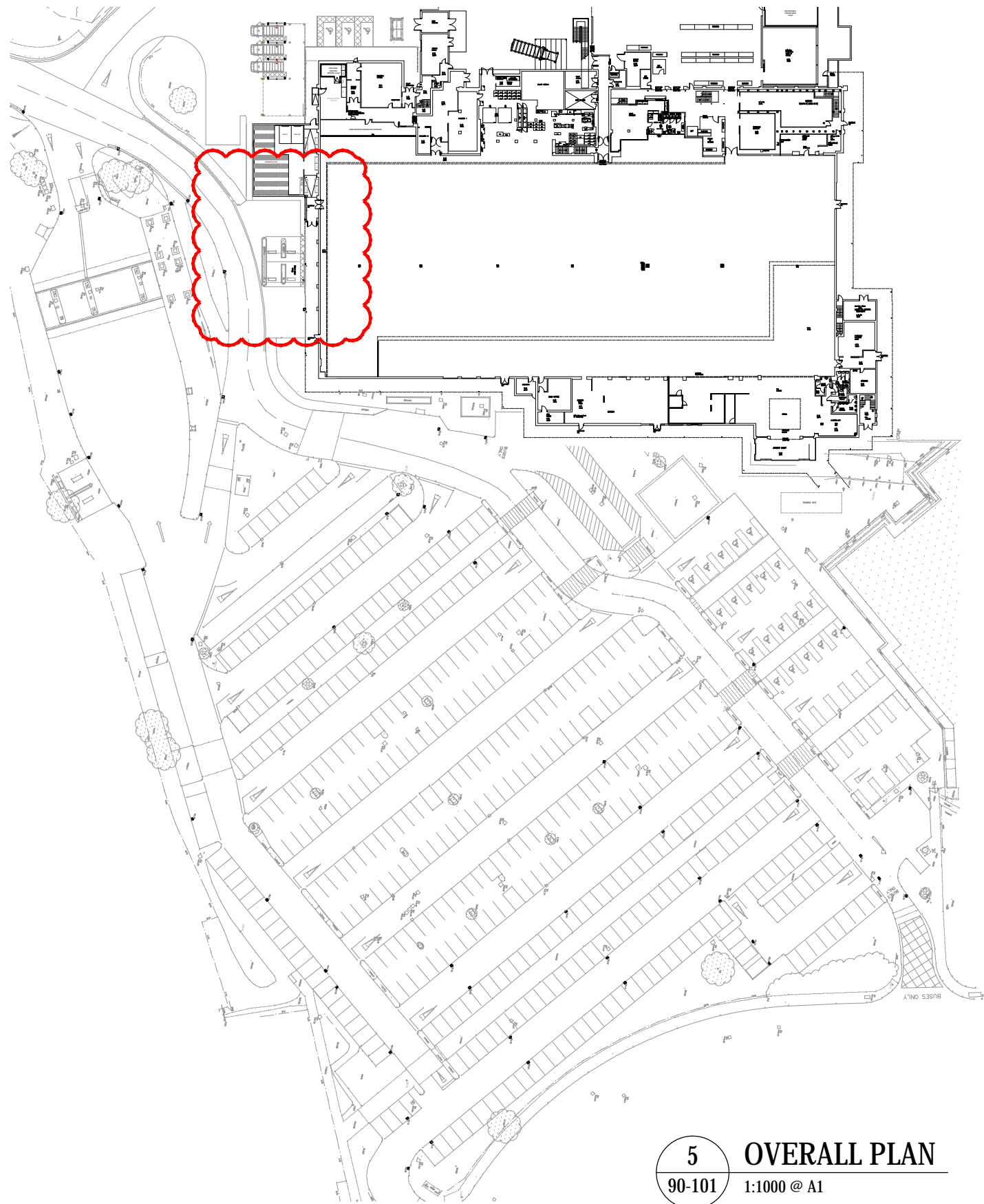
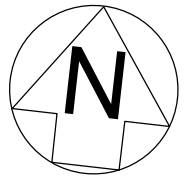
Whittam Cox ARCHITECTS
Chesterfield / 01246 260261
London / 020 3388 0019
Leeds / 0113 3366018
whittamcox.com

JOB NO. 160428 DRAWING NO. PL_01 REV A

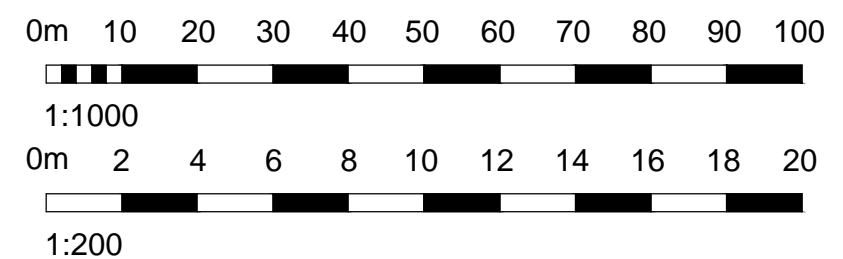
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PL_01 Scale 1:1250 @ A3



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5 OVERALL PLAN
90-101 1:1000 @ A1



PLANNING

CLIENT



PROJECT
ASDA SHOEBOURNESS

TITLE
EXISTING CANOPY ELEVATIONS

DRAWING STATUS
PLANNING

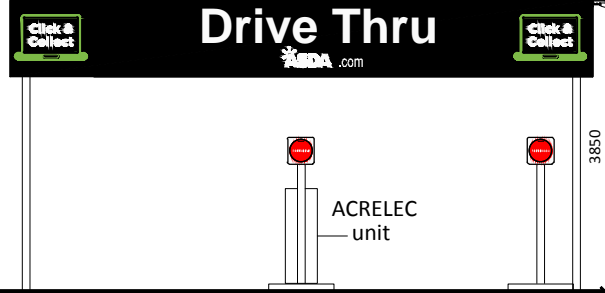
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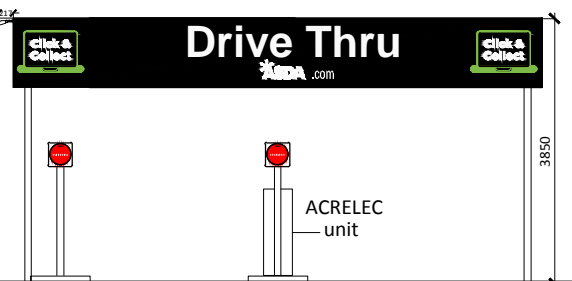
DATE March 2017



JOB NO. 160428 DRAWING NO. PL_03 REV -



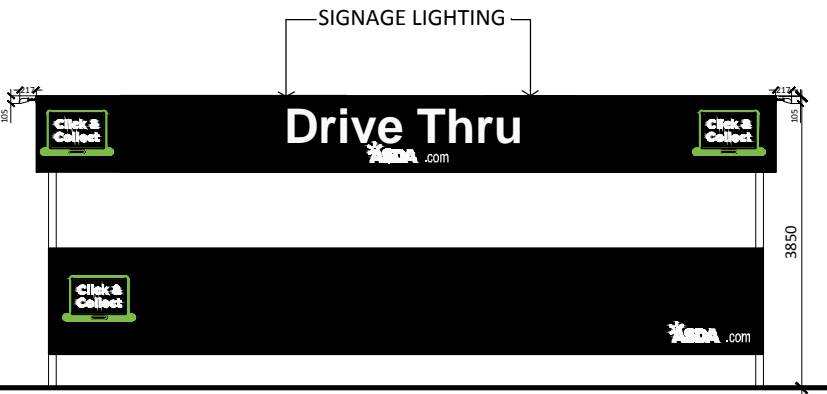
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90-101 1:100 @ A1



2 EXISTING SIDE ELEVATION OF CANOPY
90-101 1:100 @ A1

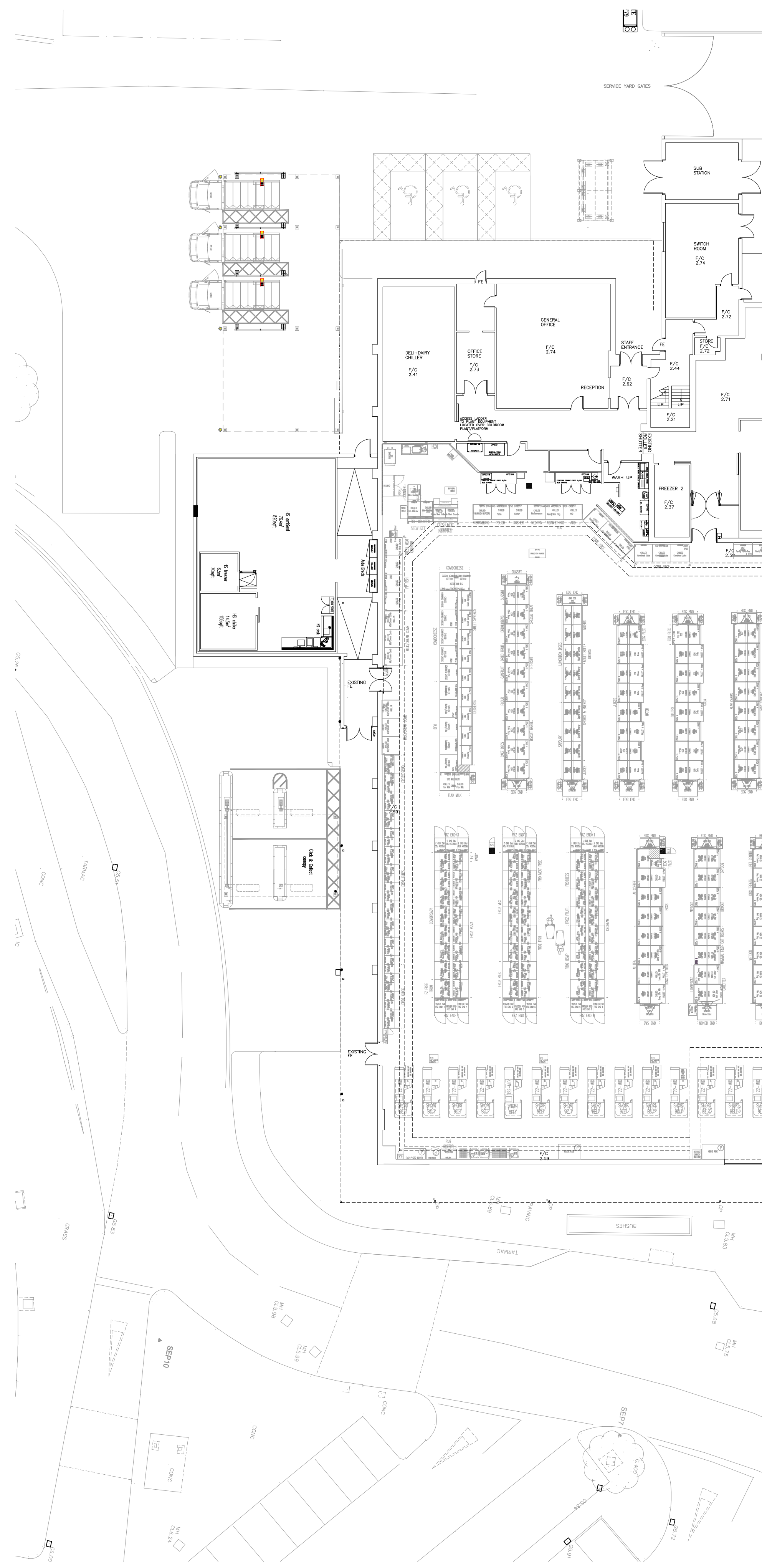


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90-101 1:100 @ A1

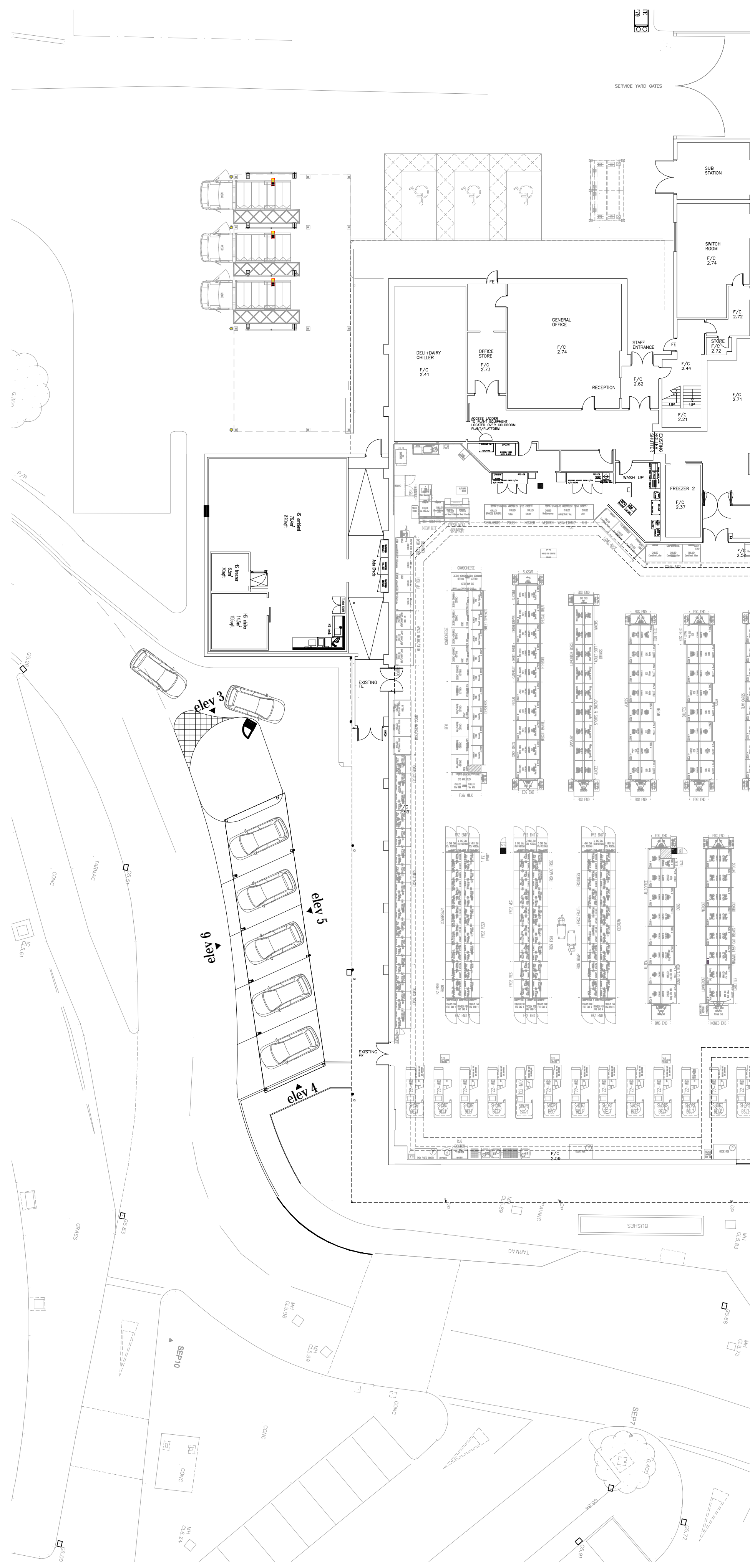


4 EXISTING FRONT ELEVATION OF CANOPY
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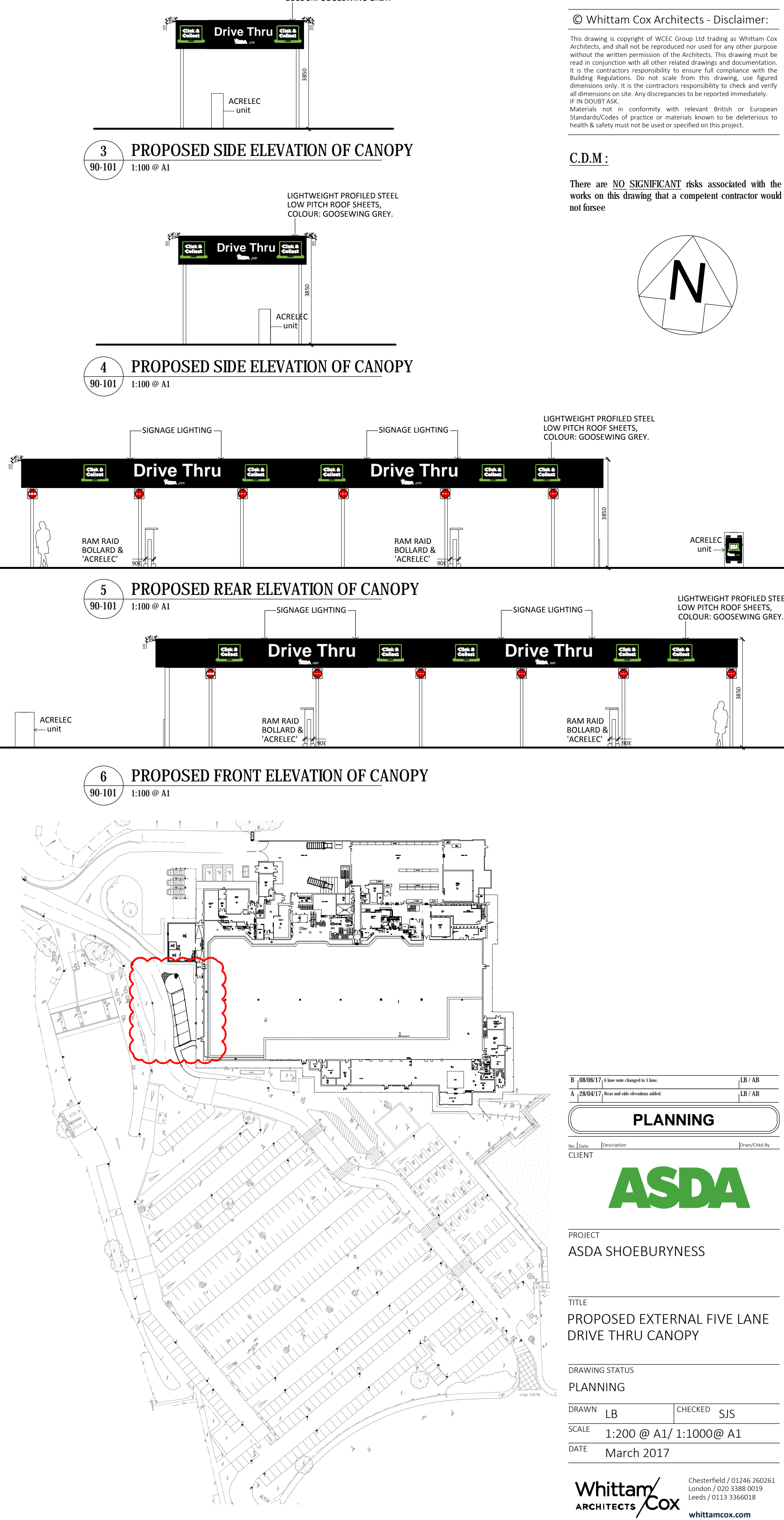
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1 EXISTING SITE LAYOUT WITH 2 LANE CANOPY
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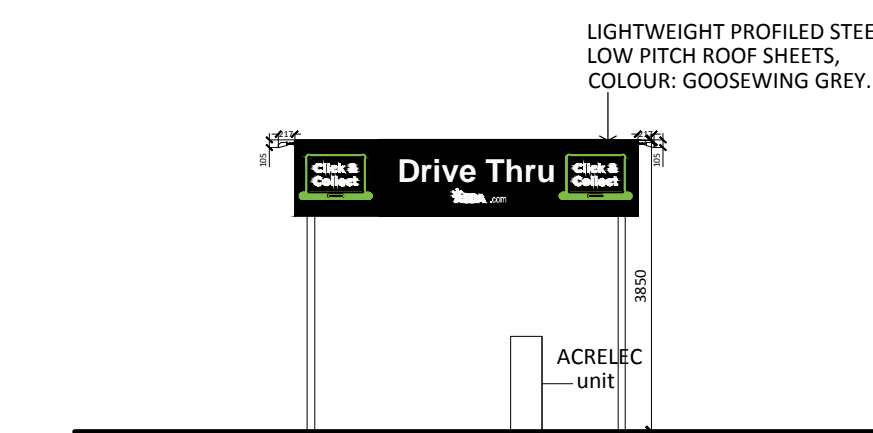


2 PROPOSED SITE LAYOUT WITH 5 LANE DRIVE THRU
90-101 1:200 @ A1

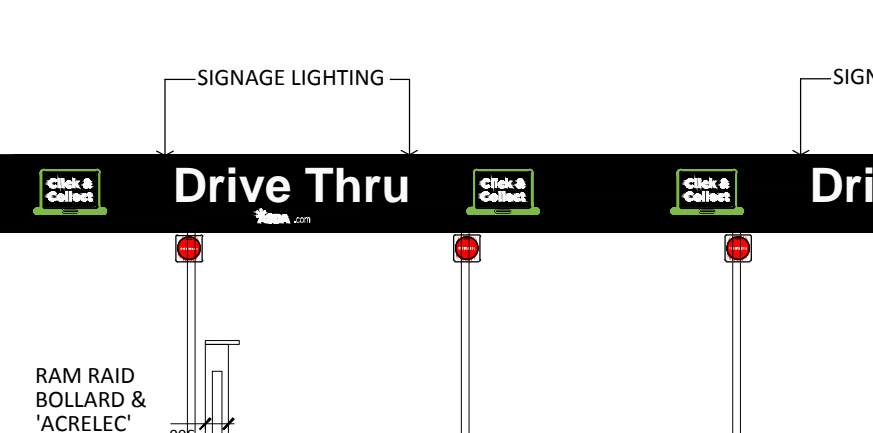


7 OVERALL PLAN
90-101 1:1000 @ A1

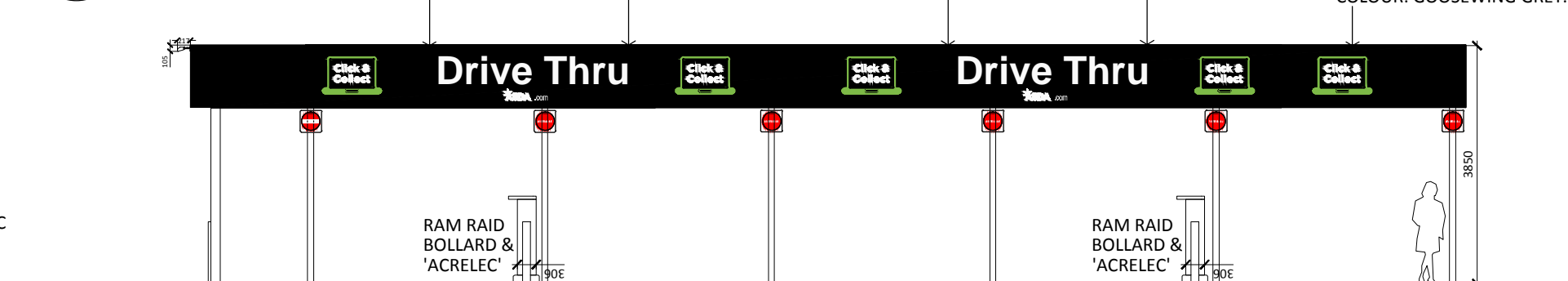
3 PROPOSED SIDE ELEVATION OF CANOPY
90-101 1:100 @ A1



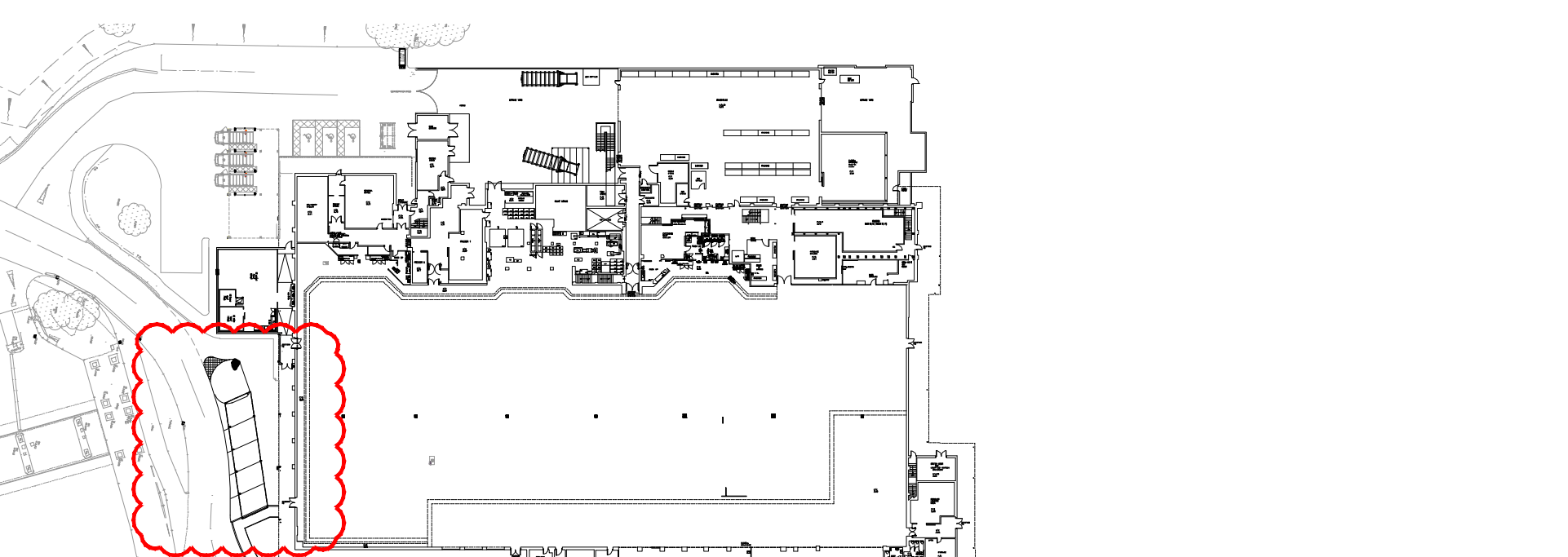
4 PROPOSED SIDE ELEVATION OF CANOPY
90-101 1:100 @ A1



5 PROPOSED REAR ELEVATION OF CANOPY
90-101 1:100 @ A1



6 PROPOSED FRONT ELEVATION OF CANOPY
90-101 1:100 @ A1

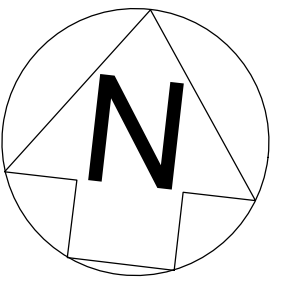


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C.D.M.:

There are NO SIGNIFICANT risks associated with the works on this drawing that a competent contractor would not foresee



B (R0017) of Bar with change to 5mm LB/AB
A (Z0047) Bar and safe dimensions added LB/AB

PLANNING

No Date Description Drawn/Checked by CLIENT



PROJECT
ASDA SHOEBOURNESS

TITLE
PROPOSED EXTERNAL FIVE LANE DRIVE THRU CANOPY

DRAWING STATUS
PLANNING

DRAWN LB CHECKED SJS

SCALE 1:200 @ A1/ 1:1000 @ A1

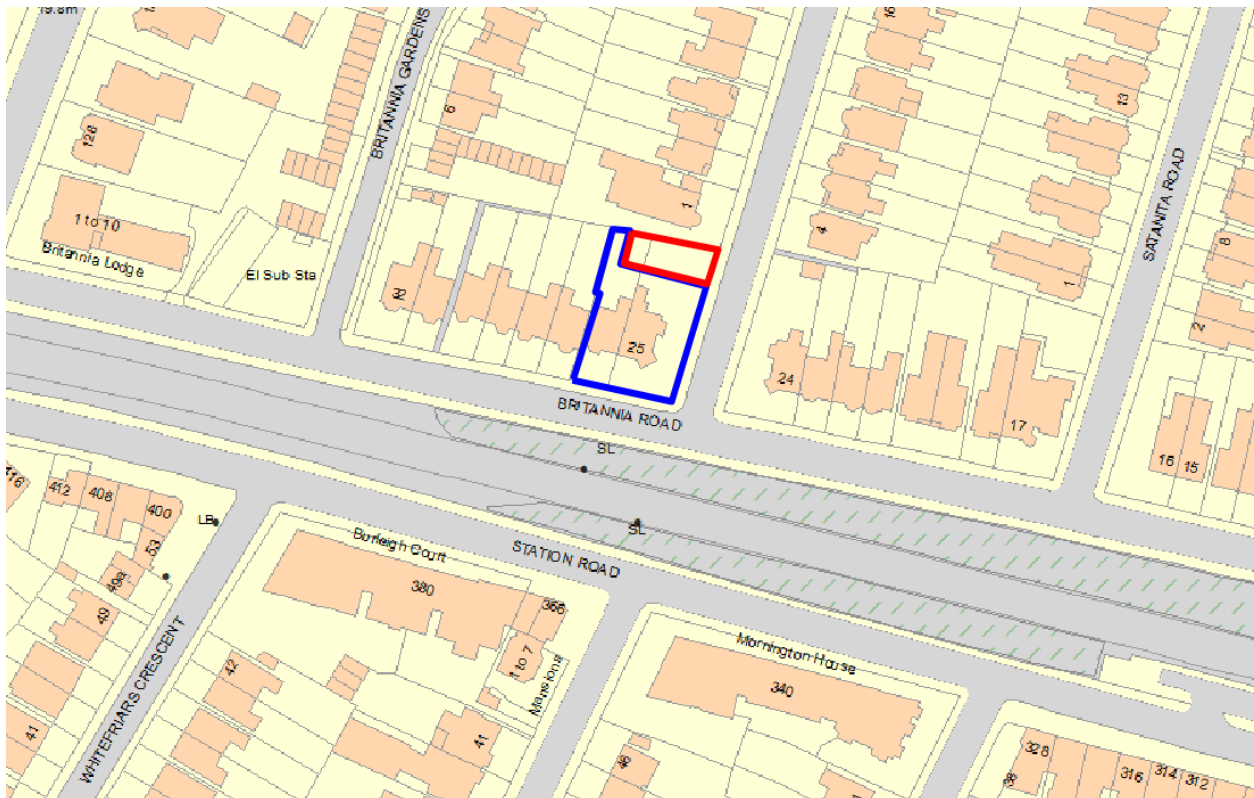
DATE March 2017

Whittam Cox ARCHITECTS
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JOB NO. DRAWING NO. REV
160428 PL_02 B

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Reference:	17/00584/FUL	<h1>7</h1>
Ward:	Chalkwell	
Proposal:	Erect two storey dwellinghouse on land at rear (Amended Proposal)	
Address:	25 Britannia Road, Westcliff-On-Sea, Essex	
Applicant:	Mrs Linda Harrison	
Agent:	Mercer Planning Consultants Ltd	
Consultation Expiry:	21.06.2017	
Expiry Date:	13.06.2017	
Case Officer:	Janine Rowley	
Plan Nos:	P1000 Revision A; P1001 Revision A; P1002; P1003 Revision C; P1005; P1007; P1010; P1011; P1012; P1008; P1006; P1004 Revision A and P1009	
Recommendation:	GRANT PLANNING PERMISSION	



1 The Proposal

- 1.1 Planning permission is sought to erect a two storey dwelling on land at the rear of 25 Britannia Road. The proposed dwelling is 7.4m wide x 6.5m-7.3m x 8.5m high pitched roof. Materials include render, clay roof tiles, white upvc windows and doors. The hardstanding surface would be constructed from Tegula paving.
- 1.2 The internal floorspace of the proposed dwelling proposed equates to 80sqm including a kitchen, dining room, living room and toilet to the ground floor and 1 bedroom, study room and a bathroom to the first floor. Officers therefore consider the new dwellinghouse would provide 2 bedrooms (3 persons) rather than a one bedroom dwellinghouse referred to within the Design and Access Statement accompanying this planning application.
- 1.3 One off street parking space is proposed to the front of the site and cycle/refuse storage to the side of the property. The amenity space to the rear is 54sqm (excluding the area to the side boundary abutting number 25 Britannia Road).
- 1.4 The proposal also includes the formation of four parking spaces to serve the existing flats, which would be in located Ailsa Road.
- 1.5 It should be noted a previous application to redevelop the site for residential use was refused under application 15/02130/FUL. The two storey dwellinghouse was refused for the following reasons:

1. *“The proposed dwelling, by reason of its siting would be out of keeping with the existing layout and grain of development in the area resulting in infill development appearing conspicuous and visually harmful to the surrounding area. This is contrary to the National Planning Policy Framework policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of Development Management Document DPD2 and policies and the Design and Townscape Guide”.*
2. *“The proposal would result in a loss of parking provision to serve existing occupiers of 25 Britannia Road will result in additional on street parking in an area of parking stress to the detriment highway safety and the local highway network contrary to guidance contained within the NPPF, Policy DM15 of the emerging Development Management DPD2, Policy CP3 of the DPD1 (Core Strategy), policy DM15 of the Development Management Document and the Design and Townscape Guide (SPD1)”.*
3. *“The proposed development would result in an unacceptable loss of amenity space to no. 25 Britannia Road resulting in a poor environment for occupants thereof contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policy DM1 of the Development Management Document and advice contained within the Design and Townscape Guide SPD1”.*
4. *“The proposed amenity space to serve the new dwelling would be unacceptably overlooked by the occupiers of 26 Britannia Road resulting a loss of privacy for future occupants contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policy DM1 of the Development Management Document and advice contained within the Design and Townscape Guide SPD1”.*

5. *“The proposal by reason of lack of information which fails to demonstrate accessibility and adaptability of the dwellinghouse in accordance with Building Regulation M4 (2) will result in poor living environment for future occupiers. This is contrary to the NPPF, policies KP2 and CP4 of the Core Strategy, policies DM1, DM3 and DM8 of the Development Management DPD2 and National Technical Housing Standards DCLG 2015”.*
6. *“The proposed vehicular crossovers by reason of extent of hardstanding surface and proximity to both the street trees would be detrimental to the health of both of these trees and potentially result in their loss. This would be detrimental to the visual amenities of the streetscene and contrary to the National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy, Policies DM1 and DM15 of the Development Management Document and the Design and Townscape Guide (SPD1)”.*

1.6 The appeal following the above application was subsequently dismissed (reference: 3149882) and will be discussed in further detail below within the appraisal section of this report. The main conclusions of the appeal decision by the Inspector was that:

- The loss of the street trees would be harmful to the character and appearance of the area;
- Insufficient information had been provided in relation to justifying the parking provision;
- A suitable condition could be imposed in relation to the new dwellinghouse meeting M4(2) building regulations standards to ensure the dwelling is accessible and adaptable for all if the application was deemed acceptable;
- The private amenity space proposed serving the new dwelling would not be overlooked by number 26 Britannia Road and the reduction of amenity space serving the existing flats at number 25 Britannia Road, whilst would reduce the private outside space there would be an area sufficient to accommodate a table and chairs for existing residents and this would be acceptable.

1.7 The main amendments following the previously refused application include the retention of the existing street trees, formation of four parking spaces and two vehicle crossovers along Ailsa Road to serve the existing flats and the reduction in car parking provision to the new dwellinghouse whereby only one parking space is now proposed. The overall design and scale of the dwellinghouse remains unchanged from the previously refused application 15/02130/FUL.

2 Site and Surroundings

2.1 The existing site comprises of 5 parking spaces which serve the flats at 25 Britannia Road, although the site appears to have been fenced off.

2.2 The surrounding street scene of Ailsa Road and Britannia Road comprises of detached and semi-detached two storey dwellings many of which have been converted into flats. The proposal is sited within a residential area.

3 Planning Considerations

- 3.1 The main considerations of this application are the principle of the development, design, traffic and transportation and impact on residential amenity, sustainable construction, CIL and whether the proposal has overcome the previous reasons of application 15/02130/FUL and the subsequent appeal decision (reference: 3149882).

4 Appraisal

Principle of Development

National Planning Policy Framework; Core Strategy (2007) Policies KP1, KP2, CP4 and CP8; Development Management (2015) policies DM1, DM3, DM7, and the Design and Townscape Guide (2009).

- 4.1 Government guidance contained within the National Planning Policy Framework (NPPF) encourages effective use of land by re-using land that has been previously developed.
- 4.2 The proposal would be located on an area of hardstanding, which was previously used for the parking of 5 vehicles serving the flats (approved under application 88/1172) and as the garden area for no. 26 Britannia Road although it was noted following a site visit the land appears to have been fenced off.
- 4.3 Policy DM3 of the Development Management Document DPD2 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 responding positively to the local context and not leading to over-intensification. Any infill development will be resisted if it creates a detrimental impact on the living conditions and amenity of existing and future residents or neighbouring residents, conflict with the character or grain of the local area, result in a contrived and unusable garden space for existing and proposed dwellings or result in the loss of local ecological assets.
- 4.4 Section 5.3 of the Design and Townscape Guide (SPD1) deals with infill development and it is stated:
- “The size of the site together with an analysis of local character and grain will determine whether these sites are suitable for development. In some cases the site may be too small or narrow to accommodate a completely new dwelling (including useable amenity space and parking) and trying to squeeze a house onto the site would significantly compromise its design quality and be detrimental to neighbouring properties and local character. Unless an exceptional design solution can be found, infill development will be considered acceptable”.*
- 4.5 Where such development is acceptable in principle SPD1 states that it is important to draw strong references from surrounding buildings in terms of scale, frontage, materials and rhythm.
- 4.6 The Inspector in the recent appeal decision (reference 3149882) relating to this site in paragraph 6 states:

“The proposed dwelling would incorporate a hipped roof and is of a scale and design which matches No 25 and No 1 Ailsa Road (no. 1). Even, though the proposed dwelling would be set in a smaller plot than other properties in the area, this would not be noticeable in the street scene. The proposed dwelling would be set in from the side boundaries and positioned in line with the front elevation of No 1 and the side elevation of NO 25, such that it would not appear cramped and would follow the layout of development in the surrounding area”.

- 4.7 The Inspectors decision is a material planning consideration and in light of the above, the principle of the dwelling in this location, is acceptable on this plot.
- 4.8 It is not considered the proposed development by reason of its location, size of the site and impact on local character and urban grain of the area would be detrimental to the character and appearance of the area and the proposed development will provide much needed housing. The proposal has therefore overcome reason 01 of 15/02130/FUL.

Design and Impact on the Streetscene

National Planning Policy Framework; Core Strategy (2007) Policies KP2 and CP4; Development Management Plan (2015) policies DM1 and DM3 and the Design and Townscape Guide SPD1 (2009).

- 4.9 The existing site comprises of a hardstanding surface for 5 parking spaces serving the 5 flats at 25 Britannia Road and the rear garden area of no. 26 Britannia Road. The existing property at no. 25 to the south of the site is two storey and was converted to 5 self-contained flats in 1988 (88/1172). The surrounding locality comprises of two storey detached and semi-detached properties of similar style. To the immediate north is a residential care home.
- 4.10 The overall design and scale of the dwelling houses remains unchanged from the previously refused application 15/02130/FUL, which has not been previously objected to and considered acceptable.
- 4.11 No objection is raised to the layout of one parking space to the front of the new dwelling. The Inspector in paragraph 7 of the appeal decision (reference: 3149882) stated:
- “However, the loss of the street trees would be harmful to the character and appearance of the area and the proposed development would therefore be in conflict with the Design and Townscape Guide Supplementary Planning Document 1 (SPD1) and the development plan. It would specifically conflict with policies KP2 and CP4 of the Southend on Sea Core Strategy (2007) (CS) and policies DM1 and DM3 of the Southend on Sea Development Management Document (2015) (DMD) which, taking together, aim to ensure good design and that new development does not conflict with the character of the local area”.*
- 4.12 This amended proposal has sought to provide two vehicle crossovers to the south of the site, maintaining the two existing street trees. As stated above, this amended proposal is seeking to retain the existing street trees and the layout ensures the tree root protection area is protected.

In light of this, the revised proposal would maintain the character and appearance of the street scene in this location therefore overcoming reason 02 of application 15/02130/FUL and concerns raised by the Inspector the subsequent appeal decision.

Standard of Accommodation for Future Occupiers

National Planning Policy Framework, Core Strategy policies KP2 and CP4 (DPD1), Development Management Document (DPD2) policies DM1, DM3 and DM8, The National Technical Housing Standards DCLG 2015 and Design and Townscape Guide (SPD1)

- 4.13 The National Housing Standards have been adopted and state a 58sqm internal floorspace per one bedroom dwelling (2 bed spaces) is required to ensure the development provides an adequate standard of accommodation. The proposed internal size of the dwellinghouse at 80sqm. Whilst drawing P1004 Revision A shows one bedroom and a study, the study is 3.1m wide x 3m deep and therefore capable of providing a 2nd potential bedroom and has an internal floor area of 8.2sqm. The National Technical Housing Standards states in order to provide one bedspace, a single bedroom has a floor area of at least 7.5m² and is at least 2.15m wide. Officers therefore consider the new dwellinghouse would provide 2 bedrooms (3 persons) dwelling rather than a one bedroom dwellinghouse as referred to within the Design and Access Statement accompanying this planning application. However, the dwelling would still be compliant with the National Technical Housing Standards, which requires 70sqm for a two bedroom (3 person) dwellinghouse. All rooms will benefit from sufficient outlook and daylight.
- 4.14 Part M4 (2) of the Building Regulations adopted by the National Technical Housing Standards 1st October 2015 requires provision of accessible and adaptable dwellings. The applicant has provided supporting information demonstrating that the proposal meets the criteria for the Building Regulation M4 (2). Thus the development will be accessible and adaptable dwellings for older people or wheelchair users, in accordance with the NPPF, Policies DM3 and DM8 of the Development Management DPD and National Housing Standards 2015. This element of the proposal has therefore overcome reason 05 of application 15/02130/FUL and in line with the Inspectors appeal decision (reference: 3149882).
- 4.15 One of the core planning principles of the NPPF is that the planning system should *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*.
- 4.16 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.
- 4.17 Whilst the Council’s Design and Townscape Guide states:
- “Outdoor space significantly enhances the quality of life for residents and an attractive useable garden area is an essential element of any new residential development”*.

- 4.18 The proposed dwellinghouse will have access to 54sqm, which has increased from 44sqm amenity space of the previously refused application (15/02130/FUL), to the rear of the site. This is considered sufficiently useable amenity space for the new dwellinghouse. Reason for refusal 04 of application 15/02130/FUL considered the proposed amenity space would be overlooked by existing occupiers at no. 26 Britannia Road, which was not acceptable for future occupiers given the limited separation distance from existing occupiers at no. 26 Britannia Road. However, the Inspector in the recent appeal decision (reference: 3149882) took a different view and in paragraphs 16 and 17 concluded the private amenity space would not be overlooked stating:

16. "The Council are concerned that the proposed private amenity space would be overlooked by the occupants of No 26 Britannia Road (No 26). However, the appeal site sits slightly higher in level than No 26 and the closest window at first floor level serves a bathroom. Overall in my view sufficient separation distance would remain for the proposed rear garden not to be significantly overlooked over any boundary treatment".

17. "For these reasons, the proposed development would not result in harmful living conditions for future occupiers with particular regard to privacy. In this regard the proposal would comply with the development plan. It would specifically comply with Policies KP2 and CP4 of the CS and Policy DM1 of the DMD which seek to ensure good design and that new development provides a good standard of living accommodation for future occupiers".

- 4.19 The proposed development would therefore not result in harmful living conditions for future occupiers in relation to privacy. The proposal has therefore overcome reason 04 of application 15/02130/FUL.

- 4.20 The existing amenity space serving the existing flats at 25 Britannia Road will be affected by the siting of four parking spaces along Ailsa Road. Whilst this was previously considered unacceptable as set out in reason 03 of application 15/02130/FUL, the Inspector considered this issue and concluded in paragraph 19 of his decision:

"Although the creation of four off street spaces would reduce the amount of private outside space to the side, an area would remain which would be sufficient to accommodate a table and chairs and could be used comfortably by a number of residents at the same time".

- 4.21 In light of the above, it is considered the formation of the four vehicle spaces along Ailsa Road will not have a harmful impact on the amenities of existing users of the five flats in 25 Britannia Road. The proposal will also reduce the amenity area of serving no. 26 Britannia Road which will be reduced from 146sqm to 115sqm; however this is still considered sufficient useable amenity space. This element of the proposal has therefore addressed reason for refusal 03 of application 15/02130/FUL.

