

Public Document Pack
SOUTHEND-ON-SEA BOROUGH COUNCIL

Development Control Committee

Date: Wednesday, 10th May, 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 Minutes of the meeting held on Wednesday 1st March 2017
- 4 Minutes of the Meeting held on Wednesday 5th April 201
- 5 Supplementary Report
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**** **Enforcement of Planning Control**

- 19 **16/00001/UNAU_B - Flat 1, 14 Park Road, Westcliff on-Sea (Milton Ward)** (Pages 339 - 346)

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

PLEASE NOTE: The minibus for the site visits will depart from the bus stop at the front of the Civic Centre at 10.30 a.m.

Public Document Pack
SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 1st March, 2017
Place: Committee Room 1 - Civic Suite

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Present: Councillor F Waterworth (Chair)
Councillors D Garston (Vice-Chair), B Arscott, M Assenheim,
B Ayling, M Borton, M Butler, T Callaghan, F Evans, N Folkard,
J Garston, R Hadley, A Jones, C Mulroney, D Norman MBE,
P Van Looy and C Walker

In Attendance: Councillors I Gilbert, H McDonald and L Salter
D Hermitage, J Rowley, M Warren, I Harrison, K Walters, A Brown
and T Row

Start/End Time: 2.00 p.m. - 4.30 p.m.

810 Apologies for Absence

There were no apologies for absence.

811 Declarations of Interest

The following interests were declared at the meeting:

(a) All Councillors present – Agenda Item No. 7: 16/02277/FUL - The Britannia, 6 Eastern Esplanade, Southend-on-Sea, Essex, SS1 2ER – Non-pecuniary interest: Applicant is known to them;

(b) Councillor Assenheim – Agenda Item No. 11: 17/00055/BC4 - Southend Bowls Club, 7 Tunbridge Road, Southend-on-Sea, Essex SS2 6LT – Non-pecuniary interest: Applicant is known to him;

(c) Councillor D Garston – Agenda Item No. 8: 16/01780/FULM - 1307 London Road, Leigh-on-Sea, Essex, SS9 2AD – Non-pecuniary interest: Owns a car in the garage at this location for restoration;

(d) Councillor Jones – Agenda Item No. 9: 16/02284/FULM - 30 Stephenson Road, Eastwood, Essex, SS9 5LY – Non-pecuniary interest: Son currently attends South Essex College;

(e) Councillor Mulroney – Agenda Item No. 8: 16/01780/FULM - 1307 London Road, Leigh-on-Sea, Essex, SS9 2AD – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);

(f) Councillor Mulroney – Agenda Item No. 10: 17/00071/FUL - 97 Salisbury Road, Leigh-on-Sea, Essex, SS9 2JN – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning); and

(g) Councillor Mulroney – Agenda Item No. 16: 16/02283/FUL - 85 Herschell Road, Leigh-on-Sea, Essex, SS9 2PU – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning).

812 Minutes of the Meeting held on Wednesday 14th December 2016

Resolved: That the Minutes of the meeting held on Wednesday 14th December 2016 be received, confirmed as a correct record and signed.

813 Minutes of the Meeting held on Wednesday, 11th January 2017

Resolved: That the Minutes of the meeting held on Wednesday, 11th January 2017 be received, confirmed as a correct record and signed.

814 Minutes of the Meeting held on Wednesday, 8th February 2017

Resolved: That the Minutes of the meeting held on Wednesday, 8th February 2017 be received, confirmed as a correct record and signed.

815 Supplementary Report

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

816 16/02277/FUL - The Britannia, 6 Eastern Esplanade, Southend-on-Sea, Essex, SS1 2ER (Kursaal Ward)

Proposal: Retain front facade, part demolish rear of existing public house, demolish all outbuildings, erect three self-contained flats with ground floor restaurant use (Class A3), install dormers to front elevation, erect four storey block comprising of six self-contained flats to rear with balconies to front, layout parking, cycle store and bin stores (Amended Proposal)

Applicant: Stockvale Investments Ltd

Agent: SKArchitects Ltd

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

Resolved: That planning permission is GRANTED subject to the following conditions:

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

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

02 The development shall be carried out in accordance with the approved plans: 303/P01 Revision D; 303P07 Revision A; 303P03 Revision B; 303P02 Revision B; 303P08 Revision A; 303P05 Revision B; 303P04 Revision A; 303P06 Revision C.

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

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

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

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

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

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

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

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

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

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

Reason: To protect the amenities of the residential occupiers from undue noise and disturbance in order to protect their amenities in accordance with DPD1

(Core Strategy) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the DM DPD and SPD1 (Design and Townscape Guide).

08 Before the A3 use hereby permitted is occupied, details of any equipment to be installed to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented before the unit is brought into use. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

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

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

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

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

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

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

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

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

Reason: To ensure that adequate car parking and cycle provision is provided and retained to serve the development in accordance with Policy DM15 of the

Council's Development Management DPD and policy CP3 of the Core Strategy DPD1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- i. proposed finished levels or contours;
- ii. means of enclosure, including any gates to the car parks;
- iii. car parking layouts;
- iv. other vehicle and pedestrian access and circulation areas;
- v. hard surfacing materials;
- vi. minor artefacts and structures (e.g. street furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting, etc.) This shall include details of details of the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established, details of measures to enhance biodiversity within the site and tree protection measures to be employed during demolition and construction.

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

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.

02 Compliance with this decision notice does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. Contact 01702 215005 for more information.

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

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

817 16/01780/FULM - 1307 London Road, Leigh-on-Sea, Essex, SS9 2AD (Belfairs Ward)

Proposal: Demolish existing building and erect three storey building comprising of 16 self-contained flats on first and second floor with balconies and roof terrace with retail unit on ground floor, lay out parking bin store and alter vehicular access at 1307-1313 London Road

Applicants: Dove Jeffry Homes

Resolved: (a) That the Deputy Chief Executive (Place), Director for Planning & Transport or the Group Manager Planning & Building Control be DELEGATED to GRANT planning permission subject to the completion of a PLANNING AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) and all appropriate legislation to seek the provision of:

- (a) 2 x 1 bedroom affordable units (Affordable Rented); and
- (b) 1 x 2 bedroom affordable units (Shared Ownership)

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

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

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

02 The development shall be carried out in accordance with the approved plans: 001 P1, 200 P5, 201 P1, 202 P2 and 203 P1.

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above the floor slab level shall take place until samples of the materials to be used in the construction of the external elevations of the building hereby permitted, including balconies, balustrades, screening, fenestration, front porches and hoods have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

04 No construction works above the floor slab level shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include: proposed finished levels or contours; means of enclosure (including any gates to the car parks); car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting etc.) Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, the management of the site (e.g. the uncompacting of the site prior to planting) and the initial tree planting and tree staking details. The development shall be implemented in full accordance with the approved details before it is occupied or brought into use.

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

05 The development shall not be occupied until space has been laid out within the site in accordance with drawing No. 201 P1 for cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in a forward gear. The parking spaces shall be permanently retained thereafter for the parking of occupiers, staff and visitors to the development.

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

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

Reason: to ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety

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

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

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

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

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

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

09 Before the A2 use hereby permitted is occupied, details of any equipment to be installed to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented before the unit is brought into use. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

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

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

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and visual amenities of the

area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

11 The Use Class A2 use hereby permitted shall not be open to customers outside the following times: 07:00 to 23:00 hours.

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

12 No deliveries or refuse collection shall be taken at or despatched from the Use Class A2 unit outside the hours of 07:00-19:00hours Mondays to Fridays and 08:00-13:00hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.

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

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

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

Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with DPD1 (Core Strategy) 2007 policy KP2 and Policies DM1 and DM14 of the Development Management DPD 2015.

14 No construction works above the floor slab level shall take place until details of the implementation, maintenance and management of a scheme for surface water drainage works have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and

maintained in accordance with the approved details before the development is occupied and brought into use. Those details shall include:

(i) An investigation of the feasibility of infiltration SUDS as the preferred approach to establish if the principles of any infiltration based surface water drainage strategy are achievable across the site, based on ground conditions. Infiltration or soakaway tests should be provided which fully adhere to BRE365 guidance to demonstrate this. Infiltration features should be included where infiltration rates allow;

(ii) Drainage plans and drawings showing the proposed locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features;

(iii) a timetable for its implementation; and

(vii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

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

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

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

16 The development shall be undertaken in accordance with the Energy and Sustainability Statement prepared by Fusion 13 that has been submitted with the application before the development is occupied or brought into use. The PV panels shown on plan 201 P1 shall be fully installed prior to the first occupation of any of the flats hereby approved and all approved measures shall be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy and Development Management Document policy DM2.

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

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

18 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the local planning authority prior to the occupation of the development. The landscaping of the site shall be managed in accordance with the approved plan in perpetuity.

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

19 The development shall be undertaken in full accordance with the recommendations set out at section 4.2 of the Noise Assessment prepared by Adrian James Acoustics Limited (Dated 23/03/16) that has been submitted with the application before the development is occupied or brought into use.

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

20 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, prior to the installation of any shopfront at the site, the details of the design, materials, glazing, doors, shutters, signage and lighting of the shopfront shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before the A2 use is brought into use and retained thereafter.

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

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

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

22 The commercial floorspace hereby approved shall be used only for purposes falling within Use Class A2 and for no other purpose including any within Classes A1, A3, A4, A5, B1, C3 or D1 of the Town and Country Planning (Use Classes) Order 1987 as amended (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force).

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

23 No demolition or other works associated with this permission shall take place until an Arboricultural Method Statement & Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. Subsequently the development shall only be undertaken in full compliance with the approved details and the content of Section 6.0 (Recommendations) of the "Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan" dated 16/09/16 that has been submitted within this application.

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

24 No construction works above the level of the floor slab shall take place until details of the new accesses, removal of the existing redundant crossovers and the reinstatement of the kerb have been submitted to and approved in writing by the Local Planning Authority and a full scheme of works and the relevant highways approvals are in place. The development shall be carried out in accordance with the approved details before the development is commenced and retained thereafter.

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

25 Before it is occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that 2 of the flats hereby approved comply with building regulation M4 (3) 'wheelchair user dwellings' and the remaining flats comply with building regulation part M4(2) 'accessible and adaptable dwellings'.

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

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

systems such as grey water and rainwater harvesting shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be undertaken in accordance with the approved details and retained in perpetuity.

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

27 Prior to the occupation of the flats hereby approved details of the proposed glazed screens shown on the roofspace shall be submitted and approved in writing by the Local Planning Authority. The screens and rooftop amenity area shall subsequently be installed/provided prior to the first occupation of any of the flats hereby approved and retained in perpetuity.

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

Informative

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

(c) In the event that the planning obligation referred to in part (a) above has not been completed by 1st June 2017 the Deputy Chief Executive (Place), 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. As such, the proposal would be contrary to Policies KP2, KP3, CP6 and CP8.

818 16/02284/FULM - 30 Stephenson Road, Eastwood, Essex, SS9 5LY (Eastwood Park Ward)
Proposal: Change of use from storage (class B8) and office (class B1(a)) to an education centre (class D1) (28 - 30 Stephenson Road)
Applicant: South Essex College
Agent: VRG Planning Ltd

Resolved: That planning permission is GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: (PA)001, (PA) 002, (PA) 003, (PA) 004, (PA) 005, (PA) 006, (PA)007, (PA) 008 Rev P2, (PA) 009 Rev P2, (PA) 010 Rev P1 and SK (003) Rev P1.

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

03 Notwithstanding the provisions of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015, the buildings at the site shall be used for no purposes other than as a vocational education and training centre for the construction, motor-vehicle and engineering industries and not for any other uses falling within Use Class D1. Notwithstanding the content of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any legislation amending, revoking or re-enacting this order, the buildings shall be used for no other purposes falling within Use Class D1 as defined by the Town and Country Planning (Use Classes) Order 1987.

Reason: To enable future control to be retained in relation to the use of the building and to reflect the specific circumstances that have provided justification for the proposed use at the application site.

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

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

05 Before the use hereby permitted commences, a scheme for the installation of equipment to control the emission of fumes and smell from the spray painting booths installed at the premises shall be submitted to, and approved in writing by, the Local Planning Authority and the approved scheme shall be implemented in full. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

06 Prior to the occupation of either of the buildings for these uses hereby approved, a scheme of improvements to the building relating to energy efficiency and water efficiency shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme before it is brought into use.

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy and Development Management Document policy DM2.

07 Prior to the commencement of the development hereby approved, details of the phasing of the change of use of the application site in terms of the delivery of floorspace and parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented only in full accordance with the approved phasing details.

Reason: To ensure that adequate parking is available for the uses at the site in accordance with Development Management Document Policy DM15.

08 Prior to the occupation of the buildings for these uses hereby approved, details shall be provided of the accessibility measures to be implemented within the building to ensure the building is available for use by as a wide a range of users as possible. The development shall be implemented in accordance with the approved details prior to it being brought before it is brought into use or occupied.

Reason: In the interests of providing adequate accessibility within the building in accordance with Development Management Document policy DM1.

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

Informative

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

819 17/00071/FUL - 97 Salisbury Road, Leigh-on-Sea, Essex, SS9 2JN (West Leigh Ward)

Proposal: Demolish existing bungalow, erect two semi-detached dwellings and install hardstanding with vehicular access onto Salisbury Road (Amended Proposal).

Applicant: Mr M. Bailey (N Bailey Properties)

Agent: BGA Architects

Resolved: That planning permission is GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 0-001, 0-002, 0-600, 1-001, 1-600 B, 1-602, 1-603 and 2-600

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

03 Prior to the commencement of the development hereby approved, details of the external materials to be used in the construction of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall subsequently be used in the construction of the dwelling hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management) policy DM1, and SPD1 (Design and Townscape Guide).

04 Prior to the occupation of the dwelling hereby approved the car parking spaces and access to them from the public highway shall be provided in accordance with the approved plans. The car parking space and access shall be kept available for the parking of motor vehicles at all times and permanently retained.

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

05 Prior to occupation of the development hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be undertaken in accordance with the approved details before it is occupied and be retained in perpetuity.

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

06 The development hereby approved shall be carried out in a manner to ensure the dwelling complies with building regulation M4 (2) 'accessible and adaptable dwellings' before it is occupied.

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

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

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

08 Notwithstanding the provisions of Classes A, B, D and E of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 2015 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no extensions or outbuildings shall be erected at the site unless otherwise agreed in writing by the local planning authority.

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

09 Prior to the occupation of the dwelling hereby approved, details of the soft landscape works for the site shall be submitted to and approved in writing by the local planning authority. The approved soft landscaping works shall be undertaken within the first planting season following first occupation of the development, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard character and appearance of surrounding area and the amenities of the occupants of the proposed development in accordance with policies DM1, DM3, DM5 and DM8 of the Development Management DPD and policies KP2 and CP4 of the Core Strategy.

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

Informative

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

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

820 17/00055/BC4 - Southend Bowls Club, 7 Tunbridge Road, Southend-on-Sea, Essex SS2 6LT (Victoria Ward)

Proposal: Erect boundary fence (Amended Proposal)

Applicant: Mr Peter Lovett (Southend Bowls Club)

Resolved: That planning permission is GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Site Plan and Bowl-1

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

03 The soft landscaping shown on the submitted plan (as described in the description of development within the application form) shall be planted during the first planting season after the erection of the fence hereby approved unless otherwise agreed in writing by the Local Planning Authority.

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

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

Informative

01 You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations

2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

02 Please note that the Local Planning Authority would wish to see the alteration of the conservatory to match the plans hereby approved within six months of the permission hereby granted. If the conservatory is not adapted within this timescale, the conservatory may be the subject of enforcement action.

821 17/00093/BC4 - Lower flat 17 Portland Avenue, Southend-on-Sea, Essex, SS1 2DD (Milton Ward)
Proposal: Convert garage into habitable accommodation
Applicant: Mr Fackerall
Agent: Contour Architectural Designs Limited

Resolved: That planning permission is GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: CAD/PP/16096/001; CAD/PP/16096/002.

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

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

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

04 The existing vehicular access to the property shall be re-instated to footway (with necessary highways consents in place) prior to occupation of the habitable room hereby approved.

Reason: In the interests of pedestrian safety and visual amenities in accordance with the National Planning Policy Framework, policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2012), policies DM1, DM3 and DM15 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Council's Design and Townscape Guidance (SPD1)

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.

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.

822 16/02254/AMDT - Former 3 Acacia Drive, Thorpe Bay, Essex, SS1 3JU (Thorpe Ward)

Proposal: Application to vary condition 02 (Drawing Numbers) and 08 (Landscaping/Boundary Treatment) (Minor Material Amendment) of planning permission 14/01434/FULM Demolition of existing bungalow at 3 Acacia Drive, erect three storey building comprising fourteen self-contained flats, dated 28.01.2015

Applicant: Elmore Homes Limited

Resolved: That planning permission is GRANTED subject to the following conditions:

01 The development hereby permitted shall be carried out in accordance with the approved plans 732/01 H; 732/02 G; 732/03 G; 732/04 G; 732/05 G; 732/06 H; 732/07 H; 732/08 G; 732;09 G; Landscape and Management Plan.

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

02 The development hereby approved shall be carried out in accordance with the Flood Risk Assessment carried out by Ambiental Technical Solutions Ltd referenced 1907 dated January 2014.

Reason: 1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

2. To reduce the impact of flooding on the proposed development and future occupants.

3. To ensure that the "Non Occupation and Evacuation Plan" is up to date with the Environment Agency's Flood Warning Service.

03 Fourteen car parking spaces shall be provided in accordance with plan no. 732/01 Revision H prior to the occupation of the flats hereby approved and shall thereafter be permanently retained in connection with the residential use of the site which it forms part and their visitors and for no other purpose unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that satisfactory off-street car parking and turning provision is provided for occupants of the new dwelling(s) and in the interests of residential amenity and highway efficiency and safety, in accordance with DPD1 (Core

Strategy) 2007 policy KP2, DPP2 (Development Management Document) and SPD1 (Design and Townscape Guide).

04 The waste management and cycle storage details submitted on the 01.07.2016 agreed under application 16/01075/AD shall be implemented prior to the first occupation of the development unless otherwise agreed in writing by the local planning authority and retained thereafter.

Reason: To protect the environment and provide suitable cycle and waste storage in accordance with DPD1 (Core Strategy) 2007 policies KP2 and CP4 and policies DM1 and DM15 of the DPD2 Development Management Document.

05 The landscaping scheme as shown on drawing Landscape and Management Plan Revision A dated 08.12.2016 shall be implemented within the first planting season following occupation of the flatted development hereby approved, unless otherwise agreed in writing by the local planning authority. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the local planning authority.

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

06 The details of the acoustic fence on the schedule of materials revision C and the landscaping scheme Revision A dated 08.10.2014 shall be implemented prior to occupation of the development, unless otherwise agreed in writing by the local planning authority and remain in perpetuity.

Reason: To safeguard the character and amenities of the area and in particular to protect the amenities of nearby residential properties in accordance with policy CP4 of the Core Strategy DPD1 and policy DM1 of the Development Management Document DPD2.

07 The renewable energy measures as detailed in MH Energy Consultations Statement 08.10.2014 and drawing 732/01H, 732/08G; 732/05 Revision A, shall be installed prior to first occupation of the development and shall be permanently maintained thereafter.

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

08 The first and second floor windows in the north and east elevations shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority. In the case of multiple

or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with DPD1 (Core Strategy) 2007 policy CP4, DPD2 (Development Management Document) policy DM1 and SPD1 (Design and Townscape Guide).

09 The details of the public art received on the 15.12.2016 including a site plan and elevation drawing of the Celestial Armillary Sphere Pedestal agreed under application 16/01075/AD shall be implemented prior to the first occupation of the development unless otherwise agreed in writing by the local planning authority and retained thereafter.

Reason: In the interest of visual amenities of the townscape in accordance with policies KP2 and CP4 of the Core Strategy, the Design and Townscape Guide, 2009 (SPD1) and the Planning Obligations: A Guide to Section 106 and Developer Contributions (SPD2).

Informatives

01 You are advised that as the proposed external alterations does not result in the creation of new floorspace under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

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

823 17/00171/AMDT - 40 Westbury Road, Southend-on-Sea, Essex, SS2 4DP (St Lukes Ward)

Proposal: Application to vary condition 02 (Approved Plans) (Minor Material Amendment to planning permission 14/00198/FUL dated 21 May 2014)

Applicant: Dr Saqib Mahmud

Agent: Mr Graham Miles

Resolved: That planning permission is REFUSED for the following reason:

01 The proposed conservatory, by virtue of its design, its size and its relationship to the existing building, is harmful to the character and appearance of the existing building and the surrounding area more widely. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Southend Core Strategy (2007), policies DM1 and DM3 of the Southend Development Management Document (2015) and the advice contained within the Southend Design and Townscape Guide (2009).

824 17/00083/FUL - Essex Ambulance Service, 4 - 5 Victoria Business Park, Short Street, Southend-on-Sea, Essex, SS2 5BY (Victoria Ward)
Proposal: Change of Use from Ambulance Station (Sui Generis) to adult day centre (Class D1)
Applicant: Eco Wings And Nights Ltd
Agent: Dovetail Architects Ltd

Resolved: That planning permission is GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans. 3588_PL01; PL02; PL03A; PL04A and PL05A

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

03 Notwithstanding any provisions to the contrary, including those within the Town & Country Planning (General Permitted Development) Order 2015, or subsequent orders, the use shall be limited to that of an adult day centre for adults with learning or physical disabilities, and for no other use.

Reason: To define the scope of this permission in the context of the social care needs of the borough in accordance with policy CP6 of the Southend on Sea Core Strategy 2007.

Reason for Approval: The nature of the proposed use, in that it will provide a much needed social care facility within central Southend, and the specialist employment opportunities it will provide, coupled with the sui generis nature of the lawful use of the site justified granting planning permission in this instance. The Committee are of the view that these specific circumstances would not prejudice the application of relevant policies or set a precedent for future development.

825 16/02283/FUL - 85 Herschell Road, Leigh-on-Sea, Essex, SS9 2PU (West Leigh Ward)
Proposal: Erect semi-detached chalet bungalow and form vehicular crossover on to Herschell Road
Applicant: Mr J Riley
Agent: Architectural Services Ltd

Resolved: That planning permission is GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Existing Plan, Proposed Plan Revision A, AS2137/N1, AS2137/N2A, AS2137/N3, AS2137/N4, AS2137/N5A, AS2137/N6A and AS2137/N7.

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

03 The development hereby permitted shall be constructed using the materials shown on the plans hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management) Policy DM1 and SPD1 (Design and Townscape Guide).

04 Details of the materials to be used in the formation of the hardstanding within the application site shall be submitted to and approved in writing to the Local Planning Authority prior to their installation. The hardstanding at the frontage of the site shall be permeable unless otherwise agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details before the dwelling is first occupied.

Reason: To ensure the adequate provision of parking at the site in accordance with policy DM15 of the Development Management DPD.

05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the dwelling hereby approved not be occupied until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping. This shall include details of the number, size and location of the trees and shrubs to be planted at the frontage of the together with a planting specification. The landscaping shall be implemented in accordance with the agreed details during the first planting season following the first occupation of the dwelling unless otherwise first agreed in writing by the Local Planning Authority.

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

06 Notwithstanding the details shown on the plans hereby approved, the proposed vehicle crossover shall not extend for more than 4.8 metres from the point of the highway that is parallel with the north boundary of the application site.

Reason: In the interests of highway safety in accordance with Policy CP4 of the Core Strategy, Policies DM1, DM3 and DM15 of the Development Management Document and the Design and Townscape Guide, 2009.

07 Prior to occupation of the development hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in full accordance with the approved details before the development is occupied and be retained as such in perpetuity thereafter.

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

08 The development hereby approved shall be carried out in a manner to ensure the dwelling complies fully with Building Regulation M4 (2) 'accessible and adaptable dwellings'.

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

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

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

10 Notwithstanding the provisions of Classes A, B, D and E of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 2015 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no extensions or outbuildings shall be erected at the site unless otherwise agreed in writing by the local planning authority.

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

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

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

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

Informative

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 and when this is payable. As this chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will shortly be issued. Charges and surcharges may apply if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.

02 For the avoidance of any doubt, it is the position of the Local Planning Authority that the development hereby permitted has already commenced and therefore the permission has been implemented.

826 16/01727/FUL - Element, 13 - 17 Alexandra Street, Southend-on-Sea, Essex SS1 1BX (Milton Ward)

Proposal: Change of use of basement and part of ground floor from Nightclub (Sui Generis) to a mixed use of Public House/Bar and Restaurant (Class A3/A4), first and second floor to five self-contained flats (Class C3), demolish part of roof to form amenity space, install new shopfront, refuse store and alter elevations (Amended Proposal)

Applicant: Mr Robin Levy

Agent: The Planning And Design Bureau Ltd

Resolved: That planning permission is GRANTED subject to the following conditions:

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

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

02 The development shall be carried out in accordance with the approved plans: Location Plan; Proposed site plan within surrounding context Revision F Proposed floor plans, sections and elevations Revision R.

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

03 The basement and ground floor of the building at the site as hereby approved shall be used for no purposes other than a bar/restaurant falling within use class A3 or A4 or combination thereof. Notwithstanding the content of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (As amended), the buildings shall be used for no other purposes falling within Use Class A3/A4 as defined by the Town and Country Planning (Use Classes) Order 1987.

Reason: To enable future control to be retained in relation to the use of the building and to reflect the specific circumstances that has provided justification for the proposed use at the application site.

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

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

05 Final glazing, acoustic insulation and ventilation details for the scheme are to be submitted to, and approved by, the Local Planning Authority prior to installation. Glazing and ventilation should be selected with relevant acoustic properties as outlined in the Noise Impact Assessment dated 29th November 2016. Appropriate mitigation must be given to ensure that cumulative noise levels in accordance with BS4142:2014 meet relevant internal noise criteria in accordance with BS8233:2014, along with tonal and impulsive penalties where necessary prior to occupation of residential units and remain in perpetuity.

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

06 The rating level of noise for all activities (including amplified and unamplified music and human voices) should be at least 10dB(A) below the background noise (with no tonal elements) to ensure inaudibility in noise sensitive premises. If noise modelling software is used to calculate the likely levels or impact of the noise then any actual measurement taken such as LA90 must be taken in accordance with BS7445:2003. A detailed assessment should be carried out prior to occupation of the residential units by a suitably qualified and experienced acoustic consultant who would normally be a member of the Institute of Acoustics.

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

07 Activities at the site shall not give rise to structure borne noise to any noise sensitive premises.

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

08 The use of the kitchen extract ventilation system serving the cafe located to the ground floor of the development should be restricted to use between the hours of 8am-6pm Monday to Saturday and 9am -5pm on Sundays and Bank Holidays.

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

09 Before the A3/A4 use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to, and approved in writing by, the local planning authority and the approved scheme shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions, unless otherwise agreed in writing by the local planning authority.

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

10 All deliveries and collections to be between: 07:00-19:00hrs Monday to Friday; and 08:00-13:00hrs Saturday; with no deliveries on Sundays or Bank Holidays.

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

11 With reference to BS4142, the noise rating level arising from all plant and extraction/ventilation equipment should be at least 10dB (A) below the prevailing background at the closest receptor with no tonal or impulsive character.

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

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

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

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

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

14 No part of the development shall be occupied until bicycle parking spaces have been provided externally to the restaurant, public house and residential flats in accordance with plans and details which shall have been previously submitted to and agreed by the Local Planning Authority and the bicycle parking spaces shall be permanently maintained thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority. The cycle parking shall remain in perpetuity.

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

Informative

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.

02 Compliance with this decision notice does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. Contact 01702 215005 for more information.

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

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

05 Please note that any residential occupiers of the development hereby approved are unlikely to be eligible for any permit parking scheme.

827 17/00110/FUL - 1 Hoblethick Lane, Westcliff-on-Sea, Essex, SS0 0RP (Prittlewell Ward)

Proposals: Change of use from dwellinghouse (Class C3) to non-residential education/training centre (Class D1), demolish existing boundary wall, install layout parking and vehicular access onto Prittlewell chase

Applicant: Ms Eileen Koh

Agent: Mr Dwight Breley

Resolved: That planning permission is REFUSED for the following reasons:

01 The proposed change of use would result in the loss of a single family dwellinghouse and thereby the reduction of housing supply within the Borough to the detriment of the area. No evidence has been submitted demonstrating the need of the proposed educational use in this location and therefore, the proposal is unacceptable in principle and contrary to the National Planning Policy Framework and Policy CP8 of the Southend-on-Sea Core Strategy (2007).

02 The applicant has failed to demonstrate that the educational use of the premises would not result in undue noise or disturbance to the adjoining occupiers to the detriment of the residential amenity thereof. This is considered to be harmful to the amenities of the occupiers of nearby residential properties. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007); Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015); and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

03 The proposed use would result in an increased demand for parking, which cannot be provided on site. The applicant has also failed to demonstrate adequate traffic movements can be made, and this would be to the detriment of highway safety and efficiency. The development would therefore result in additional on-street parking on a road with limited on-street parking availability and high levels of parking stress to the detriment of highway safety and the local highway network contrary to Policy CP3 of the Core Strategy and Policy DM15 of the Development Management DPD.

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

Informatives

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

- 828 17/00041/FULH - 3 Thorpe Bay Gardens, Thorpe Bay, Essex, SS1 3NS
(Thorpe Ward)
Proposal: Convert existing rear garage into habitable accommodation and alter elevations
Applicant: Mr And Mrs Pace
Agent: Knight Gratrix Architects**

Resolved: That planning permission is GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 1035 020.

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

03 All new work to the outside of the building must match the choice of materials, method of construction and finished appearance of the existing outbuilding, unless otherwise shown on the drawings hereby approved.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, Development Management DPD Policies DM1 and DM3, and SPD1 (Design and Townscape Guide).