Traffic and transportation

National Planning Policy Framework; Core Strategy (2007) policies KP2, CP4, CP3; policy DM15 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

- 4.22 Planning permission was granted in 1988 to convert the existing dwelling at no. 25 Britannia Road into 5 self-contained flats. As part of the application, parking was allocated to the north of the site, where this development is proposed. Condition 2 of application 88/1172 states:

“Before any of the flats are occupied, 5 parking spaces shall be provided on a hardstanding with vehicle access to the adjoining highway, all in accordance with the approved plans. The parking to be reserved for occupiers/callers to the premises”.

- 4.23 This amended proposal will provide one parking space for the new dwellinghouse and will provide four parking spaces to the south along Ailsa Road. Policy DM15 of the Development Management Document DPD2 states that two parking spaces should be provided for houses and one parking space per flat in this location. However, policy DM15 goes on to states:

“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”.

- 4.24 The Inspector considered within the recent appeal decision (reference: 3149882 paragraph 10), that the site was within walking distance to a number of bus stops and a railway station. However, the applicant had failed to provide substantive evidence to assess the frequency of the services and destinations. The applicant has now provided a transport assessment and parking survey, carried out by Paul Mew Associates that demonstrates the site is within a sustainable location, given the site is 600m away from the west of Hamlet Court Road, two pairs of bus stops are located 320m to the west and one to 650m to the east with 7 bus services. The site is also 500m walking distance to Westcliff-on-Sea railway station located to the south east of the site and has up to 12 services an hour to London Fenchurch Street, Shoeburyness and Southend Central. Whilst the new dwellinghouse will have one parking space and the five flats will be served by four parking spaces the applicant has demonstrated the site is within a sustainable location and therefore on balance no objection is raised.
- 4.25 In light of the above, the Councils Highway Officer has raised no objection. Taking all these factors into account it is considered that the proposal has therefore overcome reason 02 of application 15/01230/FUL.

Impact on residential amenity

National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, Development Management (2015) policies DM1 and DM3 and the Design and Townscape Guide (2009)

- 4.26 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.
- 4.27 With regards to overlooking or loss of privacy one window is proposed to the first floor of the proposed dwelling facing no. 25 Britannia Road to the south however, the window has been required by condition to be obscure glazed. This overcomes any privacy and overlooking concerns.
- 4.28 It is not considered the overall scale of the development will be overbearing or detrimental to the amenities of existing occupiers surrounding the site nor will the proposal result in loss of light given the position directly to the rear of no. 25 Britannia Road. Taken in the round, the design of the proposal is such that it is not found to be unacceptable in terms of its impacts on neighbour amenity in any respect.

Sustainable Construction

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

- 4.29 Policy KP2 of the Core Strategy states:

“All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. At least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in SPD 1 Design and Townscape Guide”.

- 4.30 The provision of renewable energy resources should be considered at the earliest opportunity to ensure an intrinsic design in this instance no details have been submitted for consideration. However, if this application is deemed acceptable this can be dealt with by condition.
- 4.31 Policy KP2 of the Core Strategy DPD1 requires the need for all new development to incorporate SUDs to enable surface water attenuation for the site. No details have been submitted at this time however, if the application is deemed acceptable a suitable condition can be imposed.

- 4.32 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 if the application is deemed acceptable.

Other Matters

Permitted Development Rights

- 4.33 It is noted that given the limited size of the plot and buildings, any alterations/extension of the dwelling allowed by the General Permitted Development Order may result in unacceptable living conditions of the future occupiers (i.e. should the rear amenity space be significantly reduced by a rear extension) or impact on the neighbouring properties (i.e. increased overlooking from additional dormer windows). For this reason it is considered reasonable that permitted development rights for the proposed dwellinghouses be removed if the application is deemed acceptable.

Community Infrastructure Levy (CIL) Charging Schedule.

- 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. CIL is payable on net additional gross internal floorspace. The proposed development will result in 80sqm of residential floorspace (£22 per sqm zone 3). The proposed development will therefore, result in a CIL liability of approximately £1760.00.

Conclusion

- 4.35 Having taken all material planning considerations into account, including the recent appeal decision 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 proposed dwellinghouse by reason of its design, scale, amenity space and parking provision would represent an acceptable addition within the streetscene, providing new housing and enhancing the overall character and appearance of the surrounding locality, while achieving adequate amenities for future occupiers and protecting the amenities of neighbouring properties. The retention of the street trees is welcomed and the applicant has demonstrated the parking provision for the existing flats and new dwellinghouse is acceptable within this sustainable location. The application has overcome the reason for refusing the previous application at the site.

5 Planning Policy Summary

5.1 National Planning Policy Framework 2012

- 5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP8 (Dwelling Provision)
- 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), DM8 (Residential Standards). DM15 (Sustainable Transport Management)
- 5.4 SPD1 Design & Townscape Guide 2009

6 Representation Summary

Design and Regeneration

- 6.1 No comments.

Traffic and Transportation

- 6.2 Having reviewed the application it is considered that the parking provision provided by the applicant meets the current development management document DM15.

The site is in a very sustainable location with regard to public transport with good links in close proximity. Westcliff Station is less than 500 meters away in addition to bus services in Hamlet Court Road. It is not considered that the proposal will have a detrimental impact on the public highway.

Therefore given the above information and that is contained within the transport statement no highway objections are raised.

Public Consultation

- 6.3 A site notice was displayed on the 20.04.2017 and neighbours have been notified of the proposal. Three letters of objection have been received raising the following issues:

- Harm to the amenities of neighbouring occupiers.
- The design of the proposal is unacceptable.
- Garden grabbing;
- Cutting down trees;
- Water logging and this development will increase flooding;
- Backland development;
- Parking will be lost to the flats;
- Result in loss of light and outlook;
- Poor accommodation for future occupiers
- Inadequate parking and highway safety concerns;
- The new parking spaces for the flats will result in loss of on street parking;
- Amenity space provision is not acceptable
- Conflict with planning policies.

These concerns are noted and they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

- 6.4 Councillor Folkard has requested this application be dealt with by development control committee.

7 Relevant Planning History

- 7.1 2015- 15/02130/FUL- Erect two storey dwellinghouse on land at rear- Refused. Appeal dismissed (reference: 3149882)
- 7.2 2015- 15/00432/FUL- Erect two storey dwellinghouse on land at rear- Refused
- 7.3 2010- 10/00339/FUL- Erect two storey dwelling on land at rear, lay out 8 parking spaces and form vehicular access onto Britannia Road and Ailsa Road- Refused
- 7.4 2009- 09/00247/FUL: Erect two storey dwelling on land at rear, lay out 6 parking spaces and form vehicular access onto Ailsa Road and lay out 4 parking spaces and form vehicular access onto Britannia Road- Withdrawn.
- 7.5 1988- 88/1172: Demolish detached garage at the rear, erect single storey rear extension, with dormer window to the side within extended roofspace, erect dormer window to side within extended roofspace, erect dormer window to front and convert extended dwellinghouse into 5 self-contained flats and lay out parking at the rear- Approved 9th November 1988 with conditions.

8 Recommendation

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

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

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

- 02 The development shall be carried out in accordance with the approved plans: P1000 Revision A; P1001 Revision A; P1002; P1003 Revision C; P1005; P1007; P1010; P1011; P1012; P1008; P1006; P1004 Revision A and P1009.**

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

- 03 No development shall take place until samples of the materials to be used on all the external elevations, including walls, roof, windows, doors, paving, and on any screen/boundary walls and fences, driveway, forecourt or parking area have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details before it is occupied.**

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

- 04 The development shall not be occupied until 5 car parking spaces have been provided at the site in accordance with drawing P1001 Revision A, together with properly constructed vehicular accesses to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently retained thereafter for the parking of occupiers of and visitors to the development.**

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

- 05 No development shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the local planning authority. 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. The details submitted shall include, but not limited to:-**

- i proposed finished site levels or contours;**
- ii. means of enclosure, of the site including any gates or boundary fencing;**
- 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.);**
- vii. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification**
- ix. details of measures to enhance biodiversity within the site;**

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 the amenities of occupiers and to ensure a satisfactory standard of landscaping and tree protections measures are implemented pursuant to Policy DM1 of the Development Management DPD and Policy CP4 of the Core Strategy DPD1

- 06 No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the Arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - Trees in Relation to Construction has been submitted to an approved in writing by the local planning authority. These protection measures shall be carried out in full as approved throughout the implementation of the development hereby approved.**

Reason: In the interests of visual amenity and to ensure a satisfactory standard of landscaping, pursuant to DPD1 (Core Strategy) policies KP2 and CP4, DPD2 (Development Management) policies DM1, DM3 and the advice contained in the Design and Townscape Guide.

- 07 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 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), policy DM2 of the Development Management Document (DPD2).

- 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 shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details before it is occupied and be retained as such 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).

- 09 The development hereby permitted shall not commence until details of surface water attenuation for the site, based on Sustainable Urban Drainage principles, have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is occupied unless otherwise agreed in writing with the Local Planning Authority.**

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 .

- 10 The development hereby approved shall be carried out in a manner to ensure the house 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).

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

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework, DPD1 (Core Strategy) Policies KP2 and CP4, DPD2 (Development Management Document) Policies DM1 and DM3 and SPD1 (Design and Townscape Guide).

- 12 Prior to occupation the development hereby approved the first floor windows in the flank elevations of the house hereby approved shall 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 and unopenable, except for any top hung light which shall be a minimum of 1.7 metres above internal floor level. 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. The windows shall be retained as such in perpetuity thereafter.**

Reason: To avoid overlooking and the resultant loss of privacy of the adjoining residential properties, in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policies KP2 and CP4, and DPD2 (Development Management Document) 2015 policies DM1 and DM3 and advice contained within the Design and Townscape Guide SPD1.

Informative

- 01 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.

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Appeal Decision

Site visit made on 23 August 2016

by **L Fleming BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 08 September 2016

Appeal Ref: APP/D1590/W/16/3149882

25 Britannia Road, Westcliff-on-Sea, Southend-on-Sea SS0 8BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Linda Harrison against the decision of Southend-on-Sea Borough Council.
 - The application Ref 15/02130FUL, dated 18 December 15, was refused by notice dated 9 March 2016.
 - The development proposed is erection of two storey detached dwelling house with associated parking and amenity space provision.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Amended plans were submitted with the appeal. Whilst they seek to address the impact of the proposal on trees, they also show an amended layout, particularly a revised layout of private outdoor space for No 25 Britannia Road. I consider that the plans are materially different from those formally assessed by the Council. Thus third parties may not be aware of them nor had the opportunity to consider them. Therefore in the interests of natural justice, I must determine the appeal on the basis of the original plans formally assessed by the Council.

Main Issues

3. The main issues are:
 - the effects of the proposed development on the character and appearance of the area including its effect on street trees;
 - the effects of the proposed development on highway safety;
 - whether the development would provide an accessible and inclusive form of housing;
 - the effects of the proposed development on the living conditions of future occupiers with particular regard to privacy;
 - the effects of the proposed development on the living conditions of the occupiers of No 25 Britannia Road with particular regard to access to private outdoor space.

Reasons

Character and appearance

4. The appeal site is mainly a concrete hardstanding used for parking and was formerly part of the rear gardens of Nos 25 and 26 Britannia Road. The proposed two storey detached dwelling would form part of the Alisa Road street scene, which is characterised by mainly two storey detached and semi-detached properties of a formal layout and traditional appearance set back from the road with front gardens and street trees. These features give the area a formal, traditional and relatively verdant character and appearance.
5. The appeal proposal would involve the creation of four parking spaces to the side of No 25 Britannia Road (No 25) and two parking spaces to serve the proposed dwelling, which would require the removal of two street trees. Although the trees to be removed are relatively small; trees are evenly spaced along the length of the road and are a defining characteristic of the area. In my view, the loss of the two street trees would harm the verdant character of the area.
6. The proposed dwelling would incorporate a hipped roof and is of a scale and design which matches No 25 and No 1 Alisa Road (No 1). Even, though the proposed dwelling would be set in a smaller plot than other properties in the area, this would not be noticeable in the street scene. The proposed dwelling would be set in from the side boundaries and positioned in line with the front elevation of No 1 and the side elevation of No 25, such that it would not appear cramped and would follow the layout of development in the surrounding area.
7. However, the loss of the street trees would be harmful to the character and appearance of the area and the proposed development would therefore be in conflict with the Design and Townscape Guide Supplementary Planning Document 1 (SPD1) and the development plan. It would specifically conflict with Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) (CS) and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) (DMD) which, taken together, aim to ensure good design and that new development does not conflict with the character of the local area.

Highway Safety

8. The proposal would result in the loss of five off street parking spaces which serve No 25 and the creation four off street spaces to serve the five flats. Policy DM15 of the DMD requires properties such as No 25 to provide five off street car parking spaces. The proposed dwelling would have two off street spaces, whereas Policy DM15 of the DMD would require one.
9. Furthermore, Policy DM15 also promotes viable alternatives to private vehicle use and states that 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. Moreover, it states that on street parking will only be considered appropriate where it can be demonstrated there is on street parking capacity.
10. Whilst, I acknowledge the appeal site is within a comfortable walking distance to a number of bus stops and a railway station, there is no substantive evidence before me which allows me to assess the frequency of these services

or their destinations. With the absence of such information I am unable to assess whether such services are frequent or extensive.

11. Furthermore, whilst I acknowledge that parking on street nearby is not restricted, on my site visit at around mid-day on a week day, there were only a few on street spaces available, and there is no substantive evidence before me which demonstrates that on street car parking capacity exists.
12. Thus, for the reasons given I am unable to conclude that the proposed development by virtue of insufficient off street car parking provision to serve No 25 would not be harmful to highway safety in the area. The proposed development would therefore be in conflict with the development plan, specifically Policy DM15 of the DMD which seeks to ensure new development adheres to parking standards in the interest of highway safety.

Accessible and inclusive housing

13. The Council are concerned that the proposed development would fail to adhere to M4 (2) of the Building Regulations stating that the proposal fails to demonstrate accessibility of the dwellinghouse.
14. Additional information has been submitted with the appeal that shows level accesses, door widths and space for adaptations such as a stair lift. Even though the Council have not assessed this information, I find the appeal site is relatively flat and the proposed dwelling has a relatively traditional layout. Therefore in my view, there are no specific constraints which would mean that the proposed development could not adhere to M4 (2). Thus, irrespective of the additional information this matter could be addressed through the imposition of an appropriately worded planning condition. However, as I am dismissing the appeal for other reasons I have not addressed this matter further.
15. Therefore, subject to the imposition of a suitable planning condition, I find the proposed development would provide an accessible and inclusive form of housing and thus in this regard would accord with the development plan, specifically Policy DM8 of the DMD, which sought to achieve a Lifetime Homes standard which has subsequently been superseded by Building Regulation M4 (2).

Living conditions (future occupiers)

16. The Council are concerned that the proposed private amenity space would be overlooked by the occupants of No 26 Britannia Road (No 26). However, the appeal site sits slightly higher in level than No 26 and the closest window at first floor level serves a bathroom. Overall in my view sufficient separation distance would remain for the proposed rear garden not to be significantly overlooked over any boundary treatment.
17. For these reasons, the proposed development would not result in harmful living conditions for future occupiers with particular regard to privacy. In this regard the proposal would comply with the development plan. It would specifically comply with Policies KP2 and CP4 of the CS and Policy DM1 of the DMD which seek to ensure good design and that new development provides a good standard of living accommodation for future occupiers.

Living conditions (No 25 Britannia Road)

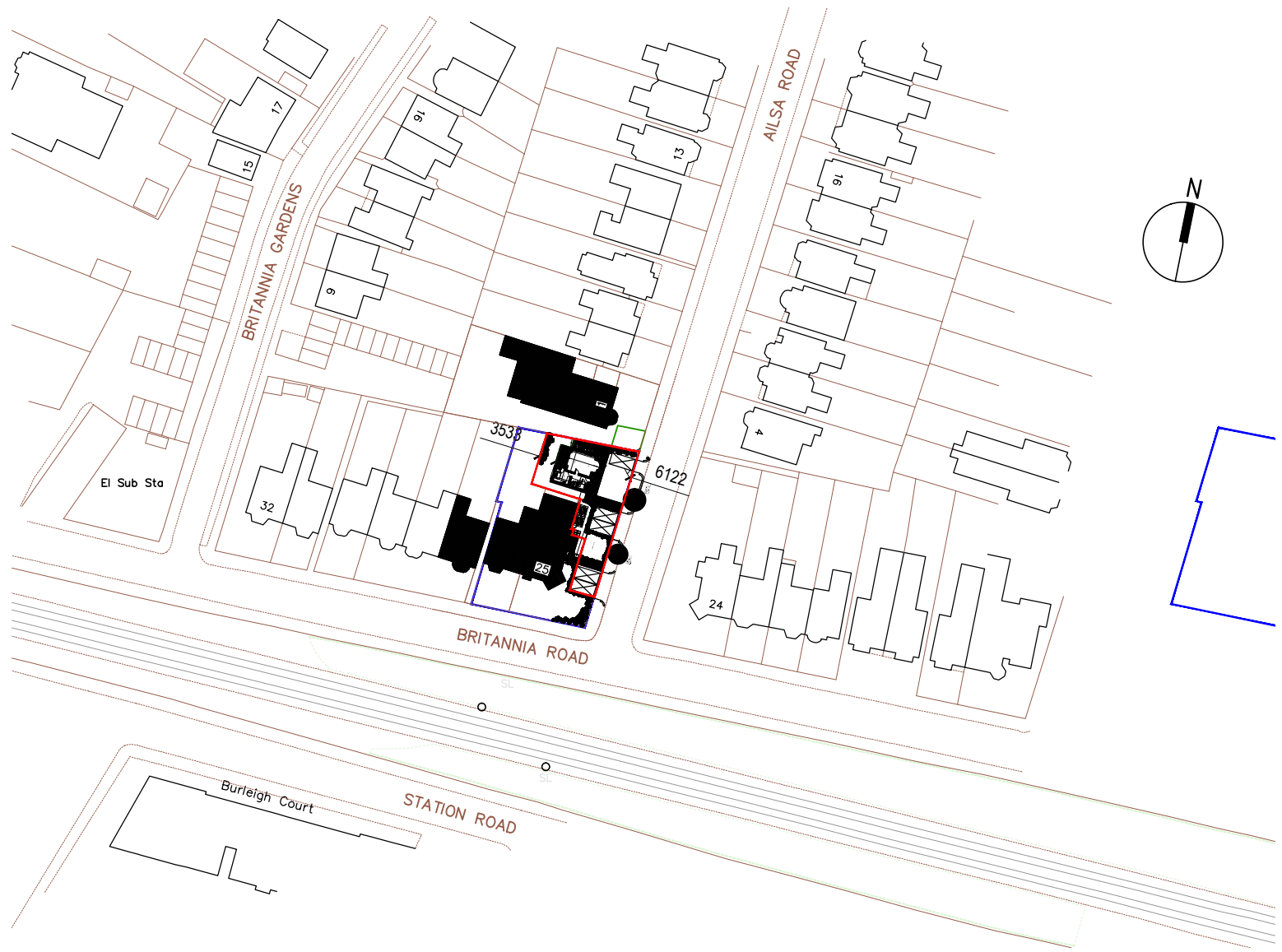
18. No 25 is currently in use as five flats. The appeal site is fenced off and laid to concrete, currently used to provide parking. The area of land to the side of No 25 is enclosed by fencing approximately 1.8 metres high and the area to the front enclosed by lower fencing and relatively thick hedging and shrubs. Thus, although both the areas of outside space to the front and side are adjacent to roads, they currently provide to areas of useable outdoor space which are private.
19. Although the creation of four off street spaces would reduce the amount of private outside space to the side, an area would remain which would be sufficient to accommodate a table and chairs and could be used comfortably by a number of residents at the same time.
20. For these reasons, I find that the proposed development would not be harmful to the living conditions of the occupiers of No 25 with particular regard to access to private outdoor space. In this regard, the proposal would comply with SPD1 and the development plan. It would specifically comply with Policies KP2 and CP4 of the CS and Policy DM1 of the DMD which taken together, seek to ensure that new development does not harm the living conditions of nearby residents.

Conclusion

21. For the reasons given, whilst I have found no harm to living conditions and that the proposal could provide an inclusive form of housing, I have found harm to the character and appearance of the area and highway safety, which are the prevailing factors. I therefore conclude that the appeal should be dismissed.

L Fleming

INSPECTOR

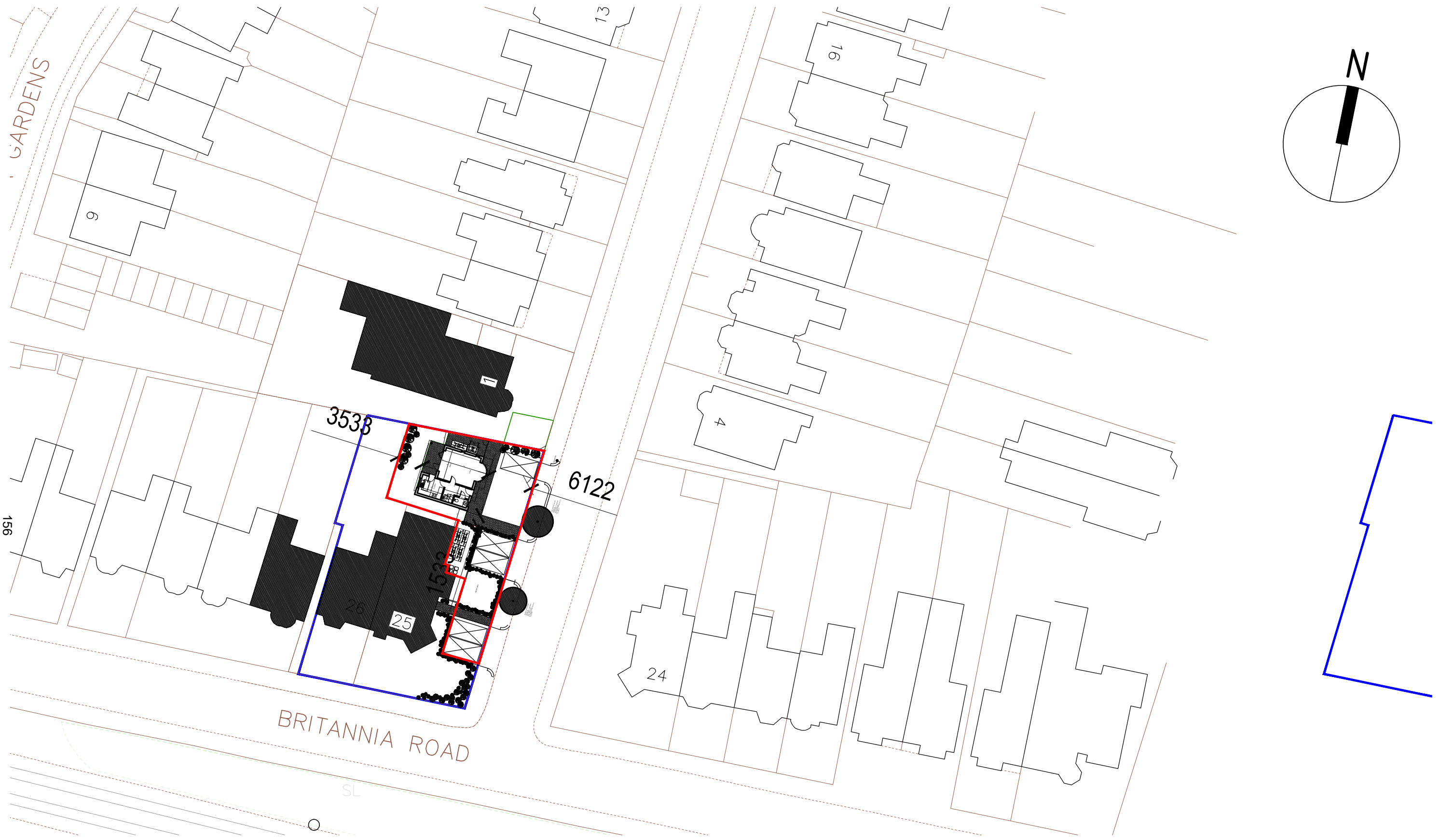


01 LOCATION PLAN
1:1250 @ A3

155

REVISIONS:		53 Cambridge Road Southend-on-Sea Essex SS1 1ET www.hedgehog-developments.com t: +44 (0) 1702 354435 m: +44 (0) 7933 686822		P1000	REV:
		PROJECT: 25-26 BRITANNIA ROAD, WESTCLIFF-ON-SEA	DATE: APRIL 2017		A
		TITLE: OSMAP	SCALE: 1:1250 @ A3		

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01

SITEPLAN
1:500 @ A3

REVISIONS:

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development

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PROJECT: 25-26 BRITANNIA ROAD, WESTCLIFF-ON-SEA

TITLE: SITEPLAN

DATE: MAY 2017

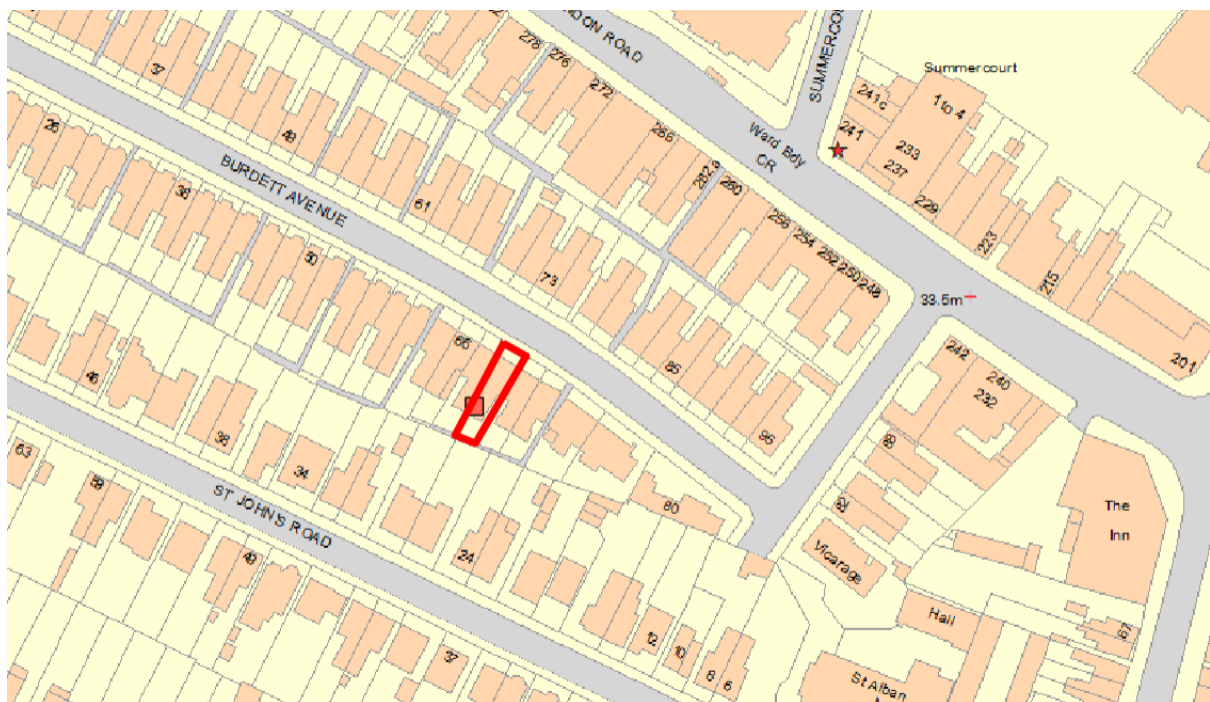
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P1001

REV:
B

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Reference:	17/00715/FUL	<h1>8</h1>
Ward:	Milton	
Proposal:	Convert existing dwellinghouse (Class C3) to house in multiple occupation	
Address:	70 Burdett Avenue, Westcliff-on-Sea, Essex, SS- 7JW	
Applicant:	Mr and Mrs Dean	
Agent:	Design Associates	
Consultation Expiry:	02.06.2017	
Expiry Date:	21.06.2-17	
Case Officer:	Janine Rowley	
Plan Nos:	01 Site and existing floorplans; 02 Revision A Location and proposed plans	
Recommendation:	GRANT PLANNING PERMISSION	



This application has been deferred from Development Control Committee on the 14th June 2017 to carry out a site visit.

1 The Proposal

- 1.1 Planning permission is sought for the conversion of the existing dwellinghouse (use class C3) a five bedroom 8 person House in Multiple Occupation (HMO) falling outside of the defined use classes (Sui Generis use).
- 1.2 The application site measures 5.4 metres wide and includes a two storey building with accommodation in the roof. The main part of the existing building measures 5.4 metres by 7.3 metres with a two storey rear outrigger that projects by 7.3 metres and measures 3.6 metres wide.
- 1.3 The submitted plans show works of internal alteration but no external alterations to the existing building. The building would be adapted to contain five bedrooms measuring between 9.1 and 18.9 square metres, a kitchen of 11sqm and two bathrooms. A room to the first floor measuring 14.1sqm would benefit from its own kitchen area.
- 1.4 The applicant has stated that parking for bicycles and refuse storage will be provided at the rear of the site within a 39.5 square metre amenity area. The 2 person bedroom to the second floor would benefit from access to an existing terrace equating to 13.4sqm. No off-street car parking would be provided.

2 Site and Surroundings

- 2.1 The application site is located to the south side of Burdett Avenue. The size and details of the application site are described above.
- 2.2 The surrounding buildings are used for residential purposes and include buildings of similar scale to the dwelling at the application site.
- 2.3 The site is not the subject of any site specific planning policies.

3 Planning Considerations

- 3.1 The key considerations are the principle of the development, the design and impact on the character of the area, the impact on residential amenity, the amenities of future occupiers and highway implications.

4 Appraisal

Principle of the Development

The National Planning Policy Framework, DPD1 (Core Strategy) policies KP1, KP2, CP4, CP6 and CP8; Development Management DPD Policies DM1, DM3 and DM8.

- 4.1 The development plan contains no policies that specifically relate to Houses in Multiple Occupation. The National Planning Policy Framework states that where the development plan is silent the general presumption in favour of sustainable development means that planning permission should be granted unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*
- 4.2 The building is located within an area of mostly residential uses. The Council’s records indicate that there are no licensed HMOs within the immediate vicinity of the application site. It is not possible to know how many small HMOs exist that would not require planning permission or a licence. In this instance it is considered that there is no basis to conclude that the proposed change of use would result in the clustering and overconcentration of HMOs within the vicinity of the site. It is noted that the Milton ward has a large share (35 of 74) of the licensed HMOs in the Borough, but none of these are within the immediate vicinity of the application site.
- 4.3 It is considered relevant to note that the Local Planning Authority has recently lost appeals relating to the overconcentration of Houses in Multiple Occupation, both of which are within the Milton Ward but would not yet appear in the list of licensed HMOs that is discussed above. In both cases (49 Milton Road and 70 Heygate Avenue) the Inspector ruled against the reasons of refusal that related to *“an overconcentration of HMOS which would have been detrimental to the overall character of the area and residential amenities”*
- 4.4 It is also considered relevant to note that the building could be used as a six person HMO without needing planning permission. This is a fallback position of significant relevance to this application.

Design and Impact on the Character of the Area:

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

- 4.5 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF, policies KP2 and CP4 of the Core Strategy and Policy DM1 of the Development Management (DPD2). The Design and Townscape Guide (SPD1) also states that the Council is committed to good design and will seek to create attractive, high-quality living environments.
- 4.6 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”.*
- 4.7 No external alterations are proposed to the existing building and it is therefore considered that the proposed change of use of the existing building would cause no harm to the character or appearance of the site or the surrounding area.

- 4.8 As noted above, it is considered relevant to understand that the appeals at 49 Milton Road and 70 Heygate Avenue referred to an alleged impact of HMOs on the character of the area. In both cases the Local Planning Authority the appeals were allowed and it is therefore considered that it would be improper to resist this application on those grounds, especially as no alterations are proposed to the existing building and the cycle and refuse store would be located at the rear of the site.

Traffic and Transport Issues

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP3, CP4; DPD2 (Development Management) Policies DM1, DM3 and DM15.

- 4.9 Policy DM15 states that *“All development should meet the parking standards (including cycle parking) set out in Appendix 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.”* There are no defined parking standards for House in Multiple Occupation accommodation.
- 4.10 The application site is located within walking distance to London Road with access to sustainable transport connections with a number of bus services available and access to schools, medical, leisure and community facilities and services. It is therefore considered that the site is in a reasonably sustainable location.
- 4.11 It is considered that there may be some car ownership amongst the occupants of the proposed building and noted that the proposal includes no provision for any car parking, thereby inevitably leading to on-street parking occurring. However, there are no parking standards for a House in Multiple Occupation and it is recognised that the use of this site as a house would also have generated parking demand. From this basis it is considered that it is not possible to justify refusing the application on the grounds of the lack of parking at the application site.
- 4.12 The building could be used as a six person HMO without needing planning permission which provides a fallback position of some relevance to this proposal. It is considered that the additional parking demand for this proposal for 8 persons (5 bedrooms) HMO would not give reasonable grounds to refuse the application.
- 4.13 The recently refused application at 49 Milton Road included a reason for refusal that related to the inadequate provision of parking. The Planning Inspector deemed that this should not be a reason for refusal in that location.
- 4.14 A location for cycle parking is not shown on the submitted drawings. However it is considered that cycle parking facilities can be adequately addressed through the use of conditions.

Impact on Residential Amenity:

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

- 4.15 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.
- 4.16 No extensions or alterations are proposed to the existing dwelling and a cycle store could be installed which would not be visible above the boundary treatments. The development would therefore have no impact on the light, privacy or outlook of neighbouring properties that would justify the refusal of the application.
- 4.17 As above, it is considered relevant to note that the appeals at 49 Milton Road and 70 Heygate Avenue referred to an alleged impact of HMOs on residential amenities. In both cases the Local Planning Authority referred to the impact of the use on the general amenity of the area. The appeals were allowed and it is therefore considered that it would be unreasonable to resist this application on those grounds.
- 4.18 The more intensive use of the building would result in more instances of people looking out towards neighbouring properties. However, as the building could be converted to a six person HMO with the windows being utilised to a comparable level, it is considered that the proposal would not cause a loss of privacy or additional overlooking to an extent that would be materially worse than the fallback position. It is therefore considered that the application should not be refused on those grounds. Moreover it is considered that the proposal would not cause material impacts on the amenities of neighbouring residents in terms of noise or general disturbance to a level that would justify a refusal of permission.

Living Conditions for Future Occupiers

National Planning Policy Framework, Southend-on-Sea Core Strategy policies KP2 and CP4 and Development Management Document policies DM1, DM3 DM8.

- 4.19 A core principle of the National Planning Policy Framework is 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.”* Moreover Policy DM1 states that development should *“Provide an internal and external layout that takes account of all potential users.”*

As the proposal relates to the change of use of a single dwelling to a more intensive use, it is considered appropriate to apply weight to policy DM3 which states that *“the conversion of existing single dwellings into two or more dwelling will only be permitted where the proposed development...does not adversely impact upon the living conditions and amenity of the intended occupants.”*

- 4.20 The Council has adopted the Essex Approved Code of Practice with respect to Houses in Multiple Occupation. These standards indicate that bedrooms for one person should measure at least 8.5 square metres and rooms for two people should measure at least 12 square metres, which the proposal would meet.
- 4.21 The standards also contain specifications with respect to sanitary installations requiring the provision of two wash hand basins, two toilets and two bathrooms which must contain a shower or bath. These would be of adequate size. The proposed amenity space to the rear of the site equates to 39sqm. There are no required policy standards for amenity space for Houses in Multiple Occupation, this is considered to be an adequate quantity external space in this instance.
- 4.22 In relation to shared kitchen facilities, current standards state up to 18sqm or 2 kitchens should be provided for 6-10 persons however, flexibility maybe considered where there are 6 or 7 persons and goes on to state either a full set of shared cooking facilities or additional facilities must be provided in an appropriate number of individual lets where the room is large enough. In this instance, the HMO will have a kitchen area of 11sqm to the ground floor serving 7 persons and to the first floor a one bedroom bedsit will have its own kitchen facilities with an area of 2.9sqm. Taking into account the overall size of the lounge area and kitchen facilities provided, considering the recent decision at 54 Ashburnham Road (17/00589/FUL) and given that the abovementioned standards are not planning standards it is considered that the application should not be found unacceptable solely due to the size of the kitchen.
- 4.23 Although the adequacy and fitting out of the proposed House in Multiple Occupation is a matter for assessment by the Private Sector Housing Team, it appears that the layout of the building would be able to accord with the abovementioned standards and therefore the development can, on balance, be found acceptable.
- 4.25 It is considered that there is scope for a refuse storage area to be provided at the site under the terms of a condition.
- 4.26 For the reasons set out above, it is considered that the standard of amenity for future occupants of the building would be acceptable and therefore the application should not be refused on that ground..

Community Infrastructure Levy

- 4.27 A Large HMO falls outside of Use Classes C3 and C4 and is therefore considered to be a Sui Generis Use. At other sites, it has been assessed that the use is residential in character and therefore the change of use from a small HMO falling within Use Class C4 to a large HMO would not represent a CIL liable change of use.

5 Conclusion

- 5.1 It is considered that there are no grounds to object to the principle of the proposed development, the visual impact of the development, the lack of parking provision or the impact on neighbouring residents. It is considered that the standard of the accommodation provided would be adequate and therefore the application should not be refused on this basis. It is therefore recommended for approval.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework and National Planning Policy Guidance.
- 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), CP6 (Community Infrastructure) and CP8 (Dwelling Provision).
- 6.3 Development Plan Document 2: Development Management Policies DM1 (Design Quality) DM3 (The Efficient and Effective Use of Land), DM8 (Residential Standards) and DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 6.6 Community Infrastructure Levy Charging Schedule.

Representation Summary

Public Sector Housing

- 7.1 No comments have been received at the time of writing.

Highway Authority

- 7.2 There are no highway objections to this proposal currently there are no parking standards for HMO's therefore consideration has been given to the sustainable location of the site which is close to London road with a regular bus service and also Westcliff station with good rail links.

Public Consultation

- 7.3 11 neighbouring properties were notified of the application and a site notice displayed on the 12.05.2017. Two letters of representation have been received objecting to the development for the following reasons:
- Overdevelopment
 - Lack of storage
 - Lack of parking
 - Loss of a family home and introduction of place of multiple occupancy.

These concerns are noted and they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

- 7.4 The application has been called in to the Development Control Committee by Cllr J. Garston and Councillor Ware-Lane.

8 Relevant Planning History

- 8.1 None.

9 Recommendation

- 9.1 **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: 01 Site and existing floorplans; 02 Revision A Location and proposed plans.

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

03. Before the occupation of the development hereby approved, details of the provision of cycle storage at this site shall be submitted to and approved by the local planning authority. The cycle parking shall subsequently be provided in accordance with the approved details prior to the first occupation of the development and be retained in perpetuity thereafter.

Reason: To ensure that satisfactory secure off-street bicycle parking is provided in accordance with DPD1 (Core Strategy) 2007 policies KP2 and CP4, Development Management DPD policy DM1, and SPD1 (Design and Townscape Guide).

04. Before the occupation of the development hereby approved, details of the provision of refuse storage facilities at the site (including day-to-day refuse storage areas and day of collection storage areas as necessary) shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse storage facilities shall be provided prior to the occupation of the development and be retained in perpetuity thereafter.

Reason: To safeguard the amenities of the future occupants of the proposed HMO and adjoining 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).

05. The building shall not be adapted to enable the formation of more than 5 bedrooms and it shall not be occupied by more than 8 persons at any one time.

Reason: To clarify the terms of the permission and enable the suitable consideration of any intensification of the use of the site.

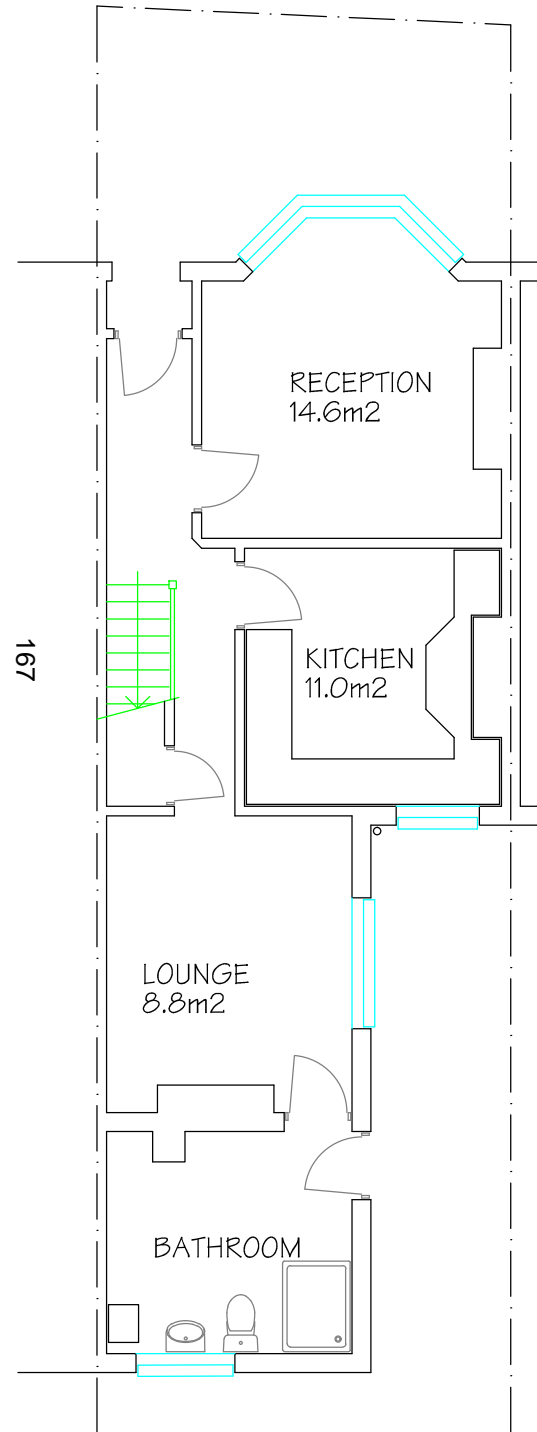
Informatives

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.

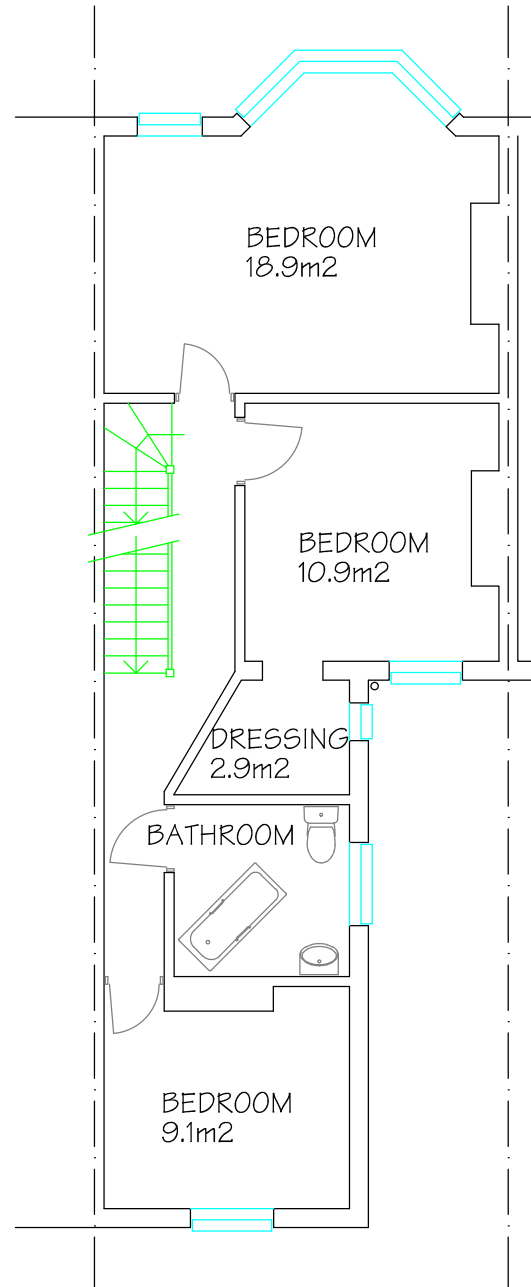
2. Please refer to www.southend.gov.uk/hmolicence for further guidance with respect to the license requirements for a HMO.