04 The converted outbuilding hereby permitted shall only be used for purposes incidental to the residential use of the dwelling known as No. 3 Thorpe Bay Gardens.

Reason: To safeguard the character and amenities of the area and to safeguard the amenities of adjoining residential properties, in accordance with the Development Management DPD policies DM1 and DM3.

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

829 17/00085/FULH - 137 Burges Road, Thorpe Bay, Essex, SS1 3JN (Thorpe Ward)

Proposal: Convert and extend existing garage to rear to form garden room/storage and alter elevations

Applicant: Mr B Sullivan

Agent: Mr Paul Seager

Resolved: That planning permission is GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 2508 04; 2508 05 & 2507 06 (C01D)

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

03 All new work to the outside of the building must match be of the choice of materials, method of construction and finished appearance as shown on the drawings hereby approved.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, Development Management DPD policies DM1 and DM3, and SPD1 (Design and Townscape Guide).

04 The outbuilding hereby permitted shall only be used for purposes incidental to the residential use of the dwelling known as No. 137 Burges Road.

Reason: To safeguard the character and amenities of the area and to safeguard the amenities of adjoining residential properties, in accordance with the Development Management DPD policy DM1.

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

Informative

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

830 Dean Hermitage - Group Manager Planning & Building Control

The Chairman explained that this would be the last meeting of the Committee to be attended by Mr Dean Hermitage, the Council's Group Manager Planning & Building Control as he would shortly be taking up a new post at the London Borough of Haringey. The Committee thanked Mr Hermitage for his hard work and help during his time at the Council and wished him well in his new role and for the future.

Chairman: _____

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 5th April, 2017
Place: Committee Room 1 - Civic Suite

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Present: Councillor F Waterworth (Chair)
Councillors D Garston (Vice-Chair), B Arscott, B Ayling, M Borton, M Butler, T Callaghan, F Evans, N Folkard, J Garston, R Hadley, A Jones, C Mulroney, D Norman MBE, P Van Looy and C Walker

In Attendance: Councillor J Lamb (for Minute 913) and D Burzotta (for Minute 920)
J K Williams, P Geraghty, K Waters, C Galforg, M Warren, I Harrison and F Abbott

Start/End Time: 14.00 / 15.30

913 Councillor Mr M Assenheim

The Committee stood in silent tribute in memory of Councillor Mike Assenheim, who had sadly passed away earlier in the week following a suspected heart attack.

914 Apologies for Absence

There were no apologies for absence.

915 Declarations of Interest

The following interests were declared at the meeting:-

- (a) Councillor Mulroney – agenda item relating to – TPO 1/2017 – 29 Hadleigh Road, Leigh-on-Sea, SS9 2DY - Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);
- (b) Councillor Van Looy – agenda item relating to – 16/01901/FUL – 1 Mayfair Place, Southend-on-Sea, SS1 2FR - Non-pecuniary interest: Knows the applicant;
- (c) Councillor Ayling - agenda item relating to – 16/01901/FUL – 1 Mayfair Place, Southend-on-Sea, SS1 2FR - Non-pecuniary interest: Knows the applicant;
- (d) Councillor Ayling – agenda item relating to - 16/02194/FULM – Shoeburyness High School, Caulfield Rd, Shoeburyness, SS3 9LL - Non-pecuniary interest: Son works in department at school;
- (e) Councillor D Garston – agenda item relating to – 17/00362/FUL – The Shore, 22-23 The Leas, Westcliff-on-Sea - Non-pecuniary interest: Neighbour is known to him.

916 Supplementary Report

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

- 917 TPO 1/2017 - 29 Hadleigh Road, Leigh-on-Sea (Leigh Ward)**
Proposal - Tree Preservation Order 01/2017
Applicant: Mr Jeremy Holmes
Agent: N/A

The Committee considered a report by the Deputy Chief Executive (Place). This asked the Committee to consider whether to confirm the provisional Tree Preservation Order (TPO 01/17) at 29 Hadleigh Road, Leigh on Sea. The provisional TPO provides temporary protection for the trees for period of 6 months. If it is confirmed it will become permanent if it not confirmed then it will lapse.

Resolved:

That TPO 1/2017 at 29 Hadleigh Road, Leigh-on-Sea be confirmed, for the following reasons – the tree provides valuable contribution to the amenity of the area.

Informative – further works to the tree will require the consent of the LPA.

- 918 16/02194/FULM - Shoeburyness High School, Caulfield Road, Shoeburyness (West Shoebury Ward)**
Proposal: Demolish existing outbuildings and classroom, erect two storey block to form classrooms and dining hall with balcony to west elevation at first floor and form 26 additional parking spaces
Applicant: Shoeburyness High School
Agent: The Draughtsman

Planning permission GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the approved plans Location plan; SHS/NAK/05 Revision 5; SHS/NAK/06 Revision C; SHS/NAK/01 Revision C; SHS/NAK/02 Revision C; SHS/NAK/03 Revision C; SHS/NAK/04 Revision C; SHS/NAK/05 Revision B; SHS/NAK/06 Revision B; SHS/NAK/07 Revision C.

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

03 The development shall be carried out in accordance with the details set out in the materials and landscaping schedule received on the 22.02.2017 including north elevation- main wall panels Trespa Meteon colour silver grey, windows Comar 5Pi window system colour white, face brickwork to lower wall Ibstock 65mm Bristol Buff, Face brickwork to lower wall 65mm Staffs Slate Blue engineering brick; east elevation-, brick fashion wall panels to be Trespa Meteon in silver grey, winter grey, pure white; face brickwork to lower wall

lbstock 65mm 0657 Bristol buff multi, face brickwork to lower wall lbstock 65mm Staffs Slate Blue engineering brick, entrance portal white painted sand and cement render; south elevation-main wall panels to be Trespa Meteon colour silver grey; west elevation- windows to be Comar 5Pi window and door system, colour white, exposed steelwork carried out in accordance with BS 5493; brise soleil aluminium aerofoil profile powder coated white; curved roof Kingspan panels product KS1000CR colour grey, soffit and fascia to be white powder coated plastol sheet profile to suit curved roof radius, glass balustrading to be toughed clear glass and tubular stainless steel frame unless otherwise agreed in writing by the local planning authority.

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

04 All planting in the approved landscaping as shown on drawings 'SHS/NAK/006 and the materials and landscaping schedule received on the 22.02.2017 shall be carried out within the first planting season following first occupation of the development. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species is agreed with the local planning authority.

05 The car parking spaces shall be provided before the development is occupied in accordance with drawing SHS/NAK/06 Revision C hereby approved and shall thereafter be permanently retained, unless otherwise agreed in writing by the local planning authority. Permeable paving shall be used for the hardstanding area.

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

06 Prior to occupation of the development hereby approved details of the 50 bicycle parking spaces to be provided at the site should be submitted to and agreed in writing by the Local Planning Authority and the bicycle parking spaces shall be provided prior to the occupation of the building and permanently maintained thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure adequate cycle storage in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policies KP2 and CP4, and DPD2 (Development Management Document) policy DM15.

07 Prior to installation of any external lighting, 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 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.

08 A scheme detailing how at least 10% of the total energy needs of the new building will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority and implemented in full in accordance with the approved details prior to the first occupation of the building. This provision shall be made for the lifetime of the development.

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

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

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

10 Demolition and construction hours of work associated with this permission are restricted to 8am – 6pm Monday to Friday, 8am – 1pm Saturday. No demolition or construction shall be carried out on Sundays or Bank Holidays.

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

11 Full details of mitigation measures to be taken to minimise and/or control noise and potential fugitive dust emissions resulting from the construction and demolition works associated with this permission must be submitted in writing for approval by the local planning authority prior to demolition or construction commencing and these must take into considered control measures detailed in *Best Practice Guidance “The control of dust and emissions from construction and demolition”*. The development shall be implemented in accordance with the approved details.

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

12 No development shall commence until details including a management and maintenance plan of the sustainable drainage system features to be installed at the site have been submitted to and agreed by the local planning authority. The sustainable drainage system shall be provided prior to the occupation of the development and 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 .

Informatives:

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

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

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

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.

919 16/01901/FUL - 1 Mayfair Place, Southend-on-Sea, Essex (Thorpe Ward)
Proposal: Erect two storey side extension to form terraced house and layout parking
Applicant: Stockvale Properties Limited
Agent: SKArchitects

Planning permission GRANTED subject to the following conditions:

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

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

02 The development shall be carried out in accordance with the approved plans: P01 Revision D; P04 Revision B; P05.

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

03 The ground floor levels shall be provided at a minimum level of 3.3m AOD.

Reason: To minimise the impact of flooding upon the building and to provide refuge above the flood level during the extreme flood event in accordance with the National Planning Policy Framework and policy KP2 of the Core Strategy.

04 The first floor levels shall be provided at a minimum level of 6.2mAOD

Reason: To minimise the impact of flooding upon the building and to provide refuge above the flood level during the extreme flood event in accordance with the National Planning Policy Framework and policy KP2 of the Core Strategy.

05 No development shall take place until a site investigation of the nature and extent of land contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before development commences. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any further 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 before the development is occupied. The remediation of the site shall incorporate the approved further measures before the development 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 DPD2 (Development Management document) policy DM14.

06 Prior to the commencement of the development hereby approved, details of the external materials to be used in the construction of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall subsequently be used in the construction of the dwelling hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management) policy DM1, and SPD1 (Design and Townscape Guide).

07 The dwelling shall not be occupied until the parking has been laid out, in accordance with the approved plans, such provision shall be permanently reserved for the parking of vehicles of occupiers and callers to the property and not used for any other purpose whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order).

Reason: To ensure that satisfactory off-street car parking is provided for occupants of the new dwelling and in the interests of residential amenity and highway efficiency and safety, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2, CP3, policy DM15 of the Development Management Document and SPD1 (Design and Townscape Guide).

08 The first floor level windows to the west elevation of the dwelling hereby approved shall be fitted with obscured glazing (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority before the development is occupied. 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 obscured glazing shall be retained at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the NPPF, DPD1 (Core Strategy) 2007 policy CP4, DPD2 (Development Management) Policy DM1 and SPD1 (Design and Townscape Guide).

09 Prior to occupation of the dwellinghouse hereby approved details of the refuse storage and cycle storage, to be provided at the site, shall be submitted to and agreed in writing by the local planning authority. The approved refuse and cycle storage shall be installed in accordance with the approved details before the development is occupied and be permanently retained thereafter.

Reason: To protect the environment and to ensure adequate waste and cycle storage in the interests of highway safety, visual and residential amenity and general environmental quality in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and DPD2 (Development Management Document) policies DM8 and DM15.

10 No development shall take place until full details of both hard and soft landscape works to be carried out at the site, including the trees to be retained on the western boundary 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 levels or contours;
- ii. means of enclosure, including any gates to the car parks;
- iii. car parking layouts;
- iv. other vehicle and pedestrian access and circulation areas;
- v. hard surfacing materials;
- vi. minor artefacts and structures (e.g. street furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting, etc.);
- vii. details of SUDS;
- viii. details of the number, size and location of the trees, shrubs and plants to

be retained and planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting , the staking of trees and removal of the stakes once the trees are established;
ix. details of measures to enhance biodiversity within the site;
x. tree protection measures to be employed during demolition and construction;
xi. means of enclosure

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

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

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

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

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

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

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

14 Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 2015 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no extensions or outbuildings shall be erected at the site unless otherwise agreed in writing by the local planning authority.

Reason: To protect the privacy and environment of people in neighbouring residential properties and ensure sufficient amenity space is retained for future

occupiers pursuant to DPD1 (Core Strategy) 2007 policy CP4, DPD2 (Development Management Document) policy DM1, and SPD1 (Design and Townscape Guide).

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

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

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

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

17 Prior to commencement of construction of the dwelling hereby approved, the existing fence and wall along the western boundary of the site shall be removed and details of a resited replacement boundary treatment shall be submitted to and agreed in writing by the local planning authority. The approved boundary treatment shall be implemented as approved prior to first occupation of the dwelling hereby approved and retained in perpetuity thereafter.

Reason: To maintain adequate access to the existing and proposed dwellings and in the interests of the character of the area and amenities of occupiers in accordance with NPPF; DPD1 (Core Strategy) 2007 policy KP2 and CP4; DPD2 (Development Management Document) policies DM1 and DM3.

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

Informative:

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.

- 920 17/00362/FUL - The Shore, 22 - 23 The Leas, Westcliff-on-Sea (Chalkwell Ward)**
Proposal: Layout 16 car parking spaces to rear and install replacement entrance gate and acoustic fencing (Amended Proposal).
Applicant: The Shore Limited
Agent: Daniel Watney LLP

Planning Permission REFUSED for the following reasons:-

01 The proposed development, by reason of the resultant traffic generation, would cause an unacceptable level of noise and disturbance to neighbouring residents, in particular in Grosvenor Mews, contrary to the National Planning Policy Framework, Policy CP4 of the Core Strategy, Development Management Document Policy DM1 and the Design and Townscape Guide.

02 The proposed development, by reason of the narrow width of the vehicular access and the resultant conflicts between vehicular and pedestrian movements and associated traffic generation, would be detrimental to highway safety and the efficiency of the local highway network, contrary to the National Planning Policy Framework, Policy CP3 of the Southend Core Strategy and policy DM15 of the Southend Development Management Document.

03 The proposed development would result in an unacceptable loss of amenity space resulting in a poor environment for occupants thereof contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policies DM1 and DM8 of the Development Management Document and advice contained within the Design and Townscape Guide.

- 921 17/00208/OUT - 69 The Fairway, Leigh-on-Sea (Belfairs Ward)**
Proposal: Erect first floor extension to form two storey building, install dormer to side, alter elevations and convert building into four self contained flats (Outline)
Applicant: Regan Services Limited
Agent: Domino Sky Building Design Limited

Outline Planning Permission REFUSED for the following reasons:-

01 The introduction of flats would be out of keeping with and harmful to the established character and appearance of this road, which is characterised by houses. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, Southend-on-Sea Core Strategy Policies KP2 and

CP4 (2007), Southend-on-Sea Development Management Document Policies DM1 and DM3 (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

02 The proposed development would lead to increased activity at this site and the generation of additional traffic and vehicle movements, at a location where this intensively used road bends, creating conditions that are prejudicial to the free flow of traffic and highway safety. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, Southend-on-Sea Core Strategy (2007) Policies KP2 and CP3 and Southend-on-Sea Development Management Document Policies DM1, DM3 and DM15.

922 17/00406/BC3 - Pier Amusement Arcade, The Pier, Western Esplanade, Southend-on-Sea (Milton Ward)
Proposal: Change of use of Amusement Arcade to Pier entrance, increase height and install roof lights, alter elevations and install access ramp and replace part of existing fence.
Applicant: Southend on Sea Borough Council
Agent: N/A

DELEGATED to the Deputy Chief Executive (Place), Group Manager, Planning & Building Control, to grant Planning Permission following expiry of the public consultation period and subject to the following conditions:

01 The development hereby permitted shall begin not later than 3 (three) years from the date of this decision.

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 1464/01; 1464/02; 1464/03A; 1464/04

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 facing materials to be used, including the window frames and doors and brick plinth, HPL cladding timber cladding and details of the rooflight product have been submitted to and approved in writing by the Local Planning Authority. The works must then be carried out in accordance with the approved materials unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the listed building and the adjacent Conservation Area. This is as set out in the DPD1 (Core Strategy) 2007 policy KP1, KP2 and CP4, Development Management DPD Policies DM1, DM5 and DM6 and SPD1 (Design and Townscape Guide).

04 No development shall take place until details of the kiosk servery including depth of framing, associated signage, materials and lighting at a scale of not more than 1:20 have been submitted to and approved by the Local Planning

Authority. The development shall 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 listed building and the adjacent Conservation Area. This is as set out in the DPD1 (Core Strategy) 2007 policy KP1, KP2 and CP4, Development Management DPD Policies DM1, DM5 and DM6 and SPD1 (Design and Townscape Guide).

05 No development shall take place until details of the kiosk servery including depth of framing, associated signage, materials and lighting at a scale of not more than 1:20 have been submitted to and approved by the Local Planning Authority. The development shall 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 listed building and the adjacent Conservation Area. This is as set out in the DPD1 (Core Strategy) 2007 policy KP1, KP2 and CP4, Development Management DPD Policies DM1, DM5 and DM6 and SPD1 (Design and Townscape Guide).

06 No development shall take place until details of the terrace at a scale of not more than 1:20 have been submitted to and approved by the Local Planning Authority including detailed design, materials, furniture and any balustrading or proposed planting. The development shall 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 listed building and the adjacent Conservation Area. This is as set out in the DPD1 (Core Strategy) 2007 policy KP1, KP2 and CP4, Development Management DPD Policies DM1, DM5 and DM6 and SPD1 (Design and Townscape Guide).

07 No signage shall be displayed on the building until details of the signage at a scale of not more than 1:20 including details of materials and illumination have been submitted to and approved by the Local Planning Authority, the signage shall be displayed 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 listed building and the adjacent Conservation Area. This is as set out in the DPD1 (Core Strategy) 2007 policy KP1, KP2 and CP4, Development Management DPD Policies DM1, DM5 and DM6 and SPD1 (Design and Townscape Guide).

08 Prior to commencement of development details of any illumination, including luminance and direction of lighting and hours of illumination, shall be submitted to and approved by the Local Planning Authority, the building shall be illuminated only 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 listed building and the adjacent Conservation Area and to protect biodiversity in accordance with DPD1 (Core Strategy) policies KP2 and CP4. This is as set out in the DPD1 (Core Strategy)

2007 policy KP1, KP2 and CP4, Development Management DPD Policies DM1 and DM5, DM6 and SPD1 (Design and Townscape Guide).

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

Informative:

01 The applicant is reminded that Listed Building Consent is also required for this development.

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DEVELOPMENT CONTROL COMMITTEE

INTRODUCTION

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

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

Background Papers

- (i) Planning applications and supporting documents and plans
 - (ii) Application worksheets and supporting papers
 - (iii) Non-exempt contents of property files
 - (iv) Consultation and publicity responses
 - (v) NPPF and NPPG
 - (vi) Core Strategy
 - (vii) Borough Local Plan
- NB** Other letters and papers not taken into account in preparing this report but received subsequently will be reported to the Committee either orally or in a supplementary report.

DEVELOPMENT CONTROL COMMITTEE

Use Classes

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

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

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

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

DEVELOPMENT CONTROL COMMITTEE

SITE VISIT PROTOCOL

1. Necessity

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

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

2. Selecting Site Visits

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

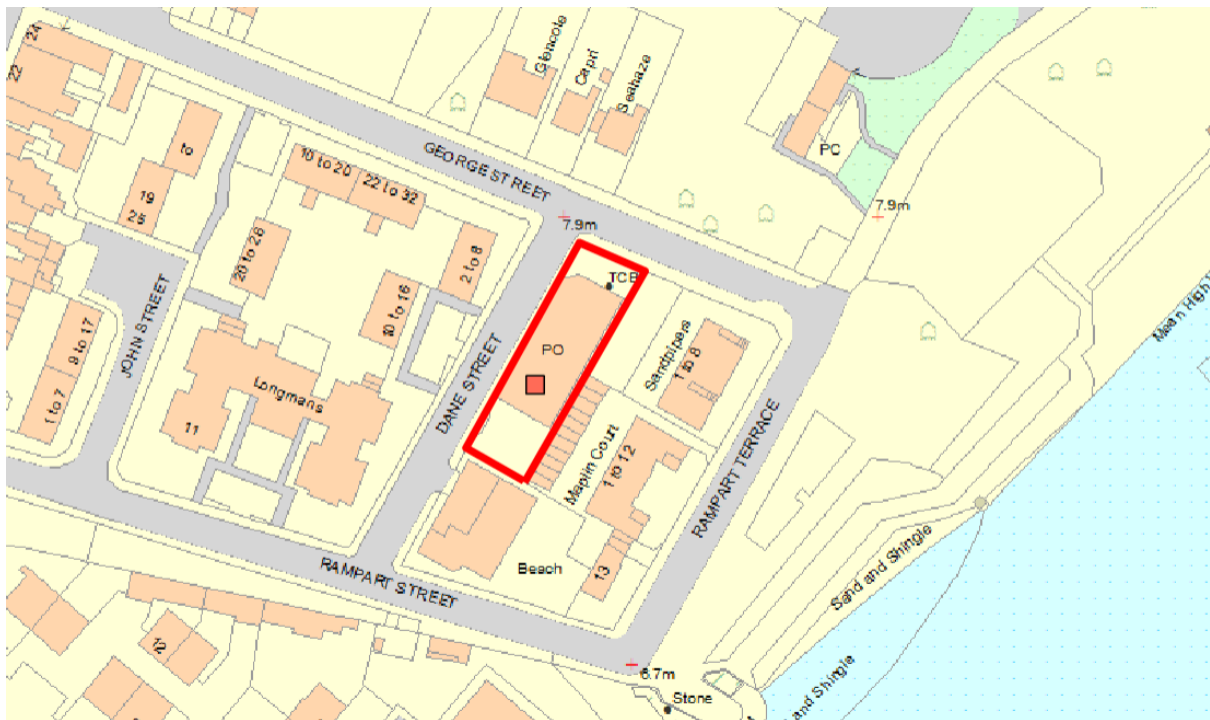
3. Procedures on Site Visits

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

Version: April 2016

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Reference:	17/00297/OUT	<h1>6</h1>
Ward:	Shoeburyness	
Proposal:	Demolish existing building and erect block of 9 self-contained flats (Outline)	
Address:	Shoeburyness Sorting Office, George Street, Shoeburyness, Southend on Sea, Essex	
Applicant:	Telereal Trillium	
Agent:	Liam Russell Architects Limited	
Consultation Expiry:	24.03.2017	
Expiry Date:	25.04.2017	
Case Officer:	Janine Rowley	
Plan Nos:	1278-PA-001 Revision A-Existing site plans; 1278-PA-014 Elevations-East Elevation; 1278-PA-010 Proposed site plan	
Recommendation:	GRANT OUTLINE PLANNING PERMISSION	



1 The Proposal

- 1.1 The application seeks outline planning permission, with all matters reserved, for the demolition of the existing building and erection of a block of 9 self-contained flats. As all matters are reserved, all that is able to be considered is the principle of the proposed development and the plans that have been submitted should be considered to be indicative.
- 1.2 The site currently contains a single storey building previously used as a Royal Mail sorting office. The existing building measures 13.3m wide x 32m deep x 4.7m-7.2m high. The vehicle access to the site is via a Dane Street.
- 1.3 The indicative proposed dwelling mix would be 3 x 1 bedroom units and 6 x 2 bedroom units.
- 1.4 Indicative plans show that the development would provide amenity space and landscaping to the north, west and south of the building. A parking area for 9 cars is shown to the south of the site utilising the existing vehicle access from Dane Street.
- 1.5 It should be noted a previous application 16/00930/FUL was sought to demolish the existing building and erect a three storey block of 9 flats. The application was refused for the following reasons:
 1. *“The proposed development by reason of the quantum and position of the built form and detailed design would result in a development out of keeping within the streetscene to the detriment of the appearance and character and appearance of the area contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Core Strategy; Policy DM1 of the Development Management Document DPD2 and advice contained within the adopted Design and Townscape Guide (SPD1)”.*
 2. *“The proposed development due to its height and position in relation to Maplin Court to the east of the site would result in an overbearing dominant form resulting in loss of light contrary to the National Planning Policy Framework, Policy CP4 of the Core Strategy, Policy DM1 of the Development Management Document and the Design and Townscape Guide”.*
 3. *“The proposal, by reason of the limited internal size of the unit of the 1 bedroom unit in Block ‘A’, would result in cramped living conditions, all bedrooms serving the 9 flats would be high level resulting in a contrived window arrangement resulting in poor outlook and limited daylight and lack of amenity space for all future occupants. This is indicative of overdevelopment of the site. This is contrary to the NPPF, policies KP2 and CP4 of the Core Strategy, policy DM8 of the Development Management DPD2 and National Housing Standards 2015”.*

- 1.6 The main difference from the previously refused application is this application is now outline, whereby all matters including access, layout, landscaping, appearance and scale are reserved for future consideration. Notwithstanding the reasons above, this application solely relates to whether the principle of 9 flats in this location is acceptable and the drawings submitted should be considered to be indicative.

2 Site and Surroundings

- 2.1 The site is located on the corner off George Street and Dane Street including a single storey building. The streetscene is characterised by two storey residential properties to the north and west of the site. To the east and south of the site are three storey flatted properties with undercroft parking.
- 2.2 The site is not designated within the Development Management Document 2015 and lies adjacent to flood risk zone 3 (to the east of the site).

3 Planning Considerations

- 3.1 The key considerations are the principle of the development, design and impact on the character of the area, the amenities of neighbouring and proposed residents, highway implications, sustainable construction matters and Community Infrastructure Levy considerations.

4 Appraisal

Principle of the Development

The National Planning Policy Framework, DPD1 (Core Strategy) policies KP1, KP2, CP1, CP2, CP4 and CP8; DPD2 (Development Management) policies DM1, DM3, DM7, DM8, DM10, DM11.

- 4.1 The site is located on land that has been previously developed. The core planning principles of the NPPF include:

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

- 4.2 The existing site is currently vacant and previously used as a postal sorting office and has been vacant since August 2014. The site is not designated by the Development Management Document for any specific use.
- 4.3 Policy CP1 of the Core Strategy states that permission will not normally granted for development proposals that involve the loss of existing employment land unless it can be clearly demonstrated that the proposals will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area.

4.4 Part 5 of policy DM11 of the Development Management Document DPD2 goes on to state:

“Outside the Employment Areas (Policy Table 8), proposals for alternative uses on sites used (or last used) for employment purposes, including sites for sui-generis uses of an employment nature, will only be permitted where it can be demonstrated that:

*(i) it will no longer be effective or viable to accommodate the continued use of the site for employment purposes***; or*

(ii) Use of the site for B2 or B8 purposes gives rise to unacceptable environmental problems.

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

4.5 Appendix 4 part c of the Development Management Document states:

“The appraisal will set out an analysis identifying the advantages and limitations of the site or premises in question to accommodate employment uses. For each limitation that is identified, a justification should be provided as to why it could not be overcome having regard to the introduction of alternative employment uses, general investment or improvements, or through competitive rental levels.

In addition, the appraisal should include, but is not limited to, the following analysis:

- 1. The relevant national, regional, local planning and economic policy context;*
- 2. The quality of the buildings/ site;*
- 3. The accessibility of the site and its ability to serve a range of employment uses having regard to private and public transport; and*
- 4. Any constraints that will limit the future use of the site or premises for employment uses.*

Additional marketing and market demand information, reflecting Part A and/ or Part B as set out above, may be used to support the appraisal.

Comparison with other employment sites or areas within the locality should discuss issues that are relevant to the site or premises”.

4.6 This application is accompanied by a planning statement, which provides an overview of the historic records relating to this site. The previous use of the building was a post office sorting office. The applicant states the Royal Mail delivery office was vacated in February 2014 (4130sq ft) and a post office was run in the remainder of the building (520sqft). The applicant contends the site is not currently in use as the commercial viability of the site is limited given the predominantly residential location. The delivery office has been marketed on behalf of Royal Mail via BNP Paribas.

4.7 Paragraph 22 of the NPPF states that alternative uses should be encouraged on non-viable employment sites and states that:

“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities”.

4.8 The applicant contends 4130sqft of the building has been vacant since February 2014 and the 520sqft of the floorspace was run as a post office until 30th April 2016. A supporting letter from Savills has been submitted for consideration stating the site has been marketed for rent. Their letter confirms there have been limited enquiries to convert the building. It is suggested that the vehicle movements and noise generated would not have been acceptable in relation to the surrounding residents. In addition, the location of the site in Shoebury and links to the area together with the site configuration is unacceptable. In terms of marketing, the letter goes on to state the to let boards have been erected on the premises together with appearing on their website, rightmove and EGI providing both local, national and international advertising. The marketing agent confirms that the property does not suit modern day industrial purposes; access is a problem and unloading is challenging. The letter goes on to state that there are an abundance of sites of similar size available locally, which would be more cost effective and attractive to commercial operators within central Southend or other industrial estate areas.

4.9 In light of the above, officers are satisfied that the applicant has demonstrated that the site has no realistic prospect being used for commercial use in the medium term and therefore satisfies (i) part 5 of policy DM11 Development Management Document and the principle of demolishing the existing building is considered acceptable, indeed this was previously accepted under application 16/00930/FUL.

4.10 In relation to part 5 (ii) of policy DM11 of Development Management the supporting statement states the buildings on site are poor quality and a number of extensive works would be required to enhance the attraction of potential future occupiers. There is also at present an area of servicing and parking to the rear of the building accessed from Dane Street, which is of poor quality. The applicant contends the site is bounded by residential development and therefore and that the proposed development would be more compatible with the surrounding area more appropriate. It is considered that in this instance, the applicant has demonstrated that in terms of the condition of the buildings on site and their impact on the character and appearance of the area an alternative use for residential dwellings would give greater potential benefits to the community and environment through the reduction of noise and disturbance and a introduction of use more akin to the surrounding area.

4.11 The identified need for residential units in this location is also a material consideration in reaching this view as set out by the Core Strategy policy CP8 promotes new homes in Shoeburyness.

- 4.12 Taking the above into account, subject to the detailed considerations that will be undertaken below or under the terms of reserved matters applications, it is considered that no objection should be raised to the principle of residential development at this site.