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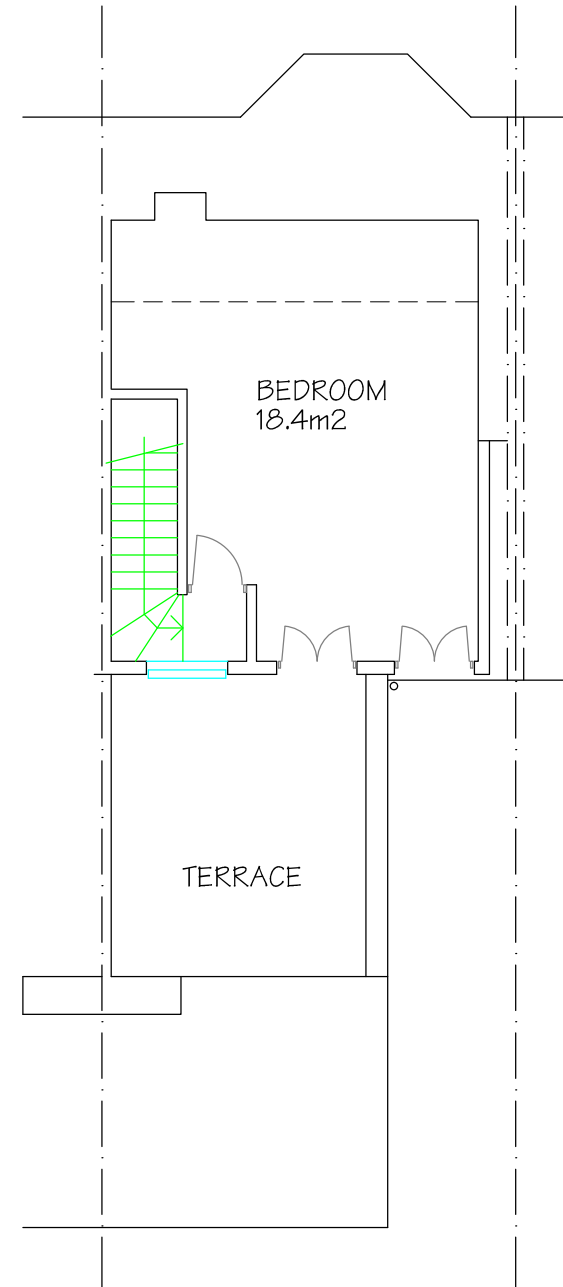
EXISTING VEHICULAR CROSSOVER



GROUND FLOOR PLAN

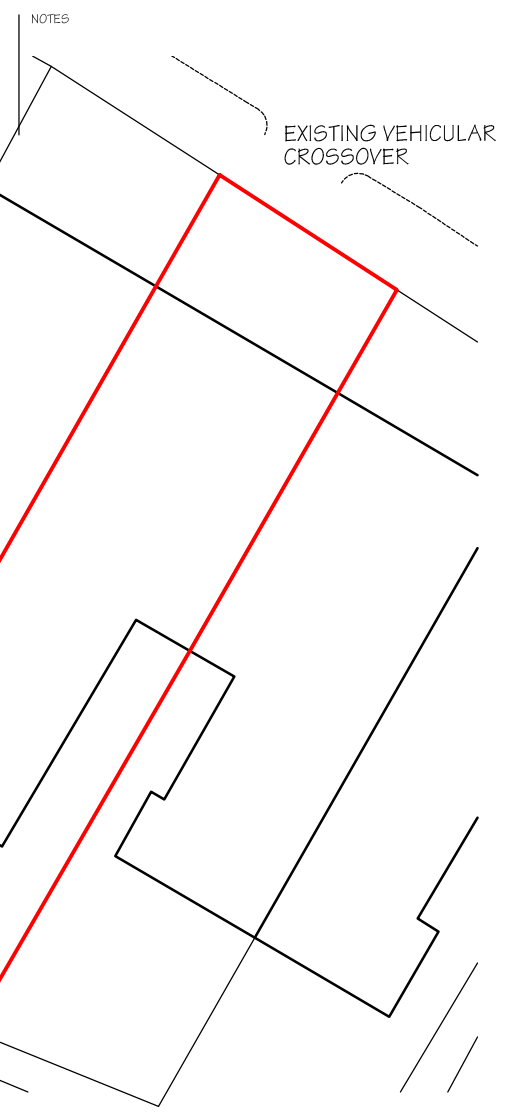


FIRST FLOOR PLAN



SECOND FLOOR PLAN

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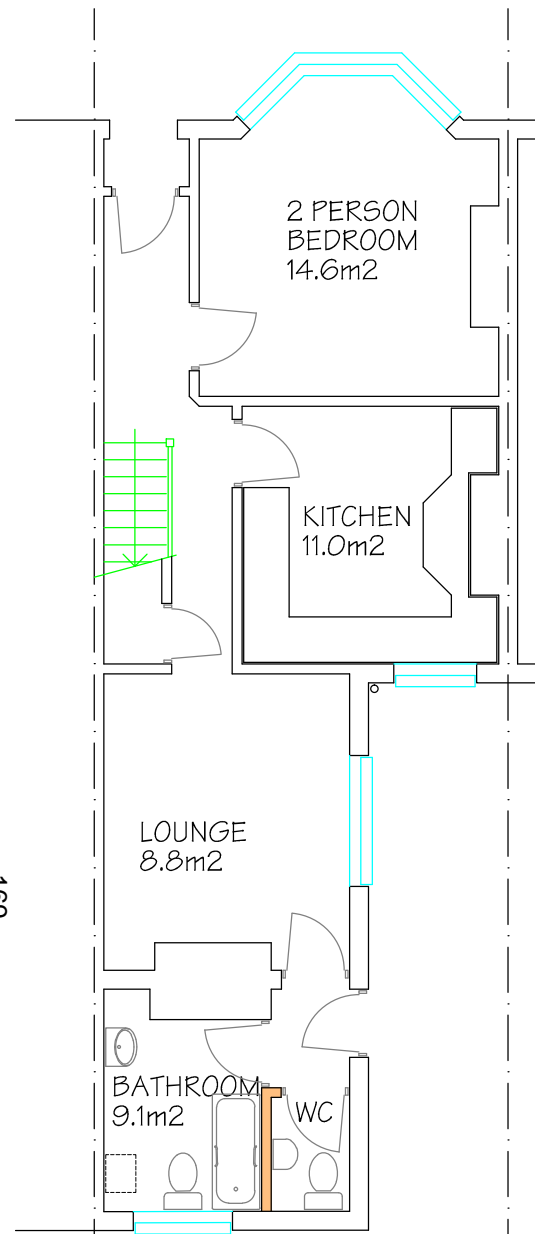
SITE PLAN - SCALE 1/200

REV	DATE	DESCRIPTION
70 BURDETT AVENUE - WESTCLIFF PROJECT TITLE SITE + EXISTING FLOOR PLANS		

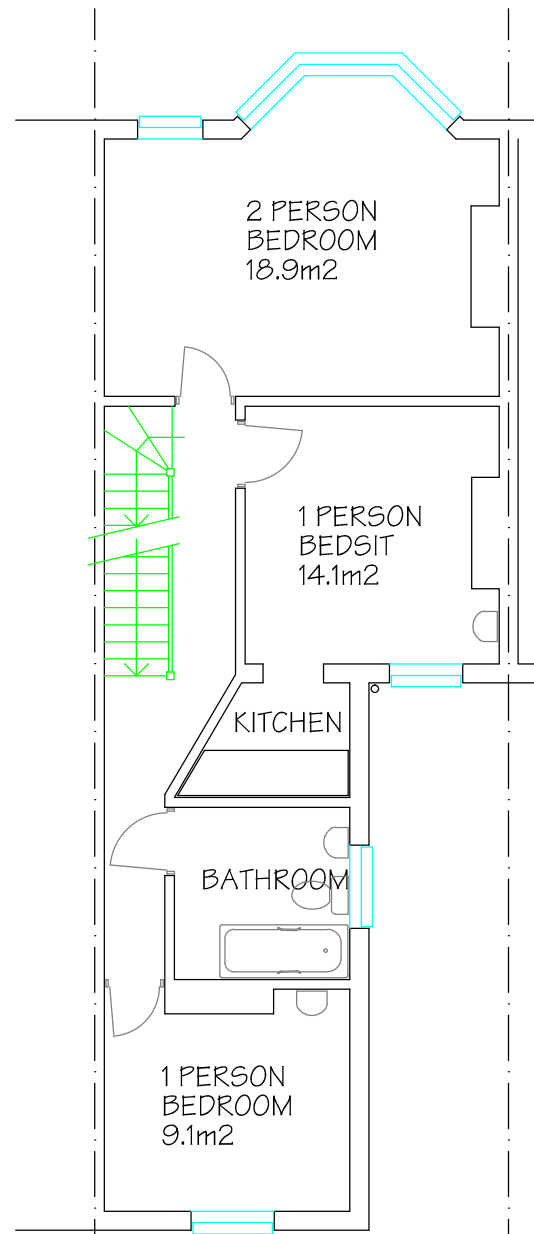
JOB NUMBER 91318	DRAWING NUMBER 01	REVISION -	DATE 24/04/2017	SCALE 1/100@A3
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Design Associates
ARCHITECTURAL DESIGN - SPACE PLANNING - PROJECT MANAGEMENT
92 LONDON ROAD - SOUTHEND ON SEA - ESSEX - S81 1PG
TELEPHONE - 01702 592502
EMAIL - toymerry@aol.com

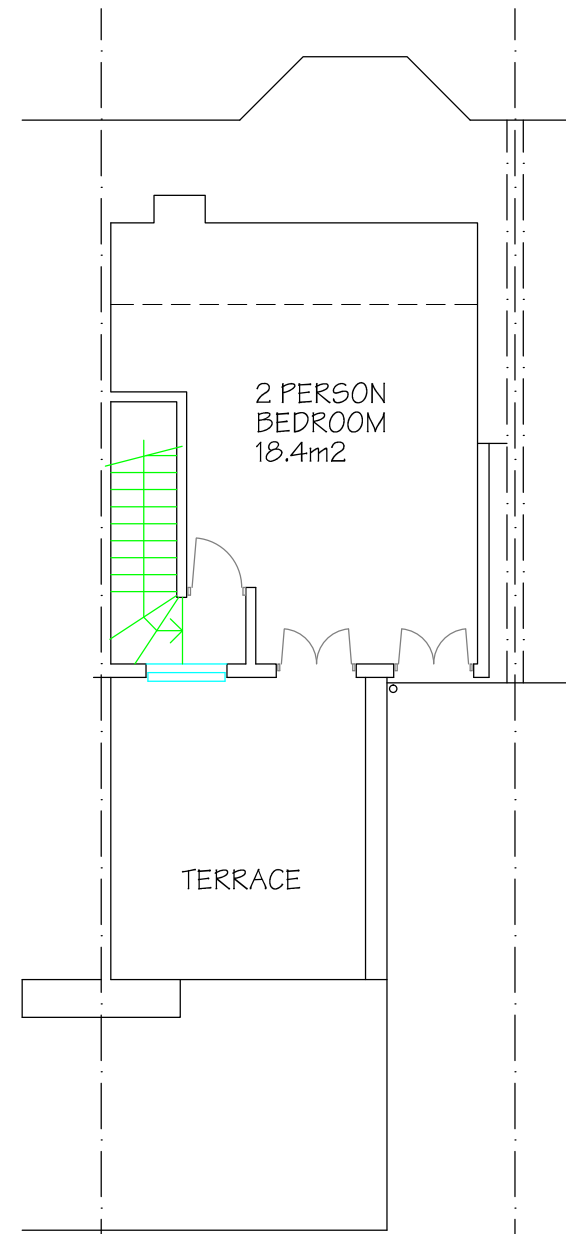
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GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN

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NOTES



LOCATION PLAN - SCALE 1/1250

ACCOMODATION SCHEDULE

2 PERSON BEDROOMS - 3No
 1 PERSON BEDROOMS - 1No
 1 PERSON BEDSIT - 1No
 TOTAL 8 PERSONS

AMENITY STANDARDS

1 No KITCHEN PER 5 BEDROOM SPACES
 1 No KITCHEN IN BEDSIT
 2 BATHROOMS + 2 WC'S PER 6-10 PERSONS

REV	DATE	DESCRIPTION
A	APL 2017	EXISTING KITCHEN RETAINED

70 BURDETT AVENUE - WESTCLIFF
 CONVERT TO BEDSITS
 PROJECT TITLE
 LOCATION + PROPOSED PLANS

JOB NUMBER	DRAWING NUMBER	REVISION	DATE
91318	02	A	24/04/2017

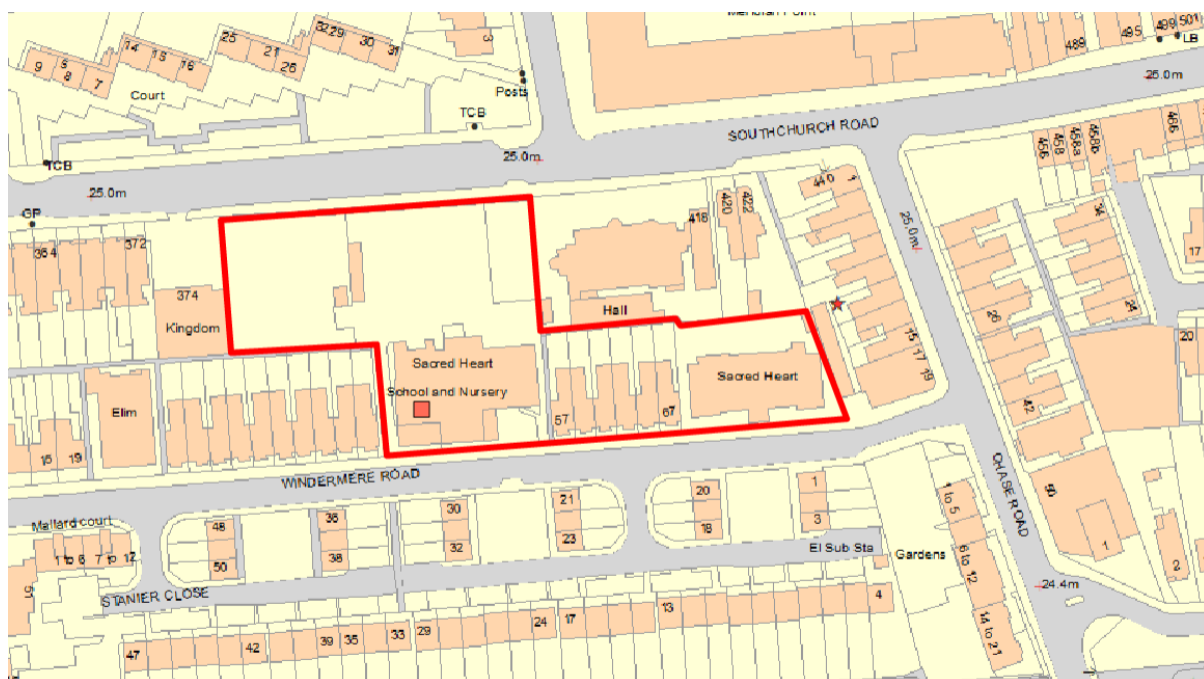
SCALE 1/100@A3

Design Associates
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Reference:	17/00822/BC3M	
Ward:	Kursaal	
Proposal:	Demolish existing PE store and erect a single storey rear extension to rear of main school building comprising of a PE store, extend existing classbase and alterations to existing playground to include sports tarmac surface area.	
Address:	Sacred Heart Roman Catholic School, Windermere Road Southend-On-Sea, Essex, SS1 2RF	
Agent	Southend on Sea Borough Council	
Applicant:	N/A	
Consultation Expiry:	22.06.2017	
Expiry Date:	18.08.2017	
Case Officer:	Janine Rowley	
Plan No's:	1489/0004 Site and Location Plan; 1489/002 Revision 2 Existing Site Plan; 1489/003 Revision 4 Proposed Plan; 1489/001 Existing and Proposed Elevations, Sections; 1489/005 Roof Plan	
Recommendation:	GRANT PLANNING PERMISSION	



1 The Proposal

- 1.1 Planning permission is sought to demolish an existing PE store within the existing play area and erect a single storey rear extension to the rear of the main school building comprising a replacement a PE store, and extension to the existing class base together with alterations to the existing playground.
- 1.2 The proposed single storey rear extension is 14.8m wide x 2.3m – 4.5m deep x 5.9m high with a pitched roof and materials to match the existing school building including red stock brickwork, pitched clay tiles, re use of existing windows and red timber doors. The siting of the extension will result in the loss of three young trees of limited amenity value.
- 1.3 The proposal also includes alterations to the existing playground to remove a part of an existing grassed area to install a porous play court measuring 32.8m wide x 19m deep to provide improved facilities for pupils. Existing mature trees to the front of the site would be retained. The playing surface will be set 12.2m away from the western boundary abutting Kingdom Hall.
- 1.4 The applicant states within the Design and Access Statement that following the expansion of the school in 2015 to move from a single form entry to a two form, entry, the present playground arrangements are not suitable for the schools requirements. The proposal is supported by the officers within the education team of Southend on Sea Borough Council. The Headteacher of Sacred Heart School has confirmed the new surface area will provide outdoor space all year round for football, netball, athletics, dance and other sports.
- 1.5 The application is accompanied by a Design and Access Statement, Arboricultural Report, drainage strategy and porous play court description.
- 1.6 It should be noted that during the application amended plans have been received retaining the trees to the western boundary and the repositioning of the play surface. Neighbours have been renotified on this basis.

2 Site and Surroundings

- 2.1 The school site is located along Windermere Road. The existing school building fronts Windermere Road and the playground area is located to the north of the site viewed from London Road. To the immediate west of the site is Kingdom Hall, and the site is otherwise bounded by two storey residential properties two storey.

3 Planning Considerations

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

4 Appraisal

Principle of Development

National Planning Policy Framework, DPD1 (Core Strategy) policies KP1, KP2, CP4, CP6, CP7; DPD2 (Development Management) policy DM1, and the Design and Townscape Guide SPD1 (2009)

- 4.1 Policy CP6 of the Core Strategy advocates the need to improve educational facilities to ensure that the needs of the local community are met. The policy states that subject to the maintenance of satisfactory environmental conditions and residential amenities, the Borough Council will support the improvement or extension of existing public and private education establishments and will encourage the use of their facilities for community purposes where this would meet identified requirements. The proposed development will improve the facilities available at Sacred Heart School, thus the proposal is in principle in accordance with Policy CP6 of the Core Strategy.
- 4.2 Policy CP7 of the Core Strategy states the Council will normally refuse permission for proposals involving the complete or partial loss of school playing fields. The proposed new sport facility will include the loss of a grass area currently used as a playing field amounting to 714sqm to the west of the existing playground. The applicant contends since the school has become two form entry the area is no longer useable and the school requires a sports area for pupils to use all year round. Whilst the single storey extension will encroach onto a small part of the playground area, given the overall size of this element no objections are raised to this aspect of the proposal.
- 4.3 Sport England have confirmed, that given the overall size of the development they are not required to be consulted as a statutory consultee. However, the applicant has had informal discussions with Sport England prior to the submission of the current application whereby it was confirmed the benefits to sport would be considered to outweigh the loss of the playing field and therefore no objection would be raised by Sport England for the new sports surface to be installed that will provide greater sports benefits to pupils attending the school.

Design and Impact on the Character of the Area

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

- 4.4 Policy DM1 of the Development Management requires any new development to respect and enhance the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, layout, proportions, materials and overall townscape.

The proposed development will enable a replacement of a dilapidated building with a contemporary building providing extra internal floorspace for the existing school.

- 4.5 The proposed single storey extension is of a simple design and relates satisfactorily to the existing school building in terms of roof form, design and materials. The addition provided an extension to the existing classbase area and PE store. The design is considered acceptable.
- 4.6 The loss of the greened playing field is regrettable, however the new multi-sport surface to be installed to the west of the existing playground will not harm the character and appearance of the area, taking into account the boundary fences serving residential properties to the south, Kingdom Hall to the west and the boundary to the north with London Road is screened by soft landscaping thus the new surface will not resulting in any material harm to the character and appearance of the area.

Trees

- 4.7 This application is accompanied by an Arboricultural report carried out by Martin Dobson Associates dated 12th June 2017 reference G76. The applicant is seeking to remove four trees including two small palm trees where the single storey rear extension is proposed and two small fruit trees to the south west of the existing playing field, adjacent to the siting of the new play surface to be installed. The Arboricultural report accompanying this application states that the Poplar and Maple tree to the western boundary are to be retained and considered to be moderate to high value, making a positive contribution to the amenity of the area. The trees to be removed are considered to be of low value and therefore there is no objection to their loss. Mitigation measures will be employed whilst the new playing surface is installed to ensure suitable protection is provided and this will be dealt with by condition.
- 4.8 In light of the above, subject to conditions the proposed development is considered to relate satisfactorily to the character and appearance of the existing school buildings and will provide a positive addition. The proposal is therefore found to be in accordance with the NPPF, 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) DM15, and the Design and Townscape Guide SPD1.

- 4.09 The primary vehicle access to the school is from Windermere Road. There is no vehicle access to the site from London Road other than in emergencies. The proposed development will not have any parking implications given the numbers of pupils and members of staff will remain the same. This proposal solely relates to providing new facilities for pupils attending the school. Furthermore, the school is considered to be in a sustainable location within walking distance to London Road, which is served by a number of buses.

Impact on residential amenity

National Planning Policy Framework; DPD1 (Core Strategy) Policies KP2 and CP4; Development Management DPD2 policies DM1 and DM3 and the Design and Townscape Guide SPD1 (2009).

- 4.10 Taking into account the location of the single storey rear extension and separation distance of 18m to the nearest residential dwelling to the west of the site, it is not considered the extension will be overbearing, result in a sense of enclosure, loss of light or privacy.
- 4.11 The existing trees to the western boundary are to be retained. In terms of noise and disturbance, the siting of new play court is where the existing playing field is situated. There are no restrictions of the opening hours of the school. It should be noted no conditions were imposed on the school when originally constructed in terms of hours of use. Taking into account the existing use of the playing field and the new sports surface, it is not considered the proposed development would result in any further material harm.

Sustainability

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

- 4.12 Given the small scale of the development and given that it is not forming a new building policy KP2 of the Core Strategy requiring the provision of on-site renewables is not considered to be applicable in this instance.
- 4.13 Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff. The proposed sports surface is to be installed using porous tarmac. A surface drainage report has been submitted for consideration demonstrating the school current has 5130sqm of impervious surface, which will be reduced to 4902sqm and the play court to be installed, will also provide 640sqm of a porous surface. The discharge rate will be reduced by 24sqm due to the increased permeability at the site, which is welcomed and acceptable in accordance with policy KP2 of the Core Strategy.

Other Matters

Lighting

- 4.14 No details of additional lighting have been proposed at this time. However, a suitable condition will be imposed to ensure that if lighting is proposed in the future full details are submitted for consideration in order to prevent potential harm to surrounding residential properties.

Community Infrastructure Levy Charging Schedule

- 4.15 The proposed extension 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

- 4.16 Having taken all material planning considerations into account, it is found that subject to compliance with the proposal conditions, the development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. Whilst the development would result in the loss of a small area playing field, the proposed new sports surface area will enable pupils to use the surface all year round compared to the existing playing field, which is only used weather permitting, furthermore, Sport England have raised no objection given the wider benefits proposed from the new sports surface to be installed. The design and scale of the single storey extension relates to the existing school buildings and will provide an acceptable addition, while providing improved amenities for existing and future pupils and protecting the amenities of neighbouring properties.

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 (Traffic and Highways), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP7 (Sport, Recreation and Green Space)
- 5.3 Development Management Document: Development Management Document policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management)
- 5.4 SPD1 Design & Townscape Guide 2009.

6 Representation Summary

Design & Regeneration

- 6.1 No comments.

Children and Learning

- 6.2 This application is to further enhance the educational offer of this popular school and fully support by the education team.

Traffic and Transportation

- 6.3 No objections.

Sport England

- 6.4 The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

If the proposal involves the **loss of any sports facility** then full consideration should be given to whether the proposal meets Par. 74 of National Planning Policy Framework (NPPF), is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

If the proposal involves the provision of a **new sports facility**, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body.

Public Consultation

- 6.5 Site notice displayed 24.05.2017 and neighbours notified of the proposal. One letter of representation has been received stating:

- The grass area will be lost and trees surely children need grass areas.

These concerns are noted and they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case. A more detailed response to these points is provided in the relevant section of the above report.

7 Relevant Planning History

- 7.1 There is an extensive history on this site but none is relevant to the current application.

8 Recommendation

Members are recommended to:

8.1 GRANT PLANNING PERMISSION subject to the following conditions:

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

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

- 2 The development hereby permitted shall be carried out in accordance with the approved plans 1489/0004 Site and Location Plan; 1489/002 Revision 2 Existing Site Plan; 1489/003 Revision 4 Proposed Plan; 1489/001 Existing and Proposed Elevations, Sections; 1489/005 Roof Plan.**

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

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.**

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of 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)

- 4 The new play court shall be completed in accordance with the submitted materials specification received 13th June 2017 before it is brought into use unless otherwise agreed with the Local Planning Authority.**

Reason: To ensure provision of adequate improvements to the quality of the sports facilities and to accord with Core Strategy policy CP7 of the Core Strategy DPD1.

- 5 Development shall not commence on any part of the site until the mitigation measures and recommendations as set out in the Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan carried out by Martin Dobson Associated reference G76 dated 12th June 2017 have been implemented in full. The development shall be implemented in accordance with the mitigation measures and recommendations unless otherwise agreed in writing by the local planning authority.**

Reason: To protect the existing trees and in the interests of visual amenity and to ensure a satisfactory standard of landscaping, pursuant to DPD1 (Core Strategy) policies KP2 and CP4, DPD2 (Development Management) policies DM1, DM3 and the advice contained in the Design and Townscape Guide.

- 6 Prior to installation of any external lighting, to illuminate the play court hereby approved, details of 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 of the play court 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.

- 7 The development hereby approved shall be carried out in accordance with the submitted Drainage Strategy carried out by Southend on Sea Borough Council dated 12.06.2017 before it is brought into use. 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.

- 8 The proposed new sports and play area shall not be used outside the hours of 10.00 – 19.00.**

Reason: To safeguard the amenities of nearby residential properties, in particular to protect the occupiers from noise and disturbance, in accordance with the National Planning Policy Framework (2012), Southend Core Strategy (2007) policy CP4 and Development Management Document (2015) Policy DM1.

Informatives

- 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** 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.

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SOUTHCHURCH ROAD



PLANNING

Rev. 2 Remove trees following survey report
 Rev. 1 Reposition Play court to retain trees

Property & Regeneration Division
 Planning & Environmental Services
 Civic Centre
 Southend-on-Sea
 Essex, SSO 1 2RP

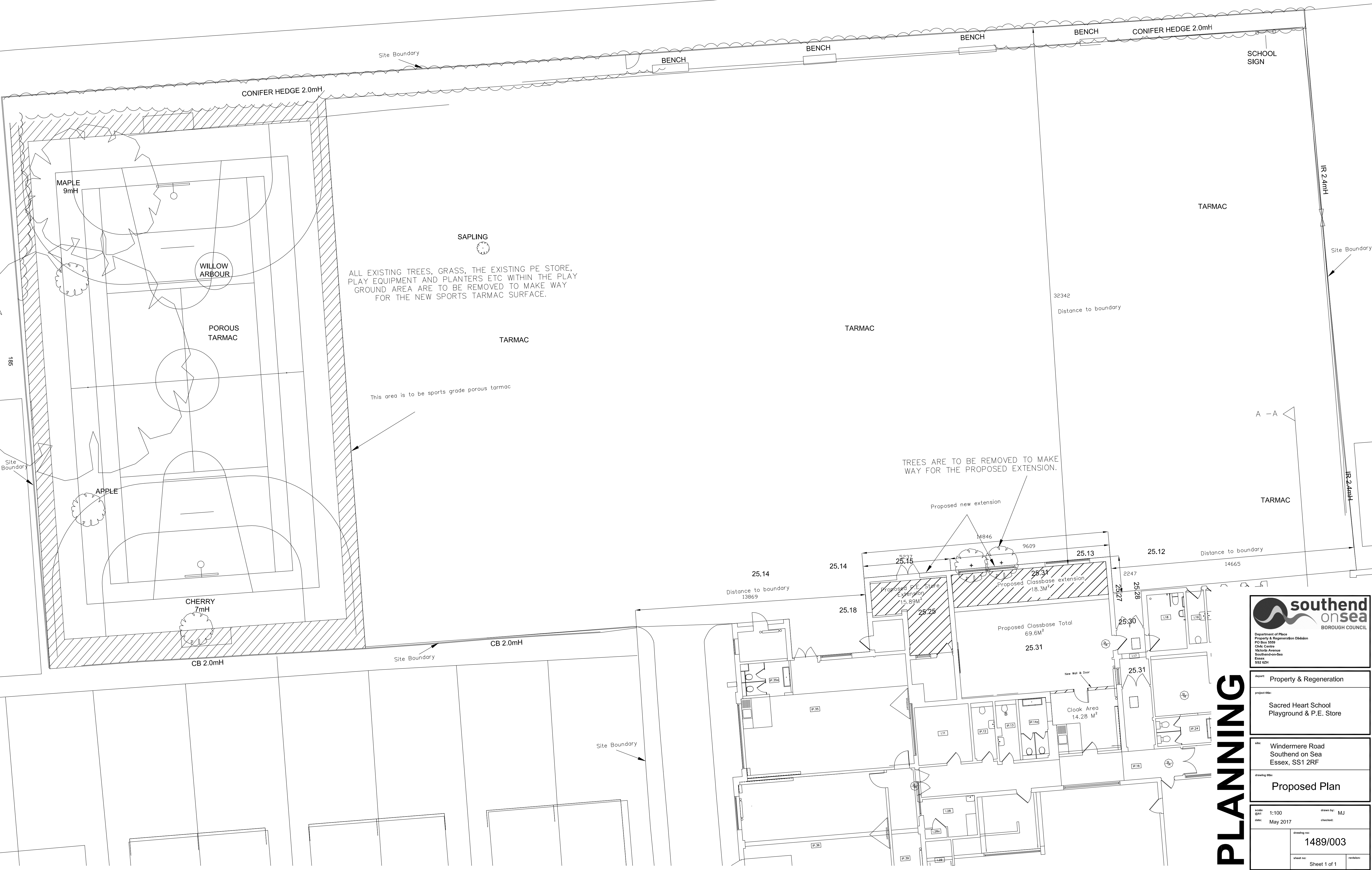
Property & Regeneration
 Sacred Heart School
 Playground & Extension

Address
 Windermere Road
 Southend on Sea
 Essex, SSO 1 2RP

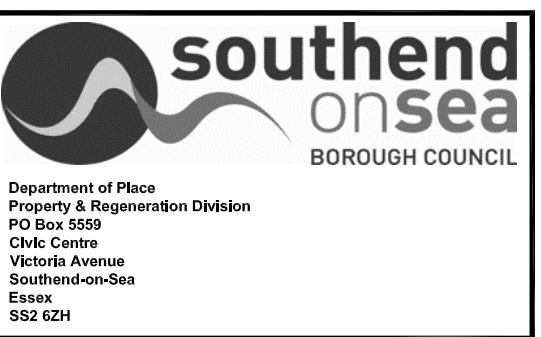
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Date	May 2017	Checked	
Drawing No.	1489/002	Revision	2
Sheet	1 of 1	Number	2

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SOUTHCHURCH ROAD



PLANNING



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project title:	Sacred Heart School Playground & P.E. Store
site:	Windermere Road Southend on Sea Essex, SS1 2RF
drawing title:	Proposed Plan
scale:	1:100
date:	May 2017
drawn by:	MJ
checked:	
sheet no.:	1489/003
revision:	Sheet 1 of 1

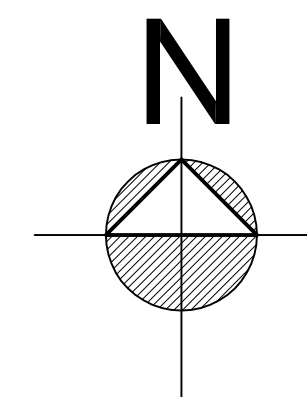
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Proposed Roof Plan



Existing Roof Plan



PLANNING

southend on sea
BOROUGH COUNCIL

Department of Place
Property & Regeneration Division
PO Box 559
Civic Centre
Victoria Avenue
Southend-on-Sea
Essex
SS2 6ZJ

report: Property & Regeneration

project title: Sacred Heart School
Playground & P.E. Store

site: Windermere Road
Southend on Sea
Essex, SS1 2RF

drawing title: Roof Plan

scale: 1:100
date: May 2017

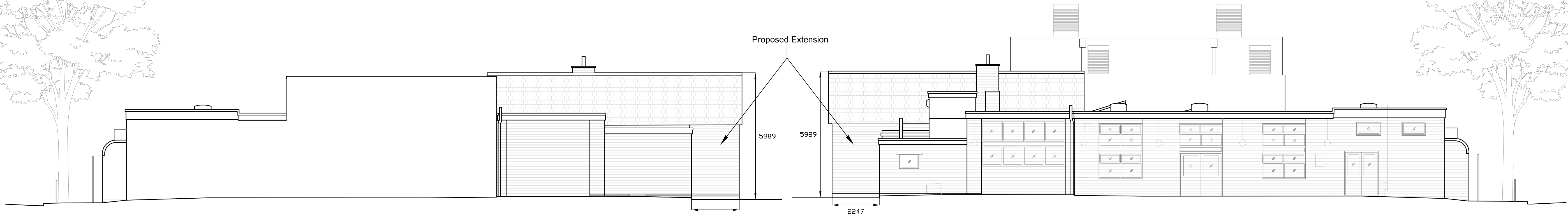
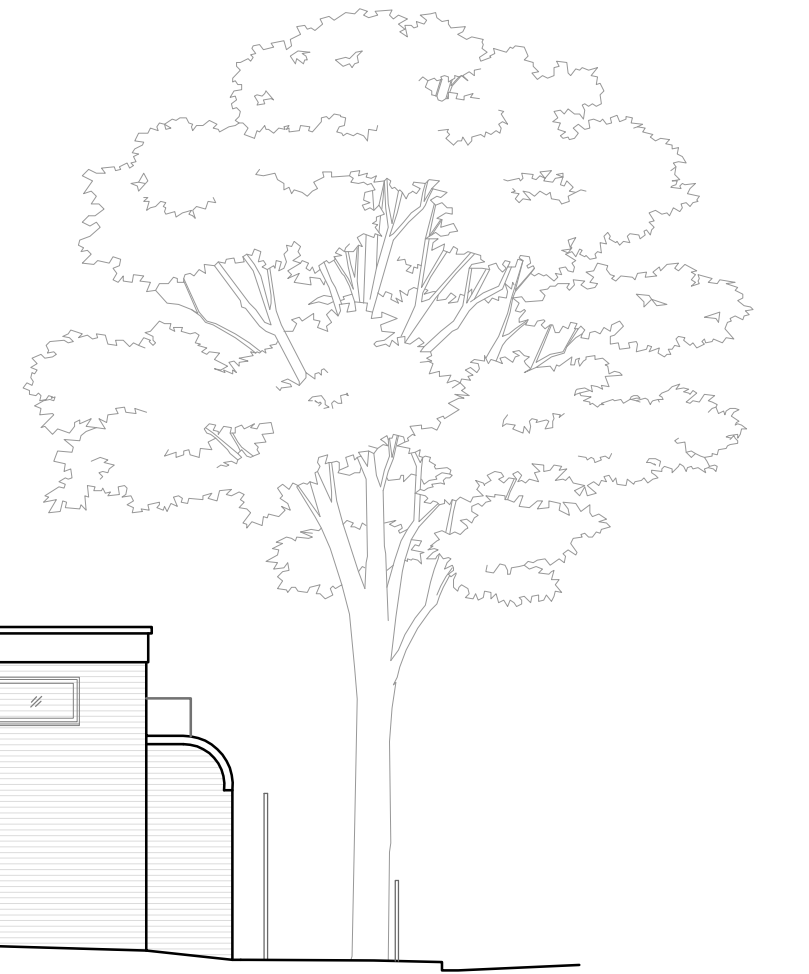
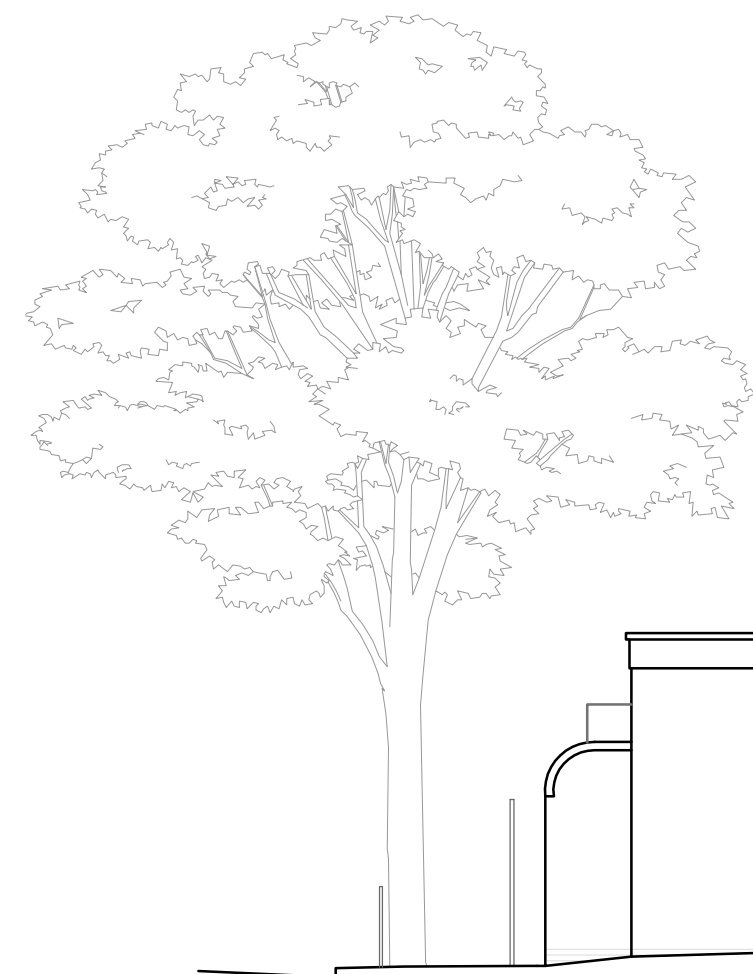
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checked:

drawing no: 1489/005

sheet no: Sheet 1 of 1

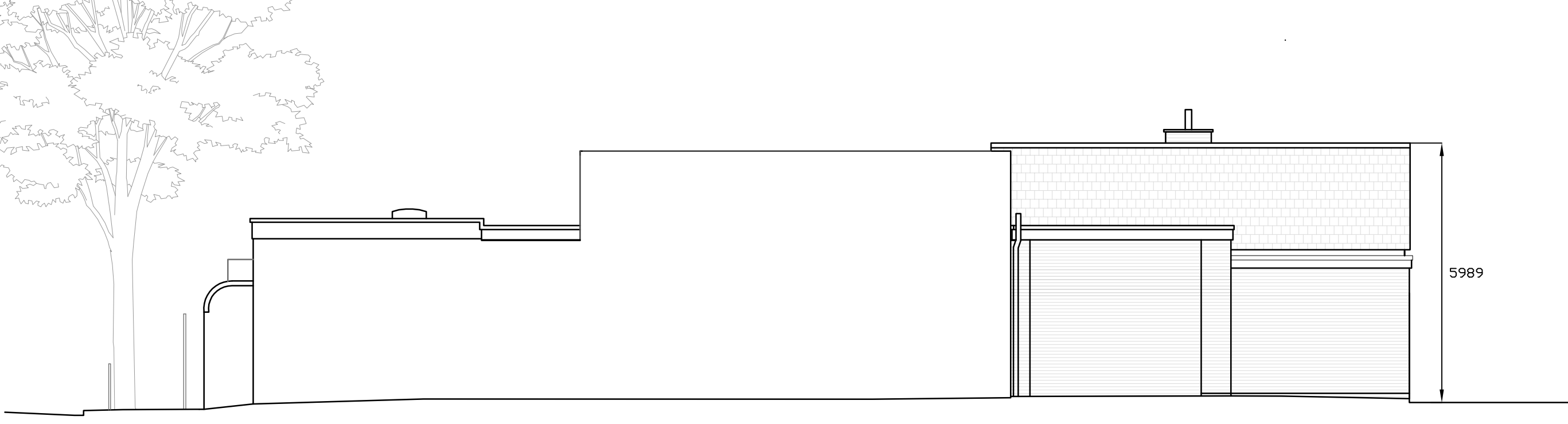
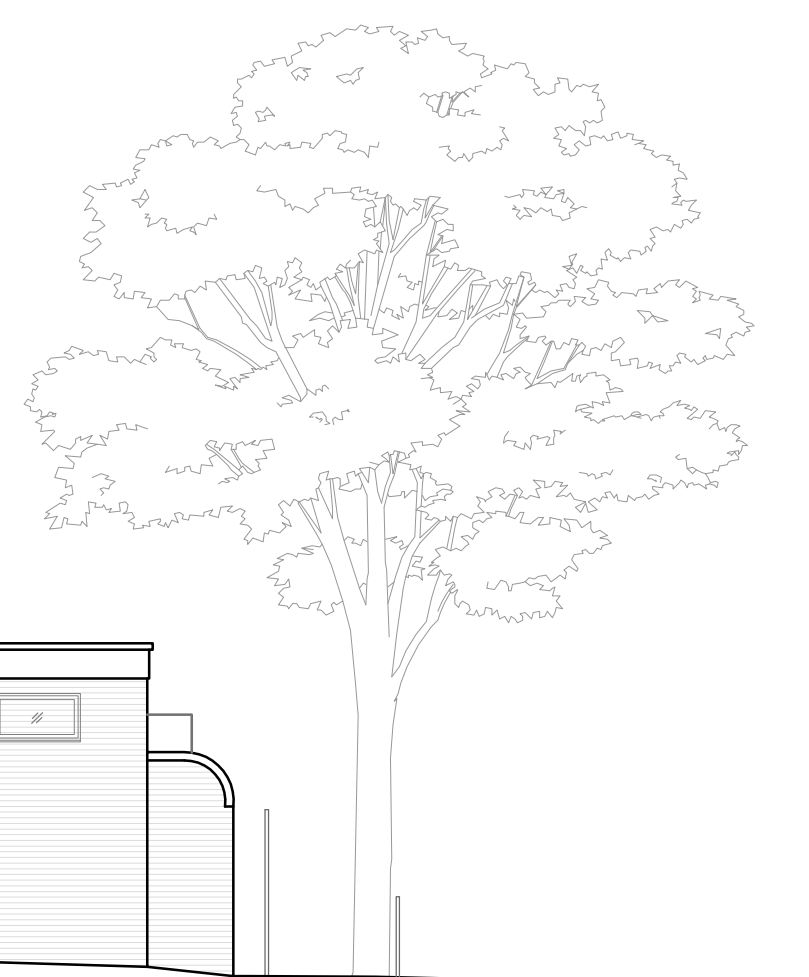
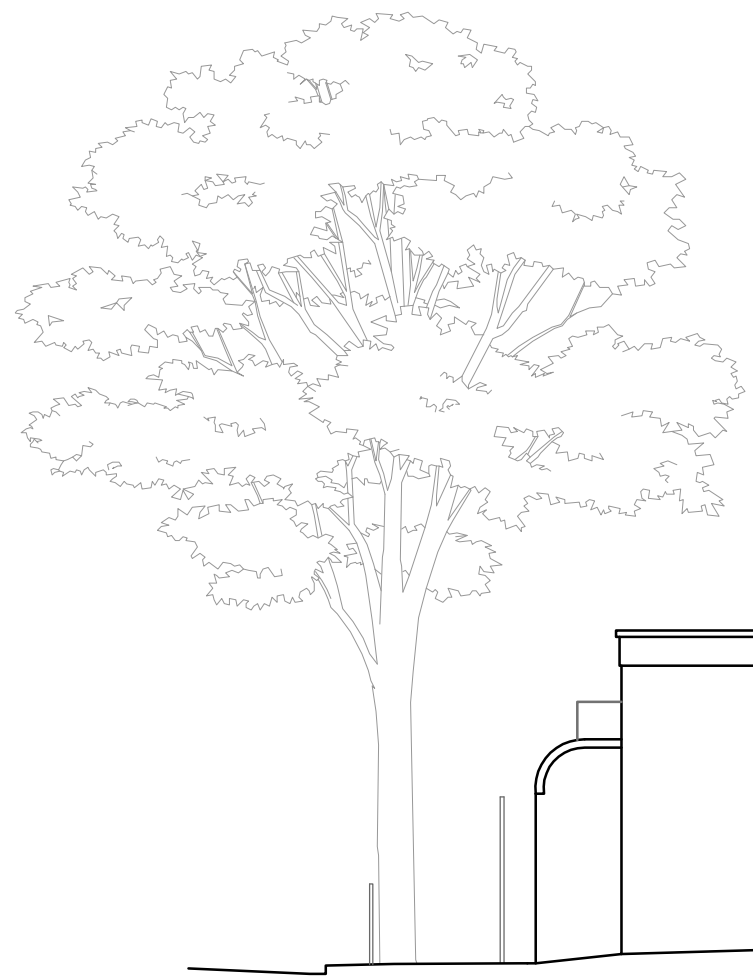
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Proposed West Elevation
Scale 1:100

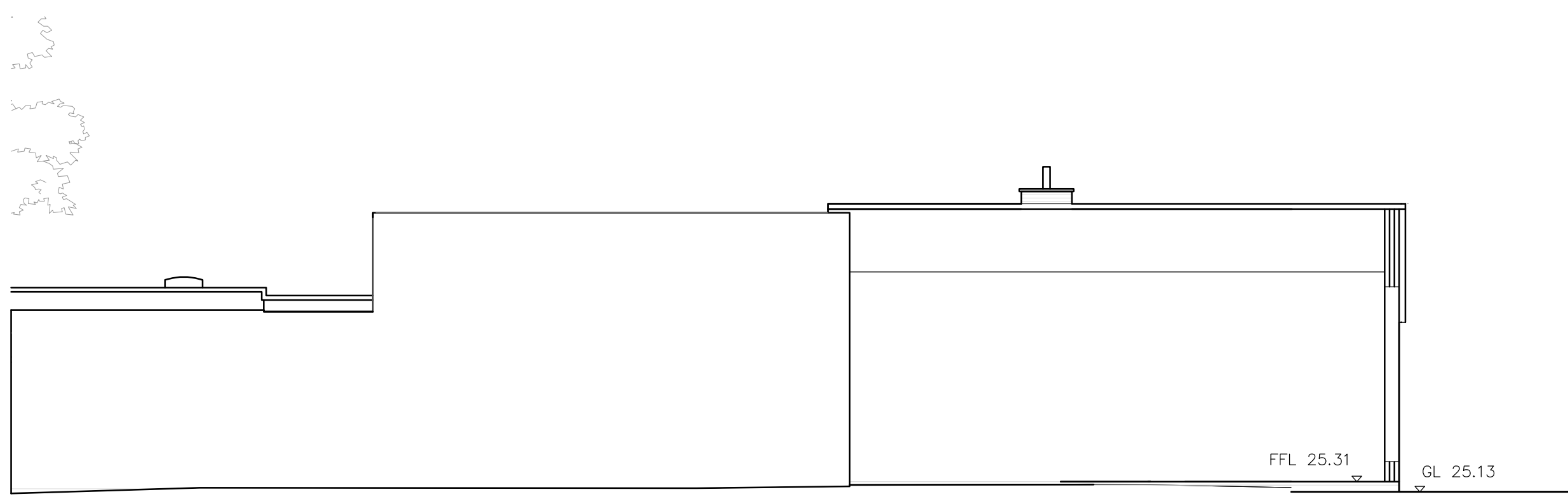


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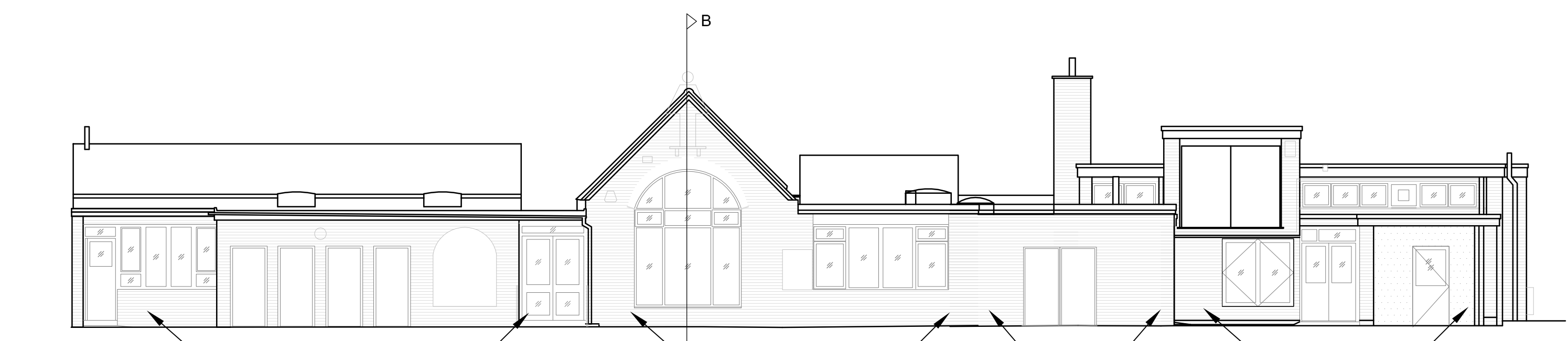


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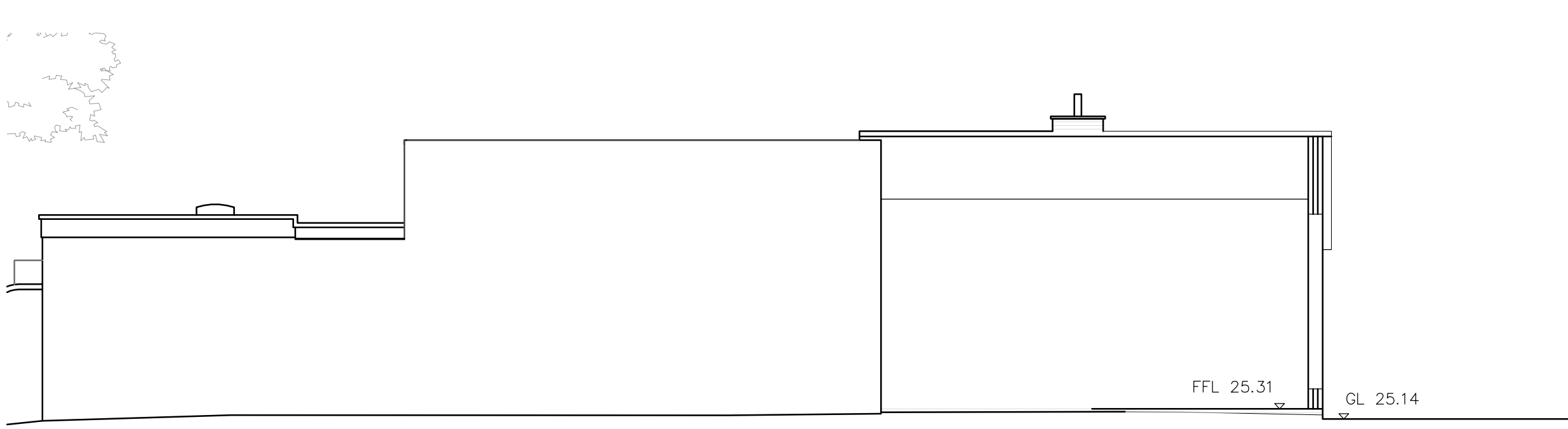
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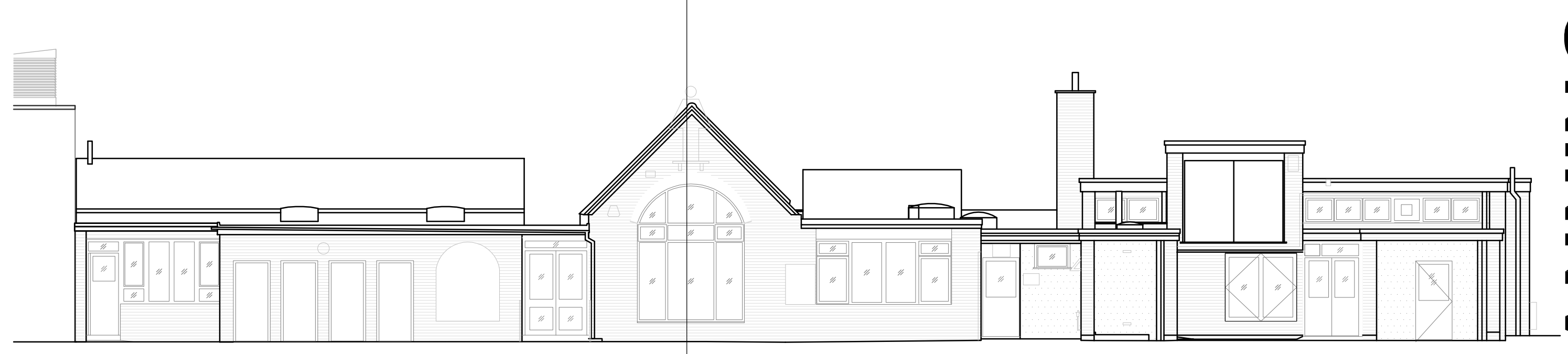
Proposed Section B - B
Scale 1:100



Proposed North Elevation
Scale 1:100



Existing Section B - B
Scale 1:100



Existing North Elevation
Scale 1:100



Department of Place
Property & Regeneration Division
PO Box 5559
Civic Centre
Victoria Avenue
Southend-on-Sea
Essex
SS2 2DH

department: Property & Regeneration

project title: Sacred Heart School
Playground & P.E. Store

site: Windermere Road
Southend on Sea
Essex, SS1 2RF

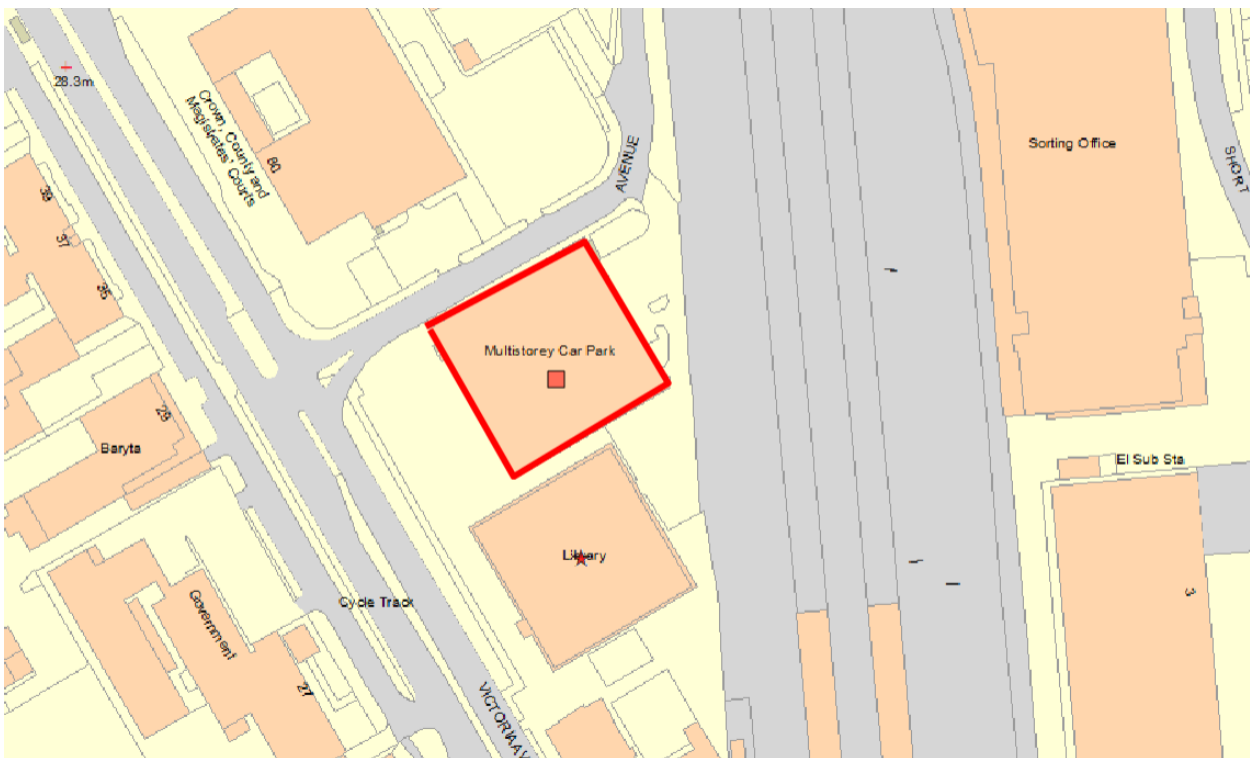
drawing title: Existing & Proposed
Elevations, Sections

scale: 1:100
date: May 2017
drawing no: 1489/001
sheet no: Sheet 1 of 1

PLANNING

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Reference:	17/00562/BC3M	<h1>10</h1>
Ward:	Victoria	
Proposal:	Demolish existing car park and erect multi storey car park	
Address:	Multi-Storey Car Park, Victoria Avenue, Southend-On-Sea, Essex, SS2 6EX	
Applicant:	Alan Richards	
Agent:	Michelle Fishlock	
Consultation Expiry:	28 th March 2017	
Expiry Date:	3 rd July 2017	
Case Officer:	Anna Tastsoglou	
Plan Nos:	1440/P/100; 1440/P/101A; 1440/P/102 A; 1440/P/103 A; 1440/P/104 A; 1440/P/106 & Existing and Proposed Streetscene	
Recommendation:	GRANT PLANNING PERMISSION	



1 The Proposal

- 1.1 The application seeks permission to demolish the existing car park and erect a multi-storey car park, with variations to height levels and a maximum of five floors including a partial basement level.
- 1.2 The proposed car park would have a footprint of approximately 231sqm. It would measure a maximum of 66.7m deep x 42m wide and it would have a maximum height of 17.6m. The proposed car park is sited forward of the existing structure and would result in the loss of existing raised planters. The three existing mature trees would be retained.
- 1.3 The proposed car park would accommodate 334 car parking spaces (including 5 disabled parking spaces) and it would incorporate three stair and lift towers which would also provide a fire exits.
- 1.4 A number of alterations are proposed to the highways layout to the rear of the application site to form a wider entrance and exit to the car park. The existing service road will be widened to accommodate two-way traffic. From the service road, vehicular access and egress is via the ground floor level, with internal circulation roads and ramps providing access to other parking levels
- 1.5 The building would be finished in concrete panels with powder coated metal coloured panels hung on the concrete frames. Windows and louvres of varying colours would be installed to the concrete towers and signage, containing the words 'Car Park' would be installed on west, north and south elevations.
- 1.6 The car park would have a dual use for Council staff (mainly on weekdays) and general public and it would operate 24 hours, 7 days a week.
- 1.7 The design would incorporate passive ventilation, with open sides to all four elevations.

2 Site and Surroundings

- 2.1 The site is located on the corner of the junction of Victoria Avenue to the west and Great Eastern Avenue to the north and it is occupied by a single storey car park building with basement. The building is located within Southend Central Area as well as within and Victoria Gateway opportunity site within the SCAAP. The existing building is finished in concrete panels, which match the design and appearance of the Beecroft Gallery to the south. To the front of the car park, the highway is partially hard surfaced, finished in a variation of paving materials. Raised planters with low key vegetation are sited immediately adjacent to the front of the building together with three mature trees (a copper beech and two acers).
- 2.2 Immediately adjacent to the south of the application site is located the Beecroft Gallery, a part three, part four storey building, which typical of 1960/70s architecture and similar to the majority of the buildings in the surrounding area. The building has a glazed ground and first floor, a third floor finished in concrete panels and a copper finished plant room.

To the north is sited the Magistrates Court, a part two, part three storey building with a slate feature on the top floor. The buildings surrounding the site are of a similar, simple style, typical of 1960s/70s civic architecture. A number were constructed as part of the wider redevelopment of Victoria Avenue as a centre for civic activities. To the rear of the site runs the London to Liverpool Street railway line.

- 2.3 The car park is accessed via Great Eastern Avenue. It is noted improvement works to enlarge the width of the road and also allow right into Victoria Avenue recently took place at the junction of Great Eastern Avenue and Victoria Avenue.

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, impact on residential amenity and street trees.

4 Appraisal

Principle of Development

NPPF; DPD 1 (Core Strategy) Policies KP1, KP2, CP3 and CP4; Development Management DPD Policies DM1; DM3 and DM15; Emerging Southend Central Area Action Plan (November 2016) Policies PA8 & DS5.

- 4.1 The site is currently occupied by a car park and the proposal is to replace it with a new, larger, car park with a greater capacity and larger bays to better accommodate modern (SUV) vehicles. The proposed car park would provide 334 car parking spaces, which is equivalent to the number of parking spaces available at the existing car park on the application site together with those provided within the car park to the rear of the Civic Centre, plus an additional 10 spaces.

- 4.2 Within the emerging SCAAP the site is located within the Victoria Gateway Neighbourhood to which Policy PA8 applies. PA8 states:

“The Council, through its role in determining planning applications and other initiatives, will (inter alia):

“look favourably on high quality developments and schemes which can demonstrate that they will contribute to the transformation of this area into a vibrant community, which is integrated with the surrounding neighbourhood and set within a remodelled built form of a quality that befits this key gateway to the Town Centre.”

- 4.3 Policy DS5 of the emerging SCAAP states that (inter alia):

“2. In order to support the vitality and viability of the SCAAP area the Council will:

a. Maintain parking capacity within Southend Central Area at a level that supports vitality and viability and does not undermine the Central Area’s ability to accommodate visitor trips, whilst enabling the delivery of relevant opportunity sites;*

b. Ensure that there is no net loss in car parking to the south of the Southend Central Area;”

- 4.4 The proposed development would increase existing parking capacity. As noted above, the proposed car park would have dual use, providing some parking spaces for the Council staff during week days concurrently with spaces available to public and at the weekend would be mainly for public use. The development could potentially free up the existing car park to the rear of the Civic Centre to be reused for future development, thus facilitating further regeneration within the Victoria Gateway. For these reasons, it is considered that the proposed development would be acceptable in principle and it would accord with the objectives of development plan policies.
- 4.5 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 inter alia *“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 also 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.”*
- 4.6 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 The proposal is to replace the existing car park with a significantly larger car park. However, the mass of the building would be broken up by the stepped configuration and the variation of the floor levels. Although the proposed building would be sited forward the existing car park, it would still be set back behind the front elevation of the Beecroft Gallery and its overall height would be set lower than Beecroft. As such, a level of subservience would be maintained. It is also considered that the proposed stair and lift towers would identify the pedestrian entrances and they would add a vertical emphasis to the otherwise mainly horizontal building. Thus the siting and scale of the building is considered to be acceptable.
- 4.8 In terms of the detailed design, it is considered that the gaps between the proposed coloured panels and their informal arrangement would add articulation and architectural merit to the building. The offset arrangement of the panels references the horizontal lines and the vertical detailing draws reference from the adjacent Beecroft building. Overall it is considered that, subject to good quality materials the proposed development would have an acceptable scale and design, which would not appear visually obtrusive, dominant or harmful in the streetscene. It would also have a character and appearance which would blend with the character of the built form in the surrounding area.
- 4.9 The existing car park is finished in vertical concrete panels, which draw reference from the finishing materials and design of the adjacent building to the south. This material would be retained to the stair towers and this would be in keeping with the building in the wider area. Furthermore, no objection is raised to a more contemporary design and material, in this location and for this particular use. However, in order to ensure good quality design as dictated by the National Planning Policy Framework, the details of the proposed materials is considered necessary to be agreed by condition.
- 4.10 Following discussion, minor amendments have been incorporated to the development, including the alignment of the windows and louvres to the all stair towers with the concrete panels. These are considered beneficial to the scheme, as they would add consistency and architectural interest.
- 4.11 Although it is regrettable to see the existing planters to front of the building being removed, on balance, taking into consideration the limited significance of the species in those planters and the fact the three large mature trees (a beech and the two established Acer trees) to the front of the building would be retained, no objection is raised in terms of the lack of street soft landscaping. The three mature trees of high amenity value and it is positive that they will be retained. A condition will be imposed in that respect to ensure that they are protected during construction works.

Traffic and Transport Issues

NPPF; DPD 1 (Core Strategy) Policies CP3; Development Management DPD Policy DM15; Emerging Southend Central Area Action Plan (November 2016) Policy DS5.

Impact on parking availability

- 4.10 The proposal would replace the existing two storey car park with a larger multi storey car park. there is a possibility that the proposed car park would be used as a replacement for both the existing Library/Beecroft car park and the Civic Centre East car park together. The proposal would result in the creation of 334 car parking spaces, which would be 10 more than the existing combined car parks. However any subsequent applications would need to be considered on their individual planning merits.
- 4.11 The basement of the existing car park is used for Council staff during the weekdays, while in the ground floor is open to the public throughout the week. The proposed multi storey car park would be flexible in terms of its usage, reserving some parking spaces for staff during the weekdays, but which will be available to public at weekends, while a number of spaces would be permanently reserved for the public only.
- 4.12 The proposed car park would operate 24 hours a day, seven days a week, it would be chargeable and cashless (payments would be though SMS texts).
- 4.13 It is therefore considered that proposed replacement car park would be acceptable in terms of its parking provision and means of operation.

Trip generation and impact on the highway network

- 4.14 The applicant has submitted a transport statement assessing the impacts of the proposed development on the highway network. A comparison is made between the existing trips generated by the two car parks (Library car park and Civic Centre East car park) and those that would be generated by the proposed multi-storey car park, resulting in a net increase of seven trips generated during peak hours, which equates to one additional vehicle every nine minutes on average. This is considered to be an insignificant increase to the number of trips generated in total (more than 200) and thus, no objection is raised in that respect.
- 4.15 At present, all trips to the existing Beecroft car park (and the Civic Centre East car park) arrive via the Victoria Avenue/Great Eastern Avenue junction and they will continue to arrive from the same junction after the implementation of the proposal. Therefore, it is considered that there would be no or very minor change, based on the additional trips on the local highway.
- 4.16 Great Eastern Avenue is one-way road and as such, departures from the Civic Centre East car park currently exit onto Carnarvon Road. Should this site be redeveloped, these trips would be diverted to the to Victoria Avenue/Great Eastern Avenue junction. Road improvements were recently undertaken on this junction, as noted above, and VISSIM Modelling Assessment Report shows that at present the junction operates well within capacity during the AM and PM peak hours and modelling demonstrates this is unlikely to be affected by the local reassignment of departing cars from the redeveloped car park. The Transport Statement explains that there will be a time when both the Civic Centre East public car park and the redeveloped of exiting Library car park will be operate together.

However, staff parking permit allocation will remain the same with no increase in permits issued, therefore the actual number of vehicle trips to the new car park is unlikely to rise. Therefore, it is not considered that this vehicle diversion onto Great Eastern Avenue and then Victoria Avenue would result in a harmful impact on the highway network. Both as a standalone development and when considered alongside potential redevelopments on the wider area the proposal is found to be acceptable in terms of its highways impacts.

Impact on Amenity

NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Development Management DPD Policy DM1, DM2 and DM3; SPD 1 (Design & Townscape Guide (2009))

- 4.17 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.”*
- 4.18 The application site is located with a mainly office/commercial/leisure area. The nearest residential properties would be located on the Baryta House, when the conversion of the building would be completed and the building be occupied. The property is located approximately 55m away from the application site and therefore, it is not considered that the proposed development would have any adverse impact on the residential amenity of nearby occupants, by way of overshadowing, domination, sense of enclosure or overlooking.
- 4.19 It is noted that there are offices adjacent to the site, which would be affected by the development. The car park has been designed so that the lowest part of the new building is located adjacent to these offices, thus allowing adequate light to these offices and preventing the structure becoming overbearing.
- 4.20 The development would increase vehicle movement and associated noise and disturbance, however given the siting of the car park adjacent to a busy, noisy dual carriageway and within a commercial area, it is not considered that the resulting impact will be materially harmful to surrounding occupiers.

Impact on the Street Trees

- 4.21 The application is accompanied by an Arboricultural report, demonstrating that the mature tree to the front of the site will not be harmed by the forward siting of the proposed car park. Although the development would regrettably result in the removal of the existing planters to the front of the existing car park, the trees within these planters that would be affected are small apple and pear trees, which are not of high amenity value. A preliminary Arboricultural Impact Assessment has been submitted suggesting that protective fencing to prevent the crowns of the retained Acer trees from being damaged as well maintaining the root protection areas should be installed during construction.

As category “A” trees protection is essential for the Root Protection Areas and the crowns of the trees to prevent any damage from work vehicles or activities. This will ensure continued amenity contribution of these trees in the future. Therefore, on balance, the impacts caused to the street stress would be acceptable. The protection of the existing trees and would be ensured by condition.

Renewables

- 4.22 The materials used within the development will be recyclable and the proposal will reuse the existing structure as far as possible, but no renewable forms of energy generation are proposed. Given that the proposal is an unheated and naturally ventilated, that the proposed lighting will be low energy and that there is no roof to the structure on which to site, for example PV’s , it is considered in this instance, it would be unreasonable to require the development to comply with policy KP2 in this respect as the amount of energy generated by renewables would be low and difficult to integrate into the design.

Community Infrastructure Levy

CIL Charging Schedule 2015

- 4.23 This application 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. The proposed development will result in a net increase in gross internal area of 6,695 sqm (taking into account any deductions for existing ‘in-use’ floorspace that is being retained/demolished), which may equate to approximately £ 73,645 (subject to confirmation).

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 help regenerate this part of the Victoria Gateway, it 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 development would increase and improve parking provision and the traffic generation resulting from the development has an acceptable impact on the existing highway. This application is therefore recommended for approval subject to conditions.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (2012) : Section 4 (Promoting sustainable transport) and 7 (Requiring Good design)
- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance)

- 6.3 Development Management DPD 2015: DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 6.5 Emerging Southend Central Area Action Plan (November 2016): Policies PA8 & DS5.
- 6.6 CIL Charging Schedule 2015

7 Representation Summary

Design and Regeneration

- 7.1 The proposal seeks to replace the existing multi storey car park with a larger multi storey car park. The replacement car park is significantly larger than the existing facility however it has been designed with a stepped configuration and recessed building line to reduce its impact and bulk in the streetscene and to provide a subservient relationship to the adjacent Beecroft gallery. The stair towers to the front also help to break up the massing and make the building legible by clearly identifying the entrance in the streetscene. Vertical emphasis The lightness, gaps and articulation of the cladding and its informal pattern will also help to break up the form and the offset arrangement of the panels references the horizontal lines and the vertical detailing of the adjacent building and this seems to work well in this context. Overall this approach is considered to be well designed and detailed and has provided an acceptable scale transition to the neighbouring buildings which should ensure that it does not appear over scaled or dominate the streetscene.

The existing car park is constructed and clad in concrete to relate to the Beecroft. This has been followed through in the new proposal and should ensure that it sits well in the streetscene which includes building faced in concrete and stone. The quality and detailing of the cladding will also be important in ensuring that this proposal has a positive impact on the streetscene and details of this should be requested or conditioned including materials, colour and finish and a cross section showing how it will be fitted to the building. Details of the other external materials will also need to be conditioned including windows, doors, louvers/grilles, pcc bars and panels along with details of signage and lighting.

It is noted that some planters are to be removed to facilitate the enlargement which is regrettable but it is pleasing to see that the proposal has been amended since pre app to ensure that all the 3 large category A trees to the front can be retained as these are a key aspect of the character of Victoria Avenue. It will be important to ensure that they are well protected during development and specific tree protection measures should therefore be requested / conditioned.

The statement comments that the proposed materials will be recyclable and that the proposal will reuse the existing structure as far as possible but no renewables are proposed.

Given that the proposal is an unheated and naturally ventilated, that the proposed lighting will be low energy and that there is no roof to the structure it is considered in this instance a case can be made for no renewables as the amount required would be low and difficult to integrate into the design.

Traffic and Highways

- 7.2 There are no highway objections to this proposal rationalising 2 existing car parks to provide 1 car park with 334 spaces and increase of 10 spaces will not have a detrimental impact on the public highway. Additional information has been provided within the Transport Statement (TS) to support this conclusion.

The TS has covered the following details which were requested by SBC Planning:

- Existing baseline conditions relating to transport;
- The development proposals and access arrangements;
- A trip generation assessment;
- Highways assignment and impact analysis;

The TS explains that the redevelopment of the Victoria Avenue Beecroft car park will replace the existing Victoria Avenue car park (Beecroft) and the Civic Centre East car park. Overall there will be a small increase of 10 parking spaces provided and therefore in the site will provide a total of 334 car parking spaces.

4.15 states 'Staff motorcycle parking is also provided at the Civic Centre. No spaces are marked out for motorcycle parking within the car park, however should demand for motorcycle parking increase, then the car park can be easily reconfigured in future to accommodate motorcycles.' There needs to be an explanation of how this is to be monitored.

There is no mention of electric vehicle (EV) charging posts and how many EV spaces will be provided. DM15 of Southend's Development Management DPD encourages all new developments to include provision for electric vehicles.

The TS explains that there will be a time when both the Civic Centre East public car park and the redeveloped Victoria Avenue Beecroft car park will be open together, the Council will have to manage staff permit allocation to ensure the number of permits issued do not increase, which in turn would increase trips.

The TS shows the net trips during the peak equate to an extra 7 vehicles on the network, one additional vehicle every nine minutes on average. There is a re-allocation of trips exiting the car park, instead of exiting onto Carnarvon Road from the Civic Centre East car park those vehicles will be exiting onto Great Eastern and then onto Victoria Avenue. Recently the junction of Victoria Avenue/Great Eastern has been upgraded to include a right turn out of Great Eastern onto Victoria Avenue. The junction with this right turn has been modelled with VISSIM and has taken into account the traffic re-allocation from this re-development and shows that the Victoria Avenue/Great Eastern Avenue junction operates within capacity during the AM and PM peaks.

The TS describes that access improvements are proposed as part of the scheme, including enhanced access layouts and localised kerb line remodelling.

These access improvements and kerb line remodelling need to be conditioned for the development to go ahead.

As long as the proposed works are undertaken that are included in the TS and those mentioned above, then the TS demonstrates that on transport terms the re-development of the Victoria Avenue Beecroft car park is acceptable.

Parks

- 7.3 Five trees in the vicinity of the car park will be affected by this development, see appendix 3. The small apple and pear trees have been identified for removal. The large copper beech and the two established Acer trees set in the public footway are to be retained and as A category trees protection is essential for the Root Protection Areas and the crowns of the trees to prevent any damage from work vehicles or activities. This will ensure continued amenity contribution of these trees in the future.

Trees removed as part of this project should be replaced on a two for one basis. It is recommended that any trees lost as part of this project are replaced by two 'heavy standard' sized specimens. Ideally it should be left to the local authority's own Arboricultural section to arrange and carry out this replacement planting.

Environmental Protection

- 7.4 During the construction phase noise issues may arise which could lead to the hours of work being restricted.

Structural Engineer

- 7.5 No comments received.

Town Centre Manager

- 7.6 No comments received.

Regulatory Services

- 7.7 No comments received.

Asset Management

- 7.9 No comments received.

Essex County Fire and Rescue

- 7.10 *Access*

Access for Fire Service purposes has been considered in accordance with the Essex Act 1987- Section 13 and will be considered acceptable subject to satisfactory compliance with Building Regulations B5.

Building regulations

Local Authority Building Control will consult with the Fire Authority in accordance with 'Building Regulations and Fire Safety – Procedural Guidance'.

Sprinkler Systems

Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk based approach to inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

Public Notification

- 7.11 Seven neighbours were notified and a notice posted on site and no correspondence has been received.

8 Relevant Planning History

- 8.1 None.

9 Recommendation

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

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

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: 1440/P/101A; 1440/P/102 A; 1440/P/103 A; 1440/P/104 A; 1440/P/106 & Existing and Proposed Streetscene**

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

- 03 No development shall take place until details and samples of the materials to be used on all the external elevations, including walls, cladding (details of materials/colour and finish and a cross section at a scale of not more than 1:20 to show how it will be fitted to the building), windows, doors, louvers/grilles, pcc bars and panels, paving, screen/boundary walls and fences, driveway, forecourt or parking area; have been submitted to and approved by the local planning authority. The development shall only be carried out in accordance with the approved details.**

Reason: 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 (2012), Southend Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM1, and SPD1 (Design and Townscape Guide).

- 04** The proposed highways works, including the formation of new vehicular access onto the service road at the rear of the application and the formation of new pavement shall be carried out in full prior to the first use of the car park hereby approved in accordance with the details shown in plan no. 1440/P/106.

Reason: In the interests of highways management and safety in accordance with (Southend Core Strategy (2007) policies KP2, CP3, CP4; (Development Management Document (2015) policy DM15 and the Design and Townscape Guide (2009).

- 05** No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods in accordance with Clause 7 of British Standard BS5837 - Trees in Relation to Construction – Recommendations, has been submitted to and agreed in writing by the local planning authority. The tree protection measures and working methods shall be implemented in full as set out in the approved tree protection plan.

Reason: To protect the health of the trees, in the interests of visual amenity and to ensure a satisfactory standard of landscaping, pursuant to DPD1 (Core Strategy) policies KP2 and CP4, DPD2 (Development Management) policies DM1, DM3 and the advice contained in the Design and Townscape Guide.

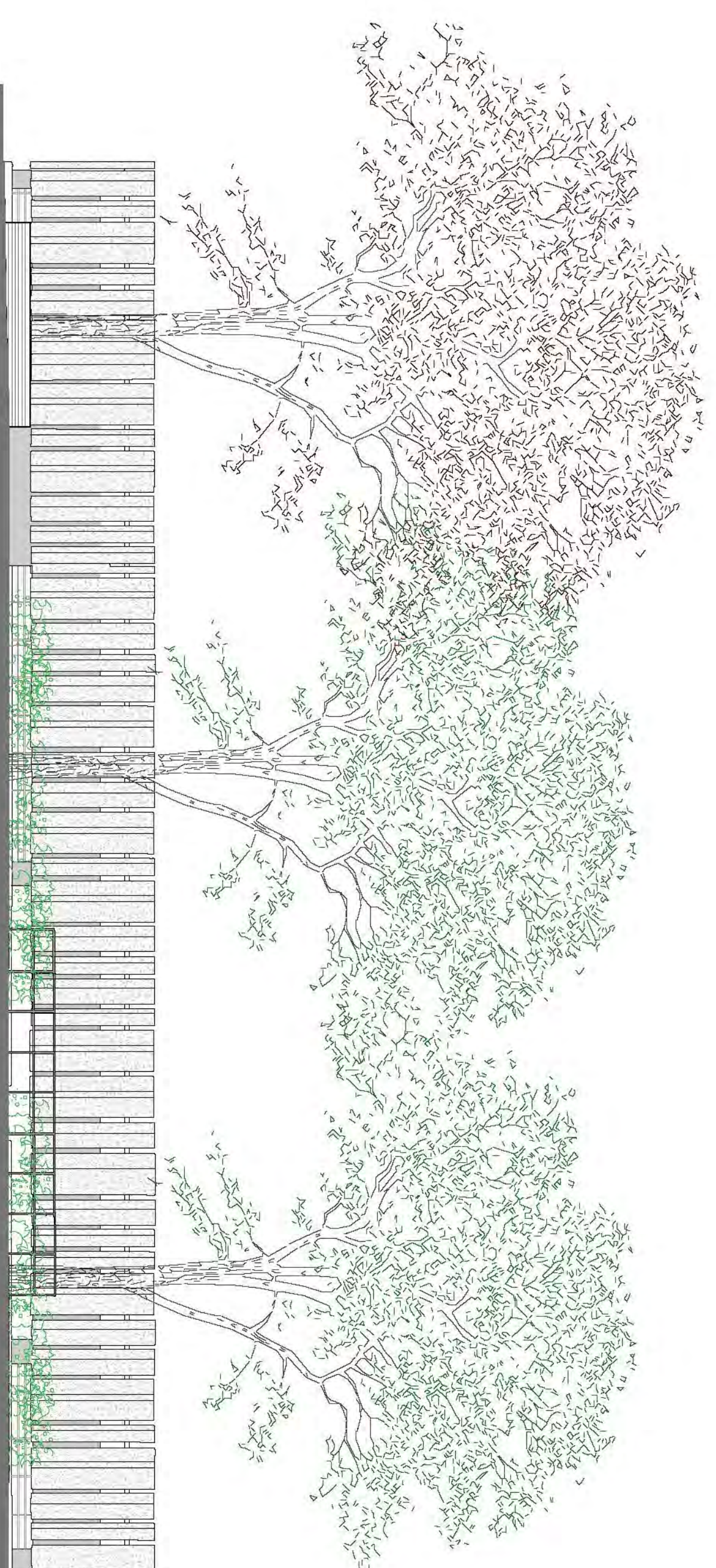
- 06** Demolition or construction works shall not take place outside 8:00 hours to 18:00 hours Mondays to Fridays and 8:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Development Management DPD policies 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** Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. 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** It is noted that at the time when both the Civic Centre East public car park and the redeveloped of exiting Library car park will be operate together, the Council will have to manage staff permit allocation to ensure the number of permits issued would not be increased to an extent that would unacceptably increase trips.
- 3** It is noted that advertisement consent would potentially be required for the proposed signage.



Great Eastern Avenue

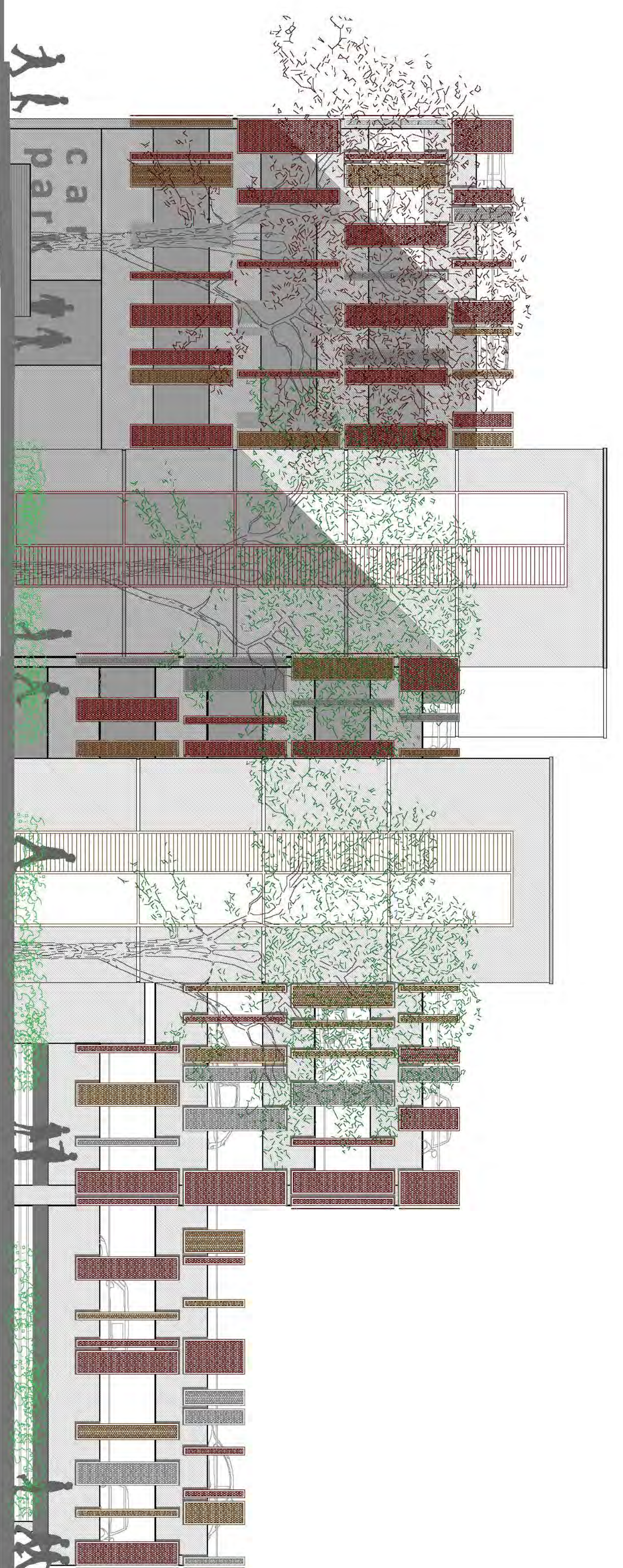
existing car park to be demolished

pavement

Beecroft Art Gallery / Hive

pavement

existing street scene - scale 1 : 100



Great Eastern Avenue

proposed new car park

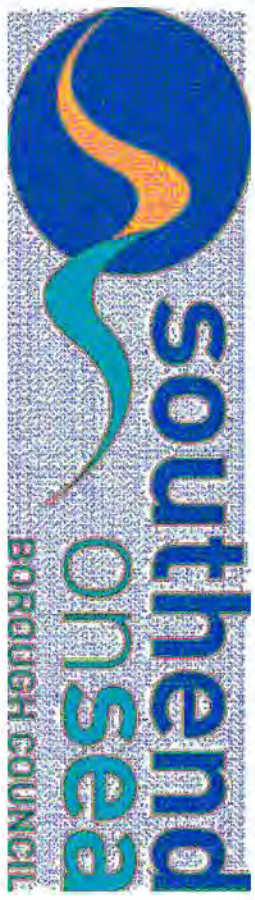
pavement

Beecroft Art Gallery / Hive

pavement

proposed street scene - scale 1 : 100

Rev A - 31.03.17 - Right amendments to safety planning.