Design and Impact on the Character of the Area:

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

- 4.13 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF as well as Policies DM1 and DM3 of the Development Management DPD and Policies KP2 and CP4 of the Core Strategy. The Design and Townscape Guide (SPD1) also states that the Council is committed to good design and will seek to create attractive, high-quality living environments.
- 4.14 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.
- 4.15 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”*.
- 4.16 The application seeks outline planning permission with all matters reserved and as such the plans that have been submitted with regards to the scale, layout and appearance of the proposed development are indicative. However, if it is clear that it would be entirely unfeasible or impossible to undertake a development in any form due to its visual impact, it is considered reasonable to establish this (and refuse permission) under the terms of an outline application.
- 4.17 The original post office building at the junction of George Street and Dane Street is a simple red brick building with arched windows and a mansard style roof. It has been extended significantly to the rear facing Dane Street. It is not an unattractive building but is rather understated in the streetscene and its character has been eroded by the large extension at the rear. It is not considered that this proposal has sufficient heritage value to warrant its retention and therefore there is no objection in principle to the loss of thus building and redevelopment of this site. It is noted that the principle of demolition was considered acceptable under application 16/00930/FUL.

- 4.18 The character of the surrounding area along Dane Street is characterised by two storey flatted blocks to the west of the site and a three storey flatted block to the south both with undercroft parking. To the northwest of the site along George Street are two storey dwellinghouses and the character to the east of the site is three storey flatted blocks fronting Rampart Terrace including Sandpipers and Maplin Court. The flatted block indicatively shown on the submitted plans would be of a height and form that would not be materially at odds with the three storey flatted blocks to the south and east of the site. Therefore, it is considered that the broad principle of forming a three storey building, could be found acceptable under the terms of reserved matters application. The proposed development would not be so out-of-keeping with the character of the surrounding area that it would be reasonable to refuse an outline planning application where the matters of scale, layout and appearance are reserved for future consideration. This should not be interpreted as support for the scale, layout or appearance of the development that is shown on the indicative plans, but as an acknowledgement that there is a chance that a development could be proposed in a visually acceptable manner.
- 4.19 Based on the indicative plans, it is considered that there would be a number of matters that will require further attention when an application for reserved matters is submitted. This includes the need for provision of replacement landscaping at the frontage of the site with particular reference to the north and west of the site along George Street and Dane Street, the provision of suitable boundary enclosures and the design of the proposed building itself. The building line has been respected, which is welcomed and to the ensure the development does not appear unduly prominent the inclusion of balconies and porches will need to be carefully considered as this could lead to undue prominence in the streetscene. However, whilst it is appropriate to note flag these potential concerns to the applicant through the use of an informative, it is considered that the application for outline planning permission should not be refused on those grounds as these matters should be given full consideration under the terms of an application for Reserved Matters approval.

Traffic and Transport Issues

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

- 4.20 Policy DM15 states that each flat should be served by one parking space which would therefore require the total provision of at least nine parking spaces at the site. The indicative plans demonstrate that this standard can be met by the proposed development which is shown as being served by nine parking spaces. In terms of parking space provision, the proposal shown on the submitted plans would accord with the abovementioned standards and as such no objection should be raised to the proposal on the grounds of parking provision.
- 4.21 The existing vehicle access point will be maintained and it is therefore considered that there is reasonable prospect that an application relating to the Reserved Matter of access will be acceptable.
- 4.22 Cycle parking at the site will be secured through the imposition of a condition.

Impact on Residential Amenity:

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.

- 4.23 Policies DM1 and DM3 of the Development Management DPD 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 overbearing, pollution and daylight and sunlight. A proposed development will need to consider its potential impact upon neighbouring properties and the surrounding area. DM DPD1, policy DM1 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;”

- 4.24 The neighbouring property to the south is a three storey flatted development named 'Beach Court'. It is not considered the proposed development will have an adverse impact on the amenities of existing occupiers to an extent that would warrant a refusal of planning permission taking into account the separation distance and windows to the flank elevation of Beach Court appear to serve non-habitable rooms. There is also sufficient separation distance from the amenities of the flats to the west of the site, which are located in excess of 18m to ensure that the amenities of occupiers are not adversely affected to a degree which would justify a refusal of planning permission.
- 4.25 To the east of the boundary the indicative drawings show the building will be located between 2m x 3.7m due to projections away from the boundary abutting Sandpipers and Maplin Court. There is an overall separation of 16.6m to the rear of Sandpipers and 14.1m to Maplin Court. It is not considered the proposal will be overbearing, result in loss of light, nor overlooking to the amenities enjoyed by existing occupiers at Sandpipers or Maplin Court given the overall separation distance. This should not be interpreted as a determination that the proposal shown is acceptable, but that there is a reasonable prospect that a development could be undertaken without causing material harm to residential amenity.
- 4.26 Taking into account the existing opening hours and associated servicing and deliveries to the existing post office unit, the 9 flats will result in less noise and disturbance and traffic movements, than the existing use.

Living Conditions for Future Occupiers

National Planning Policy Framework 2012, Technical Housing Standards 2015, DPD1 (Core Strategy) Policies KP2 and CP4, DPD2 (Development Management) Policies DM1, DM3 and DM8 and SPD1

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

- Minimum property size for a 1 bedroom (2 bed space) flat shall be 50 square metres and 2 bedrooms (3 bed spaces) 61 square metres and 2 bedrooms (4 bed spaces) 70 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.

Weight should also be given to the content of policy DM8 which states the following standards in addition to the national standards.

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bed space.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.

- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

- 4.28 This matter would be fully assessed under the terms of the reserved matter of 'layout' and therefore this application for outline planning permission should not be refused on that ground.
- 4.29 An area of amenity space has been indicatively shown to the east and south of the site, which would be able to serve the proposed flats. Although not detailed at this stage, it is considered that there is scope for adequate communal amenity space to be provided to serve the proposed flats taken together with the inclusion of balconies.
- 4.30 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. If approved, a condition should be added to require that it would be necessary to comply with these standards.

Sustainable Construction

NPPF, Core Strategy Policy KP2, Development Management Document policy DM2 and SPD1

- 4.31 Policy KP2 of the DPD1 and the SPD1 require that 10% of the energy needs of a new development should come from onsite renewable resources, and also promotes the minimisation of consumption of resources. Policy DM2 of the Development Management Document states that all new development should contribute to minimising energy demand and carbon dioxide emissions. The Design and Townscape Guide advises that options for renewable power must be considered at the beginning of the design process so that they are an integral part of the design scheme. Given this application is outline, this can be dealt with by condition to ensure the proposal complies with policy KP2 of the Core Strategy DPD1 and policy DM2 of the Development Management DPD2.
- 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 (lppd) (1110 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 given the application is all matters reserved for future consideration, officers are satisfied this can be dealt with by condition if the application is deemed acceptable.

Community Infrastructure Levy

- 4.33 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. As the application is in outline, the level of contribution cannot be clarified with certainty at this stage, however it would be appropriate to use an informative to highlight that the proposed development would be CIL liable.

5 Conclusion

- 5.1 There is no objection to the loss of the existing use and principle of residential development on this site as it is considered that the residential use of the site accords with the general content of policy CP8.
- 5.2 The matters of scale, layout, appearance, access and landscaping have been reserved and therefore the development that is shown on the submitted plans must be considered as an indicative proposal only. For the reasons set out above, it is considered that there is a reasonable prospect that a reserved matters application could accord with the content of the development plan and therefore no objection should be raised to the outline application on any of those grounds. The proposal is found to have overcome the reasons for refusing this previous application at the site.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework.
- 6.2 Development Plan Document 1: Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), and CP8 (Dwelling Provision).
- 6.3 Development Plan Document 2: Development Management (2015) policies DM1 (Design Quality), DM2 (Low carbon development and efficient use resources), DM3 (The Efficient and Effective Use of Land), DM7 (Dwelling Mix), DM8 (Residential Standards), DM10 (Employment Sectors), DM11 (Employment Areas) and DM15 (Sustainable Transport Management).
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 6.5 CIL Charging Schedule
- 6.6 Technical Housing Standards Transitional Policy Statement (October 2015)

7 Representation Summary

Highway Authority

7.1 No objections.

Public Consultation

7.2 51 neighbouring properties were notified of the application and a site notice was posted at the site. Two letters of representation have been received stating:

- Adverse impact on trees;
- Development too close to existing occupiers of Maplin Court;
- The height and size would restrict daylight;
- Too close to garage blocks;
- Overlooking and loss of privacy;
- Require additional parking and permits;
- Demolition of the land mark building is not acceptable and should be used as a community hall;
- The overall height will affect the amenities of Sandpipers;
- Too close to garage blocks;
- Not overcome previous reasons for refusal

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.

7.3 This application has been called in by Councillor Assenheim.

8 Relevant Planning History

8.1 Demolish existing building and erect three, 3 storey blocks comprising of 9 self-contained flats, layout parking, cycle storage and form vehicle crossover onto George Street – Refused (16/00930/FUL). Reasons included:

1. *“The proposed development by reason of the quantum and position of the built form and detailed design would result in a development out of keeping within the streetscene to the detriment of the appearance and character and appearance of the area contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Core Strategy; Policy DM1 of the Development Management Document DPD2 and advice contained within the adopted Design and Townscape Guide (SPD1)”.*
1. *“The proposed development by reason of the quantum and position of the built form and detailed design would result in a development out of keeping within the streetscene to the detriment of the appearance and character and appearance of the area contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Core Strategy; Policy DM1 of the Development Management Document DPD2 and advice contained within the adopted Design and Townscape Guide (SPD1)”.*
2. *“The proposal, by reason of the limited internal size of the unit of the 1 bedroom unit in Block 'A', would result in cramped living conditions, all*

bedrooms serving the 9 flats would be high level resulting in a contrived window arrangement resulting in poor outlook and limited daylight and lack of amenity space for all future occupants. This is indicative of overdevelopment of the site. This is contrary to the NPPF, policies KP2 and CP4 of the Core Strategy, policy DM8 of the Development Management DPD2 and National Housing Standards 2015”.

9 Recommendation

9.1 It is recommended that OUTLINE PLANNING PERMISSION IS GRANTED subject to the following conditions:

- 01. Details of the appearance, layout, scale, landscaping, access (hereinafter called the "Reserved Matters") of the development shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 (three) years from the date of this permission. The development hereby permitted shall begin not later than 2 (two) years from the date of approval of the last of the reserved matter to be approved.**

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and because the application is for outline planning permission only and the particulars submitted are insufficient for consideration of details mentioned.

- 02. Details of the provision of not less than nine parking spaces to serve the development shall be submitted to the Local Planning Authority concurrently with the Reserved Matters application. The development shall be implemented in accordance with the approved details before it is occupied and the parking spaces retained for occupiers of the development in perpetuity thereafter.**

Reason: To ensure that satisfactory off-street parking is provided in accordance with Development Plan Document 1 Southend on Sea Core Strategy 2007 policies KP2, CP3 and CP4; Development Plan Document: Southend on Sea Development Management DPD policies DM1, DM3 and DM15, and SPD1 (Design and Townscape Guide).

- 03. Details of the external materials to be used in the construction of the development hereby approved shall be submitted to the Local Planning Authority concurrently with the Reserved Matters application. The development shall only be implemented in accordance with the approved materials unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), Development Plan Document 1 Southend on Sea Core Strategy 2007 policy KP2 and CP4; Development Plan Document 2 Southend on Sea Development Management 2015 policy DM1, and SPD1 (Design and Townscape Guide) 2009.

- 04.** Details of waste and cycle storage to be provided at the site shall be submitted to the Local Planning Authority concurrently with the Reserved Matters application. The waste and cycle storage shall be implemented in accordance with the approved details before the development is occupied and shall be retained in perpetuity thereafter.

Reason: To ensure that satisfactory secure off-street bicycle parking is provided to promote sustainable transport and to protect the environment and provide suitable storage for waste and materials for recycling in accordance with Development Plan Document: Southend on Sea Core Strategy 2007 policies KP2, CP3 and CP4: Southend on Sea Development Plan Document 2 Development Management 2015 policies DM1 and DM15, and Supplementary Planning Document 1 (Design and Townscape Guide) 2009.

- 05.** A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources shall be submitted concurrently with the Reserved Matters application and be implemented in full in accordance with the approved details prior to the first occupation of the flats. This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development in accordance with Development Plan Document 1 Southend on Sea Core Strategy 2007 Policy KP2; Development Plan Document 2 Southend on Sea Development Management Document Policy DM2 (2015).

- 06.** 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 (lppd) (110 lppd 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 agreed in writing by the Local Planning Authority prior to commencement of the development hereby approved. The approved details shall be implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, Development Plan Document 1: Southend on Sea Core Strategy policy KP2, Development Plan Document 2: Southend on Sea Development Management Document policy DM2 (2015) and SPD1 (Design and Townscape Guide) 2009.

07. The development hereby approved shall be carried out in a manner to ensure the flatted development complies 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).

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 outline 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 proposed development subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). The amount of levy due will be calculated at the time the reserved matters application is submitted. Further information about CIL can be found on the Council's website at www.southend.gov.uk/cil

Please note that the details of the proposals indicatively shown on the submitted plans are unlikely to be found acceptable in the following regards:

2. Please also note that the permission hereby granted should not be taken as any form of support for the layout, scale or appearance of the proposed development, the access to the site or the landscaping of the site.

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Only figured dimensions are to be used. All dimensions to be checked on site.

Please note: Refer to 'type' of drawing below; planning drawings should only be treated as such.

Notes



+LP Existing location plan - scale 1:1250 at A1

Scale in Metres
0 10 20 30 40 50 100



+BP Existing block plan - scale 1:500 at A1

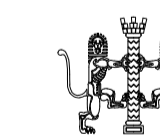
Scale in Metres
0 5 10 15 20 30 40 50

+SP Existing site plan - scale 1:250 at A1

Scale in Metres
0 2 5 10 20

APPLICATION FOR DETAILED PLANNING CONSENT

REVISION



Liam Russell Architects
architecture and development

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Only figured dimensions are to be used. All dimensions to be checked on site.

Please note: Refer to 'type' of drawing below; planning drawings should only be treated as such.