Department for Place,
 PO Box 6559
 Civic Centre
 Southend-on-Sea
 Essex
 SSO 6SN

Project title:
**Property and Regeneration
 new multi storey car park**

Drawing title:
**existing and proposed
 street scene**

Scale:
 1 : 100

Drawn by:
 gah

Checked:
 Febuary / 2017

Drawing no:
1440/P/105

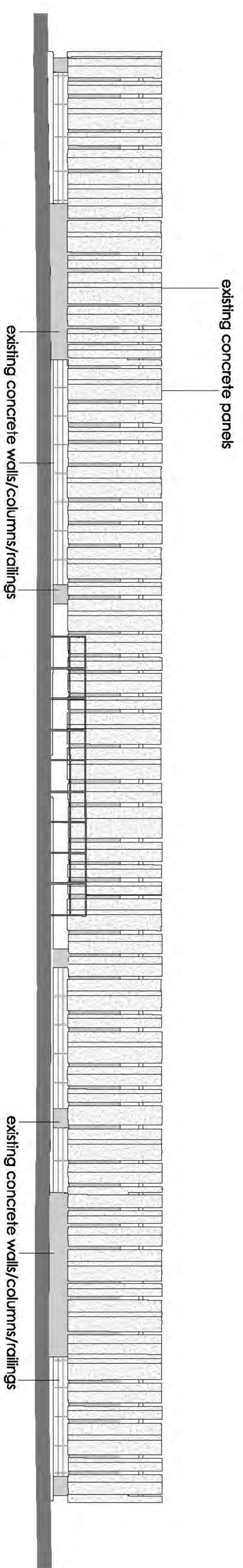
Sheet no:
 sheet 5 of 7

Revision:
A

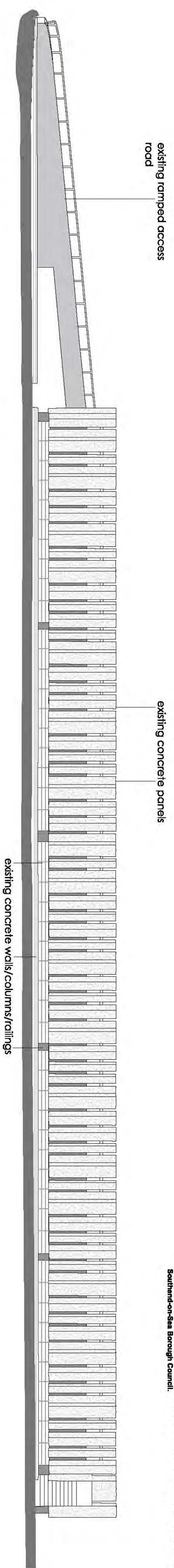
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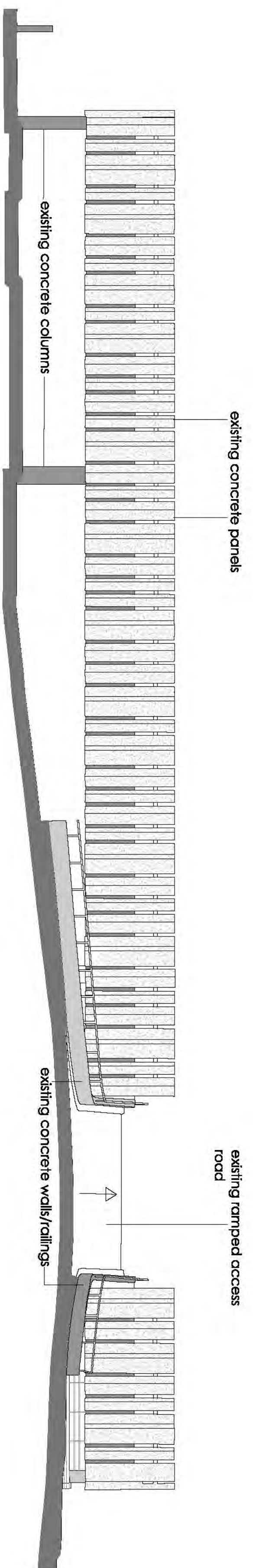
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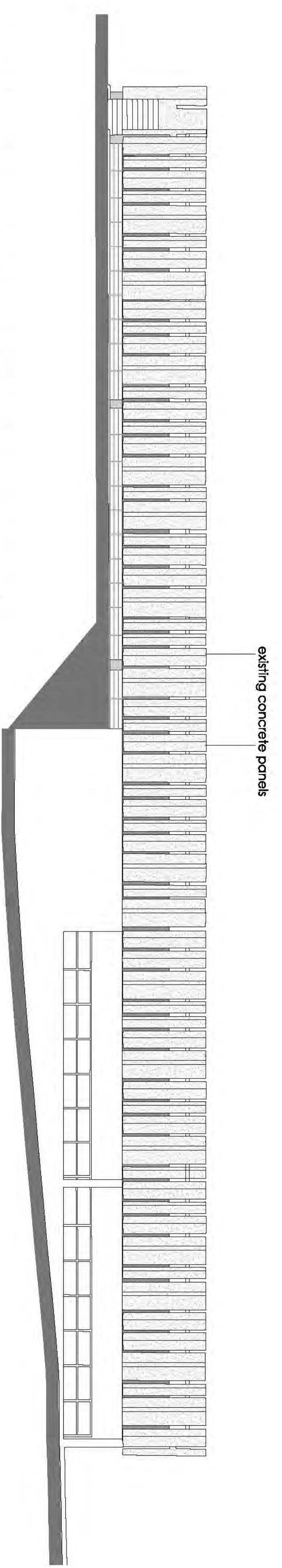
existing west elevation - scale 1 : 100



existing north elevation - scale 1 : 100

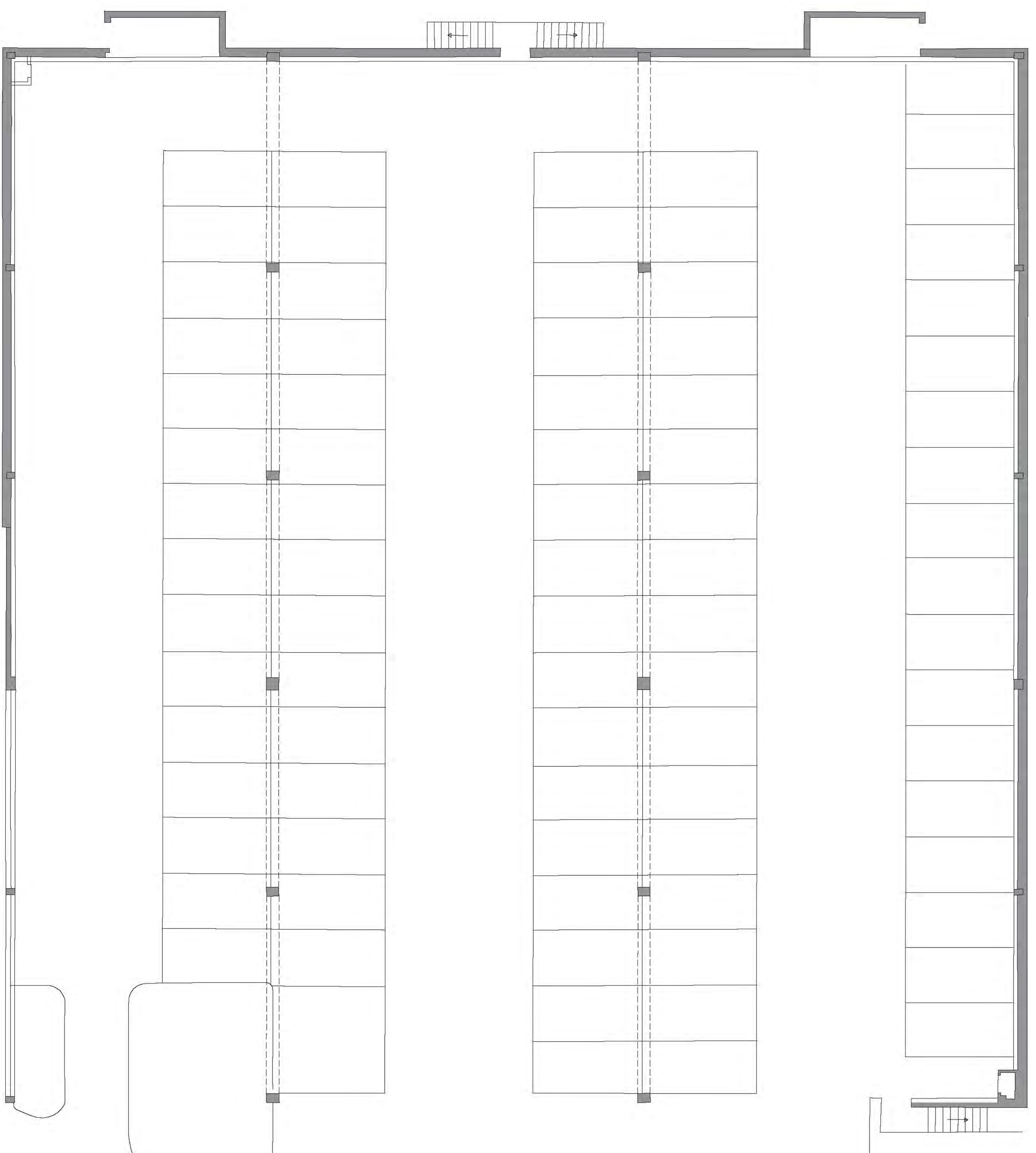


existing east elevation - scale 1 : 100

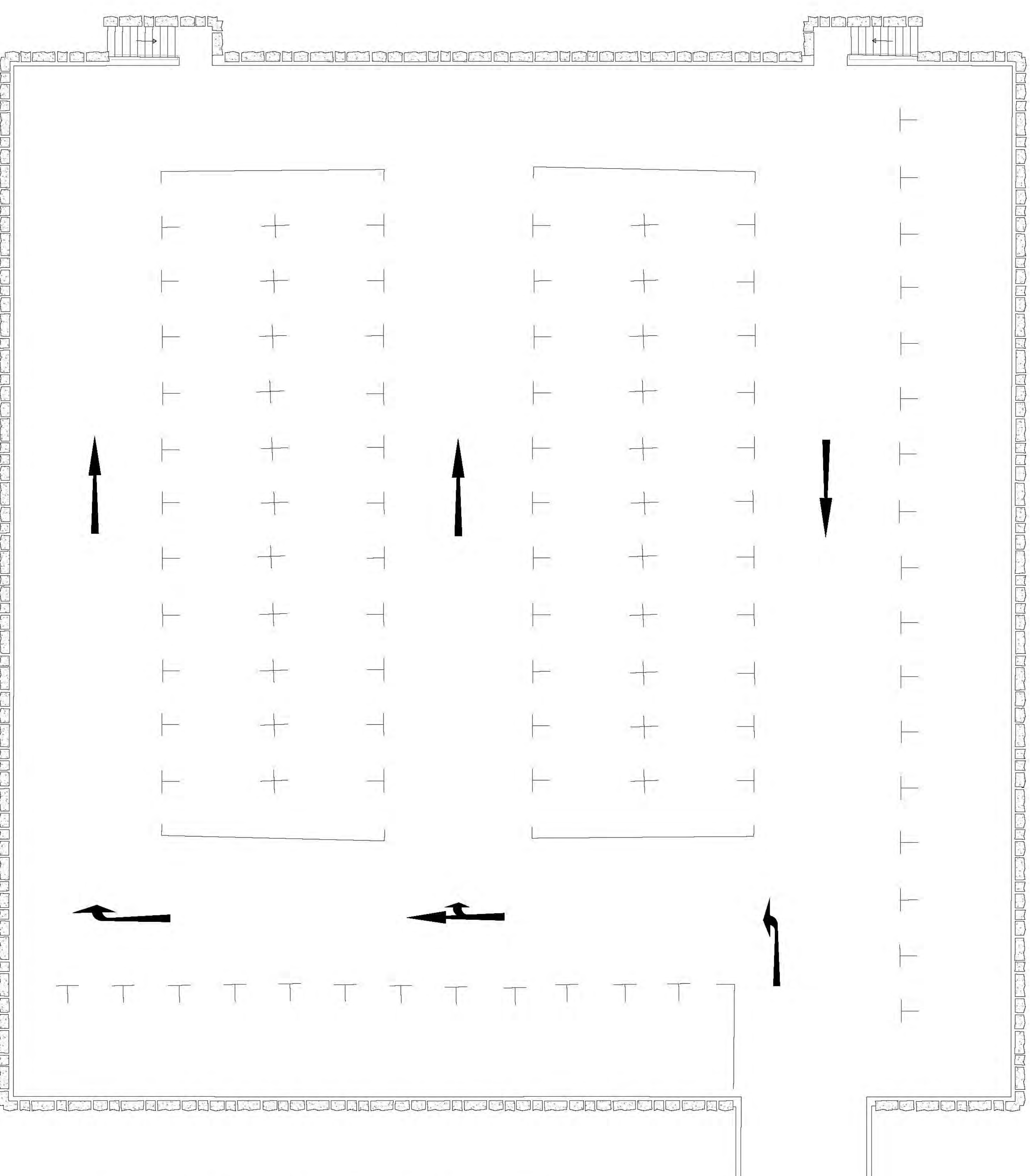


existing south elevation - scale 1 : 100

Note: existing car park is to be demolished




existing floor plan showing level 0 - scale 1 : 100
 (total 89 spaces)



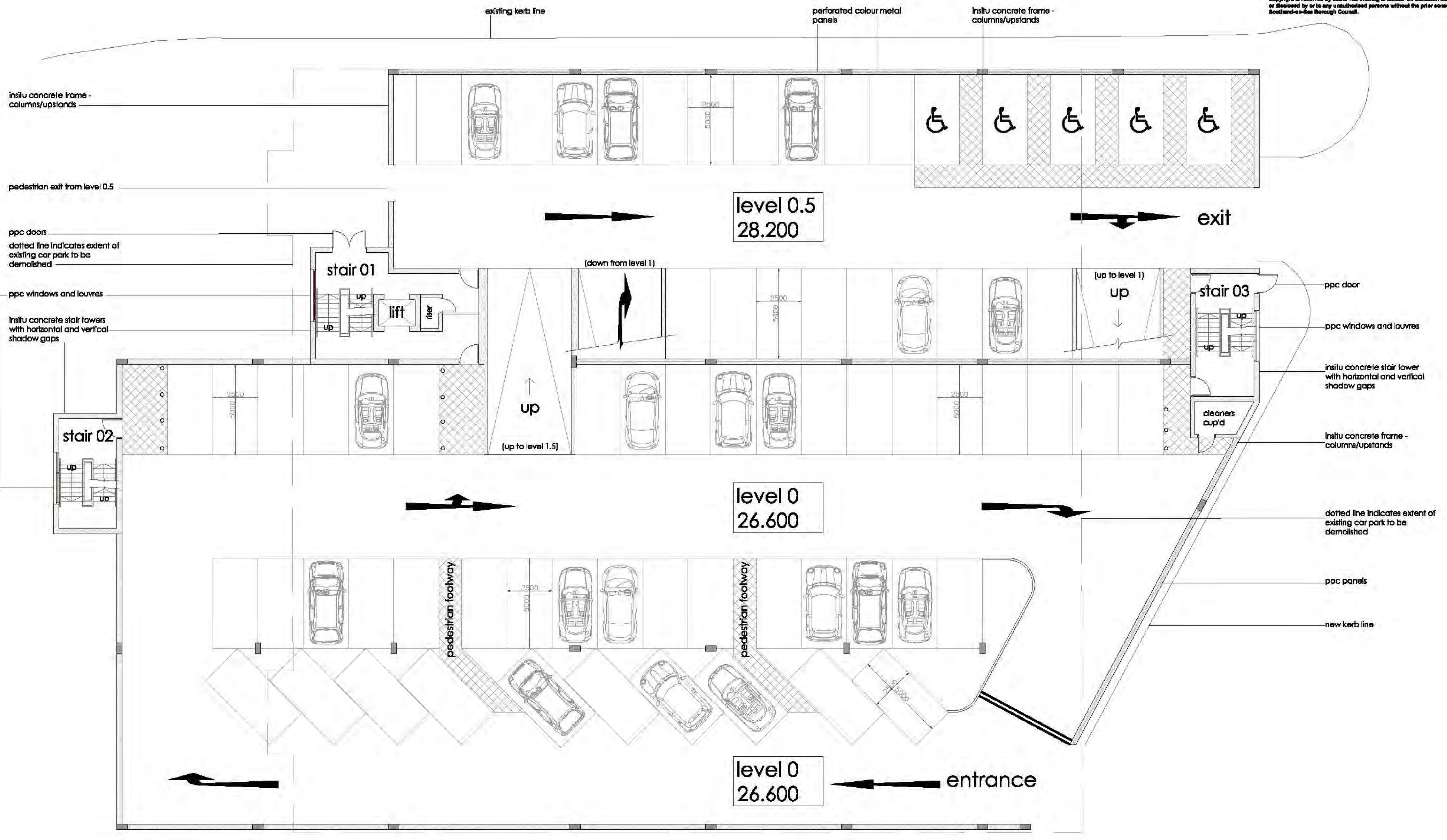
existing floor plan showing level 1 - scale 1 : 100
 (total 79 spaces)

PLANNING

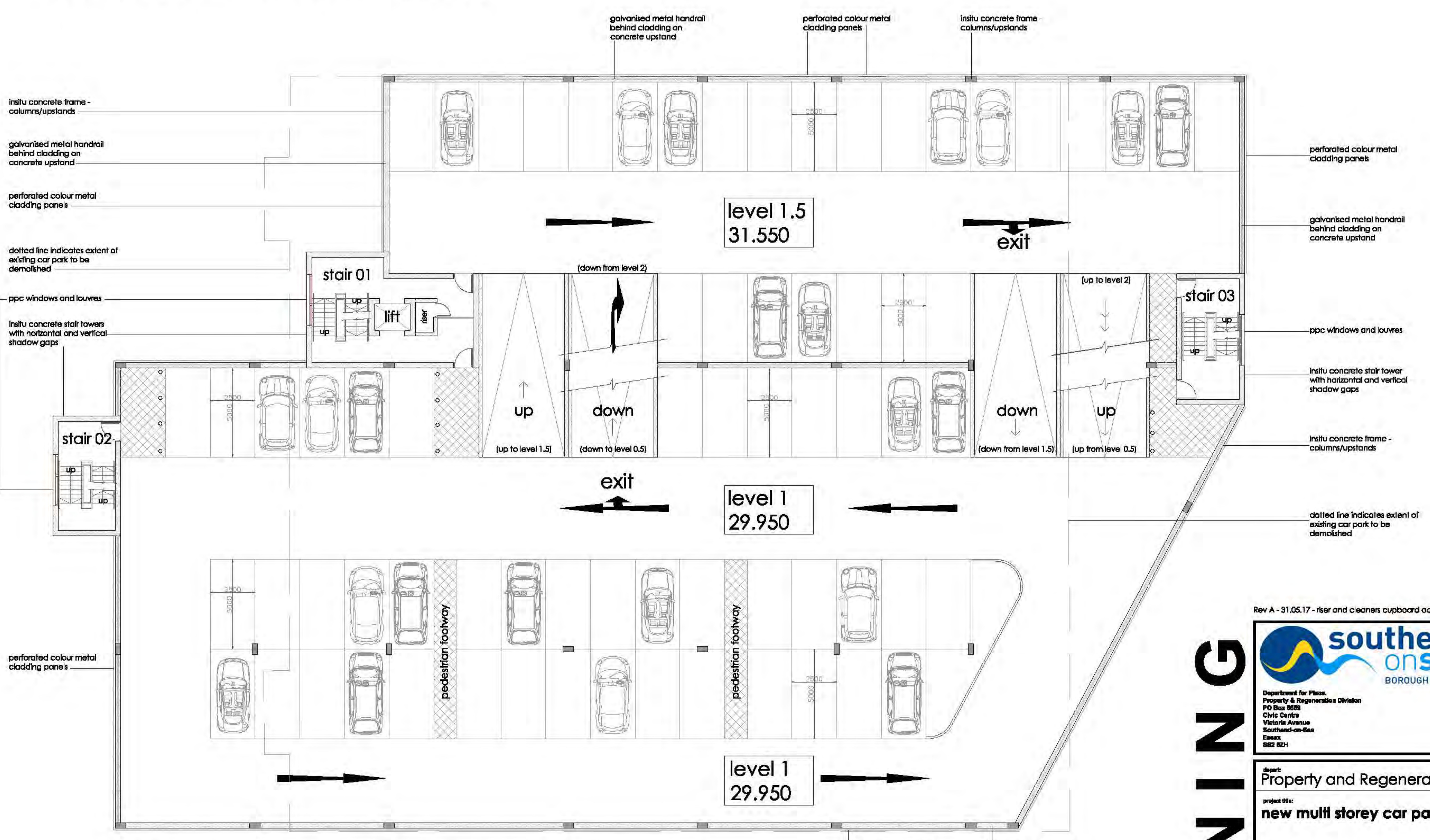
 <p>Department for Planning Property and Regeneration Division Planning and Regeneration Civic Centre Southend-on-Sea Essex, SSO</p>	
<p>Client: Property and Regeneration</p> <p>Project Title: new multi storey car park</p>	
<p>Site: new multi storey car park Victoria Avenue Southend-on-Sea</p>	
<p>Drawing Title: existing floor plans and elevations</p>	
<p>Scale: 1 : 100</p> <p>Date: February 2017</p>	<p>Drawn by: [blank]</p> <p>Checked: [blank]</p>
<p>Drawing No.: 1440/P/100</p>	<p>Sheet No.: Sheet 1 of 7</p>

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proposed floor plans showing levels 0 and 0.5 - scale 1 : 100
 (total 70 bays 5 of which are accessible bays)



proposed floor plans showing levels 1 and 1.5 - scale 1 : 100
 (total 70 bays)

Rev A - 31.05.17 - rser and cleaners cupboard added.



department: Property and Regeneration
 project title: new multi storey car park

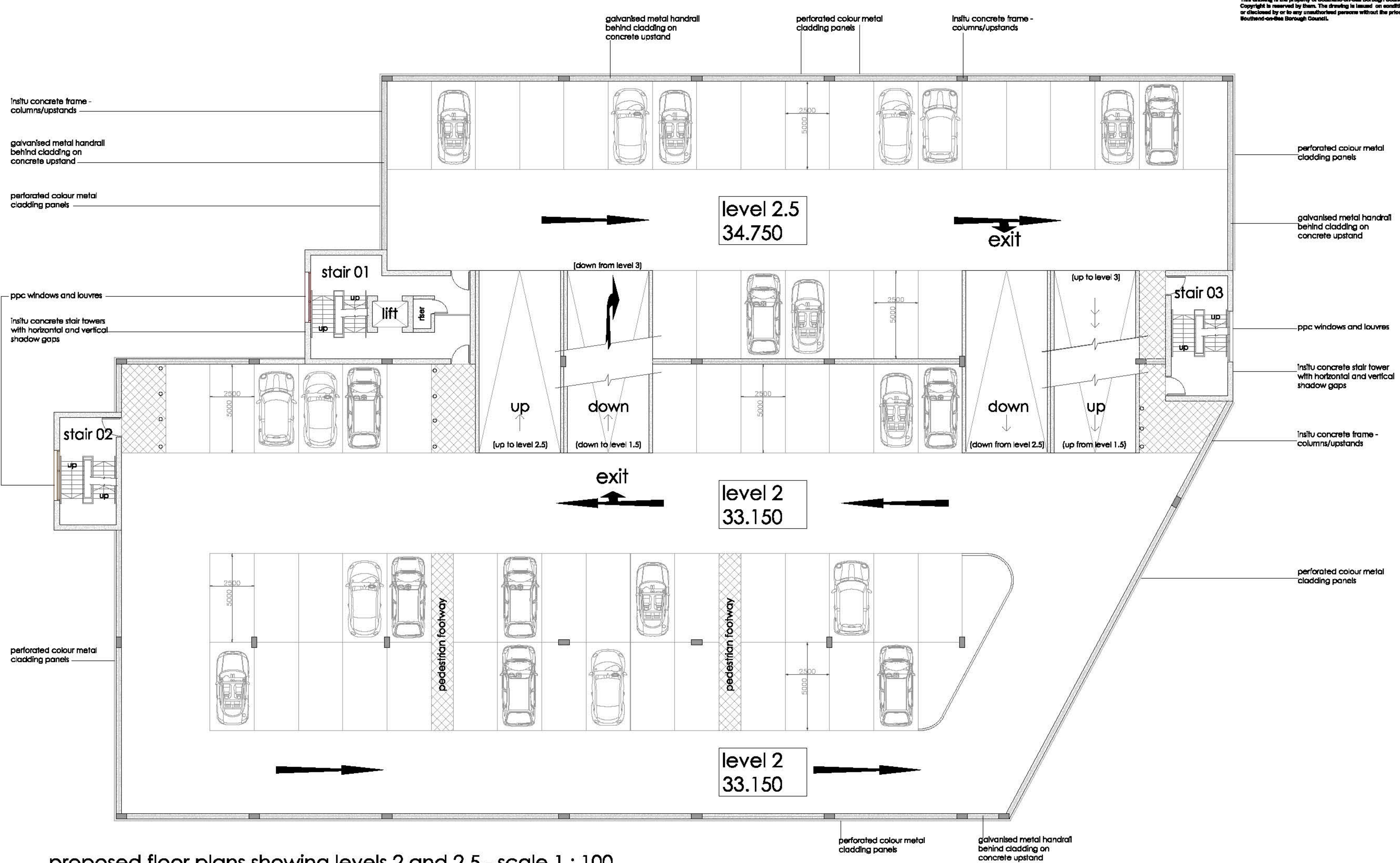
site: new multi storey car park
 Victoria Avenue
 Southend-on-Sea
 drawing title: proposed floor plans levels 0, 0.5, 1 and 1.5

scale: 1 : 100	drawn by: GAF
date: February 2017	checked:
drawing no: 1440/P/101	sheet no: sheet 2 of 7
revision: A	

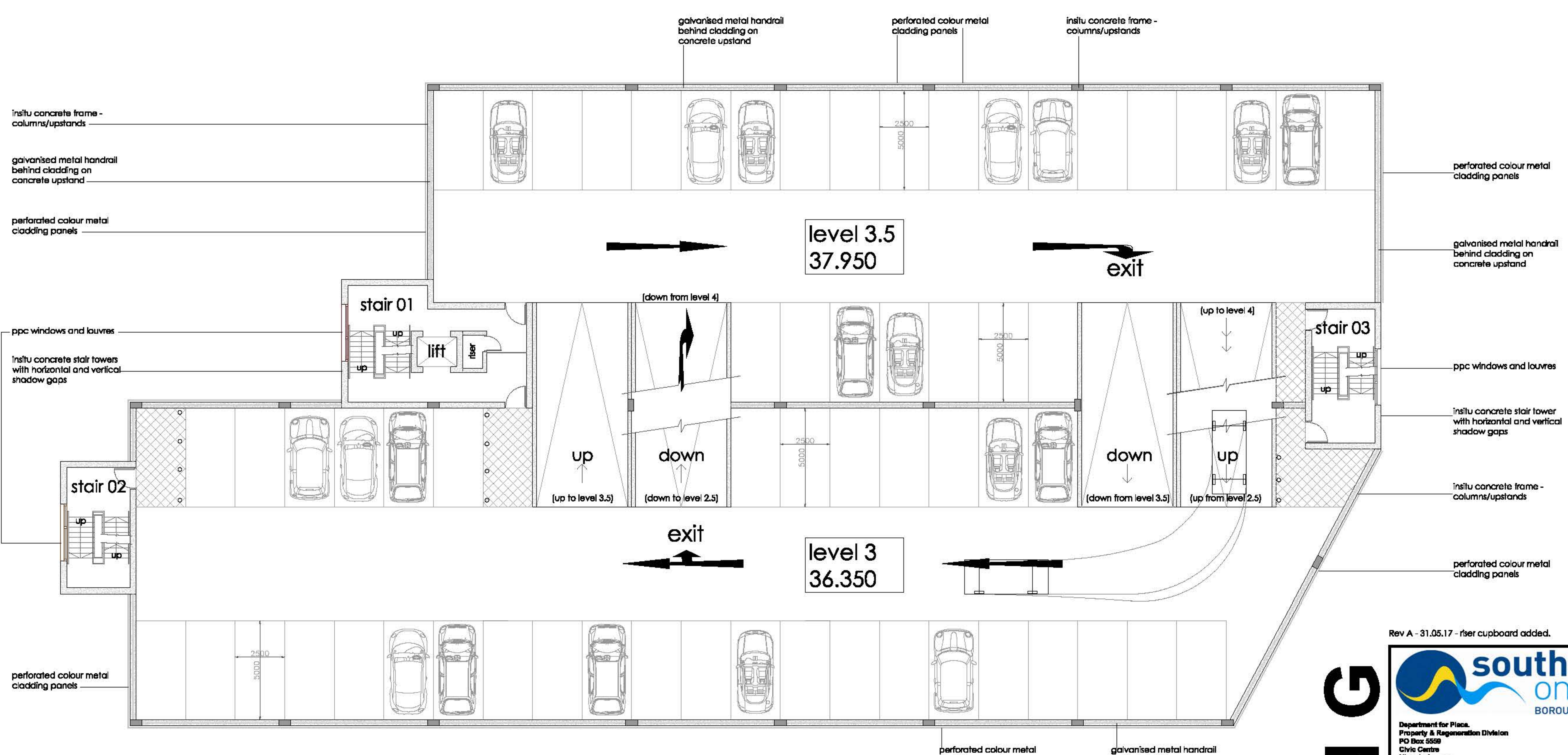
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proposed floor plans showing levels 2 and 2.5 - scale 1 : 100
 (total 70 bays)



proposed floor plans showing levels 3 and 3.5 - scale 1 : 100
 (total 61 bays)

Rev A - 31.05.17 - r/ser cupboard added.

southend on sea
 BOROUGH COUNCIL
 Department for Planning, Property & Regeneration Division
 PO Box 5559
 Civic Centre
 Victoria Avenue
 Southend-on-Sea
 Essex
 S16 6ZL

department: **Property and Regeneration**
 project title: **new multi storey car park**

site: **new multi storey car park
 Victoria Avenue
 Southend-on-Sea**

drawing title: **proposed floor plans
 levels 2, 2.5, 3 and 3.5**

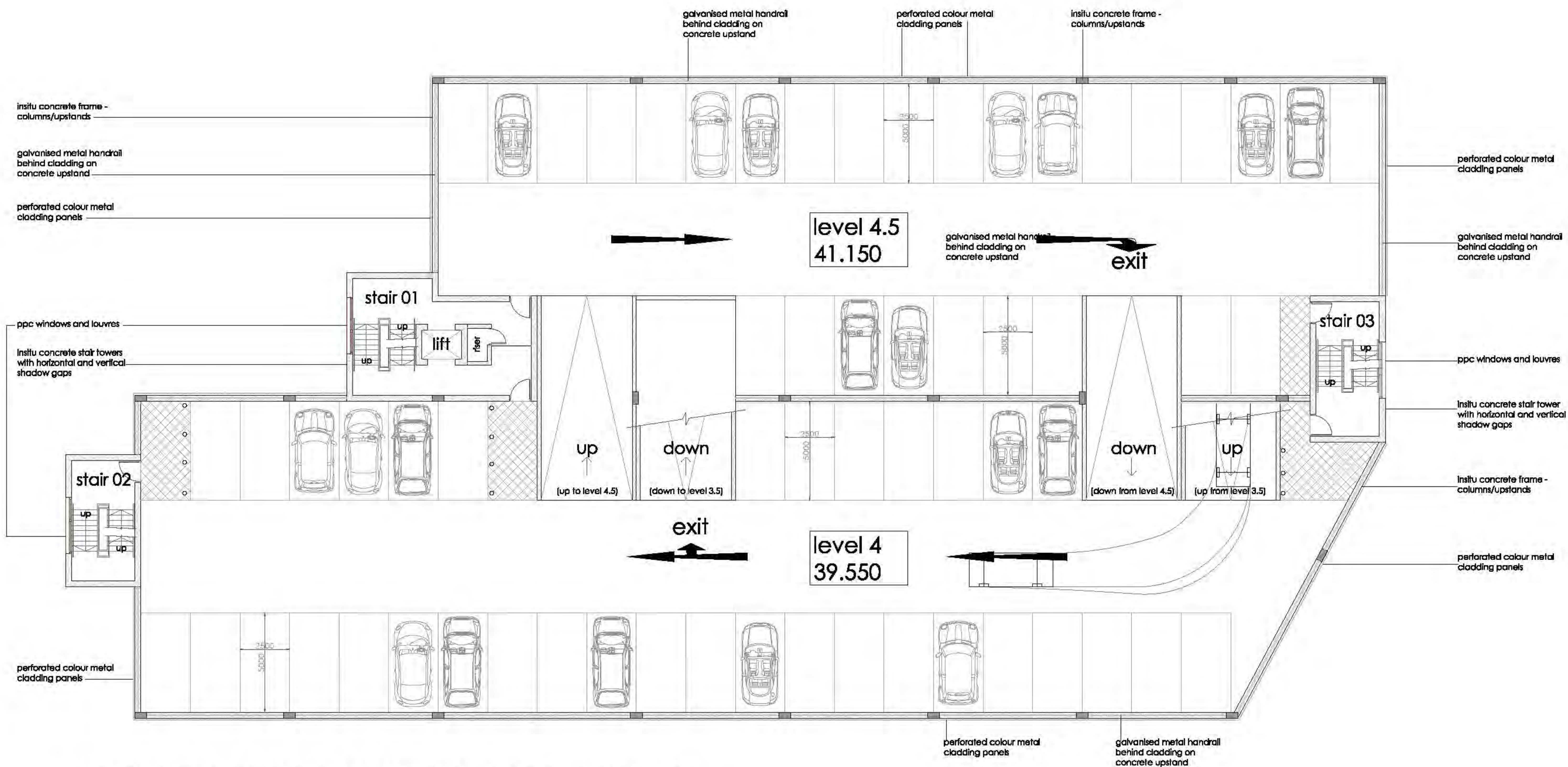
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drawing no: **1440/P/102**
 sheet no: **sheet 3 of 7**
 revision: **A**

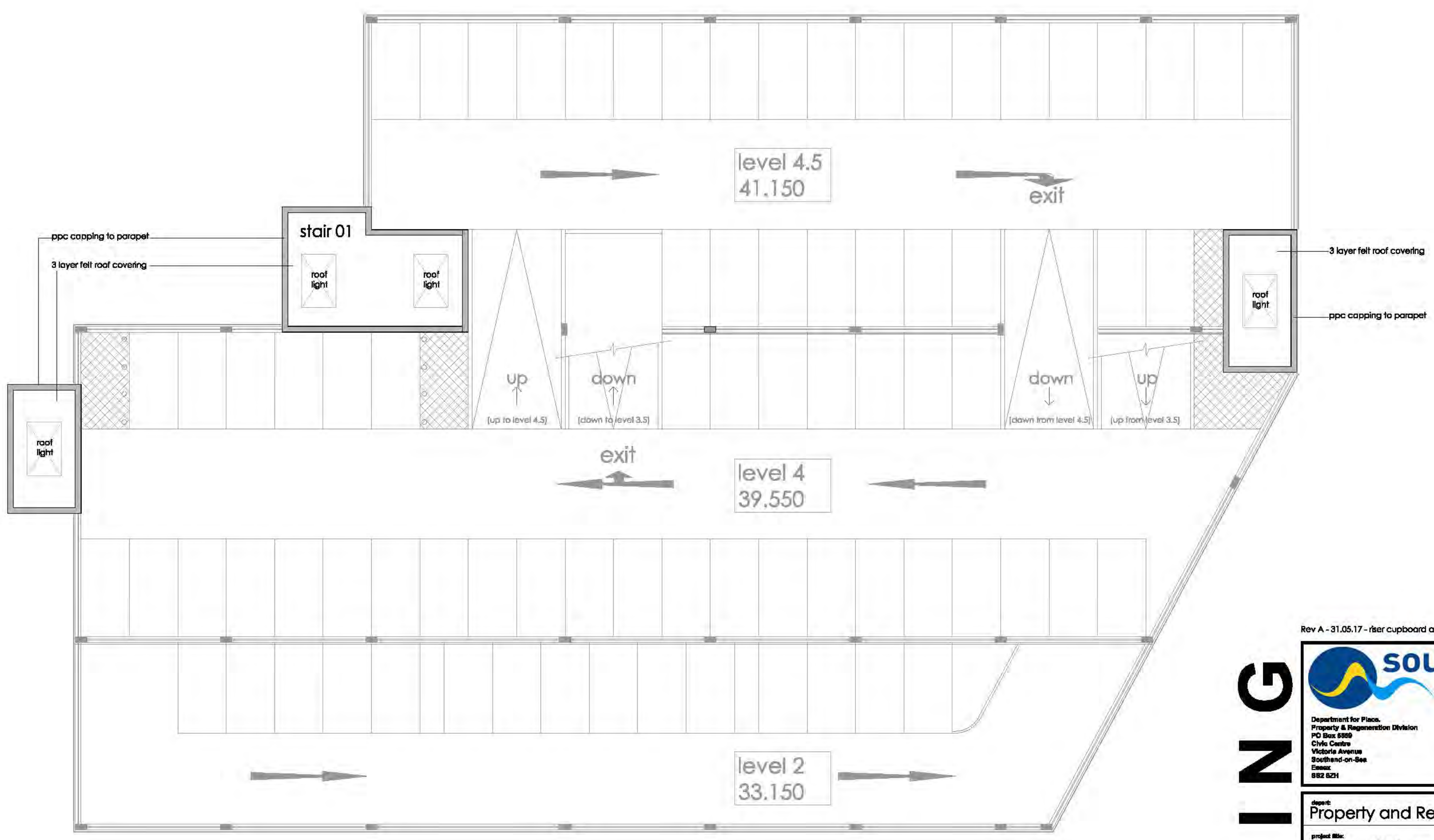
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proposed floor plans showing levels 4 and 4.5 - scale 1 : 100
 (total 63 bays)



proposed roof plan - scale 1 : 100

Rev A - 31.05.17 - riser cupboard added.

southend on sea
 BOROUGH COUNCIL
 Department for Place,
 Property & Regeneration Division
 PO Box 9909
 Civic Centre
 Victoria Avenue
 Southend-on-Sea
 Essex
 S12 6ZH

Client: Property and Regeneration
 Project title: new multi storey car park

Site: new multi storey car park
 Victoria Avenue
 Southend-on-Sea
 Drawing title: proposed floor plans
 levels 4, 4.5 and roof plan

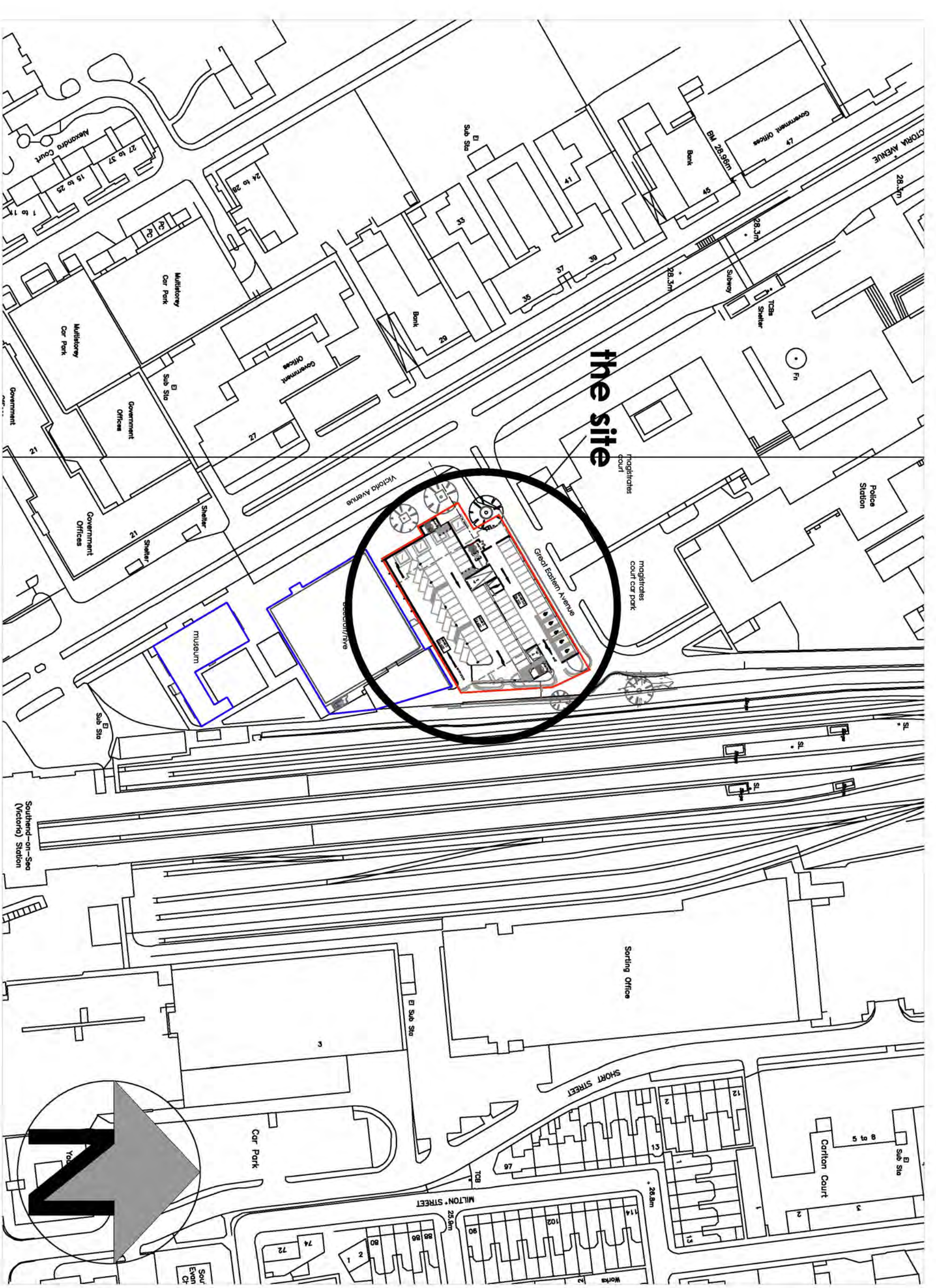
Scale: 1 : 100
 Date: February 2017
 Drawing no: 1440/P/103
 Sheet no: sheet 4 of 7
 Revision: A

PLANNING

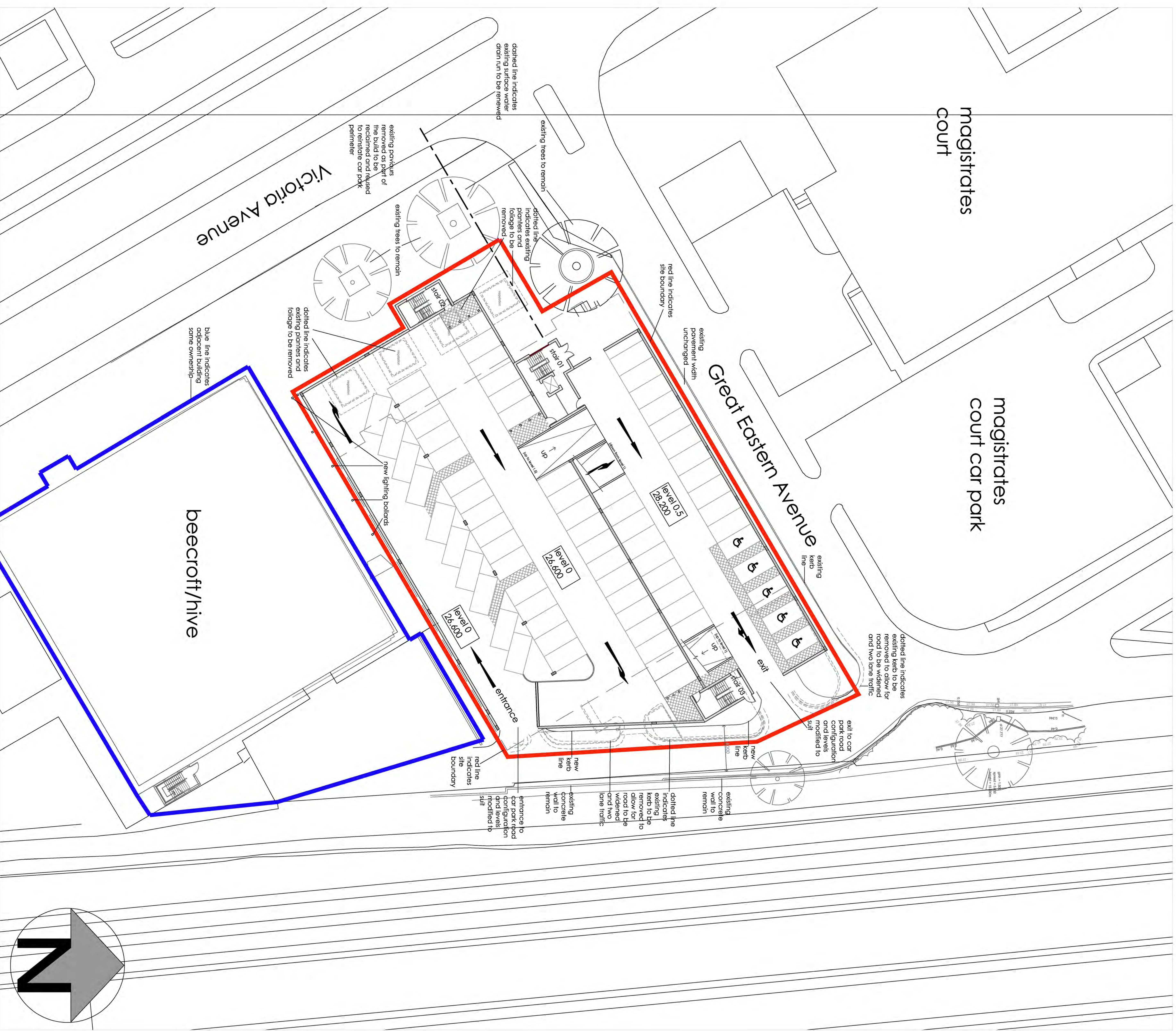
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location plan - scale 1 : 1250



site plan - scale 1 : 200

PLANNING

	
Department for Planning, Property & Regeneration Division Civic Centre Victoria Avenue Southend-on-Sea Essex SS2 6ZH	
Subject: Property and Regeneration	
Project Title: new multi storey car park	
Site: new multi storey car park Victoria Avenue Southend-on-Sea	
Drawing Title: proposed site and location plan	
Scale: 1 : 200 & 1 : 1250	Drawn By: February 2017
Sheet No.: 1440/P/106	Check: February 2017
Sheet No.: Sheet 7 of 7	Version:

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Reference:	16/02281/FULM	<h1>11</h1>
Ward:	Victoria	
Proposal:	Demolish existing building, erect five storey building of 16 self-contained flats and two ground floor commercial units, layout parking, cycle and bin stores	
Address:	177 London Road, Southend-on-Sea, Essex, SS1 1PW	
Applicant:	Green Turtle Cay Limited	
Agent:	DAP Architecture	
Consultation Expiry:	11.05.2017	
Expiry Date:	13.07.2017	
Case Officer:	Janine Rowley	
Plan Nos:	703.200.01 Site and ground floor plan proposed; 1703.201.00 First and Second Floor Plan proposed; 703.203.00 Site and roof plan proposed; 703.204.00 Streetscene and sections proposed; 703.205.00 Proposed elevations; 703.206.00 Proposed Site Waste Management Plan, 703.207.01 third and fourth plan; 703.001.00	
Recommendation:	GRANT PLANNING PERMISSION	



1 The Proposal

1.1 Planning permission is sought to demolish the existing building, erect five storey building of 16 self-contained flats and two ground floor commercial units, layout parking, cycle and bin stores. The proposal will include 16 x 2 bedroom units and 114sqm of commercial (B1a) floorspace. No affordable housing is proposed.

1.2 The details of the scheme can be summarised as follows:

Site Area	0.05 hectares.
Units	16 flats all two bedroom plus 114sqm of commercial (B1a)
Parking	space 10 car parking spaces (16 cycle spaces for residential and 4 cycle spaces for commercial premises)
Amenity space	131sqm (plus private balconies to each flat)
Height (max)	5 storey (15.1m to 16.7m)

1.3 The development includes 114sqm of commercial floorspace (B1a office) at ground floor level split into two units, 42sqm and 72 sqm respectively. The commercial space would have its own refuse store. No off-street parking is allocated to it.

1.4 At first, second, third and fourth floor level 16 x 2 bed units are proposed with internal floorspaces ranging from 63sqm-71sqm with access to balconies ranging from 3.3sqm- 8.5sqm and a communal roof terrace area of 131sqm to the fourth floor.

1.5 The building would front onto London Road and be set approximately 2.3m forward of the adjacent building to the west at its forward-most point and 1.4m forward of the development under construction at 175 London Road (a five storey building with 27 flats that is being constructed under the terms of permissions 11/00307/OUTM and 14/00499/RESM). The front elevation would then be staggered back giving it the appearance of two stepped blocks. The design is contemporary and simple and includes mono-pitch and flat roof elements and a projecting canopy feature matching that of the development currently under construction at 175 London Road.

1.6 Parking is at ground floor to the rear of the building, with part of the parking area to accommodate 10 parking spaces.

2 Site and Surroundings

2.1 The rectangular site includes a three storey contemporary building and lies on the southern side of London Road, North Road is to the west and Brighten Road is to the east. The building was recently occupied by a chartered accountancy firm and has previously been accepted by the Local Planning Authority, to be in use for purposes falling within Use Class B1(a), although it is noted that the application form suggests that the existing use is for A2 purposes. To the west of the site is Harwand House (which has been converted into flats) and the six storey telephone exchange building.

- 2.2 The area is mixed in terms of uses but on London Road mainly comprises of commercial units at ground floor and residential units above. The site to the east of the application site is currently being redeveloped. The surrounding area consists primarily of three storey buildings of a mixed design and style.
- 2.3 The site is not located within a 2(3) land and it is not listed building.
- 2.4 The site lies approximately 250m to the west of Southend town centre (as defined on the Development Management Document proposals map). It lies within the Southend Central Area within the adopted Core Strategy.

3 Planning Considerations

- 3.1 The main considerations in relation to this application include the principle of development, design, impact on the street scene, residential amenity of neighbouring and future occupiers, traffic, highways and parking implications, sustainability, developer contributions and CIL.

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 Of significant relevance to this application 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.*”
- 4.2 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. Moreover, the policy states that 2000 dwellings shall be provided within the Southend Central Area during the plan period leading to 2021. 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.”

Loss of Employment Land

- 4.3 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.*

4.4 Policy DM10 of the Development Management Document part 2 states:

“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”.

4.5 The applicant state that the former occupant of the site has merged with another practice and the property at the application site is understood to have remained vacant since (although this contradicts the information on the submitted application form, which states that the building is not vacant). In accordance with aforementioned policies, the applicant has submitted supporting information with the application which concludes that the site is no longer suitable for commercial use. This includes an estate agents letter and the planning statement, which suggests that existing buildings are coming to the end of their natural life. The applicant states that the site has been vacant for some time and has limited servicing areas and limitations on parking which render the buildings unattractive to other office users. There are other available business/office buildings and sites locally, which would be more cost effective and attractive to commercial operators seeking space within the Borough. It is further contended that is not a viable prospect to refurbish the existing buildings or to redevelop it for new commercial premises. Also of relevance is a recent prior approval to change the use of the first and second floor offices (stated to be in B1(a) use) units at 177 London Road to eight studio flats (16/01059/PA3COU).

4.6 During the course of the application the applicant has agreed that the proposed ground floor commercial space will be used for class B1(a) purposes rather than the class A2 use that was originally proposed. Provision of this ground floor office space in place of the existing commercial use at the site is acceptable in principle and would enable the provision of some (B1a) employment to be provided in a new, fit for purpose office building, to off-set the loss of a larger amount of office floorspace, which was however located in an outmoded building that the applicant states is coming to the end of its natural life.

4.7 For these reasons, noting that the proposal would result in the loss of commercial floorspace that currently provides limited employment opportunities, the extant prior approval and the condition of the building, it is considered that the benefits of increasing housing provision at this site should be deemed to outweigh the reduction of commercial floorspace. Therefore, on balance, the principle of the ground floor B1(a) office floorspace with residential development above, is found to be acceptable.

Dwelling Mix

- 4.8 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%
Proposed	0%	100%	0%	0%

- 4.9 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.
- 4.10 The proposal would result in 16 no. 2 bedroom flats. Whilst the proposed development does not fully accord with requirements of Policy DM7, the applicant has submitted evidence from local estate agent and viability assessment demonstrating that the market trend in the area is mainly for 2 bed units, when this relates to flatted schemes. Paragraph 50 of the National Planning Policy Framework states that '*plan for a mix of housing should be based on current and future demographic trends, market trends and the needs of different groups in the community*'. Therefore, the dwelling mix, as proposed, on balance, taking into account the market need in the area and the fact that it is a relatively small scheme, is considered acceptable.

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.

- 4.11 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.*"

- 4.12 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.
- 4.13 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”.*
- 4.14 This section of London Road has a varied character, and is generally mixed use including commercial units and residential properties. To the immediate east of the site, at 175 London Road a five storey mixed use development of 27 flats is currently under construction (planning references: 11/00307/OUTM and 14/00499/RESM). To the west of the site is a three storey building with residential flats to the first and second floor and retail to the ground floor.
- 4.15 In terms of scale, the building would be up to five storeys high with a height of 15.1m to 16.7m, which is the same as the adjacent development at 175 London Road. The height of the building would reflect the importance of London Road as a main road, and is considered appropriate. It would be seen against the backdrop of the telephone exchange building to the north. In light of this, the overall scale of the building, which is considered to be appropriate in the commercial, central location is considered acceptable.
- 4.16 In terms of design and appearance, the building would be a simple contemporary design. The design uses stepping of the building and balconies to break up its massing and repetitive mono-pitched roof/framing feature to add interest to the streetscene. This approach breaks up the mass of the development and provides an attractive elevation. The overall design approach reflects the development under construction at 175 London Road including choice of materials. It should be noted the buildings are separated by 0.1m. Indicative details of the proposed materials to be used in the construction of the development have been submitted for consideration within the Design and Access Statement include white render, grey brick to the elevations, Marley Eternit grey cladding, powder coated aluminium doors and windows, single ply roofing and the paving area will have Drivesett Tegula Priora, Pennant Grey. The overall appearance in terms of the detailing and materials should make a positive contribution to the streetscene, complimenting the development to the east of the site at 175 London Road and to help to mark the approach to Southend town centre. This design approach is considered acceptable on this main artery into the town, where buildings of various designs and ages exist. The immediate area does not have a strong uniform character and the proposed scheme has the potential to improve and create local character in accordance with current planning policy.

- 4.17 With respect to the overall layout, 16 flats can be satisfactorily accommodated within the envelope of the building, along with the ground floor commercial space proposed. The floorplans submitted indicate all units would be of a reasonable size and have sufficient circulation space, outlook and balconies.
- 4.18 The proposed layout would be set on roughly the same building line as the adjacent office building, although the first floor would include an overhang. It would not appear over dominant within the streetscene. The general layout of the site would respond well to its context and largely conceal the proposed parking area to the rear of the site.
- 4.19 The position and size of refuse stores and cycle stores are shown on the plans. A residential bin store, commercial bin store and cycle store can be adequately accommodated to the rear of the building, and accessed from the rear parking area.
- 4.20 The residential entrance is shown off London Road and North Road and clearly separate from the entrances to the two commercial areas, which is sufficient. The parking area for 10 vehicles and cycle storage will be accessed from North Road to the west of the site.
- 4.21 In terms of landscaping, no details have been submitted for consideration however, this could be dealt with by condition to require suitable hard and soft landscaping to be carried out, although it is noted that there is little space for soft landscaping exception on the roof terrace.

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.

- 4.22 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods. Amenity refers to well-being and takes account of factors such as privacy, overlooking, outlook, noise and disturbance, the sense of enclosure, pollution and daylight and sunlight. Policy DM1 of the Development Management requires that all development should (inter alia):

“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;”

- 4.23 To the east of the site 175 London Road, is currently under construction to erect a five storey building containing 27 flats (11/00307/OUTM). The development at 175 London Road will have an overall depth of 21.9m (excluding the amenity area at first floor to the rear, whereby the overall depth of the building is 29.4m), this development will have an overall depth of 20m. In terms of impact on residential amenity, it is not considered the proposed development will affect the amenities of future occupiers at 175 London Road taking into account the development at 177 London Road is set 1.9m behind the rear of the balconies serving no. 177 thus will not result in an overbearing form of development, overlooking or loss of privacy.
- 4.24 It is noted on the approved plans of 175 London Road (11/00307/OUTM) there are high level and obscure glazed windows serving the kitchens on the side elevation of that development. Given the separation distance of 0.1m from the proposed development to 177 London Road the windows would not be afforded amenity of natural light. The development is currently under construction and buyers will be aware of the future development at 177 London Road prior to choosing to purchasing flats on the western boundary of 175 London Road. Whilst the light will be reduced to the kitchen areas, they are served by primary windows to the north and west respectively dependant on the flat.
- 4.25 To the west of the site is 179-187 London Road (Harwand House), has a vacant retail use to the ground floor and the upper floors have been converted into residential flats. The windows nearest to the eastern boundary abutting 177 London Road serve a staircase and lobby (non-habitable rooms) and whilst the proposed building projects beyond the rear wall it is not considered the proposal will result in any material harm in terms of overlooking, loss of privacy, sense of enclosure or an overbearing form of 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.

- 4.26 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) 2 bedroom (3 bed spaces) 61 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.

4.27 The proposed flats would be built to the dimensions that have been set out at paragraph 1.4 above. Bedrooms and main living areas are served by windows to provide adequate natural light and outlook. Refuse and cycle storage facilities are provided. The proposal is therefore considered to be in accordance with the abovementioned policies and guidance.

4.28 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 131 square metres, although it is noted that with the planting as shown on drawing 703.203.00 it equates to 124.5sqm. This amounts to 7.7sqm of shared amenity space per flat. In addition to this shared provision, all 16 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. Taking into account the unit sizes of the flats, and given large gardens are not characteristic of the area and are not commonly found in central or town centre locations generally. Taking into account all of the above points, the level of amenity space proposed is considered acceptable.

- 4.29 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.

- 4.30 The application includes for 10 parking spaces to serve 16 flats. No spaces are proposed to serve the commercial units.
- 4.31 The site is considered to be within a sustainable location, close to the town centre, on a bus route, and close to the station, in such locations policy DM15 of the Development Management Document seeks 1 space per flat and a maximum of 1 space per space 20sqm for B1 standard needed. This would equate to a maximum requirement of 22 spaces. The National Planning Policy Framework advocates the need for a reduction in parking levels where the site is in a sustainable location and part 6 of policy DM15 of the Development Management Document states:

“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”.

- 4.32 This site is well placed in relation to the town centre, schools and public transport links. There is also a large public car park to the rear of the site that is rarely at capacity. Car-free commercial space is common in town centre locations, and is considered acceptable here, just outside Southend town centre.
- 4.33 In the case of the residential element, there would only be a shortfall of 6 spaces. This is a low provision; however car free housing has been permitted elsewhere in the town centre. Only 6 parking spaces would be required for the B1 premises. It is not considered the development would result in increased on-street parking as there is little availability for on-street parking within the vicinity of the site. Both London Road and Brighton Road have parking restrictions in place. The applicant contends future occupiers of the site are likely to rely on public transport given the bus services available on London Road and two railway stations are within walking distance to Southend Central Station and Southend Victoria Station. The proposal also includes provision for cycle storage to the rear of the building,

which will be dealt with by condition to ensure the proposal is policy compliant. The Councils Highways Officer has raised no objection given the site is within a sustainable location with access to public transport and amenities.

- 4.34 The main access to the site remains off North Road, rather than London Road and thus complies with highway safety and efficiency in accordance with policy CP3 of the Core Strategy and policy DM15 of the Development Management Document, enabling cars to exit in forward gear.
- 4.35 In terms of servicing, there are currently restrictions in place on London Road to the front of the site, however there is sufficient space to the immediate west of the site for unloading and loading of goods, therefore no objection raised. Waste is to be collected to the rear of the site and full details will be required to understand however, refuse will be collected given it falls outside of the collection distance as set out in the Councils Waste Management Guide.
- 4.36 Subject to the above, the proposal is considered to comply with the relevant highways policy in terms of access and level of parking provision, servicing and cycle/refuse storage.

Sustainability

Core Strategy Policies KP2, CP4 and CP8, Development Management DPD Policies DM1, DM2 and DM14 and SPD1

- 4.37 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
- 4.38 No details of renewable energy have been provided, however it is considered that the submission of details to address the abovementioned requirement should be secured through the imposition of a condition.
- 4.39 The site is located in flood risk zone 1 (low risk). Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk. A condition will be imposed to ensure the proposed development will incorporate surface water drainage measures.
- 4.40 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 would be dealt with by conditions recommended if the application is deemed acceptable.

Community Infrastructure Levy

- 4.41 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 create 1090 square metres of residential floorspace and 114 square metres of commercial floor space and this would result in a net increase in gross internal area of 837 square metres (taking into account a deduction of 367square metres for existing 'in-use' floorspace that is being demolished). The CIL chargeable rate for residential units in this location is £22 per square metre and the rate for commercial development is £11 per square metre. Therefore, this equates approximately to £16,867.54.

Planning Obligations

- 4.42 The Core Strategy Policy KP3 requires that:

*"In order to help the delivery of the Plan's provisions the Borough Council will:
2. Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed."*

This includes the provision of affordable housing. It would usually be required for 20% of the units at the site to be affordable housing provision.

- 4.43 The applicant has submitted a viability statement in support of the application. This states that the proposed scheme cannot support any affordable housing as it generates a deficit of £0.45m. The Councils have carried out an independent assessment which concludes that the proposed scheme generates a deficit of £0.13. Therefore it is accepted that the scheme cannot support any affordable housing.
- 4.44 Therefore, in light of the above, it is accepted that an affordable housing contribution cannot be justified in this particular case.

Other Matter

- 4.45 It is considered that a condition is necessary to be imposed to address the matter of contaminated land and ensure that this issue is given suitable assessment, consideration and mitigation as may be required.

Conclusion

- 4.46 Having taken all material planning considerations into account, it is found that subject to compliance with the proposal conditions, the development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. Whilst the loss of the existing offices is regrettable, a mixed use development including some commercial space and much needed additional housing, in this location is welcomed.

The proposed development by reason of its design, scale, and layout would be an acceptable addition within the streetscene maintaining the overall character and appearance of the surrounding locality, while providing adequate amenities for future occupiers and protecting the amenities of neighbouring properties. Whilst there is a shortfall of parking the applicant has demonstrated the site is within a sustainable location and therefore greater flexibility can be applied. The application is therefore recommended for approval.

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); KP3 (Implementation and Resources); CP1 (Employment Generating Development); CP2 (Town Centre and Retail Development) CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure); CP8 (Dwelling Provision)

5.3 Development Management DPD 2015: Policies DM1(Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), Policy DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM10 (Employment Sectors), Policy DM11 (Employment Areas), Policy DM13 (Shopping Frontage Management outside the Town Centre) and DM15 (Sustainable Transport Management)

5.4 SPD1 Design & Townscape Guide 2009

5.5 SPD2 Planning Obligations 2010

5.6 Community Infrastructure Charging Levy

5.7 Emerging Southend Central Area Action Plan.

6 Representation Summary

Design and Regeneration

6.1 No comments.

Traffic and Transportation

6.2 There are no highways objections to this proposal, 10 car parking spaces have been provided for the development. Whilst there is a shortfall the proposed parking provision is considered acceptable in this sustainable location with good transport links and public car parks in close proximity.

The car park layout allows vehicles to enter manoeuvre and exit in a forward gear, 100% parking has also been provided.

Environmental Health

- 6.3 No objections subject to conditions relating to construction/demolition hours, and burning of waste.

Airport Director

- 6.4 Our calculations show the given position and height will have no effect on our operations. We therefore have no safeguarding objections.

Essex County Fire & Rescue

- 6.5 Access for fire purposes is generally considered satisfactory. More detailed observations will be made at the Building Regulations stage. The applicant is reminded that additional water supplies for fire fighting may be necessary for this development.

Essex and Suffolk Water

- 6.6 Our records show that we do not have any apparatus located in the proposed development.

We have no objection to this development subject to compliance with our requirements, consent is given to the development on the condition that a water connection is made onto our Company network for the new dwelling for revenue purposes.

7 Public Consultation

- 7.1 Site and Press notices posted and 35 neighbouring addresses notified by letter. No responses received.

8 Relevant Planning History

- 8.1 Change of use from offices (Class B1) to eight self-contained flats (Class C3) (Prior Approval)- Granted (16/01059/PA3COU)

9 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: 703.200.01 Site and ground floor plan proposed; 1703.201.00 Third and Fourth Floor; 703.203.00 Site and roof plan proposed; 703.204.00 Streetscene and sections proposed; 703.205.00 Proposed elevations; 703.206.00 Proposed Site Waste Management Plan, 703.207.01 third and fourth plan; 703.001.00.

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 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 before it is occupied.

Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy and Policies DM1 and DM3 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; external amenity areas 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 and policies DM1 and DM3 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. 703.200.01 for 10 cars to be parked 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 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 CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management 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 Policies DM1 and DM15 of the Development Management DPD 2015.

- 07 The development shall not be occupied until details of 16 secure, covered cycle parking spaces to serve the residential development and cycle parking spaces to serve the office floorspace have been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development 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 protecting the amenities of occupiers of neighbouring properties in accordance with policy KP2 and CP4 of the Core Strategy DPD1 and policies DM1 and DM3 of the Development Management DPD 2015.

- 09** Before the B1 (a) use hereby permitted is occupied, details of any extraction/ventilation equipment to be installed at the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented before the use class B1 space 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.

- 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 and 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.

- 11** The Class B1(a) 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 and 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.

- 12** No deliveries or refuse collection shall be taken at or despatched from the Use Class B1 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 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 any land contamination present 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 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 shall take place until details of the implementation, maintenance and management of a scheme for surface water drainage works based on Sustainable Urban Drainage (SUDS) principles 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 and thereafter be managed in accordance with those 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 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 the lighting is brought into use. The 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 site without the prior 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 KP2 and CP4 of the Core Strategy DPD1 and with CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

- 16** A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources must be submitted to and agreed in writing prior to occupation of the development hereby approved by the Local Planning Authority and implemented in full prior to the first occupation of the development. 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 (2007) and Development Management Document (2015) 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 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, shutters, 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 Policies DM1 and DM3 of the Development Management DPD 2015.

- 19 Notwithstanding the provisions of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any revocation, amendment or adaptation of this legislation of for the time being maybe in force, the commercial floorspace hereby approved shall be used only for purposes falling within Use Class B1(a) and for no other purpose including any within Classes A1, A2, A3, A4, A5, B8, 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 retain B1 (a) employment floorspace and protect the amenities of occupiers of the development surrounding occupiers and to protect the character and amenities of the area in accordance with Policies CP1, KP2 and CP4 of the Core Strategy DPD1 and Policies DM1, DM11 and DM3 of the Development Management DPD 2015.

- 20 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' standard and the remaining 14 flats comply with building regulation standards 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

- 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). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. 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 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.**
-

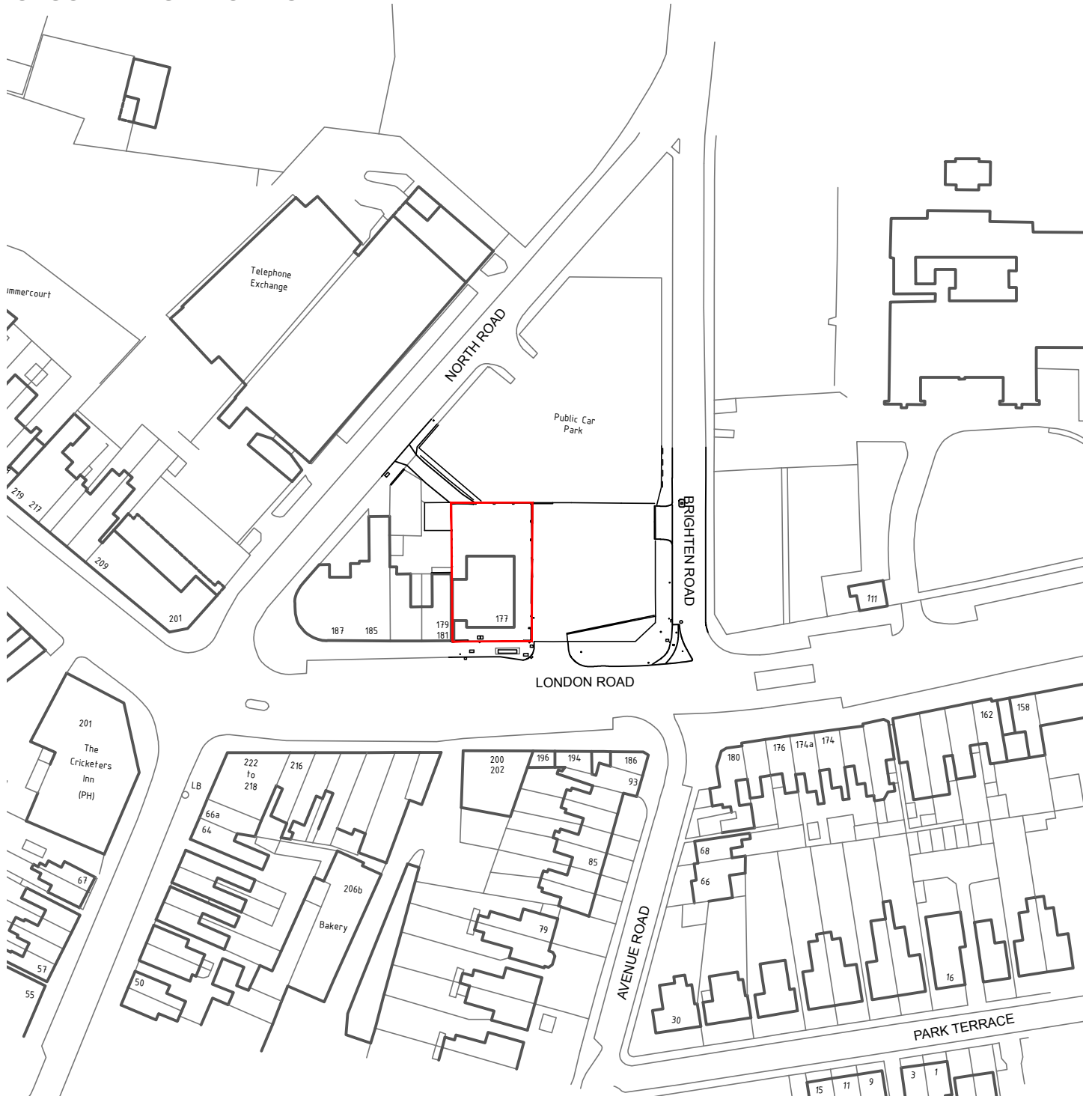
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177 LONDON ROAD.

MIXED-USE SCHEME: 16NO. RESIDENTIAL APARTMENTS + 2NO. COMMERCIAL UNITS.

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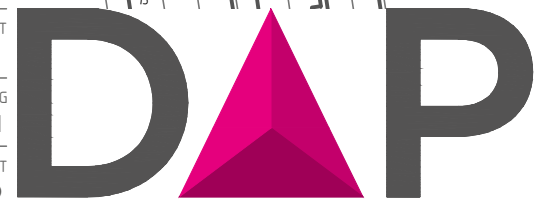


PROJECT
RESIDENTIAL DEVELOPMENT

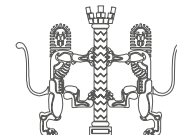
DRAWING
AS EXISTING SITE LOCATION PLAN

CLIENT
GREEN TURTLE CAY LTD

ADDRESS
177 LONDON ROAD
SOUTHEND-ON-SEA
SS1 1PW



ARCHITECTURE LTD



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DATE 23.12.16 SCALE 1:1250 @ A4 DRAWN BY RW CHECKED BY N/A

241

ISSUE STATUS
PLANNING

PROJECT No. DWG No. REVISION

703.001.00

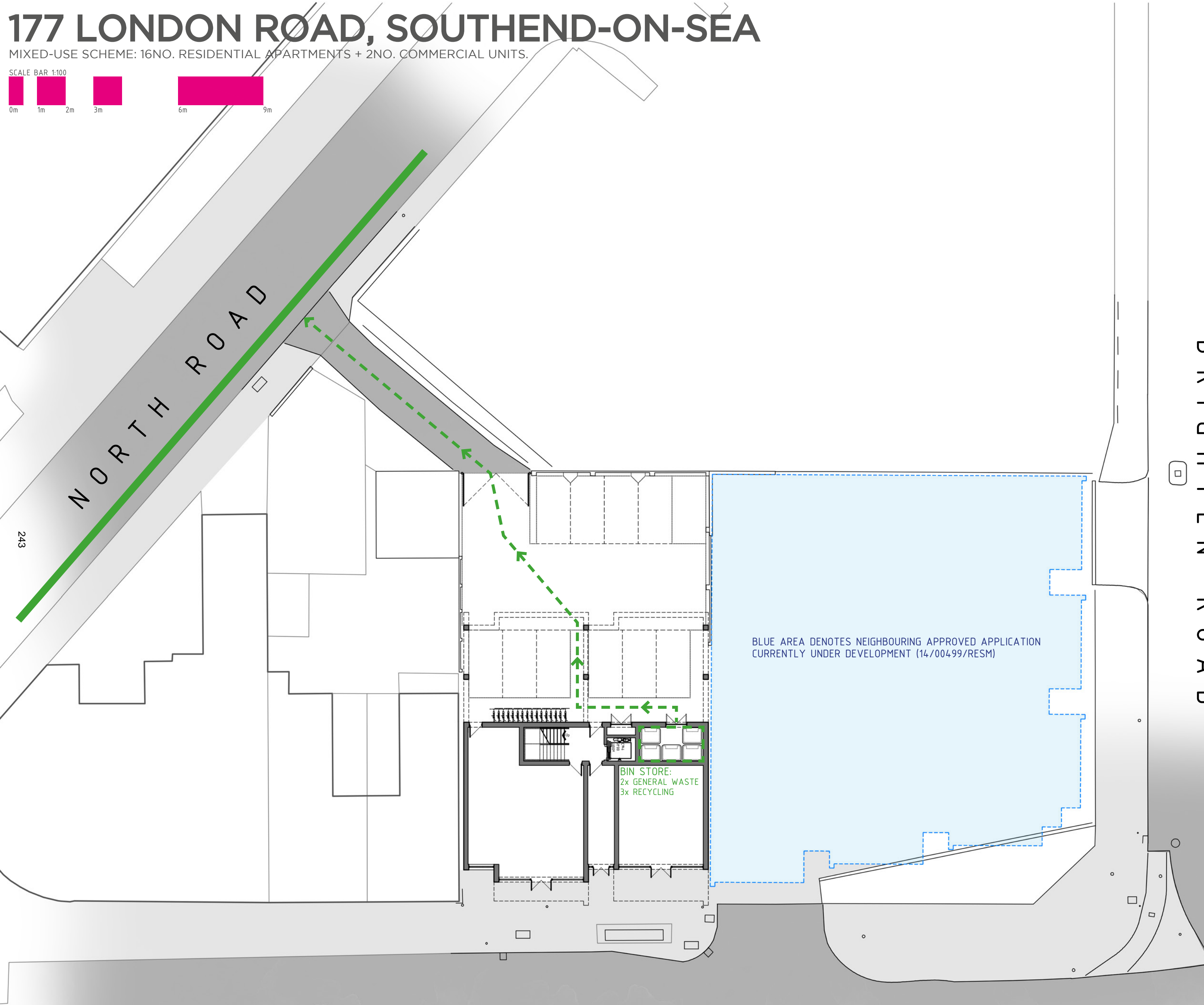
CHELMSFORD LONDON BIRMINGHAM

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MIXED-USE SCHEME: 16NO. RESIDENTIAL APARTMENTS + 2NO. COMMERCIAL UNITS.

SCALE BAR 1:100



B R I G H T E N R O A D

L O N D O N R O A D

REV.	DESCRIPTION	DATE
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PROJECT
RESIDENTIAL DEVELOPMENT

DRAWING
AS PROPOSED
SITE WASTE MANAGEMENT PLAN

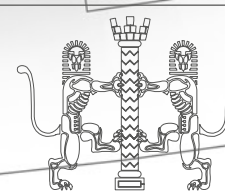
CLIENT
GREEN TURTLE CAY LTD

ADDRESS
177 LONDON RD
SOUTHEND-ON-SEA
SS1 1PW

DATE	SCALE	DRAWN BY	CHECKED BY
03.01.17	1:200 @ A1	RNW	N/A

PROJECT No.	DWG No.	REVISION
703.206.00		

ISSUE STATUS
PLANNING



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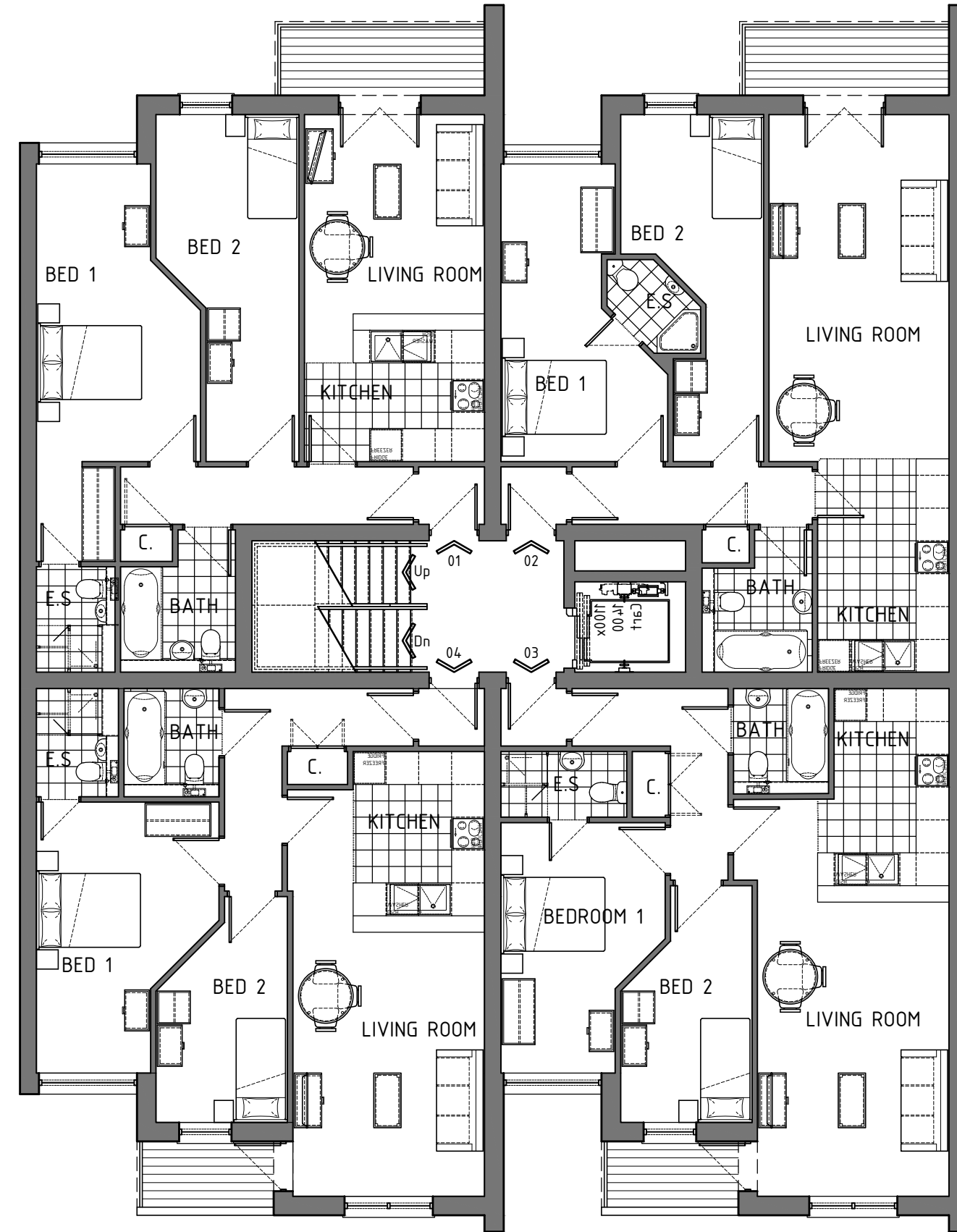
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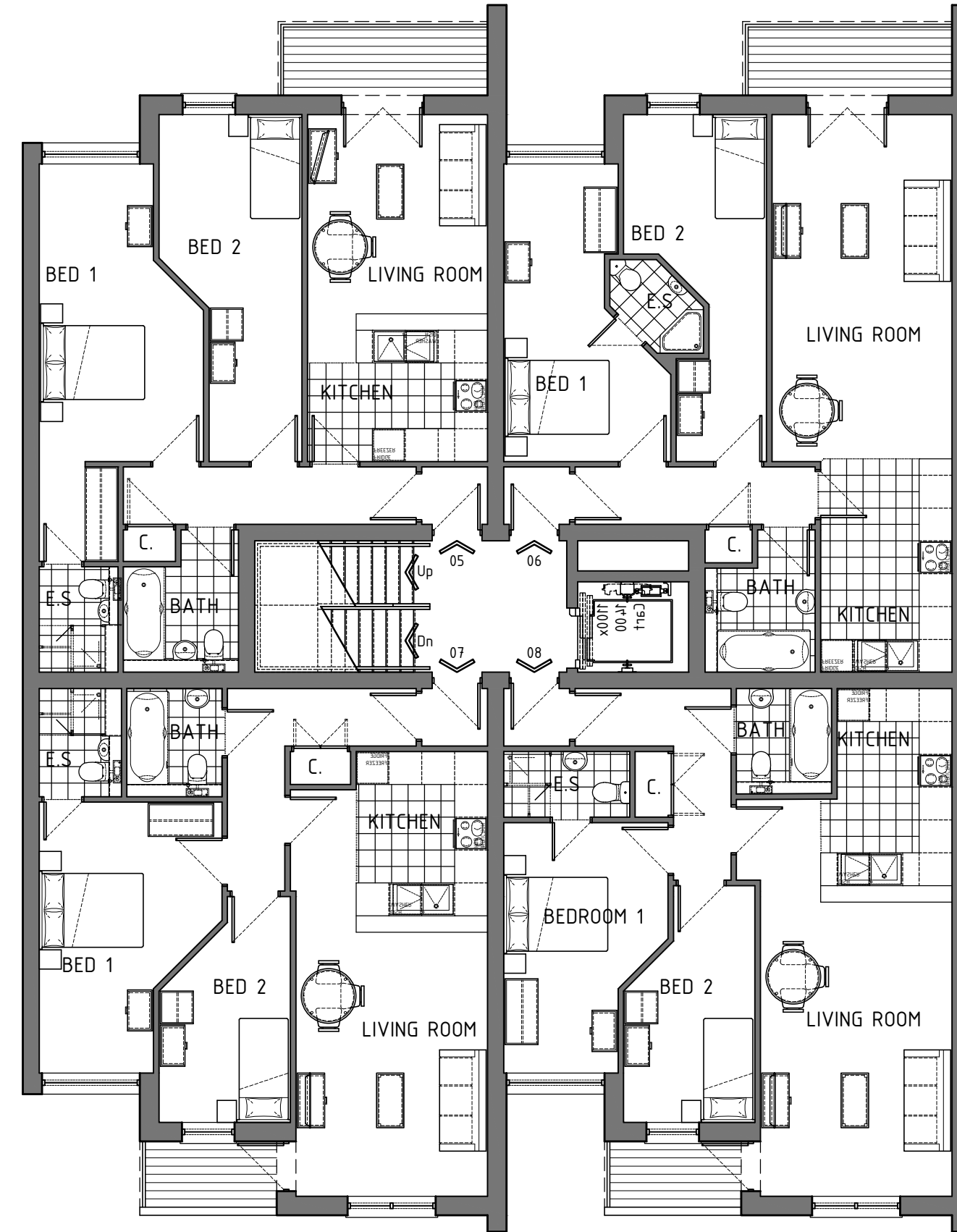
177 LONDON ROAD, SOUTHEND-ON-SEA

MIXED-USE SCHEME: 16NO. RESIDENTIAL APARTMENTS + 2NO. COMMERCIAL UNITS.