Notes

RESERVED MATTER - LANDSCAPING : THE IMPROVEMENT OR PROTECTION OF THE AMENITIES OF THE SITE AND THE AREA AND THE SURROUNDING AREA, THIS COULD INCLUDE PLANTING TREES OR HEDGES AS A SCREEN

RESERVED MATTER - LAYOUT : INCLUDING BUILDINGS, ROUTES AND OPEN SPACES WITHIN THE DEVELOPMENT AND THE WAY THEY ARE LAID OUT IN RELATIONS TO BUILDING AND SPACES OUTSIDE THE DEVELOPMENT

SCALE : 9 X UNIT USE CLASS C3 DWELLINGS

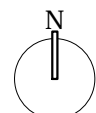
RESERVED MATTER - SCALE : INCLUDES INFORMATION ON THE SIZE OF THE DEVELOPMENT, INCLUDING THE HEIGHT, WIDTH AND LENGTH OF EACH PROPOSED BUILDING

RESERVED MATTER - APPEARANCE : ASPECTS OF A BUILDING OR PLACE WHICH AFFECT THE WAY IT LOOKS, INCLUDING THE EXTERIOR OF THE DEVELOPMENT

ACCESS : ACCESS TO PARKING FOR UNITS TO BE RETAINING IN THE EXISTING POSITION



+SP Proposed site plan - scale 1:100 at A1
Scale in Metres
0 1 2 3 4 5 10



APPLICATION FOR OUTLINE
PLANNING CONSEN

REVISION



Liam Russell Architect
architecture and developme

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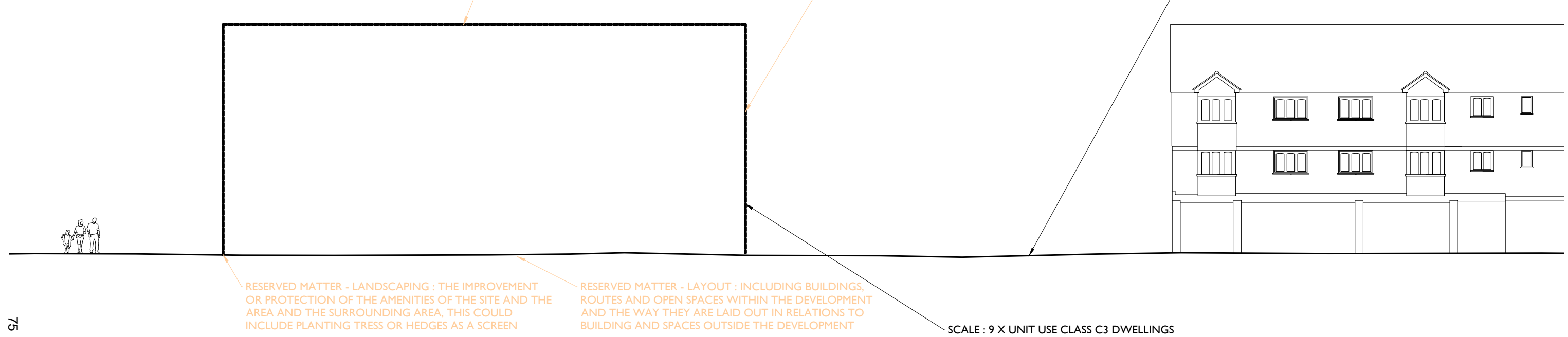
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Only figured dimensions are to be used. All dimensions to be checked on site.

Please note: Refer to 'type' of drawing below; planning drawings should only be treated as such.

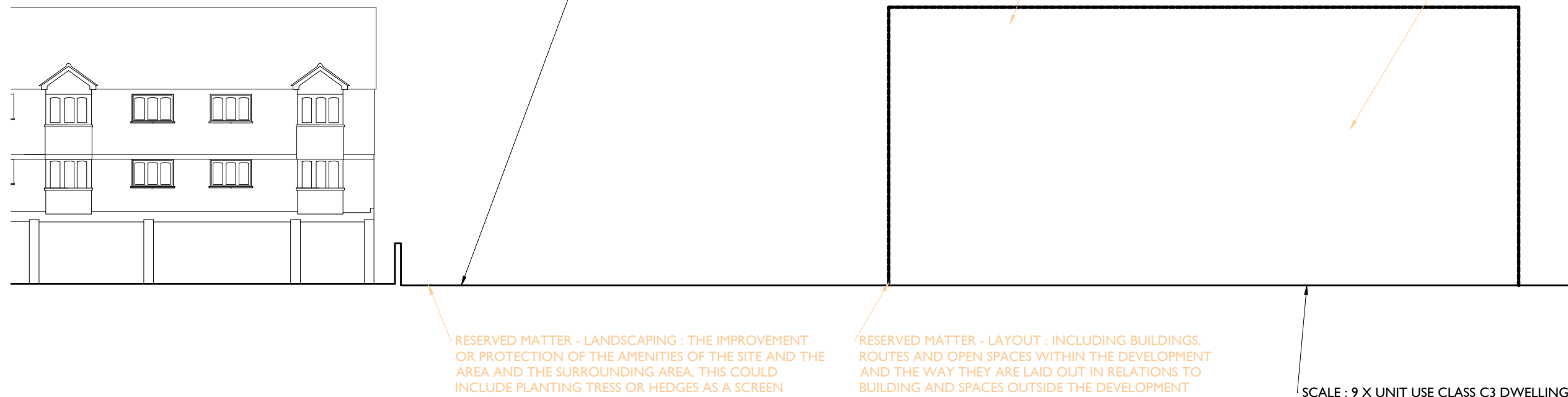
Notes

+EL Proposed east elevation - scale 1:100 at A1
Scale in Metres



75

+EL Proposed east elevation - scale 1:100 at A1
Scale in Metres



APPLICATION FOR OUTLINE
PLANNING CONSENT

REVISION



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ELEVATIONS EAST ELEVATION	NUMBER
	1278-PA-014

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Reference:	17/00248/BC4M
Ward:	Leigh 7
Proposal:	Relocate existing storage containers, erect marine workshop and extend timber fence (Retrospective)
Address:	Theobalds Wharf, Alley Dock, Leigh-on-Sea, Essex, SS9 2EN
Applicant:	Mr Sedgewick
Agent:	SK Architects
Consultation Expiry:	30.03.2017
Expiry Date:	30.05.2017
Case Officer:	Janine Rowley
Plan Nos:	89-03-11 P01-Site and block plans Revision B; 89-03-11 P02 Previous General Arrangement plan and elevations; 89-03-11 P03 Existing plans and elevations; 89-03-11 P04-Photos of previous and existing arrangement; 89-03-11 P05-Relocated container Revision B; 890311 P06 Revision B New workshop
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought to retain an existing storage container and marine workshop and for the extension of the existing timber fence (works have been carried out). The building has been constructed in place of existing storage containers and racks within the existing boatyard. This application has been submitted following an enforcement investigation (reference 17/00022/UNAC_C).
- 1.2 The container has been resited within the existing yard, to the north west of the new building in front of existing workshop buildings. The container is 2.4m deep x 7.5m wide x 2.2m high. The marine workshop installed in the southeast corner of the site is 4.75m high x 6.1m wide x 11.9m deep with a pitched roof.
- 1.3 The 'marine workshop' building is constructed from corrugated metal to the walls painted mid grey. The roof is not yet complete but will be constructed from a corrugated metal sheet roof and roller shutters are proposed to the front elevation also in mid grey. The existing timber fence has been extended along the sea wall on the eastern boundary of the site, and is painted black.
- 1.4 The application is accompanied by a Design and Access Statement including a Heritage and Planning statement and Flood Risk Assessment.
- 1.5 The Design and Access Statement accompanying this application states that the new development is needed in order to continued growth of the boatyard business. It also specifies that the pre-fabricated building installed will improve the existing situation on site with the removal of containers and racks and enable additional indoor work all year round.

2 Site and Surroundings

- 2.1 The site is located within Leigh Conservation Area to the rear of the High Street on Theobalds Wharf. The existing site is currently used as a boat yard and includes a number of containers and associated storage, that does not benefit from planning permission. To the north of the site is Alley Dock and associated storage with the boatyard. To the east of the site is Strand Wharf.
- 2.2 This part of the Leigh Old Town Conservation Area has a close knit domestic scale in the High Street to the north of the site together with associated commercial premises for the boatyard. The existing buildings within the boatyard, with the exception of the recently constructed 'marine workshop' are mainly visible from the east with views from the Strand and west of the site on the approach from a public house (the Peterboat).
- 2.3 The site is located within seafront character zone 2 as designated by policy DM6 of the Development Management Document DPD2.

3 Planning Considerations

- 3.1 The main considerations in relation to this application are, whether the proposal is acceptable in terms of the principle of development, design and impact on character of the area and in particular the Old Leigh Conservation Area, traffic and transportation issues, impact on residential amenity and sustainable construction, flood risk, ecological implications and CIL requirements.

4 Appraisal

Principle of Development

National Planning Policy Framework; Development Plan Document 1 (Core Strategy) 2017 policies KP1, KP2, CP1, CP4; Development Plan Document 2 (Development Management) 2015 policies DM1, DM3, DM5, DM6, DM10, DM11 and the Design and Townscape Guide SPD1 (2009)

- 4.1 The proposal is considered in the context of the aforementioned policies that seek to support new development subject to it respecting the existing character and appearance of the surrounding area and foreshore views.
- 4.2 The seafront character zone 2 as set out by Policy DM6 of the Development Management Document between Leigh Port and Old town states:

Development Principles

“(i) To maintain a thriving fisheries and working port by resisting the loss of existing marine industrial activities.

(ii) To enhance the leisure and tourism offer, but in a manner that does not compromise the marine industrial activities and character of Leigh Old Town.

(iii) To preserve and enhance the special character of Leigh Old Town Conservation Area.

(iv) Measures that maintain an appropriate balance between the working port and leisure and tourism activities, when considered in conjunction with points 2(i), 2(ii) and 2(iii) will be supported”.

- 4.3 The applicant has explained how retention of the workshop building and resiting of the existing container will help contribute to maintaining a working port in this location. The workshop will enable general use for marine trade, including housing boats for maintenance and repair or boat construction, that need protection given the site is extremely exposed. Furthermore the proposal would not affect the openness of the estuary. The proposal is in accordance with Policy DM6 of the Development Management Document which states: *“Development within or near the Seafront Area must not detrimentally impact upon the Thames Estuary’s openness or views across and backdrops to the River Thames and Southend’s beaches”.*
- 4.4 In light of the above, the development on site is not objected to in principle subject to the other detailed considerations discussed below.

Biodiversity and nature conservation

National Planning Policy Framework, DPD1 (Core Strategy) Policies KP1 and KP2 and CP4; DPD2 (Development Management) policies DM1, DM6

- 4.5 The application site is located directly adjacent to the Benfleet and Southend Marshes Site of Special Scientific Interest (SSSI). The building would be located on an existing hardstanding area on the wharf, where existing single storey buildings have been previously sited. Whilst the proposal will increase the footprint including height and overall massing it will not encroach on the foreshore. Activities that would be associated with it are similar to those already carried out on site and therefore unlikely to have a greater impact. The Environment Agency has not objected to the proposal on biodiversity or nature conservation grounds.

Design and impact on the Conservation Area

National Planning Policy Framework; Development Plan Document 1 (Core Strategy) 2007 policies KP1, KP2, CP4; Development Plan Document 2 (Development Management Document) 2015 policies DM1, DM3, DM5, DM6 and Design and Townscape Guide SPD1.

- 4.6 The site is located within Old Leigh Conservation as set out by policy DM5 of the Development Management Document, which 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”.

- 4.7 The proposal includes the retention of the existing workshop and containers. It is not considered that the proposed development will have an adverse impact on the historic environment of Old Leigh and as set out above are in accordance with the objectives of policy DM6 of the Development Management seeking to retain such uses associated with fisheries and marine activities.
- 4.8 The proposal is to resite the existing container from the south east corner of the existing boatyard to the northwest in front of existing storage buildings on site. The existing container on site is 2.4m deep x 7.5m wide x 2.2m high and the marine workshop constructed is 4.75m high x 6.1m wide x 11.9m deep with a pitched roof.
- 4.9 No objections are raised to the resiting of the existing container, which is not visible from the street. The building constructed to the south east corner of the site is significantly greater in scale than the existing container which it replaced and will be visible from the High Street to the north east and the Strand to the east. However, taking into account the overall appearance of the boatyard prior to construction of the new structure (as shown on drawing 89-03011 Revision P04) when the site appeared cluttered and failed to preserve the historic environment it is not now considered to be out of keeping with the surrounding areas. It is also noted that there are a number of similar scaled structures in the vicinity of the surrounding area. The building provides an overall enhancement to the character and appearance of the area, with particular reference the removal of substantial clutter. No objections are raised to the extended fence.

It is therefore considered that, given the open character of the area, extensive views of the estuary will still be possible between the buildings and the impact on the foreshore views the proposal will not have a detrimental impact on the character of this section of the conservation area.

- 4.10 In terms of design detail, the building is a simple pitched roof structure constructed from a steel frame with a blockwork upstand. The roof and doors have yet to be installed. The materials include corrugated sheet painted blue to the roof and grey to the walls, which will not appear out of keeping with existing workshops and the surrounding area. Subject to appropriate conditions, no objection is raised on design grounds.
- 4.11 In light of the above, it is considered that the development by reason of its siting, design, scale and materials provides a positive addition enhancing the overall character of the conservation area in accordance with the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policies DM1, DM3, DM5 and DM6 of the Development Management Document and the Design and Townscape Guide.

Traffic and transportation

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

- 4.12 The site is located within close proximity to the coastal footpath, national seafront sustrans cycle route and within walking distance to Leigh Station and public transport. The existing vehicle access to the boat yard will remain as existing, and has sufficient space to enable vehicles to park when delivering or visiting the site. Policy DM15 of the Development Management Document states that 1 space per 50sqm for the B2 use is required. The floorspace created equates to 34sqm, however taking into account the existing use and sustainable location of the site, it is not considered that an additional space is required in this instance and therefore no additional parking spaces are required.

Impact on residential amenity

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

- 4.13 Policies DM1 of the Development Management DPD 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 overbearing, pollution and daylight and sunlight.

A proposed development will need to consider its potential impact upon neighbouring properties and the surrounding area. DM DPD1, policy DM1 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;”

- 4.14 The structure is located 18m-22m away from the nearest residential property to the north of the site. It is not considered the development will result in noise and disturbance and will enhance any amenities to nearby residential occupiers given the building is covered and activities will be similar to those which already take place on site. Furthermore, the proposal would not have a material adverse impact on the amenities of nearby occupiers, particularly taking into account the nearby public houses and restaurants and general activity already taking place within the vicinity of Old Leigh High Street.
- 4.15 Therefore, it is not considered the proposed development will have a detrimental impact on the amenities of nearby residents within the High Street, and the development is therefore policy compliant with policy CP4 of the Core Strategy and Policies DM1 and DM3 of the Development Management Document.

Sustainable Construction

National Planning Policy Framework; Development Plan Document 1 (Core Strategy) 2007 policies KP2 and CP4; Development Plan Document 2 (Development Management) 2015 policies DM1, DM5, DM6 and the Design and Townscape Guide SPD1 (2009)

- 4.16 Policy KP2 of the Core Strategy states 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. In this instance, taking into account the historic nature of the surrounding environment it is not considered appropriate to mount renewable energy technology such as photovoltaics on the roof as they would be very prominent within the Old Leigh Conservation Area particularly when viewed from east of the site, which is a key viewpoint. The applicant has confirmed the building will not be heated and so carbon emissions would be limited.
- 4.17 On balance it is therefore considered on balance taking into account the location of the site within Old Leigh it is considered justified given that renewable energy technologies are not required in this instance.

Flood Risk

National Planning Policy Framework; DPD1 (Core Strategy) Policies KP1 and KP2

- 4.18 The site lies within flood zone 3b. Indicative flood maps from the Environment Agency have defined the area, which could be potentially be affected by flooding from the sea. Policy KP1 of the Core Strategy advocates the need to enhance the seafront by providing a successful leisure and tourist attraction and place to live, make the best use of the River Thames, subject to safeguarding of the biodiversity of the foreshore.
- 4.19 The proposal is to retrospectively relocate existing storage containers, erect a marine workshop/storage area and extend a timber fence which is classed as a less vulnerable development by the Environment Agency. No objections have been raised subject to a condition being imposed to ensure an emergency flood plan is submitted and agreed in writing by the local planning authority. This will be dealt with by condition. The proposal in flood risk terms is therefore considered acceptable and the proposed development meets the requirements of the NPPF and policies KP1 and KP2 of the Core Strategy.