SCALE BAR 1:100



AS PROPOSED: FIRST FLOOR PLAN



AS PROPOSED: SECOND FLOOR PLAN

245

AS PROPOSED: FIRST + SECOND FLOOR PLAN

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REV.	DESCRIPTION	DATE
		
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PROJECT		
RESIDENTIAL DEVELOPMENT		
DRAWING		
AS PROPOSED FIRST + SECOND FLOOR PLAN		
CLIENT		
GREEN TURTLE CAY LTD		
ADDRESS		
177 LONDON RD SOUTHEND-ON-SEA SS1 1PW		
DATE	SCALE	DRAWN BY
15.12.16	1:100 @ A2	LC
CHECKED BY	DRAWN BY	
DAP	LC	
PROJECT No.	DWG No.	REVISION
703.201.00		

ISSUE STATUS
PLANNING


 a. 3 + 5 Hospital Approach
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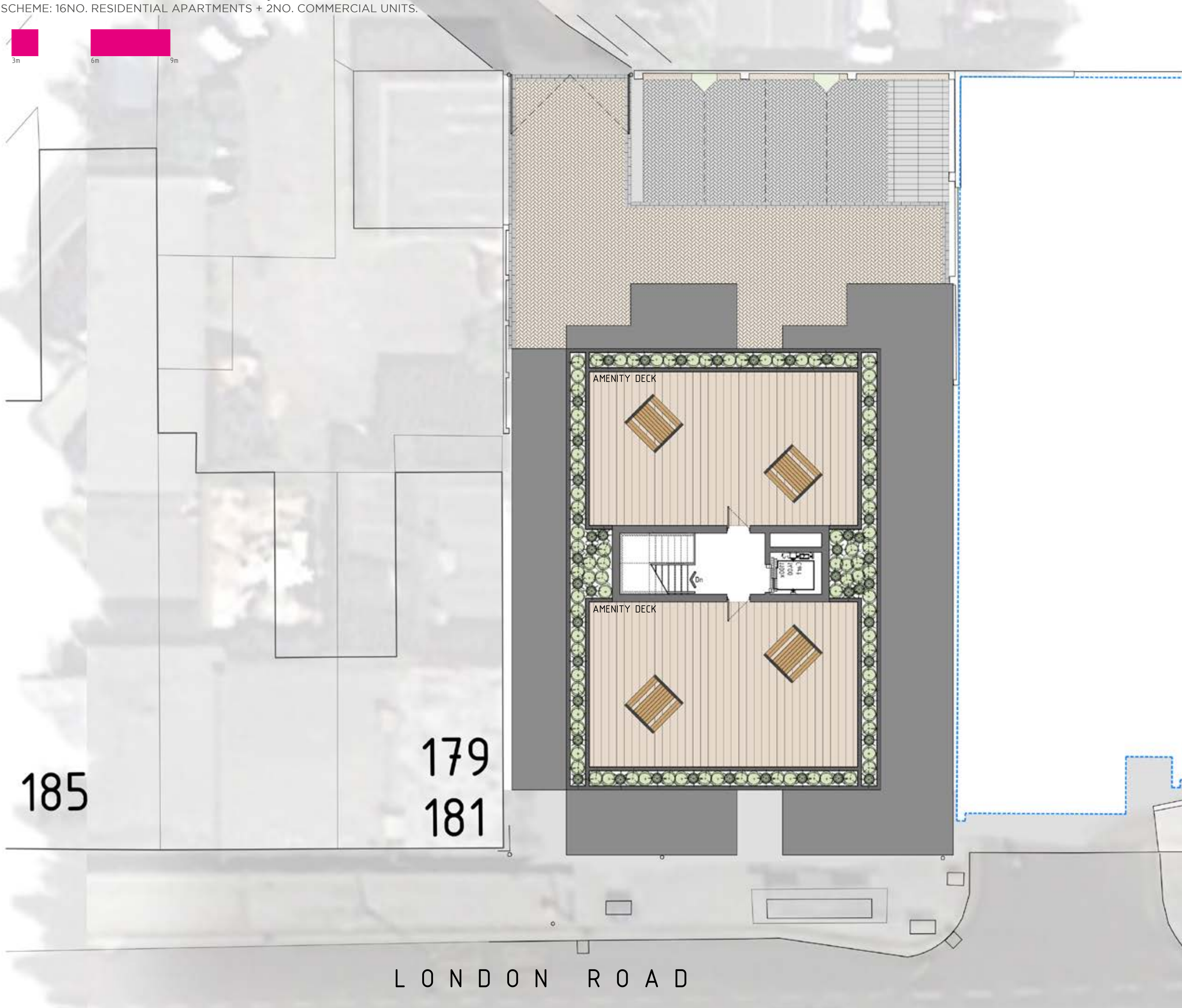
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247



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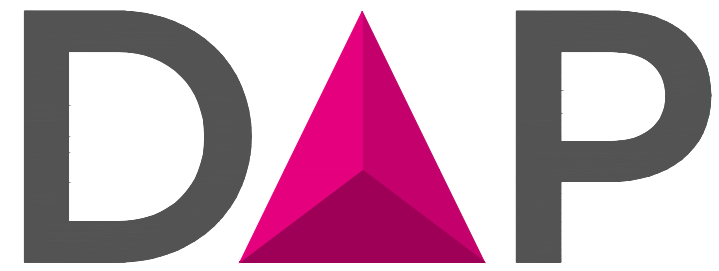
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REV.	DESCRIPTION	DATE
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ARCHITECTURE LTD

PROJECT
RESIDENTIAL DEVELOPMENT

DRAWING
AS PROPOSED
SITE + ROOF PLAN

CLIENT
GREEN TURTLE CAY LTD

ADDRESS
177 LONDON RD
SOUTHEND-ON-SEA
SS1 1PW

DATE	SCALE	DRAWN BY	CHECKED BY
15.12.16	1:100 @ A2	LC	DAP

PROJECT No. 703.203.00
DWG No. 000
REVISION

ISSUE STATUS
PLANNING


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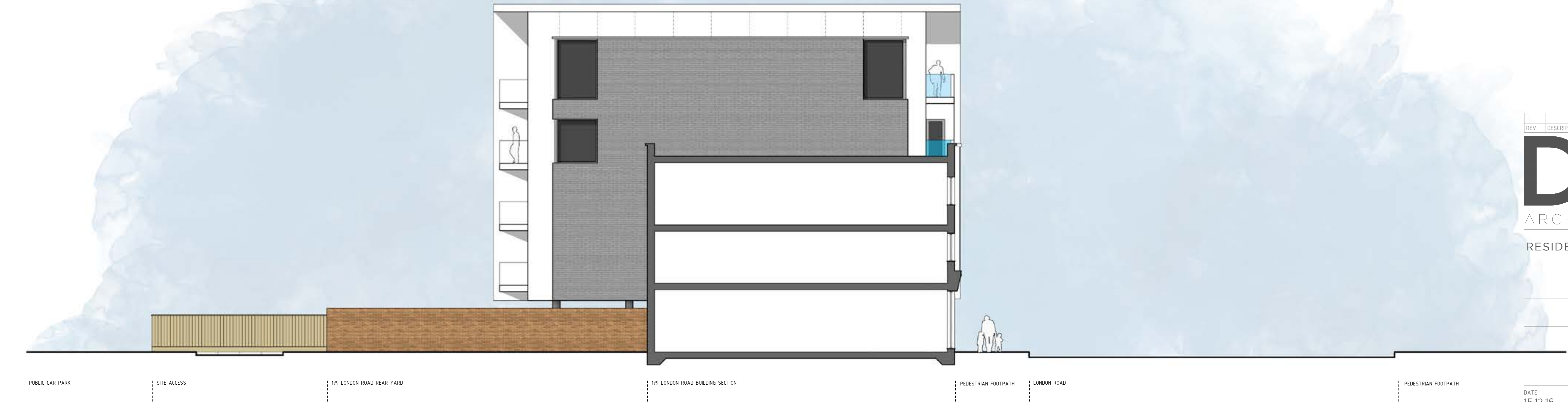
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AS PROPOSED: STREET SCENE A-A ALONG LONDON ROAD



AS PROPOSED: SITE SECTION B-B THROUGH LONDON ROAD

REV.	DESCRIPTION	DATE
DAP		
ARCHITECTURE LTD		
PROJECT RESIDENTIAL DEVELOPMENT		
DRAWING AS PROPOSED SECTIONAL STREET SCENES		
CLIENT GREEN TURTLE CAY LTD		
ADDRESS 177 LONDON RD SOUTHEND-ON-SEA SS1 1PW		
DATE 15.12.16	SCALE 1:100 @ A1	CHECKED BY DAP
PROJECT No.	DWG No.	REVISION
703.204.00		
ISSUE STATUS PLANNING		

AS PROPOSED: ELEVATIONS

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CHELMSFORD LONDON BIRMINGHAM

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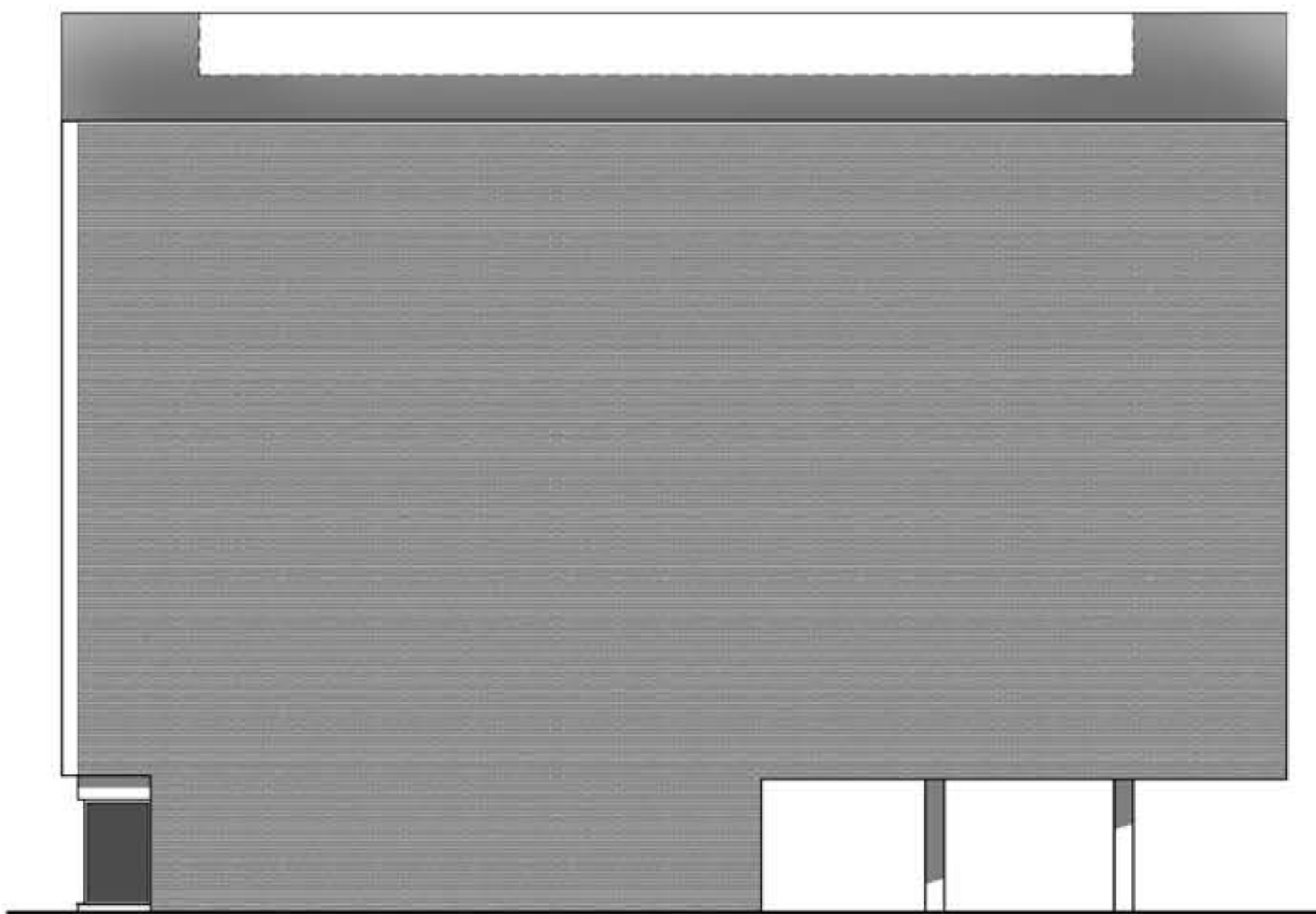
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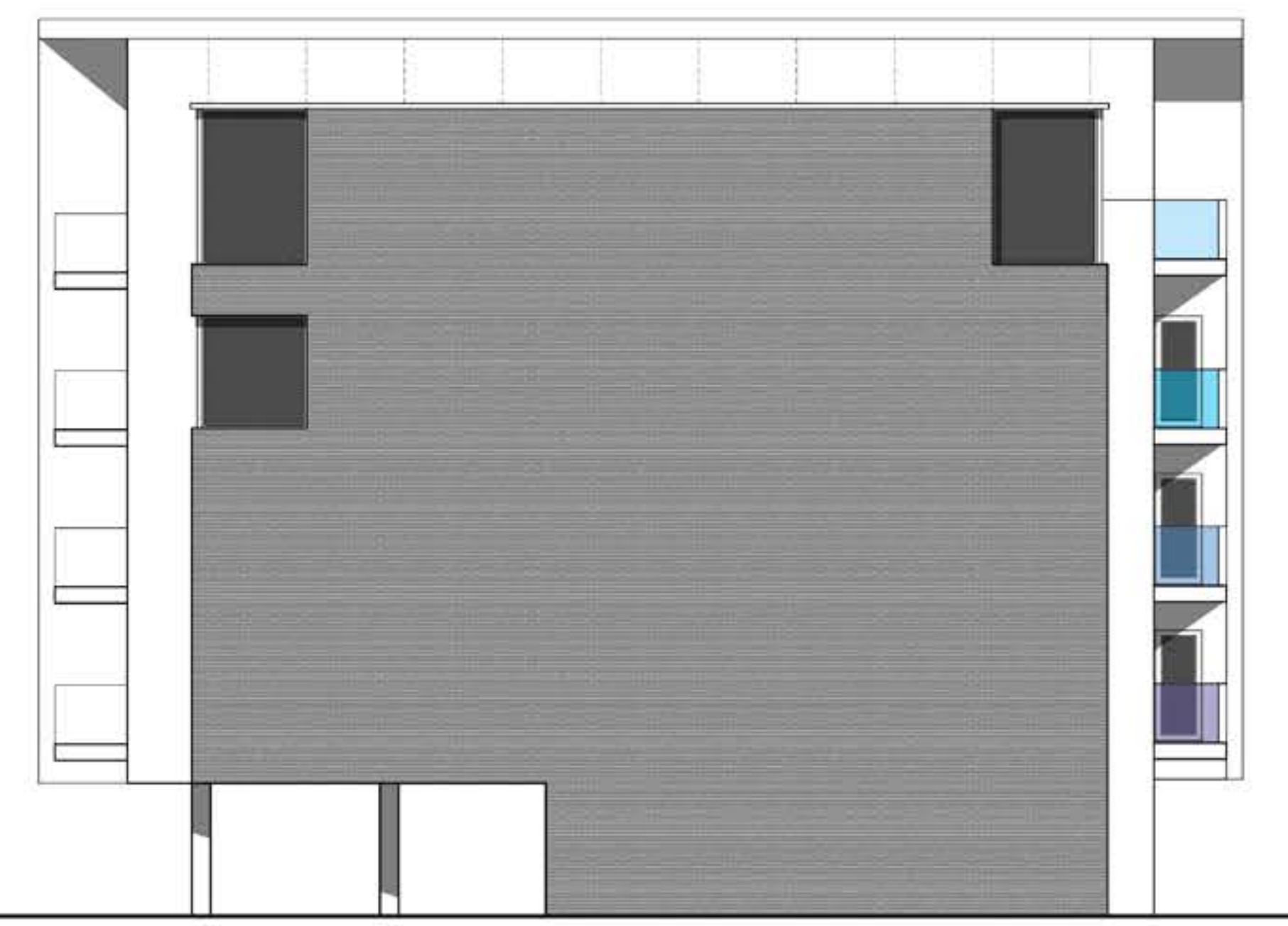
AS PROPOSED: FRONT ELEVATION



AS PROPOSED: SIDE ELEVATION



AS PROPOSED: REAR ELEVATION



AS PROPOSED: SIDE ELEVATION

251

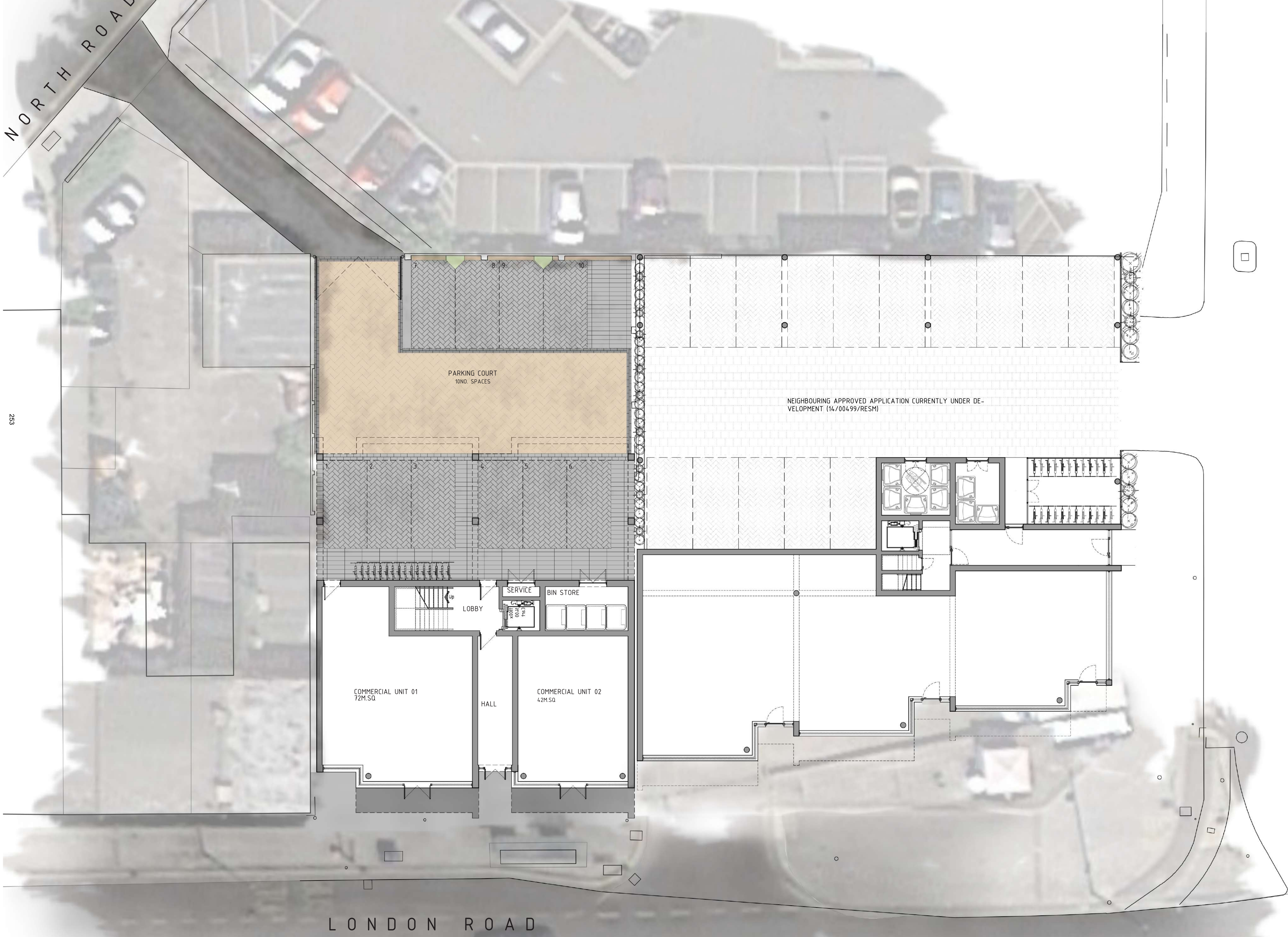
AS PROPOSED: ELEVATIONS

REV.	DESCRIPTION	DATE
ARCHITECTURE LTD PROJECT RESIDENTIAL DEVELOPMENT		
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CLIENT GREEN TURTLE CAY LTD		
ADDRESS 177 LONDON RD SOUTHEND-ON-SEA SS1 1PW		
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		DAP
PROJECT No.	DWG No.	REVISION
703.205.00		
ISSUE STATUS		
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a. 3 + 5 Hospital Approach The Millars Chelmsford ESSEX, CM1 7FA e. studio@daparchitecture.co.uk t. (0844) 854 9007 w. www.daparchitecture.co.uk		

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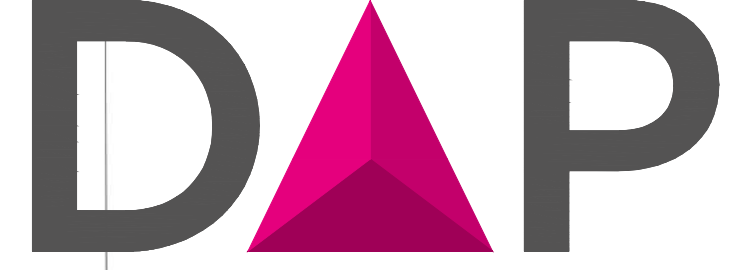
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REV.	DESCRIPTION	DATE
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PROJECT
RESIDENTIAL DEVELOPMENT
 DRAWING
AS PROPOSED SITE + GROUND FLOOR PLAN
 CLIENT
GREEN-TURTLE CAY LTD
 ADDRESS
177 LONDON RD SOUTHEND-ON-SEA SS1 1PW

DATE	SCALE	DRAWN BY	CHECKED BY
15.12.16	1:100 @ A1	LC	DAP

PROJECT No. **703.200.01**
 DWG No. REVISION

ISSUE STATUS
PLANNING

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 w. www.daparchitecture.co.uk

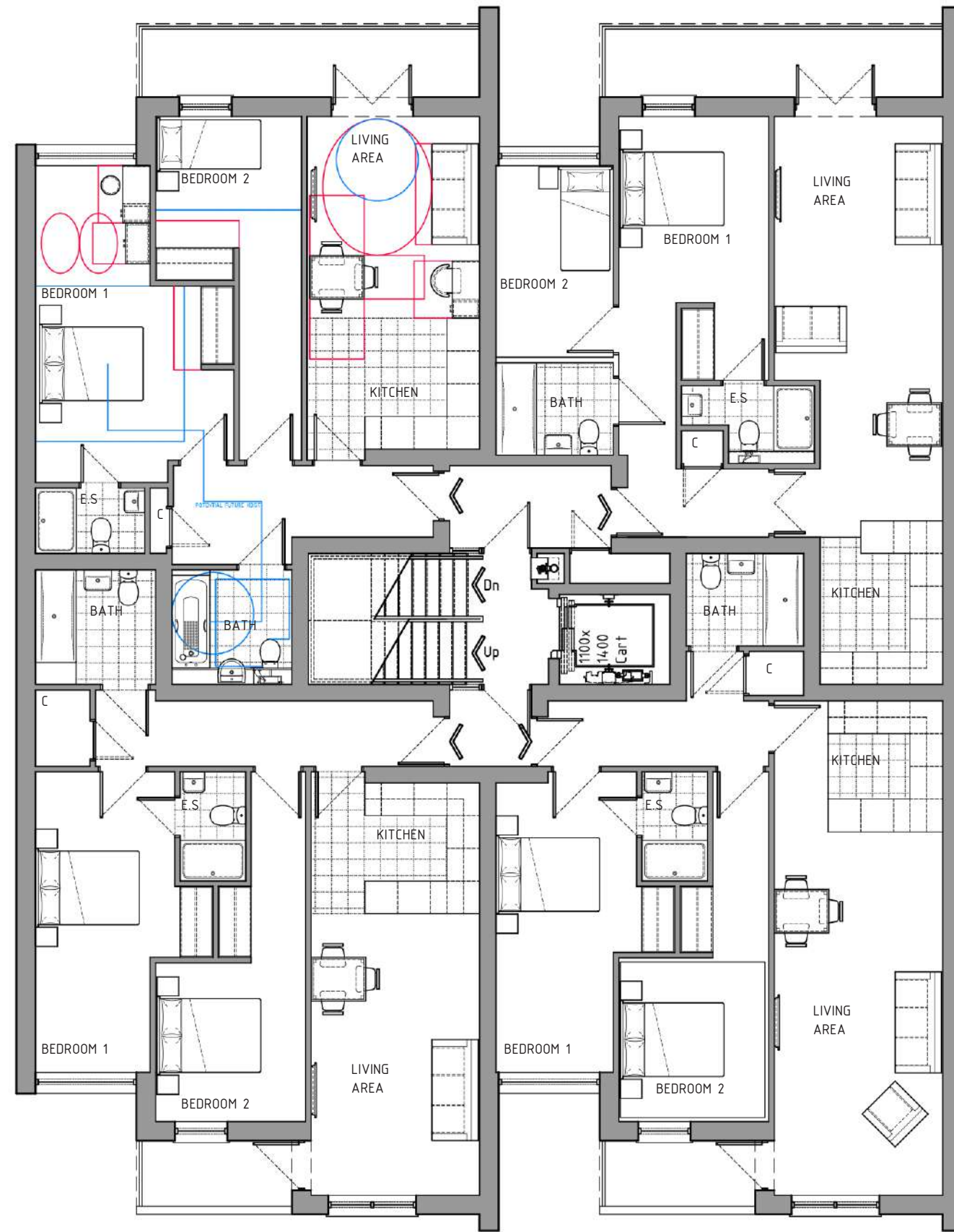
CHELMSFORD LONDON BIRMINGHAM

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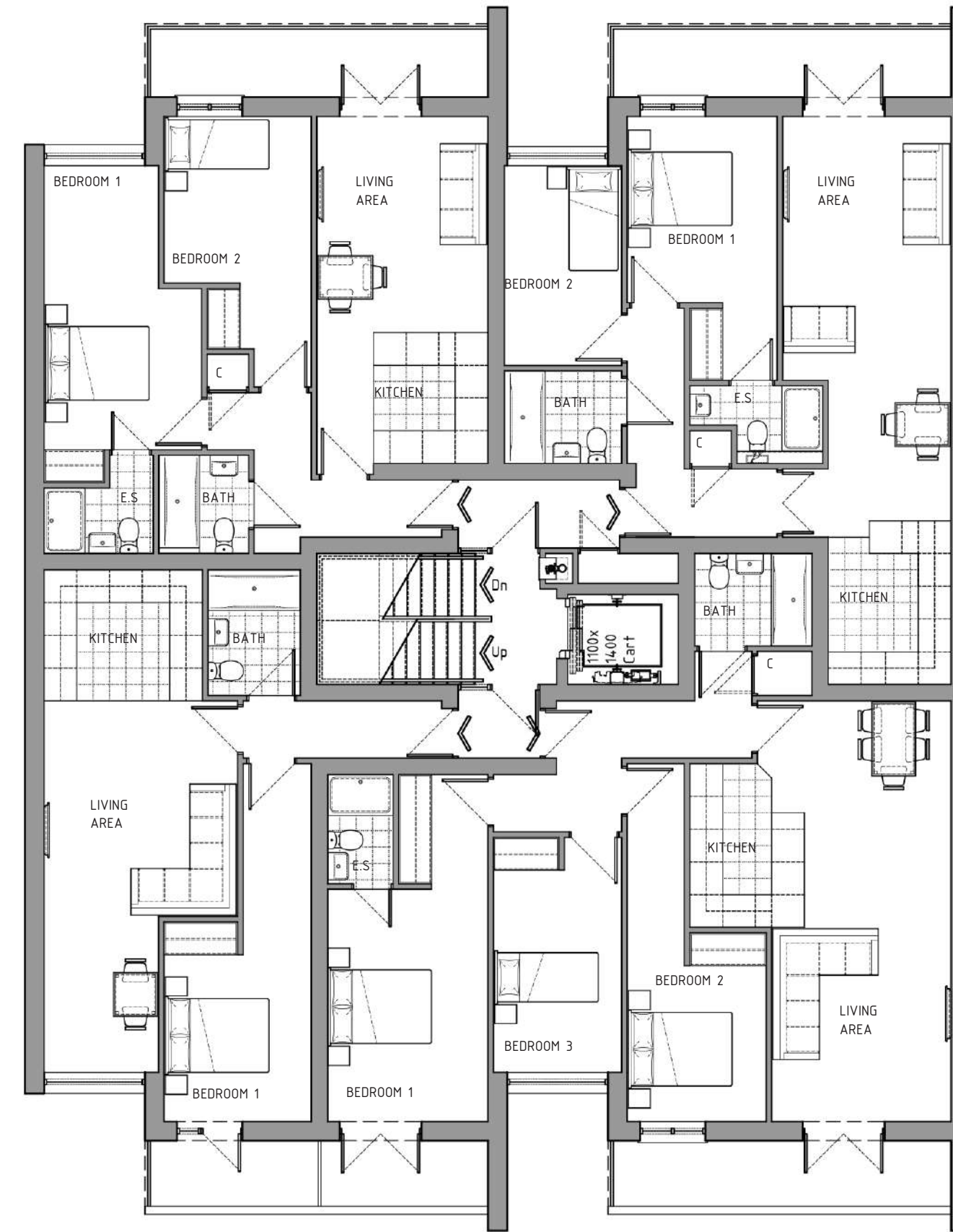
177 LONDON ROAD, SOUTHEND-ON-SEA

MIXED-USE SCHEME: 16NO. RESIDENTIAL APARTMENTS + 2NO. COMMERCIAL UNITS.

SCALE BAR 1:100



AS PROPOSED: TYPICAL FLOOR PLAN



AS PROPOSED: FOURTH FLOOR PLAN

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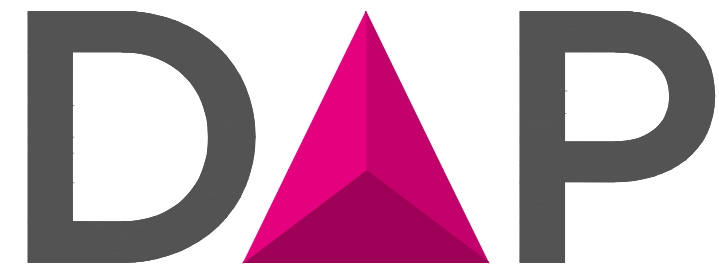
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Check all relevant dimensions, lines and levels on site before proceeding with the work.

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255

REV.	DESCRIPTION.	DATE.
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ARCHITECTURE LTD

PROJECT
RESIDENTIAL DEVELOPMENT

DRAWING
AS PROPOSED
FLOOR PLANS

CLIENT
GREEN TURTLE CAY LTD

ADDRESS
177 LONDON RD
SOUTHEND-ON-SEA
SS1 1PW

DATE	SCALE	DRAWN BY	CHECKED BY
12.04.17	1:100 @ A2	LC	DAP

PROJECT No.	DWG No.	REVISION
703.207.01		

ISSUE STATUS
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 a. 3 + 5 Hospital Approach
 The Millars
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Reference:	17/00638/DOV	12
Ward:	Shoeburyness	
Proposal:	Modification of planning obligation dated 6 February 2004 (as amended) pursuant to application 00/00777/OUT, in particular clauses relating to sea wall works and drainage infrastructure.	
Address:	Shoebury Garrison, Ness Road, Shoeburyness	
Applicant:	Avant Homes	
Agent:	n/a	
Consultation Expiry:	8 th June 2017	
Expiry Date:	8 th June 2017	
Case Officer:	Amanda Rogers	
Plan Nos:	17128-SK103B, 'Specification – Hydraulic Grade Asphalt', Shoebury Garrison Sea Wall Revetment Remedial Works', 'Hesselberg Hydro: Proposed works to repair revetment March 2017'; The "Shoebury Garrison Drainage Structures Review Report No. 2606-01 dated March 2016 (Rev 4)" by WSP Global Inc. and the following enclosed drawings: 779/DD/D/02H, 03G, 04G, 05H, 06F, 07G, 08G, 09G ; 779/DD/D/10F, 11F, 12E, 14F, 15C, 16F, 18D ; 779/DD/D/20E, 22D, 27C, 29C ; 779/DD/D/30E, 31C, 32E, 35B; 779/DD/GA/07C; 779/DD/SO/01F, 02E ; 2606/GH/D/107D; 2606/GH/SD/134D; 2606/GH/SO/102G	
Recommendation:	DELEGATE AUTHORITY TO THE DEPUTY CHIEF EXECUTIVE (PLACE), DIRECTOR OF PLANNING AND TRANSPORT OR GROUP MANAGER OF PLANNING & BUILDING CONTROL TO MODIFY THE SECTION 106 AGREEMENT DATED 6 FEBRUARY 2004 (AS AMENDED)	



1 The Proposal

- 1.1 On 10th April 2014, under application ref. 14/00367/AD, the Council approved details pursuant to Condition 30 of the outline planning permission granted on 6th February 2004 for redevelopment of the Shoebury Garrison site. This was subsequently reflected in a Deed of Variation dated 15th January 2015 (application ref. 14/00153/DOV). However, since this time sea wall repair works have been carried out by contractors acting on behalf of the landowner Avant Homes, and it has come to the Council's attention that the quality of the repair in some areas is not yet satisfactory and in some locations needs to be replaced. Therefore, Avant Homes have appointed alternative contractors (Hesselberg Hydro – specialists in the application of asphalt in hydraulic engineering, particularly systems for erosion protection) who have now proposed a different sea wall repair specification. Hence, it is proposed to modify the Section 106 agreement dated 6th February 2004 (as amended) (S.106) to reflect these proposed changes.
- 1.2 Changes are also proposed in respect of the S.106 requirement for Avant Homes to submit collateral warranties relating to all works undertaken in respect of the sea wall and associated structures. The reasons for this are set out in the Appraisal below.
- 1.3 In addition, the wider drainage infrastructure within the Shoebury Garrison site has changed to a minor extent since 2004, and recently under application 16/01636/AD, the 'as built' drainage infrastructure was approved. The proposed modification to the S.106 will reflect this.

- 1.4 This application seeks agreement to modify the S.106. These changes relate to sea wall works and drainage infrastructure, and include the following:

Changes required to 6th February 2004 S106 Agreement

- **Plan 16** “Storm Water Drainage Strategy” superseded
- **Annexure 8** and **Annexure 11** to be amended to reflect the fact that Figure 1 of the WSP Drainage and Flood Defence Strategy – Concept Statement (Rev. 2 Nov 2001) referred to in these annexures has been superseded by drainage changes approved under application 16/01636/AD

Changes required to 15th January 2015 Deed of Variation

- **Paragraph 1 amendments** to reflect changes to **Annexure 8**
- **Paragraph 3.10.5 amendments** to reflect changes to collateral warranty requirements

- 1.5 This application and report should be considered in the context of the application seeking approval of details of the sea wall repairs (17/00639/AD) and the planning history set out in section 8 below.

2 Site and Surroundings

- 2.1 The Shoebury Garrison site is located to the east of the borough. The site includes residential, commercial development, together with a school and church used for community facilities.
- 2.2 The main access roads into the Garrison include Campfield Road to the north and Ness Road to the southwest. There are a number of cycle/footpaths that link the site to the northeast and southwest. The landscape to the south of the site leads to the Shoeburyness coastline.
- 2.3 The developer, Avant Homes (previously known as Country and Metropolitan Homes, and Gladedale), has now completed the 465 dwellings granted in the outline planning permission and are now close to completion of the remaining S.106 works. The only remaining S.106 matters relate to the transfer of the coastal defences, upon satisfactory completion of repair works, and transfer of the Shoebury Garrison Heritage Centre.

3 Appraisal

- 3.1 A significant proportion of the coastal defence repair works have been completed in accordance with the details outlined in “*Sea Wall and Defences Maintenance & Repair Works report dated November 2001*” and “*Drainage and Flood Defence Strategy Concept Statement Revision 2 dated November 2001*” prepared by WSP (as amended by approval of details application 14/00367/AD in 2014 and Deed of Variation application 14/00153/DOV in 2015) i.e. the reports that were previously approved under Condition 30 and as part of the S.106.

- 3.2 To date, the completed coastal defence works (aside from any on-going maintenance required to be carried out by Avant Homes until the sea wall is transferred to the Council) include repair works to the vertical sea wall between the Gantry Jetty adjacent to the Experimental Casement and East Beach (referred to as '**Part 1**' in Annexure 8 of the S.106). The remaining coastal defence works, to which this application relates, include the repair works required in the area stretching from the Coast Guard Station to the Gantry Jetty adjacent to the Experimental Casement (referred to as '**Part 2**' in Annexure 8 of the S.106).
- 3.3 To address the quality issues referred to in paragraph 1.1, the applicant has provided an alternative proposal for the remedial works in the area known as Part 2. This has been prepared in liaison with Avant Homes' appointed contractor Hesselberg Hydro and the Council, and is set out in **Appendix 1**.
- 3.4 It is important to note that the proposed repairs constitute maintenance improvements to ensure the lifespan of the coastal defences within the Shoebury Garrison area is extended. The works are not related to wider coastal defence considerations in the Borough including Shoebury Common, and do not (and cannot) constitute enhancements to the coastal defences above and beyond what was reasonably secured under the terms of the S.106 as being required as a consequence of the development by Avant Homes. The coastal defences, in conjunction with the set-back bund put in place by Avant Homes, at Shoebury Garrison have been designed on the basis of providing protection against a 1 in 200 year flood event.
- 3.5 In support of the application, Avant Homes have submitted a detailed plan outlining the proposed repairs and an accompanying specification for the hydraulic grade asphalt to be used. Essentially, Hesselberg Hydro intend to deposit a new layer of open stone asphalt (OSA) over the sound areas of previous repair. During the works, Hesselberg Hydro will ensure that a satisfactory concrete toe beam is in place to support the OSA, that any voids in the surface of the Essex Blocks are filled with Lean Sand Asphalt (LSA), and that the joints between the new material and the old are suitably sealed with mastic. Any groyne repairs that are required will also be carried out during the course of the works.
- 3.6 This alternative proposal for remedial works is considered to be an improved specification for repair. The Council's Coastal Defences Engineer is satisfied with the details submitted in support of this application pursuant to Condition 30. Mott MacDonald, who are acting in the capacity as independent expert advisers to the Council, have also offered assurances in respect of the submission. It is noted that Hesselberg Hydro has previously provided OSA on the existing revetment in other locations within Shoebury Garrison. OSA was placed under the Hesselberg Hydro Specification, on full revetment height panels on sections around 70m in length, and some of around 25m in length. This work was implemented some 10 years ago and remains in a satisfactory condition. Hesselberg Hydro OSA has also been used more recently on repairs to damaged OSA, that was not under the Hesselberg Hydro Specification. Such historical evidence demonstrates that the Hesselberg Hydro OSA can provide a suitable protection layer to the revetments, when the materials meet the specification requirements, and the OSA material is placed in accordance with the specification. It is understood that the existing OSA placed by

Avant Homes' previous contractor was of an insufficient thickness and was not in accordance with the Hesselberg Hydro Specification. The proposed Hesselberg Hydro OSA for the new sections under discussion is to be placed in a 200mm thick layer, which will provide greater durability and protection from fatigue.

- 3.7 As mentioned above, the S.106 required Avant Homes to submit collateral warranties relating to all works undertaken in respect of the sea wall and associated structures upon transfer to the Council. The duration of such warranties was not specified. A significant proportion of the sea wall repair works were undertaken approximately 10 years ago by different contractors and consultants over the years. A contractor's warranty period would run from the date of practical completion of the particular element of the works and a professional's warranty period would run from the date of their appointment. Therefore, any warranty from professionals/contractors who were employed by Avant Homes to undertake works is likely to have expired.
- 3.8 As the collateral warranty requirement as set out in the S.106 is no longer applicable, an application to modify this requirement has been submitted. The applicant has proposed the following in relation to warranties for the sea wall:
- Hesselberg Hydro has offered a 2 year warranty in respect of the proposed remedial scheme for the sea wall.
 - In addition to Hesselberg Hydro's warranty, Avant Homes (Central) Ltd will provide a contractor's warranty for 6 years from the date of practical completion in respect of the works being undertaken by Hesselberg Hydro.
 - Avant Homes' contractor's warranty will cover the OSA repair work to the full extent of the sea wall (relating to the area between Groyne No. 1 at the Coast Guard Station and the End Structure adjacent to Groyne No. 25 at the Gantry Jetty) including works done by previous contractors (W&H (Roads) Ltd).

This offer is considered as a reasonable operational standard offering sufficient protection to the Council in terms of guaranteeing the work.

- 3.9 As the quality and laying of the OSA is an essential part of ensuring that the repair works are satisfactory, it is proposed that the Deed of Variation that will be drafted pursuant to application 17/00638/DOV includes clauses requiring the following:
- Before the carrying out of any repairs, Avant to submit a detailed Method Statement i.e. how HH propose to undertake the works
 - Before the carrying out of any repairs, Avant to submit a detailed Site Supervision Plan i.e. how HH and the Council/MM will inspect and test the laying of the material and submit to the Council the daily inspection and sign off sheets
- 3.10 In addition to the S.106 modifications related to the coastal defences, other proposed S.106 changes relating to the wider drainage infrastructure (as set out in paragraph 1.3) are also considered acceptable as they merely relate to updating of the legal agreement to reflect changes already approved by the Council pursuant to planning condition 5 (see paragraph 8.5 for Relevant Planning History).

4 Conclusion

- 4.1 Taking into account the opinion of the Council's in-house Coastal Defences Engineer and independent advice from Mott MacDonald, it is recommended that this application be approved, which will hopefully allow Hesselberg Hydro to carry out the repairs works before autumn 2017.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework (NPPF) 2012 and National Planning Practice Guidance (NPPG)
- 5.2 Core Strategy (DPD1) 2007 Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP4 (The Environment and Urban Renaissance)
- 5.3 Development Management DPD 2015
- 5.4 SPD2 Planning Obligations – A Guide to Section 106 and Developer Contributions 2015

6 Representation Summary

- 6.1 **Coastal Defences Engineer:**
Confirmed submission is considered acceptable subject to receipt of a detailed Method Statement and Site Supervision Plan.

7 Public Consultation

- 7.1 Fifteen site notices posted around the site to cover each entry point and areas affected by application – no responses received.

8 Relevant Planning History

- 8.1 6 February 2004 (00/00777/OUT): Conditional outline permission granted for "Mixed use development comprising conversion of existing buildings and erection of new buildings for: parkland and open space; up to a total of 465 dwellings; up to 23,750sq.m of business floorspace (Class B1(a) and (B)); up to 1625sq.m of non-residential (Class D1) uses, including A. a health centre within the mixed use area, B. the former Garrison Church as a community hall, and C. the former battery gun store as a heritage centre; up to 5,900sq.m of leisure (Class D2) uses; up to 800sq.m of retail (Class A1); up to 600sq.m of financial services (Class A2) use; formation of hotel (Class C1) with approximately 40 bedrooms; land for a new school; erection of landmark residential building; construction of new access roads; and associated works."
- 8.2 10 April 2014 (14/00367/AD): Details approved pursuant to condition 30 (details of sea wall repairs) of planning permission 00/00777/OUT dated 06/02/2004.

- 8.3 11 June 2014 (13/01743/RESM): Reserved matters approved pursuant to outline permission 00/00777/OUT including details relating to New Gunners Park infrastructure/facilities including childrens play area, toddlers play area, wheeled sports and multi-use games area, tennis courts, car parks, footpaths/cycleways and historic military structures.
- 8.4 15 January 2015 (14/00153/DOV): Modification of planning obligation dated 6 February 2004 pursuant to application 00/00777/OUT agreed, in particular clauses relating to New Gunners Park (including multi-use games and wheeled sports areas, tennis courts, children's and toddler play areas, car parks, footpaths/cycleways), sea wall works, Heritage Centre and timescales for delivery.
- 8.5 24 March 2017 (16/01636/AD): Details approved pursuant to condition 05 (details of drainage infrastructure) of Planning Permission 00/00777/OUT dated 06/02/2004.
- 8.6 Current application 17/00639/AD pending decision: Application for approval of details pursuant to condition 30 (details of sea wall repairs) of planning permission 00/00777/OUT dated 06/02/2004 [Revised application]

9 Recommendation

- 9.1 Members are recommended to **DELEGATE** authority to the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager for Planning and Building Control **TO MODIFY THE SECTION 106 AGREEMENT** dated 6th February 2004 to allow the revisions and additions set out in paragraph 1.4 and 3.9 of this report associated with sea wall works and drainage infrastructure.

Appendix 1: Hesselberg Hydro/Avant's Proposed Sea Wall Revetment Remedial Works

1. All works on or in the beach will be under BacTec supervision.
 2. Loose material and over-thickness repair patches carried out by W H Roads (WHR) will be removed.
 3. Hesselberg Hydro (HH) will excavate down the face of the revetment to locate the concrete toe-beam which they had located at the locations of their previous repairs, and use this as the support for the new Open Stone Asphalt (OSA).
 4. Should the toe beam be absent in any locations, HH will construct a suitable substantial toe detail to prevent undermining of the new revetment using grouted rock, or extend the OSA revetment to 1m below the level of the top of the adjacent existing toe beam
 5. The existing OSA and Lean Sand Asphalt (LSA) material will be left insitu, and jet blasted to provide a clean surface. This will be overlaid with 200mm new OSA, suitably bonded to the existing with tack coat. Below the extent of the WHR overlay, ie on un-surfaced Essex Blocks below the beach, the new OSA will be applied to suitable additional thickness to provide a uniform surface profile for the whole repair depth.
 6. LSA will be available on site to fill any voids in the Essex Blocks which may become apparent during excavation.
 7. The top level of the 200mm OSA overlay will be constructed to a regular line about 4.0m down the slope from the foot of the crest wall, or at level 3.6m AOD, whichever is higher. This will be laid to create a uniform berm along the site at this level.
 8. The aggregate for the OSA will be either limestone, which is the usual material, or, subject to successful testing, gritstone. Subject to testing and economic availability, gritstone will be the material of choice.
 9. All joints between new material and old will be sealed with hot poured mastic.
 10. The works will extend from the fence set in the beach, west of groyne 1 and cover all of WHR's OSA work east of that point.
- Consents from MoD, Natural England and MMO will be arranged by Avant Homes.
 - HH will provide and fix new groyne boards as required along the frontage.

Shoebury Garrison – Seawall Repairs – Works Schedule:

Approx. Chain (m)±10	Groyne No.	Bay Ref.	Length (m)	Notes	Slope Assumed	Shoebury Product (m ²)	Area to be Repaired (m ²)	New Toe Length (m)	Groyne Boards Required
50	1	a	80	Reinforced concrete	9	0	0	0	
50	2	b	10	WHR Material - not exposed to sea and overlay	9	0	0	0	
150	3	c	90	OSA Overlay	9	0	0	0	
200	4	d	20	OSA Overlay	9	6	120	20	
200	5	e	30	OSA Overlay	9	6	180	30	
200	6	f	30	OSA Overlay	9	6	180	30	
200	7	g	24	OSA Overlay	9	6	144	24	1 double (full plank)
205	8	h	10	OSA Overlay	9	6	60	10	
205	9	i	30	OSA Overlay	9	6	180	30	
300	10	j	30	OSA Overlay	9	6	180	30	
300	11	k	20	OSA Overlay	9	6	120	20	1 double (full plank)
400	12	l	20	OSA Overlay	9	6	120	20	
400	13	m	20	OSA Overlay	9	6	120	20	
400	14	n	20	OSA Overlay	9	6	120	20	
500	15	o	30	OSA Overlay	9	6	180	30	
500	16	p	30	OSA Overlay	9	6	180	30	
500	17	q	20	OSA Overlay	9	6	120	20	
500	18	r	16	OSA Overlay	9	6	96	16	1 single (full plank)
600	19	s	20	OSA Overlay	9	6	120	20	
600	20	t	20	OSA Overlay	9	6	120	20	
600	21	u	20	OSA Overlay	9	6	120	20	
600	22	v	20	OSA Overlay	9	6	120	20	
700	23	w	20	OSA Overlay	9	6	120	20	
700	24	x	20	OSA Overlay	9	6	120	20	
700	25	y	20	OSA Overlay	9	6	120	20	
800	26	z	20	OSA Overlay	9	6	120	20	
800	27	aa	20	OSA Overlay	9	6	120	20	
800	28	ab	20	OSA Overlay	9	6	120	20	
800	29	ac	20	OSA Overlay	9	6	120	20	
800	30	ad	20	OSA Overlay	9	6	120	20	
800	31	ae	20	OSA Overlay	9	6	120	20	
800	32	af	20	OSA Overlay	9	6	120	20	
800	33	ag	20	OSA Overlay	9	6	120	20	
800	34	ah	20	OSA Overlay	9	6	120	20	
800	35	ai	20	OSA Overlay	9	6	120	20	
800	36	aj	20	OSA Overlay	9	6	120	20	
800	37	ak	20	OSA Overlay	9	6	120	20	
800	38	al	20	OSA Overlay	9	6	120	20	
800	39	am	20	OSA Overlay	9	6	120	20	
800	40	an	20	OSA Overlay	9	6	120	20	
800	41	ao	20	OSA Overlay	9	6	120	20	
800	42	ap	20	OSA Overlay	9	6	120	20	
800	43	aq	20	OSA Overlay	9	6	120	20	
800	44	ar	20	OSA Overlay	9	6	120	20	
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800	56	bd	20	OSA Overlay	9	6	120	20	
800	57	be	20	OSA Overlay	9	6	120	20	
800	58	bf	20	OSA Overlay	9	6	120	20	
800	59	bg	20	OSA Overlay	9	6	120	20	
800	60	bh	20	OSA Overlay	9	6	120	20	
800	61	bi	20	OSA Overlay	9	6	120	20	
800	62	bj	20	OSA Overlay	9	6	120	20	
800	63	bk	20	OSA Overlay	9	6	120	20	
800	64	bl	20	OSA Overlay	9	6	120	20	
800	65	bm	20	OSA Overlay	9	6	120	20	
800	66	bn	20	OSA Overlay	9	6	120	20	
800	67	bo	20	OSA Overlay	9	6	120	20	
800	68	bp	20	OSA Overlay	9	6	120	20	
800	69	bq	20	OSA Overlay	9	6	120	20	
800	70	br	20	OSA Overlay	9	6	120	20	
800	71	bs	20	OSA Overlay	9	6	120	20	
800	72	bt	20	OSA Overlay	9	6	120	20	
800	73	bu	20	OSA Overlay	9	6	120	20	
800	74	bv	20	OSA Overlay	9	6	120	20	
800	75	bw	20	OSA Overlay	9	6	120	20	
800	76	bx	20	OSA Overlay	9	6	120	20	
800	77	by	20	OSA Overlay	9	6	120	20	
800	78	bz	20	OSA Overlay	9	6	120	20	
800	79	ca	20	OSA Overlay	9	6	120	20	
800	80	cb	20	OSA Overlay	9	6	120	20	
800	81	cc	20	OSA Overlay	9	6	120	20	
800	82	cd	20	OSA Overlay	9	6	120	20	
800	83	ce	20	OSA Overlay	9	6	120	20	
800	84	cf	20	OSA Overlay	9	6	120	20	
800	85	cg	20	OSA Overlay	9	6	120	20	
800	86	ch	20	OSA Overlay	9	6	120	20	
800	87	ci	20	OSA Overlay	9	6	120	20	
800	88	cj	20	OSA Overlay	9	6	120	20	
800	89	ck	20	OSA Overlay	9	6	120	20	
800	90	cl	20	OSA Overlay	9	6	120	20	
800	91	cm	20	OSA Overlay	9	6	120	20	
800	92	cn	20	OSA Overlay	9	6	120	20	
800	93	co	20	OSA Overlay	9	6	120	20	
800	94	cp	20	OSA Overlay	9	6	120	20	
800	95	cq	20	OSA Overlay	9	6	120	20	
800	96	cr	20	OSA Overlay	9	6	120	20	
800	97	cs	20	OSA Overlay	9	6	120	20	
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800	109	ce	20	OSA Overlay	9	6	120	20	
800	110	cf	20	OSA Overlay	9	6	120	20	
800	111	cg	20	OSA Overlay	9	6	120	20	
800	112	ch	20	OSA Overlay	9	6	120	20	
800	113	ci	20	OSA Overlay	9	6	120	20	
800	114	cj	20	OSA Overlay	9	6	120	20	
800	115	ck	20	OSA Overlay	9	6	120	20	
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800	125	cu	20	OSA Overlay	9	6	120	20	
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800	131	ca	20	OSA Overlay	9	6	120	20	
800	132	cb	20	OSA Overlay	9	6	120	20	
800	133	cc	20	OSA Overlay	9	6	120	20	
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800	154	cx	20	OSA Overlay	9	6	120	20	
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800	157	ca	20	OSA Overlay	9	6	120	20	
800	158	cb	20	OSA Overlay	9	6	120	20	
800	159	cc	20	OSA Overlay	9	6	120	20	
800	160	cd	20	OSA Overlay	9	6	120	20	
800	161	ce	20	OSA Overlay	9	6	120	20	
800	162	cf	20	OSA Overlay	9	6	120	20	
800	163	cg	20	OSA Overlay	9	6	120	20	
800	164	ch	20	OSA Overlay	9	6	120	20	
800	165	ci	20	OSA Overlay	9	6	120	20	
800	166	cj	20	OSA Overlay	9	6	120	20	
800	167	ck	20	OSA Overlay	9	6	120	20	
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800	169	cm	20	OSA Overlay	9	6	120	20	
800	170	cn	20	OSA Overlay	9	6	120	20	
800	171	co	20						

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Reference:	17/00639/AD
Ward:	Shoeburyness
Proposal:	Application for approval of details pursuant to condition 30 (details of sea wall repairs) of planning permission 00/00777/OUT dated 06/02/2004 [Revised application]
Address:	Shoebury Garrison, Ness Road, Shoeburyness
Applicant:	Avant Homes
Agent:	n/a
Consultation Expiry:	n/a
Expiry Date:	8 th June 2017
Case Officer:	Amanda Rogers
Plan Nos:	17128-SK103B, 'Specification – Hydraulic Grade Asphalt', Shoebury Garrison Sea Wall Revetment Remedial Works', 'Hesselberg Hydro: Proposed works to repair revetment March 2017'
Recommendation:	Delegate authority to the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager of Planning and Building Control to AGREE THE DETAILS subject to completion of a Deed of Variation under Section 106 of the TCPA 1990 (As Amended)



1. The Proposal

- 1.1 Details have been submitted pursuant to Condition 30 of the outline planning permission granted on 6th February 2004 for redevelopment of the Shoebury Garrison site (see paragraph 6.1 below), which stated:

The following works to the sea wall shall not commence until details of the design and appearance of the following matters have been submitted to and approved by the local planning authority:

- (i) demolition of the gantry jetty;*
- (ii) repairs to the seawall, including*
 - (a) infilling/repairs of voids in the seawall;*
 - (b) formation/replacement of toe beam of wall;*
 - (c) formation/repair of concrete slab over existing face of wall;*
 - (d) resetting/replacement of Essex blocks; and*
 - (e) repairs to wooden groynes;*
- (iii) construction of a wave return wall along the crest of the existing seawall; and*
- (iv) provision of a surface water outfall or outfalls onto the foreshore;*
- (v) installation of new groynes; and*
- (vi) sheet piling in front of the toes.*

The development shall only be implemented in accordance with the approved details.

Reason: To protect areas of ecological importance and in the interests of visual amenity and public safety, in accordance with Policy C11 of the Borough Local Plan.

- 1.2 On 10th April 2014, under application ref. 14/00367/AD, the Council approved details pursuant to the planning condition set out above. However, since this time the sea wall repair works have been carried out by contractors acting on behalf of the landowner Avant Homes, and it has come to the Council's attention that the quality of the repair in some areas is not yet satisfactory and in some locations needs to be replaced. Therefore, Avant Homes have appointed alternative contractors (Hesselberg Hydro – specialists in the application of asphalt in hydraulic engineering, particularly systems for erosion protection) who have now proposed a different sea wall repair specification. This revised approval of details application reflects these proposed changes.
- 1.3 In addition to this condition, the Section 106 agreement dated 6th February 2004 (as amended) (S.106) associated with the outline permission (also) included details in relation to the coastal defences and associated structures. The S.106 required that works be completed in accordance with the specification outlined in the following reports:- *“Sea Wall and Defences Maintenance & Repair Works report dated November 2001”* and *“Drainage and Flood Defence Strategy Concept Statement Revision 2 dated November 2001”*. Approval of this condition requires synergy with the requirements of the S.106; hence, an application to modify the S.106 is also being considered at this time under ref. 17/00638/DOV.

2. Site and Surroundings

- 2.1 The Shoebury Garrison site is located to the east of the borough. The site includes residential, commercial development, together with a school and church used for community facilities.

- 2.2 The main access roads into the Garrison include Campfield Road to the north and Ness Road to the southwest. There are a number of cycle/footpaths that link the site to the northeast and southwest. The landscape to the south of the site leads to the Shoeburyness coastline.
- 2.3 The developer, Avant Homes (previously known as Country and Metropolitan Homes, and Gladedale), has now completed the 465 dwellings granted in the outline planning permission and are now close to completion of the remaining S.106 works. The only remaining S.106 matters relate to the transfer of the coastal defences, upon satisfactory completion of repair works, and transfer of the Shoebury Garrison Heritage Centre.

3. Appraisal

- 3.1 This approval of details application should be considered in the context of the application seeking to modify the planning obligation (17/00638/DOV) and the planning history set out in section 6 below.
- 3.2 A significant proportion of the coastal defence repair works have been completed in accordance with the details outlined in *“Sea Wall and Defences Maintenance & Repair Works report dated November 2001”* and *“Drainage and Flood Defence Strategy Concept Statement Revision 2 dated November 2001”* prepared by WSP (as amended by approval of details application 14/00367/AD in 2014 and Deed of Variation application 14/00153/DOV in 2015) i.e. the reports that were previously approved under Condition 30 and as part of the S.106.
- 3.3 To date, the completed coastal defence works (aside from any on-going maintenance required to be carried out by Avant Homes until the sea wall is transferred to the Council) include repair works to the vertical sea wall between the Gantry Jetty adjacent to the Experimental Casement and East Beach (referred to as **‘Part 1’** in Annexure 8 of the S.106). The remaining coastal defence works, to which this application relates, include the repair works required in the area stretching from the Coast Guard Station to the Gantry Jetty adjacent to the Experimental Casement (referred to as **‘Part 2’** in Annexure 8 of the S.106).
- 3.4 To address the quality issues referred to in paragraph 1.2, the applicant has provided an alternative proposal for the remedial works in the area known as Part 2. This has been prepared in liaison with Avant Homes’ appointed contractor Hesselberg Hydro and the Council, and is set out in **Appendix 1**.
- 3.5 It is important to note that the proposed repairs constitute maintenance improvements to ensure the lifespan of the coastal defences within the Shoebury Garrison area is extended. The works are not related to wider coastal defence considerations in the Borough including Shoebury Common, and do not (and cannot) constitute enhancements to the coastal defences above and beyond what was reasonably secured under the terms of the S.106 as being required as a consequence of the development by Avant Homes. The coastal defences, in conjunction with the set-back bund put in place by Avant Homes, at Shoebury Garrison have been designed on the basis of providing protection against a 1 in 200 year flood event.

- 3.6 In support of the application, Avant Homes have submitted a detailed plan outlining the proposed repairs and an accompanying specification for the hydraulic grade asphalt to be used. Essentially, Hesselberg Hydro intend to deposit a new layer of open stone asphalt (OSA) over the sound areas of previous repair. During the works, Hesselberg Hydro will ensure that a satisfactory concrete toe beam is in place to support the OSA, that any voids in the surface of the Essex Blocks are filled with Lean Sand Asphalt (LSA), and that the joints between the new material and the old are suitably sealed with mastic. Any groyne repairs that are required will also be carried out during the course of the works.
- 3.7 This alternative proposal for remedial works is considered to be an improved specification for repair. The Council's Coastal Defences Engineer is satisfied with the details submitted in support of this application pursuant to Condition 30. Mott MacDonald, who are acting in the capacity as independent expert advisers to the Council, have also offered assurances in respect of the submission. It is noted that Hesselberg Hydro has provided OSA on the existing revetment in other locations within Shoebury Garrison. OSA was placed under the Hesselberg Hydro Specification, on full revetment height panels on sections around 70m in length, and some of around 25m in length. This work was implemented some 10 years ago and remains in a satisfactory condition. Hesselberg Hydro OSA has also been used more recently on repairs to damaged OSA, which was not under the Hesselberg Hydro Specification. Such historical evidence demonstrates that the Hesselberg Hydro OSA can provide a suitable protection layer to the revetments, when the materials meet the specification requirements, and the OSA material is placed in accordance with the specification. It is understood that the existing OSA placed by Avant Homes' previous contractor was of an insufficient thickness and was not in accordance with the Hesselberg Hydro Specification. The proposed Hesselberg Hydro OSA for the new sections under discussion is to be placed in a 200mm thick layer, which will provide greater durability and protection from fatigue.
- 3.8 Avant Homes has offered a 2 year warranty from Hesselberg Hydro in respect of remedial works between groynes 1-25 only (Part 2 area) plus a 6 year contractor's warranty from Avant Homes relating to the same area of works. This offer is considered as a reasonable operational standard offering sufficient protection to the Council in terms of guaranteeing the work.
- 3.9 As the quality and laying of the OSA is an essential part of ensuring that the repair works are satisfactory, it is proposed that the Deed of Variation that will be drafted pursuant to application 17/00638/DOV includes clauses requiring the following:
- Before the carrying out of any repairs, Avant to submit a detailed Method Statement i.e. how HH propose to undertake the works
 - Before the carrying out of any repairs, Avant to submit a detailed Site Supervision Plan i.e. how HH and the Council/MM will inspect and test the laying of the material and submit to the Council the daily inspection and sign off sheets
- 3.10 Taking into account the opinion of the Council's in-house Coastal Defences Engineer and independent advice from Mott MacDonald, it is recommended that this application be approved, which will hopefully allow Hesselberg Hydro to carry out the repairs works before autumn 2017.

4. Planning Policy Summary

- 4.1 National Planning Policy Framework (NPPF) 2012 and National Planning Practice Guidance (NPPG)
- 4.2 Core Strategy (DPD1) 2007 Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP4 (The Environment and Urban Renaissance)
- 4.3 Development Management DPD 2015
- 4.4 SPD1 Design and Townscape Guide 2009
- 4.5 SPD2 Planning Obligations – A Guide to Section 106 and Developer Contributions 2015

5. Representation Summary

5.1 Coastal Defences Engineer:

Confirmed submission is considered acceptable subject receipt of a detailed Method Statement and Site Supervision Plan.

6. Relevant Planning History

- 6.1 6 February 2004 (00/00777/OUT): Conditional outline permission granted for “Mixed use development comprising conversion of existing buildings and erection of new buildings for: parkland and open space; up to a total of 465 dwellings; up to 23,750sq.m of business floorspace (Class B1(a) and (B)); up to 1625sq.m of non-residential (Class D1) uses, including A. a health centre within the mixed use area, B. the former Garrison Church as a community hall, and C. the former battery gun store as a heritage centre; up to 5,900sq.m of leisure (Class D2) uses; up to 800sq.m of retail (Class A1); up to 600sq.m of financial services (Class A2) use; formation of hotel (Class C1) with approximately 40 bedrooms; land for a new school; erection of landmark residential building; construction of new access roads; and associated works.”
- 6.2 10 April 2014 (14/00367/AD): Details approved pursuant to condition 30 (details of sea wall repairs) of planning permission 00/00777/OUT dated 06/02/2004.
- 6.3 11 June 2014 (13/01743/RESM): Reserved matters approved pursuant to outline permission 00/00777/OUT including details relating to New Gunners Park infrastructure/facilities including childrens play area, toddlers play area, wheeled sports and multi-use games area, tennis courts, car parks, footpaths/cycleways and historic military structures.
- 6.4 15 January 2015 (14/00153/DOV): Modification of planning obligation dated 6 February 2004 pursuant to application 00/00777/OUT agreed, in particular clauses relating to New Gunners Park (including multi-use games and wheeled sports areas, tennis courts, children’s and toddler play areas, car parks, footpaths/cycleways), sea wall works, Heritage Centre and timescales for delivery.

- 6.5 24 March 2017 (16/01636/AD): Details approved pursuant to condition 05 (details of drainage infrastructure) of Planning Permission 00/00777/OUT dated 06/02/2004.
- 6.6 Current application 17/00638/DOV pending decision: Modification of planning obligation dated 6 February 2004 (as subsequently varied) pursuant to application 00/00777/OUT, in particular clauses relating to sea wall works and drainage infrastructure.

7. Recommendation

Members are recommended to:

Delegate authority to the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager of Planning and Building Control to **agree the details** on the basis that 17128-SK103B, 'Specification – Hydraulic Grade Asphalt', Shoebury Garrison Sea Wall Revetment Remedial Works', 'Hesselberg Hydro: Proposed works to repair revetment March 2017', together with the following previously approved documents satisfy the requirements of Condition 30:- 'Sea Wall and Defences Maintenance & Repair Works report dated November 2001' and 'Drainage and Flood Defence Strategy Concept Statement Revision 2 dated November 2001'. This recommendation is **subject to completion of a Deed of Variation** under Section 106 of The Town and Country Planning Act 1990 (as amended) to secure the provisions set out in paragraph 3.9 of this report.

Informatives:

1. Please note that the Deed of Variation completed pursuant to application 17/00638/DOV sets out the changes that have been agreed by the Council since 6th February 2004 in relation to the following documents, which formed part of the original Section 106 agreement:-
 - Sea Wall and Defences Maintenance & Repair Works report dated November 2001
 - Drainage and Flood Defence Strategy Concept Statement Revision 2 dated November 2001
2. This permission is governed by a legal agreement between the applicant and the Borough Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to methodology and supervision associated with the coastal defence repairs.

Appendix 1: Hesselberg Hydro/Avant's Proposed Sea Wall Revetment Remedial Works

1. All works on or in the beach will be under BacTec supervision.
 2. Loose material and over-thickness repair patches carried out by W H Roads (WHR) will be removed.
 3. Hesselberg Hydro (HH) will excavate down the face of the revetment to locate the concrete toe-beam which they had located at the locations of their previous repairs, and use this as the support for the new Open Stone Asphalt (OSA).
 4. Should the toe beam be absent in any locations, HH will construct a suitable substantial toe detail to prevent undermining of the new revetment using grouted rock, or extend the OSA revetment to 1m below the level of the top of the adjacent existing toe beam
 5. The existing OSA and Lean Sand Asphalt (LSA) material will be left insitu, and jet blasted to provide a clean surface. This will be overlaid with 200mm new OSA, suitably bonded to the existing with tack coat. Below the extent of the WHR overlay, ie on un-surfaced Essex Blocks below the beach, the new OSA will be applied to suitable additional thickness to provide a uniform surface profile for the whole repair depth.
 6. LSA will be available on site to fill any voids in the Essex Blocks which may become apparent during excavation.
 7. The top level of the 200mm OSA overlay will be constructed to a regular line about 4.0m down the slope from the foot of the crest wall, or at level 3.6m AOD, whichever is higher. This will be laid to create a uniform berm along the site at this level.
 8. The aggregate for the OSA will be either limestone, which is the usual material, or, subject to successful testing, gritstone. Subject to testing and economic availability, gritstone will be the material of choice.
 9. All joints between new material and old will be sealed with hot poured mastic.
 10. The works will extend from the fence set in the beach, west of groyne 1 and cover all of WHR's OSA work east of that point.
- Consents from MoD, Natural England and MMO will be arranged by Avant Homes.
 - HH will provide and fix new groyne boards as required along the frontage.

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Reference:	17/00893/DOV5	<h1>14</h1>
Application Type:	Deed of Variation within 5 years	
Ward:	Milton	
Proposal:	Modification of planning obligation (Section 106 agreement) associated with planning application 14/00914/FULM dated 3 rd July 2015 to provide a financial contribution in lieu of on-site provision of affordable housing.	
Address:	32 - 36 Valkyrie Road, Westcliff-On-Sea, Essex SS0 8BU	
Applicant:	Mr Dan Nyman of In Construction Services Ltd	
Agent:	n/a	
Consultation Expiry:	n/a	
Expiry Date:	18 th July 2017	
Case Officer:	Amanda Rogers	
Recommendation:	Delegate to the Director of Planning and Transport or Group Manager for Planning and Building Control to AGREE A MODIFICATION OF THE PLANNING OBLIGATION dated 3rd July 2015 pursuant to application 14/00914/FULM	



UPDATE:

This application was **deferred from DC Committee on 14th June 2017** as Members requested confirmation as to whether South Essex Homes had been consulted in respect of the application with a view to their potentially purchasing the 4 affordable housing units. The Strategic Housing Team have provided the following comment to address this query:

The delivery of affordable housing and the potential purchasing of housing units is the remit of the Council. The role of South Essex Homes (SEH) is as the Council's Arms Length Management Organisation (ALMO) and they are therefore primarily concerned with the management of the Council's housing stock and more recently in facilities management such as cleaning contracts. They were set up in order to access the Government's Decent Homes funding and are currently funded by the Council via the Management Agreement. The capital funding programmed by SEH is centred on the management and maintenance of the Council's housing stock such as replacement kitchens and bathrooms, and therefore the purchasing of affordable housing units would not be allowed for in their budget. As opposed to the Council, SEH are also not a Registered Provider of Social Housing (RP) and therefore would not comply with the necessary legal requirements to purchase affordable housing units. The delivery of affordable housing sits with the Council and its Strategic Housing Team which has the expertise in project managing housing developments. Alongside the Planning Team, the Strategic Housing Team has a long history of working with land owners and developers to ensure the best results for affordable housing provision for the borough. For the reasons set out above, South Essex Homes would not be consulted on planning applications for affordable housing nor purchasing S106 housing units.

The Council's Strategic Housing Team is responsible for increasing the provision of affordable housing in the borough amongst other roles in their remit. The Council's view on affordable housing is that developers should provide it on site wherever possible however the Council understands that in some instances this is not possible for example where housing associations have become disinterested in purchasing small sites due to Government funding changes. Therefore in September 2016, the Council agreed the Interim Affordable Housing Policy which includes the requisite methodology to calculate the sums developers must pay in lieu of providing affordable housing on site. This process is common place with local authorities and in regards to SBC these funds are gratefully received and are utilised for funding the council house building programme that has been undertaken since 2015. Funds have been used to help fund both the Council's first affordable house build at 32 Byron Avenue and also the 18 units of affordable housing in Phase 1 of the HRA Land Review Project that were completed in 2016-17 by the Strategic Housing Team. Funds from developers will also help to fund the Council's next phase of housing delivery – 16 units at Rochford Road and Audleys Close. This also gives the Council more control into what affordable housing is provided so that it can better reflect the housing need in the borough. For example, the Council has a commitment to build affordable rented family houses and also adapted flats and bungalows which would be unlikely to be brought forward by developers.

1 The Proposal

- 1.1 Planning permission was granted on 3rd July 2015 to “Demolish parts of existing building and carry out various extensions to form 3 storey block of 22 self-contained flats with associated car parking, amenity space and cycle store to 30 - 36 Valkyrie Road”.

- 1.2 This permission was subject to a Section 106 (S.106) agreement dated 3rd July 2015 to secure the following:
- Provision of 4 affordable housing units including 1 x one bedroom flat, 2 x two bedroom flats and 1 x three bedroom flats comprising 50% rental dwellings and 50% shared ownership dwelling
 - Education contribution £22,346 (paid 13/02/2017)
 - Public art contribution £775 (paid 13/02/2017)
- 1.3 Under section 106A of The Town and Country Planning Act 1990 (as amended) (TCPA) the applicant is seeking to vary the requirement for the provision of affordable housing to provide a financial contribution in lieu of on-site provision on the grounds that there is no interest from Registered Providers. The financial contribution would still represent a policy compliant position in this instance.
- 1.4 The applicant originally submitted a pre-application enquiry on 9th February 2017 seeking removal of the affordable housing requirement on viability grounds. However, officer negotiations have resulted in the applicant now agreeing to provide a financial contribution in lieu of on-site provision that is considered to be an equivalent alternative provision. The following evidence has been submitted in support of the application:
- Confirmed offer of an in-lieu affordable housing contribution of £218,000 payable within 3 months
 - Correspondence from 10 Registered Providers confirming a lack of interest in taking on the affordable housing units on-site
 - Estimated sales values from two local estate agents – Leonard Peters and Think Property
 - Assessment of Economic Viability undertaken by Morley Riches & Ablewhite Chartered Surveyors in November 2016

2 Site and Surroundings

- 2.1 The site is located on the eastern side of Valkyrie Road southeast of its junction with Genesta Road. The former hotel has been converted and extended in accordance with the permission granted in 2015 to create a 3 storey block of 22 self-contained flats, which are now partially occupied.

3 Planning Considerations

- 3.1 The material planning consideration in respect of this application is whether or not a modified planning obligation will equally meet the requirement for a contribution towards affordable housing by providing a financial contribution in lieu of on-site provision.
- 3.2 Section 106A of the TCPA allows for an application to be made to a local authority to consider a proposed modification or discharge of a planning obligation.

- 3.3 Planning obligations can be renegotiated at any point, where the local planning authority and developer wish to do so. A planning obligation is enforceable as a contract and whether it is varied or not is at the local authority's discretion. Where there is no agreement to voluntarily renegotiate, and the planning obligation is over 5 years old, an application may be made to the local planning authority to change the obligation where it "*no longer serves a useful purpose*" or would continue to serve a useful purpose in a modified way (see Section 106A of the TCPA). However, as this application to modify the S106 agreement has been made within 5 years of completion, this statutory test is not applicable.
- 3.4 The Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 (as amended) set out the procedure for dealing with applications to modify or discharge a planning obligation that is more than 5 years old. However, these Regulations do not apply to requests to modify a planning obligation that is dated less than 5 years ago, which is the case in this instance. As such, an application form and public consultation is not required.

4 Appraisal

The National Planning Policy Framework, Southend Core Strategy (2007) strategic objective SO7, policies KP3 and CP8; Development Management Document (2015) policy DM7 and A Guide to Section 106 & Developer Contributions (2015)

- 4.1 Core Strategy policy CP8 states the following:

For sites providing less than 10 dwellings (or below 0.3 ha) or larger sites where, exceptionally, the Borough Council is satisfied that on-site provision is not practical, they will negotiate with developers to obtain a financial contribution to fund off-site provision. The Council will ensure that any such sums are used to help address any shortfall which in affordable housing.

- 4.2 Paragraph 2.7 of "Supplementary Planning Document: Planning Obligations" (SPD2) reiterates the fact that "*The policy [CP8] generally requires 20-30% of the proposed units to be affordable depending on the scale of the development, or a financial contribution to be made where on-site provision is either not feasible or not practicable.*" Hence, the preference in terms of affordable housing provision is on-site. Alternatively, the Council may seek to secure the affordable housing provision on another site owned by the applicant or in exceptional circumstances accept a financial contribution in lieu of on-site provision.
- 4.3 In September 2016 the Council adopted the following Corporate Policy:- "*Interim Affordable Housing Policy*". Whilst is not a planning policy, and does not form part of the development plan, it compliments existing planning policy and sets out guidance in relation to how financial contributions for affordable housing will be calculated. The Corporate Policy was prepared in liaison with the Council's Strategic Housing Team and has been agreed by members. It is a material consideration in the determination of this application.

- 4.4 As set out in paragraph 1.4, the applicant decided (during the pre-application process) not to pursue a reduction in the affordable housing provision on viability grounds. Therefore, to some extent the “*Assessment of Economic Viability*” (undertaken by Morley Riches & Ablewhite Chartered Surveyors in November 2016) is not relevant; however, it is considered that this report does sufficiently evidence the financial difficulties that have been encountered in relation to this site. Thus, it is considered justified in this instance to delay payment of the financial contribution for 3 months, as requested by the applicant, to give them the opportunity to refinance to raise the funds.
- 4.5 In accordance with the Council policies set out above, it is considered that the applicant has satisfactorily demonstrated that there is no interest from Registered Providers (RP’s) for the relatively small scale provision of 4 affordable housing units on this site. The same issue has been encountered recently on other sites within the borough where a small number of affordable units were to be provided. It is consistently proving difficult to secure a Registered Provider on sites where 5 affordable housing units or less are required. In addition, as far as officers are aware the developer is not in a position to locate the affordable housing on an alternative site, which may also present the risk of a Registered Provider still not being interested in purchasing the units. It is therefore, considered appropriate to allow a financial contribution in lieu of on-site affordable housing provision.
- 4.6 In this instance, the Strategic Housing Team support the proposition of accepting the offer of a financial contribution of £218,000 in lieu of providing 4 affordable housing units on site. This figure has been calculated on the basis of the methodology/formula set out in the “*Interim Affordable Housing Policy*”. The funding will be utilised to provide further affordable housing in the borough by either purchasing units or help to fund the Council’s affordable housing development programme.

5 Conclusion

- 5.1 On the basis of the above, it is considered that sufficient evidence has been provided to justify a modification of the S106 affordable housing requirement to allow payment of a financial sum in lieu of on-site provision. The financial contribution towards affordable housing is £218,000 (based on the methodology/formula set out in the “*Interim Affordable Housing Policy*”) and this represents a planning policy compliant position.
- 5.2 For the reason set out in paragraph 4.4, the affordable housing contribution would be payable within 3 months of the date of this committee.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework (NPPF) 2012 and National Planning Practice Guidance (NPPG).
- 6.2 Development Plan Document 1 (2007): Core Strategy Policies KP3 (Implementation and Resources) and CP8 (Dwelling Provision).

6.3 Development Management Document (July 2015): Policy DM7 (Dwelling Mix, Size and Type).

6.4 Supplementary Planning Document 2: A Guide to Section 106 & Developer Contributions (2015).

7 Representation Summary

7.1 **Strategic Housing:** In this instance, the Strategic Housing Team support the proposition of accepting the commuted sum of £218,000 in lieu of providing 4 affordable housing units on site. This funding will be utilised to provide further affordable housing in the borough by either purchasing units or help to fund the Council's affordable housing development programme.

8 Public Consultation

8.1 None required (see paragraph 3.4 above).

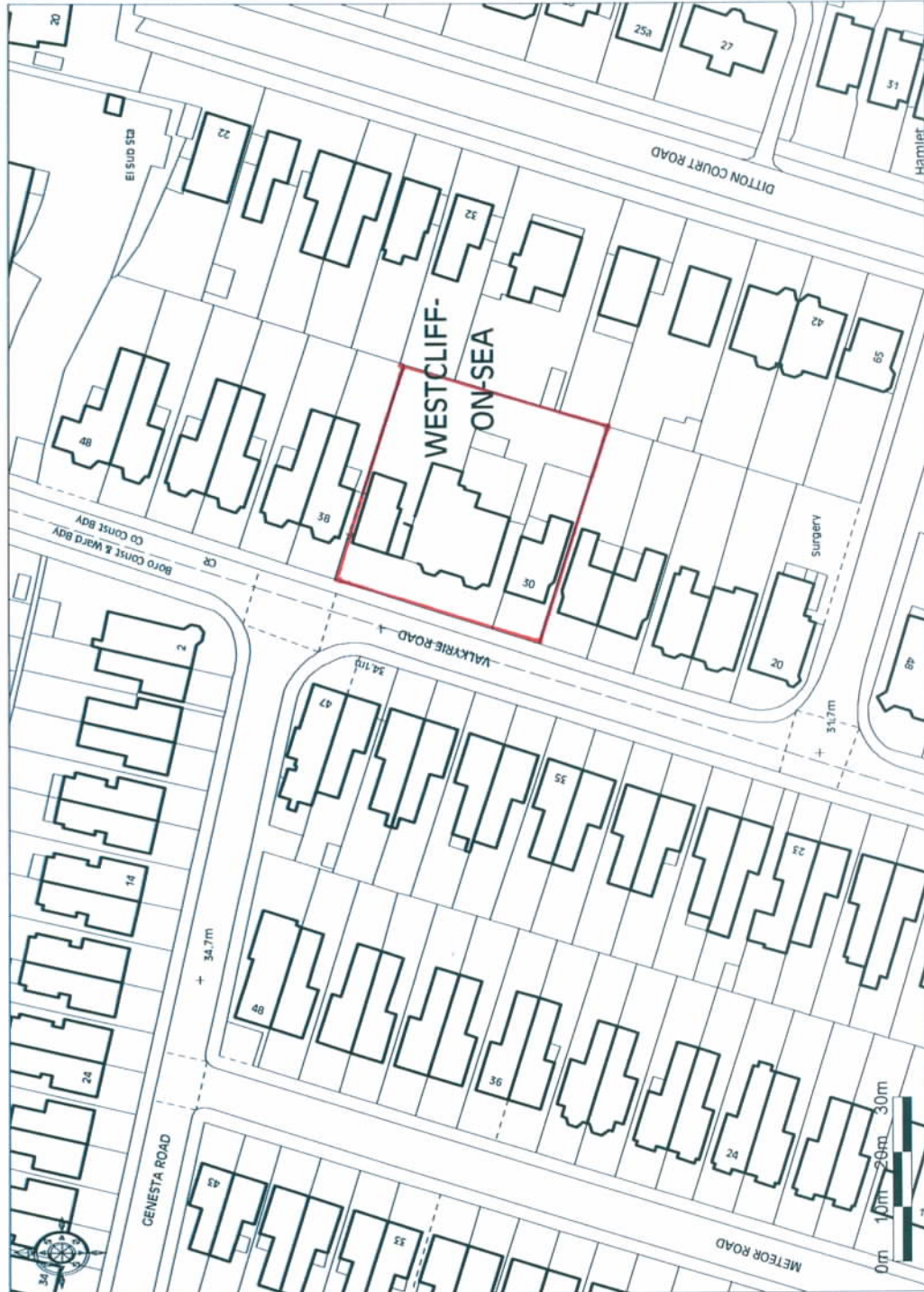
9 Relevant Planning History

9.1 3rd July 2015 (14/00914/FULM): Conditional planning permission granted to *“Demolish parts of existing building and carry out various extensions to form 3 storey block of 22 self-contained flats with associated car parking, amenity space and cycle store to 30 - 36 Valkyrie Road”*.

10 Recommendation

10.1 Members are recommended to delegate to the Director of Planning and Transport or Group Manager for Planning and Building Control to **AGREE A MODIFICATION OF THE PLANNING OBLIGATION** dated 3rd July 2015 pursuant to planning application 14/00914/FULM to provide a financial contribution for affordable housing of £218,000 (index-linked) in lieu of on-site provision by 14th September 2017 (i.e. within 3 months of the date of this committee).

Former Balmoral Hotel



Plan CC/001, Scale 1:1250, Ref CC/1610



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Reference:	17/00784/BC3	<h1>15</h1>
Ward:	Milton	
Proposal:	Render north, west and east elevations	
Address:	Barons Court Primary School and Nursery Avenue Road, Westcliff-on-Sea, Essex, SS0 7PJ	
Applicant:	Barons Court Primary School	
Agent:	Neil Pointer (Southend On Sea Borough Council)	
Consultation Expiry:	23.06.2017	
Expiry Date:	19.07.2017	
Case Officer:	Janine Rowley	
Plan Nos:	1508-A-001 Location and Site Plan; 1508-A-102 West Elevation; 1508-A-101 North Elevation; 1508-A-103 South Elevation; 1508-A-104 East Elevation; 1509-A-201 Render	
Recommendation:	GRANT PLANNING PERMISSION	



1 The Proposal

- 1.1 The application seeks planning permission to render the north, east and west elevations of the existing school building. The elevations currently have mortar which is exposed and worn, leaving pebbles and sharp edges. The applicant states the current elevations are creating a risk of injury to children using the playground. In places where the mortar has eroded significantly the brickwork is no longer structurally sound.
- 1.2 The proposed render is a beige colour and low maintenance, as it estimated to last approximately 20 years. The render is UV resistant and will not fade from direct sunlight.

2 Site and Surroundings

- 2.1 The application site is located on the east side of Avenue Road and is located within the Milton Conservation Area. The site contains a part single part two storey building with materials including brick, pebbledash and timber cladding. The layout of the school is unusual in that the grounds of the school are located to the front of the property with buildings to the rear. The main vehicular and pedestrian access to the school is from Avenue Road. To the north of the site is a residential care home and to the south and west are residential properties.

3 Planning Considerations

- 3.1 The main considerations in the determination of this application are the principle of development, the impact on residential amenity and impact on the character, appearance and setting of the site, the Milton Conservation Area and the area more widely.

4 Appraisal

Principle of Development

National Planning Policy Framework; DPD1 (Core Strategy) policy KP1, KP2, CP4 and CP6 and DPD2 (Development Management) policies DM1 and DM3.

- 4.1 This proposal is considered in the context of the National Planning Policy Framework 2012 and Core Strategy Policies KP2, CP4 and CP6.
- 4.2 As the proposal does not represent a change of use and relates to works that are ancillary and complimentary to the educational use of the site, it is considered that no objection should be raised to the principle of the development.

Impact on the Character of the Area and Milton Conservation Area

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4; DPD2 (Development Management) policies DM1, DM3 and DM5; Design and Townscape Guidance.

- 4.3 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF as well as Policies DM1, DM3 and DM5 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.
- 4.4 In determining an appropriate contextual relationship with surrounding development details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.
- 4.5 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”*.
- 4.6 The site is located within the Milton Conservation Area. The elevations affected by the proposed works are to the north, east and west where there is existing mortar with pebbles. The east and west of the site will be visible from the public domain. The proposed render would complement the existing timber cladding and remove existing pebble mortar that appears in a poor condition, thus enhancing the overall character, appearance and setting of the existing school building, the Milton Conservation Area and the area more widely.

Residential Amenity

The National Planning Policy Framework; Southend-on-Sea Core Strategy policies KP2 and CP4, Southend-on-Sea Development Management Document Policies DM1 and DM3 and the Design and Townscape Guide.

- 4.7 Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties. Policy DM1 of the Development Management DPD also states that development should “Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”
- 4.8 The nearest residential properties are 68m to the west, 11.2m to the east and 6.6m the north, although it is noted the northern boundary also abuts garages. It is not considered the change of material will impact on surrounding residents, given the application seeks to solely replacing the existing mortar and pebbles with render.

Community Infrastructure Levy

- 4.09 The development is not CIL liable.

Conclusion

- 4.10 Having taken all material planning consideration 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 character and appearance of the application site and the streetscene preserving and enhancing the Milton Conservation Area. The proposal would not impact neighbouring occupiers.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework
- 5.2 DPD1 (Core Strategy) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance) and CP6 (Community Infrastructure).
- 5.3 DPD2 (Development Management) Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land) and DM5 (Southend-on-Sea Historic Environment).
- 5.4 SPD1 Design & Townscape Guide 2009
- 5.5 Community Infrastructure Levy Charging Schedule

6 Representation Summary

Design

- 6.1 No objections.

Public Consultation

- 6.2 A site notice was posted and 50 addresses notified by letter. One letter of objection has raised been received raising the following issues:

- New cladding will overshadow surrounding residential properties unacceptably.

These concerns are noted and they have been taken into account in the assessment of the application. 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 wider site is the subject of a lengthy planning history, but the most relevant to this planning application include:

- 7.2 2009-Demolish single storey building and part main building to south boundary, erect single storey extension and alter elevation to north, erect two storey extension incorporating canopies to south and west elevation, extend and alter ground floor glazed roof, erect stainless steel and wood green wall frame approximately 6m high to west elevation and layout terrace to south- Granted (09/00762/BC3)
- 7.3 2009-Erect temporary portacabin to use as classrooms at north east side of main school building- Granted (09/00851/BC4)
- 7.4 2012-Erect Sports Court within the school playing grounds- Granted (12/00628/BC4)

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. With the exception of the render details the development hereby permitted shall be carried out in accordance with the following approved plans: 1508-A-001 Location and Site Plan; 1508-A-102 West Elevation; 1508-A-101 North Elevation; 1508-A-103 South Elevation; 1508-A-104 East Elevation; 1509-A-201 Render.

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

03. Notwithstanding the details shown on the plans hereby approved, the render to be used for the external elevations to the north, east and west of the existing building shall be in accordance with sample reference 32222 (beige colour) received by the local planning authority on the 24.05.2017.

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 and in particular to preserve the character of the Milton Conservation Area. This is as set out in DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management Document) 2015 policies DM1, DM3 and DM5 and SPD1 (Design and Townscape Guide)

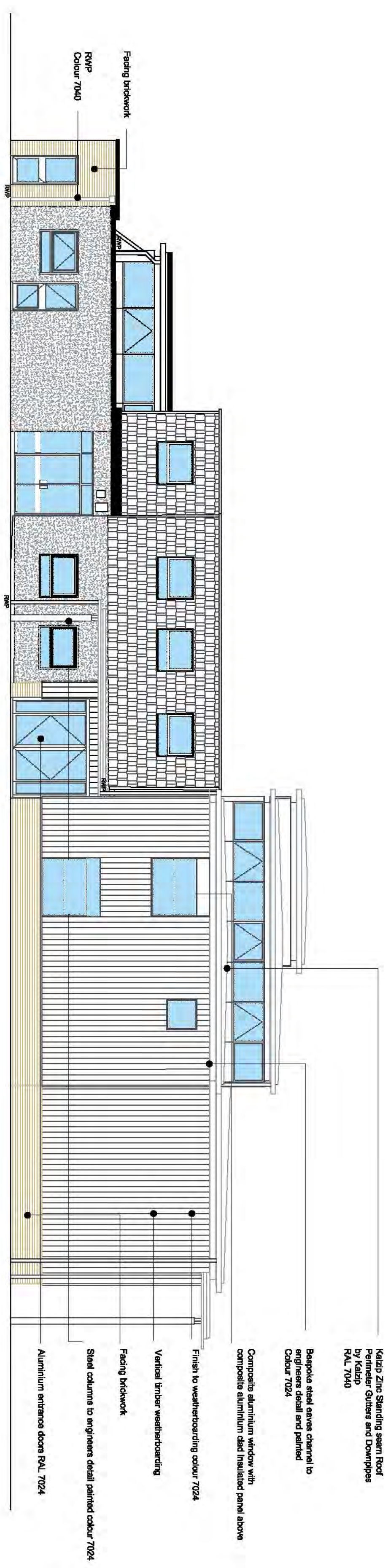
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in 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

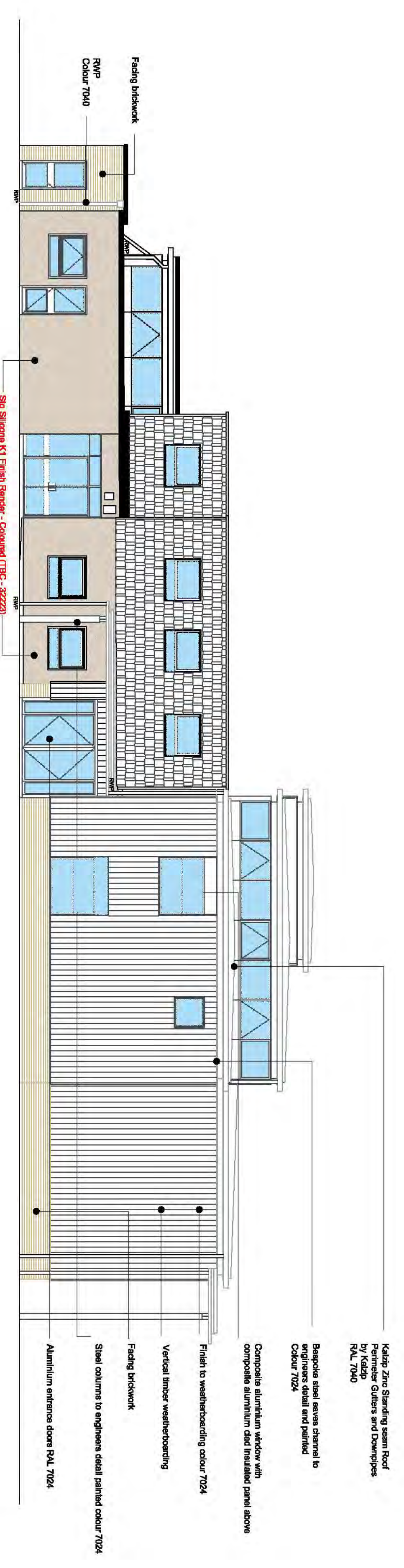
You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil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

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Notes:
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 Drawing No: 1508-A-102



West Elevation as Existing



West Elevation as Proposed

REV	REVISION DESCRIPTION	BY	DATE

southend onsea
 BOROUGH COUNCIL
 SOUTHEND-ON-SEA BOROUGH COUNCIL
 DEPARTMENT OF PLACE, PROPERTIES & REGENERATION GROUP
 CIVIC CENTRE, VICTORIA AVENUE,
 SOUTHEND-ON-SEA, ESSEX, S82 8ZL

PROJECT/SITE
 BARONS COURT PRIMARY SCHOOL
 AVENUE ROAD
 SOUTHEND ON SEA
 ESSEX
 SS0 7PJ

RUC PROJECT REFERENCE
 1508

DRAWING STATUS
 PLANNING

DRAWING TITLE
 WEST ELEVATION

DRAWING NUMBER
 1508-A-102

DRAWING NUMBER
 0

DRAWN BY
 N.P.

CHECKED BY
 X.X.

ISSUED
 02/05/17

SCALE & ORIGINAL DRAWING SIZE
 1:100 @ A1

P.L.S. NAME
 BCRender

1:1 Scale

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