Community Infrastructure Levy

- 4.20 The proposed building equates to less than 100sqm of new floorspace that benefits from minor development exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

Conclusion

- 4.21 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 proposed development will be continued to be used for a port activity associated with the fishing industry and will preserve the overall character and appearance of Old Leigh Conservation Area. The application is therefore recommended for approval subject to conditions.

Planning Policy Summary

- 5.1 National Planning Policy Framework
- 5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Promotion), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance)
- 5.3 Development Plan Document 2: Development Management 2015 policies DM1 (Design Quality), DM2 (Low carbon and efficient use of resources), DM3 (Efficient and Effective use of land), DM5 (Historic Environment), DM6 (The Seafront), DM15 (Sustainable Transport Management)

- 5.4 SPD1 Design & Townscape Guide 2009
- 5.5 Community Infrastructure Levy Charging Schedule

6 Representation Summary

Design and Regeneration

- 6.1 The marine industries are part of the character of Leigh Old Town Conservation Area so in principle this use should be supported, however, there is a concern regarding the amount of clutter and containers on this site and the impact this is having on the character of the conservation area. Therefore, whilst the shed can be supported there is concern regarding the siting of the white container in particular which is very prominent in the streetscene. It is noted that the design statement, application form and covering letter all mention that this is a replacement for containers but the plans do not seem to show this. The applicant should be asked to considered removing this or at least re-siting of the white container to a less prominent location and whether any other improvements can be made to the site such as boundary improvements or rationalisation of other containers or buildings.

With regard to the shed itself the colours will need to be clarified – noted as grey walls and blue roof on the application form. It is advised that the proposal draw reference from others in the area.

[Officer Comment: The applicant has provided amended drawings resiting the container and additional information in relation to the materials P06 Revision A and 890311 Views Revision A. These have addressed the initial concerns raised in full].

Traffic and Transportation

- 6.2 No objections.

Asset Management

- 6.3 No comments received.

Environment Agency

- 6.4 The site lies within tidal Flood Zone 3a, the high probability zone. The proposal is to retrospectively relocate existing storage containers, erect a marine workshop/storage area and extend a timber fence which is classed as a less vulnerable development as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance.

As the site already exists fundamentally, the flood hazard that may affect the existing development has not increased. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise you to formally consider the emergency planning and rescue implications when making your decisions.

□ It should be ensured that storage containers/sheds are securely anchored to the ground to ensure that they will remain in position throughout any flood event
[Officer Comment: An informative will be added].

Flood Warning Advice

We recommend that the occupants or owners of the units are registered with our free Flood Warning service, Floodline Warnings Direct, and expect the site owner to have suitable emergency plans in place to safely evacuate the occupants on the direction of police and local authorities. We endeavour to issue tidal flood warnings 10 to 12 hours in advance of the problem tide and it would be safer and more efficient to plan to evacuate the site on receipt of a severe flood warning.

Emergency Flood Plan

You are the competent authority on matters of evacuation or rescue, and therefore should assess the adequacy of the evacuation arrangements, including the safety of the route of access/egress from the site in a flood event or information in relation to signage, underwater hazards or any other particular requirements. You should consult your emergency planners as you make this assessment.

You should be satisfied with any emergency flood plan submitted and find it adequate for the purposes of the local authority flood plan (for example, possible rescue of inhabitants during a flood, temporary accommodation whilst flood waters subside and properties are uninhabitable).

[Officer Comment: A condition will be imposed to ensure full details of an emergency flood plan are submitted to and agreed by the local planning authority].

Leigh Town Council

6.5 No objection.

Leigh Society

6.6 No comments received.

Public Consultation

6.7 A site notice displayed and 9th March 2017 and 4 neighbours notified of the proposal. One letter of representation has been received stating;

- This is a misleading application as the purpose is for a separate business not as a warehouse for the existing Mikes Boatyard;
- There are too many heavy lorries in Old Leigh which are a danger to the public and all. Also the road is not meant for such heavy Lorries as it has already sunken and been badly damaged in area especially Strand Wharf, so allowing more usage will increase problems.
- The view will be obscured by this warehouse and it will add nothing to the Old Town

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

[Officer Comment: The applicant has provided comment upon the objection above stating:

"1. With regards to Objector's comments of alleged storage warehouse, the main use of the new building will be a marine workshop with a small storage element from time to time. This has never been misleading and the Objector is well aware of this position. The building was described as a store only initially but was very quickly changed. We also remind the Objector that the notices issued by the Council described the building as a workshop.

2. The workshop building will be used by our Client and his two sons. It will not be used solely by his son Timothy. Our Client clarified this at a Leigh Town Council's meeting for Old Leigh at Christmas 2015. He noted that there would be increased activity on his wharf from time to time as they were undertaking a greater volume of work for local boats and firms operating in London on the Thames. He also noted that it would be Timothy carrying out the work for clients of the family. However, this changed as it was decided that the new workshop would be for general use for the marine trade, including housing boats for maintenance and repair or items that needed to be built that couldn't be finished in one day. Obviously this work needs protection as the site is extremely exposed.

3. The new workshop will be used for storage from time to time as Mike's Boatyard is due to have a project at the end of Southend Pier that will facilitate some contractors' storage. They are also considering taking stores to ships moored off of Southend necessitating some 10 -15 pallets to be stored undercover.

4. With regards to lorry traffic in Old Leigh. There are lorries up and down all day every day: Artics and Rigid for fishermen, public houses and other businesses, including ours, in the Old Town. In 1984 rebuilding of flood defences in the Old Leigh Town undertaken by Southend Borough Council as agents for Anglian Water Authority, the facility to back Artics into our Client's wharf was taken away. Anyone now coming to Mike's Boatyard can only deliver with a rigid lorry. Our Client's contribution to the use of the road is therefore minimal.

5. Mike's Boatyard is the only firm that supervises their delivery lorries, and this type of activities is minimal. If a lorry comes to the yard there is always someone in attendance as their operatives are very aware of people walking around in Old Leigh. None of the other firms in Old Leigh have anyone in attendance.

6. Our Client also confirms that traffic to and from Mike's Boatyard did slightly increase last year with no intention to increase any further. However, it is worth noting that traffic in Old Leigh will increase anyway as cockling season will commence soon.

7. With regards to the damage to the road in the Old Town. This is a general problem throughout the High Street where there are cobblestones. All new drains in the road and various other services were re-laid as a part of the flood defence work in 1984.

Therefore over the years drains have had to be taken up and re-laid in certain areas, the whole length of the High Street have become uneven, particularly near manholes. Bearing in mind that Old Leigh is very low, all the surface water from the whole of Leigh and surrounding areas finishes up in the Old Town.

8. *With regards to the street view, the new marine workshop is only 300mm/1 foot higher than the old containers with all the fishermen gear on top. The building is further to the north although where there was no public view anyway. There will still be a very good view from Strand Wharf and the High Street.*

9. *Our Client Colin Sedgwick the Managing Director of Mikes Boatyard Limited assures the Council that himself, his two sons and anyone that undertakes works for them will always do their utmost to help Southend Borough Council, their customers, residents , visitors to Old Leigh, and they will always consider the environment and people].*

7 Relevant Planning History

7.1 New building without planning permission- Subject of this planning application (17/00022/UNAU_C)

8 Recommendation

8.1 Members recommended to GRANT PLANNING PERMISSION subject to the following reasons:

01 The development hereby permitted shall be carried out in accordance with the approved plans 89-03-11 P01-Site and block plans Revision B; 89-03-11 P02 Previous General Arrangement plan and elevations; 89-03-11 P03 Existing plans and elevations; 89-03-11 P04-Photos of previous and existing arrangement; 89-03-11 P05-Relocated container Revision B; 890311 P06 Revision B New workshop.

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

02 Within one month of the date of this permission details of materials to be used on the external elevations of the marine workshop and fence shall have been submitted to and approved in writing by the local planning authority. The works must then be carried out only in accordance with the approved materials unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of Old Leigh Conservation Area. This is as set out in the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management Document) policy DM1, and SPD1 (Design and Townscape Guide).

03 Within one month of the date of this permission hereby permitted a 'Flood Evacuation and Warning Plan' shall be submitted to and agreed in writing by the local planning authority. The site shall be managed and occupied in full accordance with the approved plan thereafter.

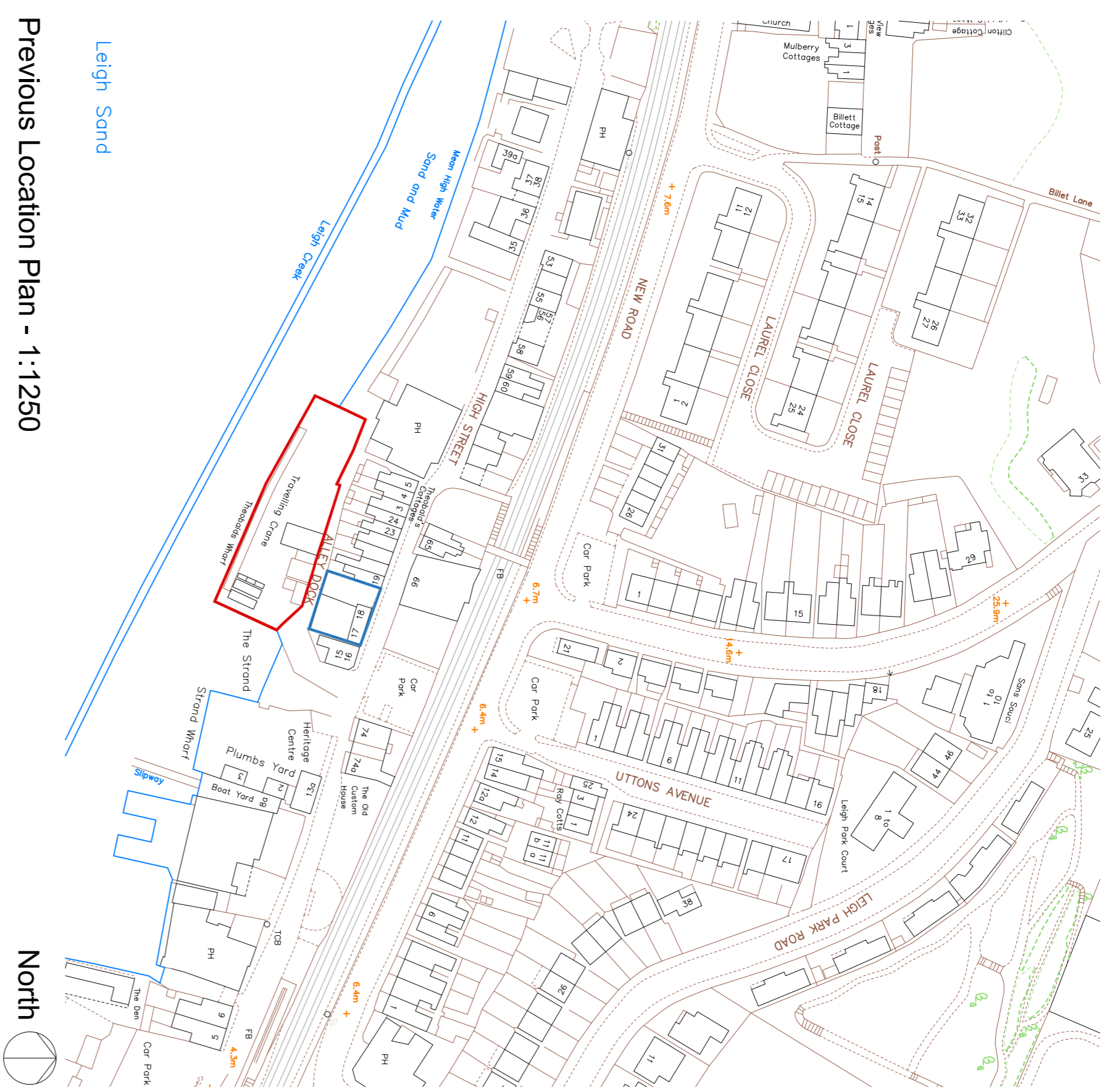
Reason: To ensure that the Flood Warning and Evacuation Plan meets with the requirements of the Environment Agency's Flood Warning Service.

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

Informative

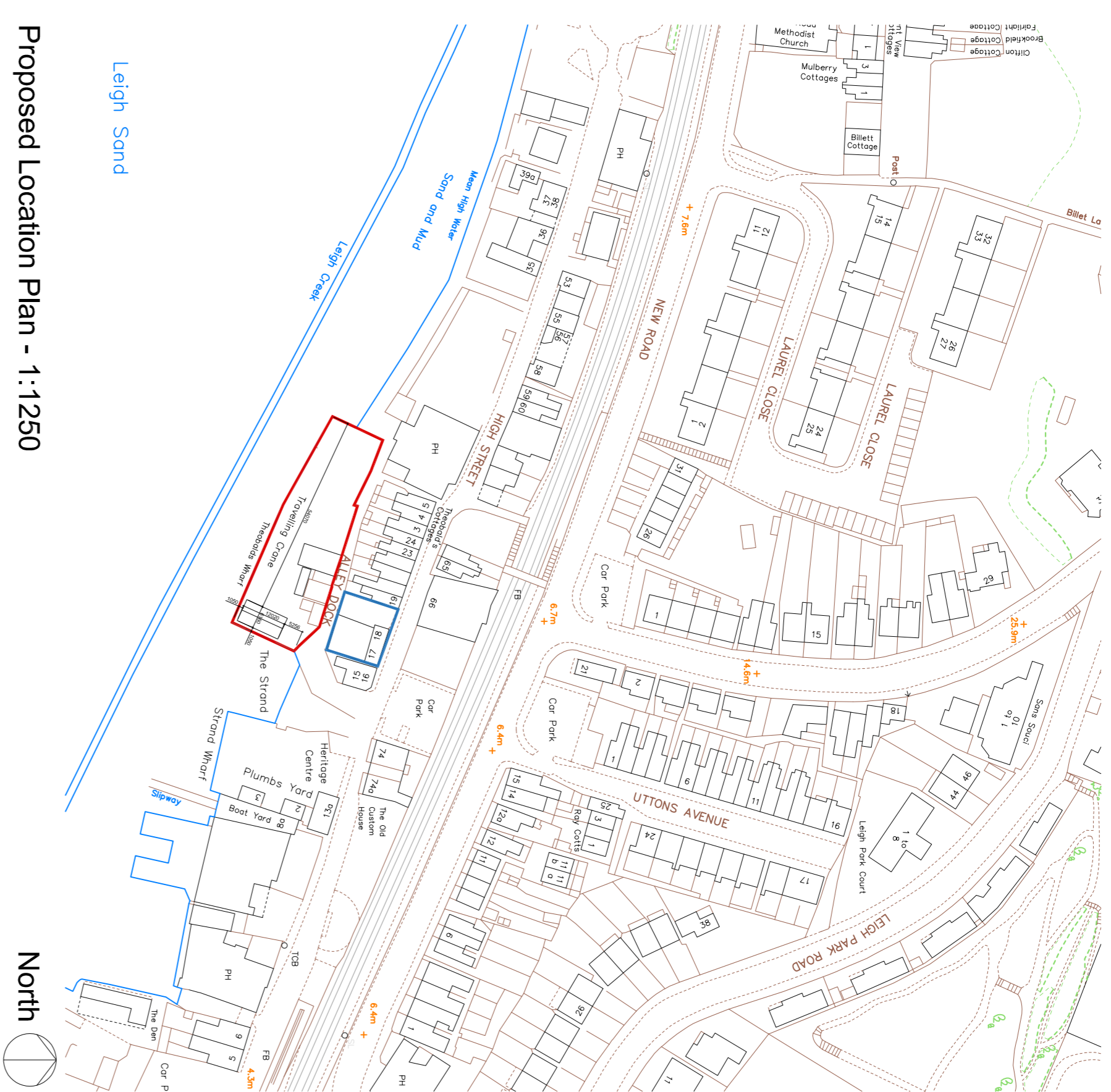
- 01 You are advised that as the proposed alterations to your property do not result in new floorspace and the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.
- 02 It should be ensured that storage containers/sheds are securely anchored to the ground to ensure that they will remain in position throughout any flood event to ensure compliance with the Environment Agency.

BEFORE:



Previous Location Plan - 1:1250

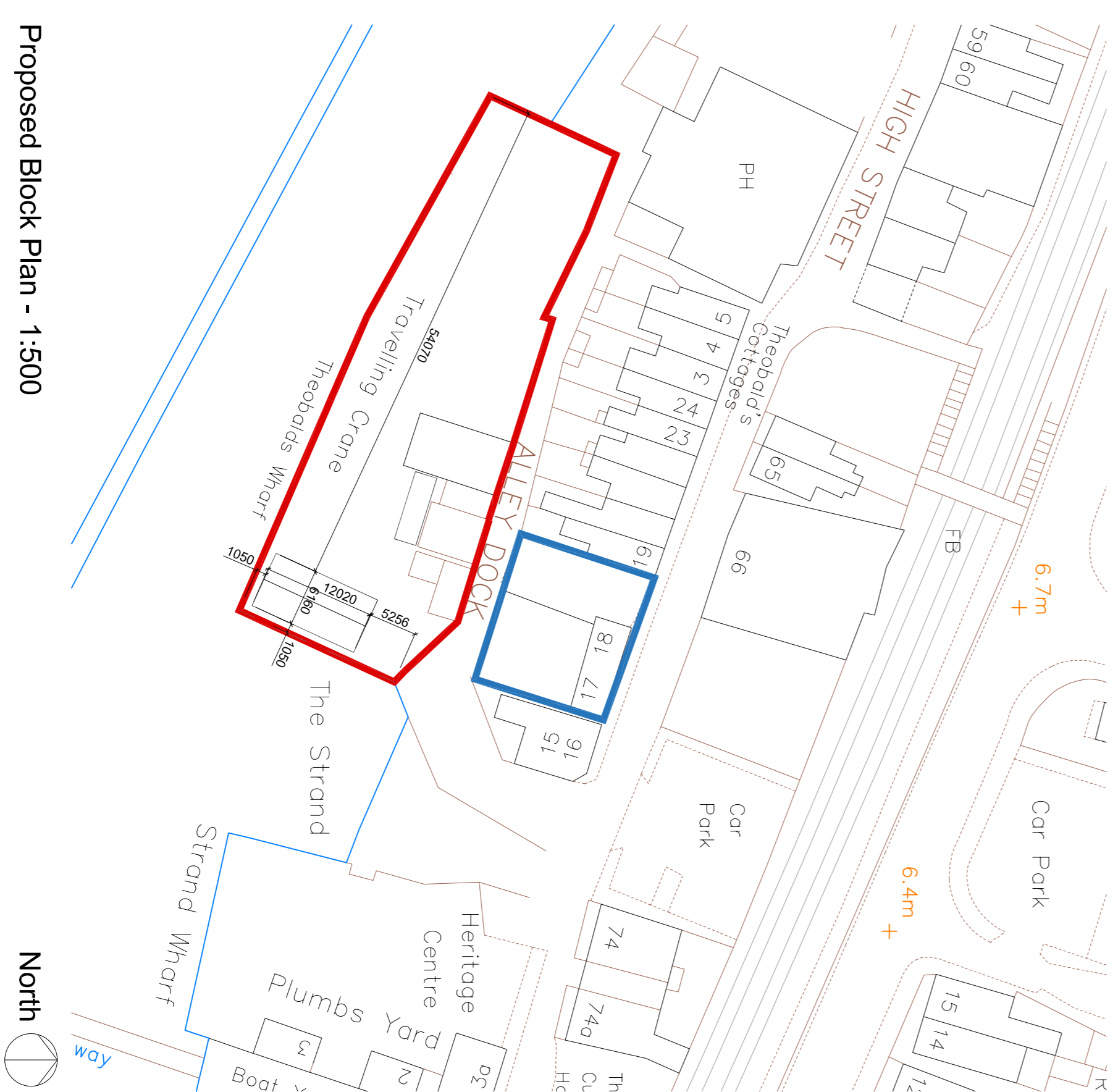
AFTER:



Proposed Location Plan - 1:1250



Previous Block Plan - 1:500



Proposed Block Plan - 1:500

REV.	AMENDMENT	DATE
-	PLANNING ISSUE	10.02.17
A	ADDITIONAL DIMENSIONS ADDED	23.02.17
B	AS REQUESTED BY PLANNING	19.04.17
C	AS PROPOSED SITE PLANS AMENDED	

STATUS: AWAITING APPROVAL

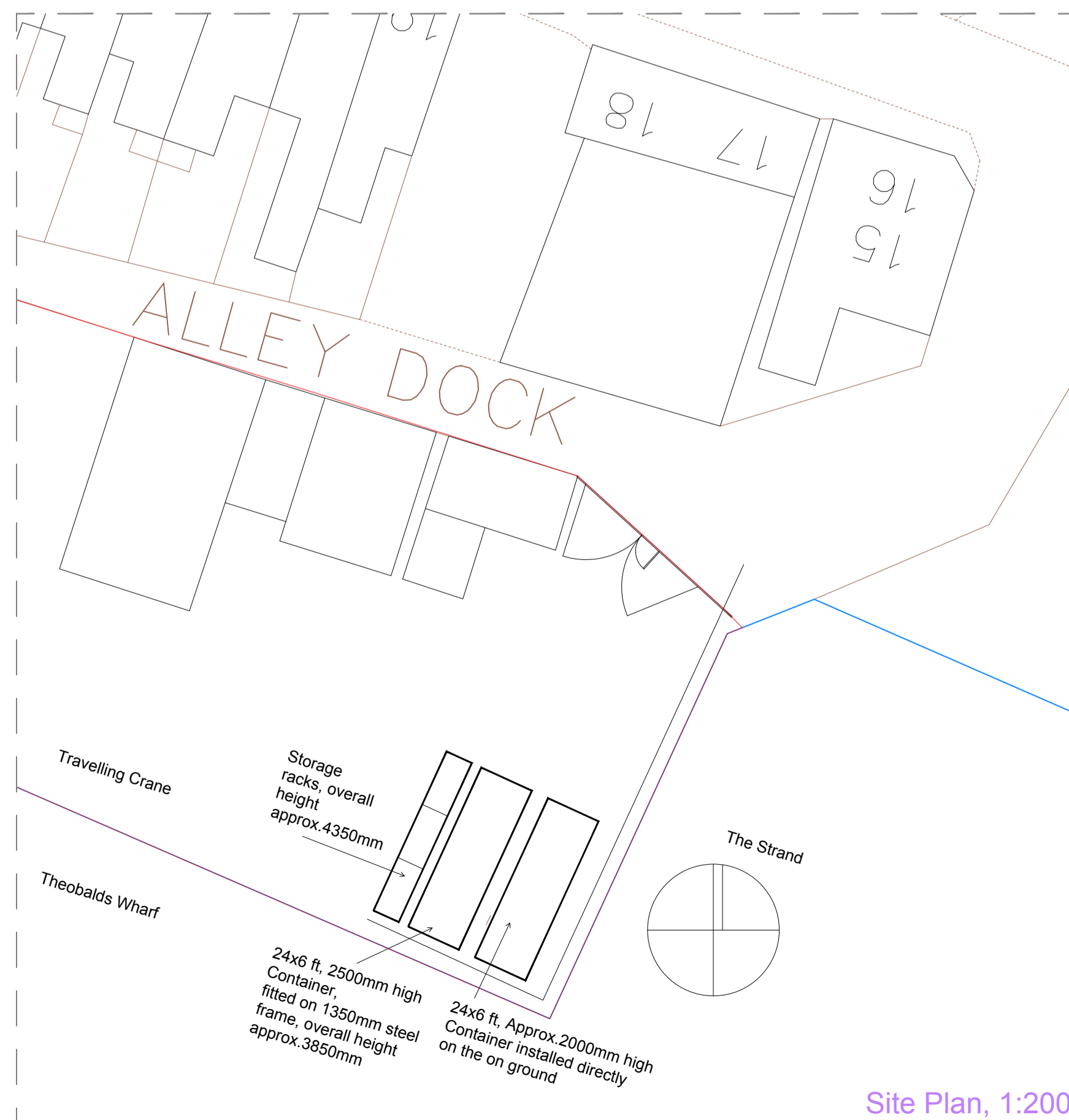
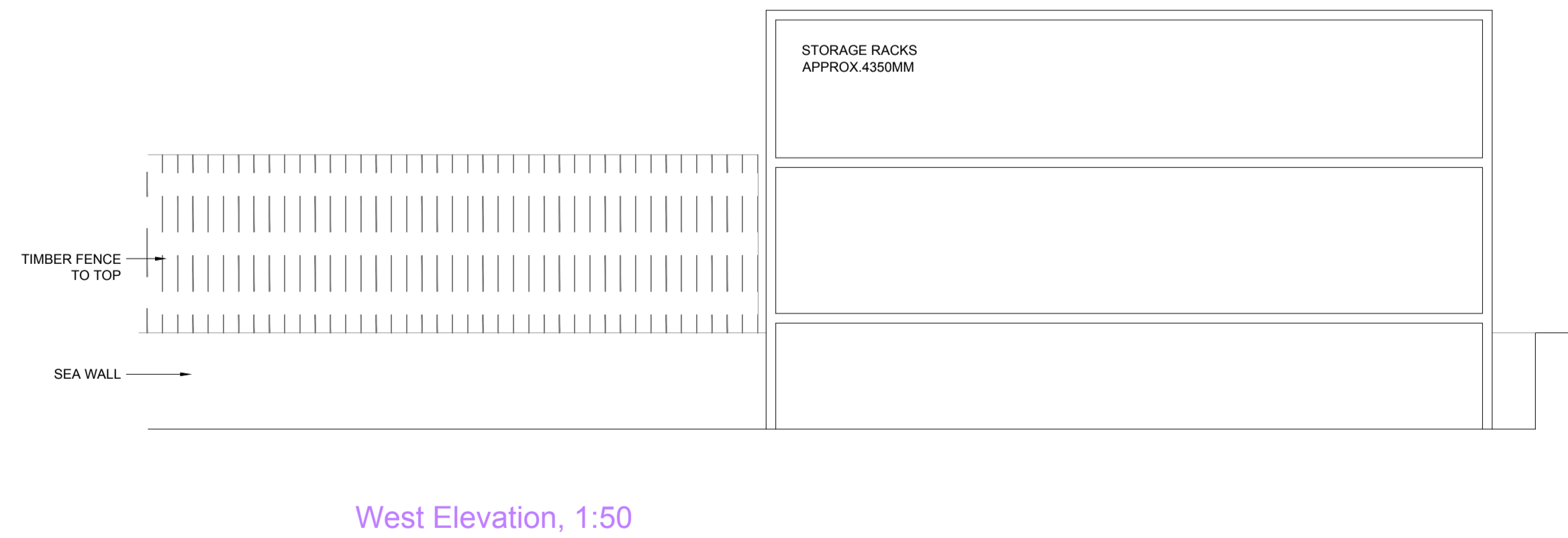
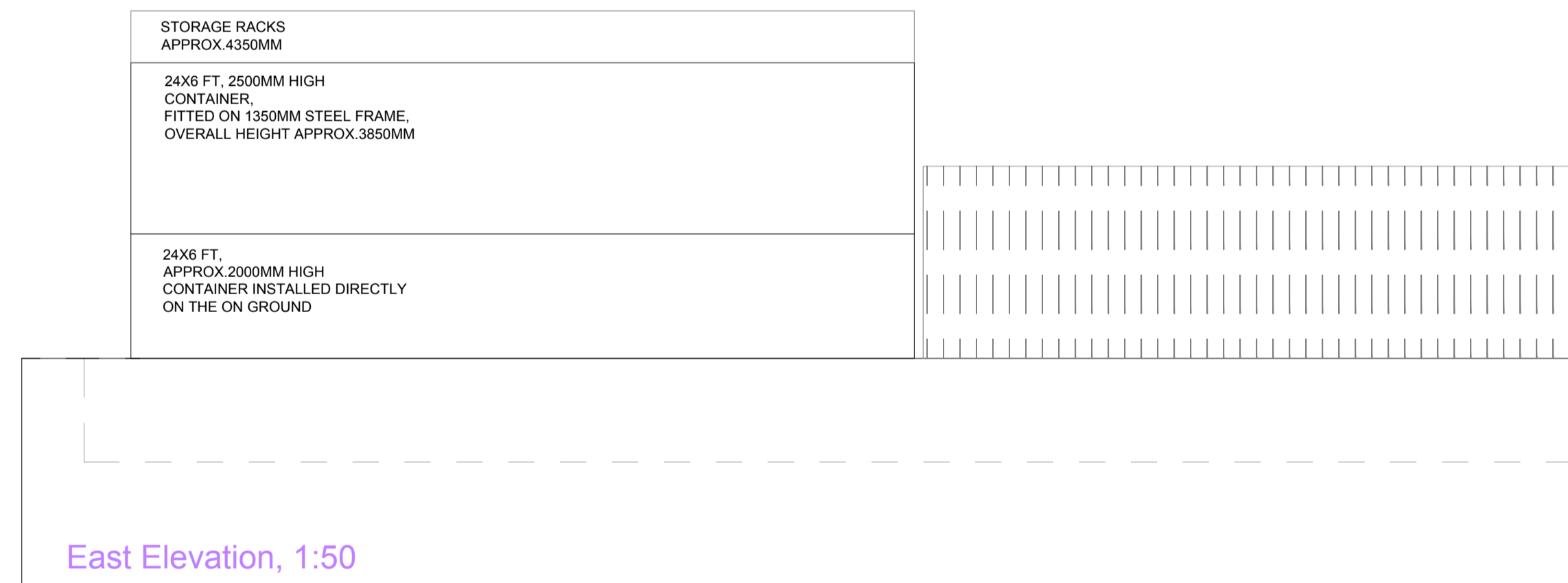
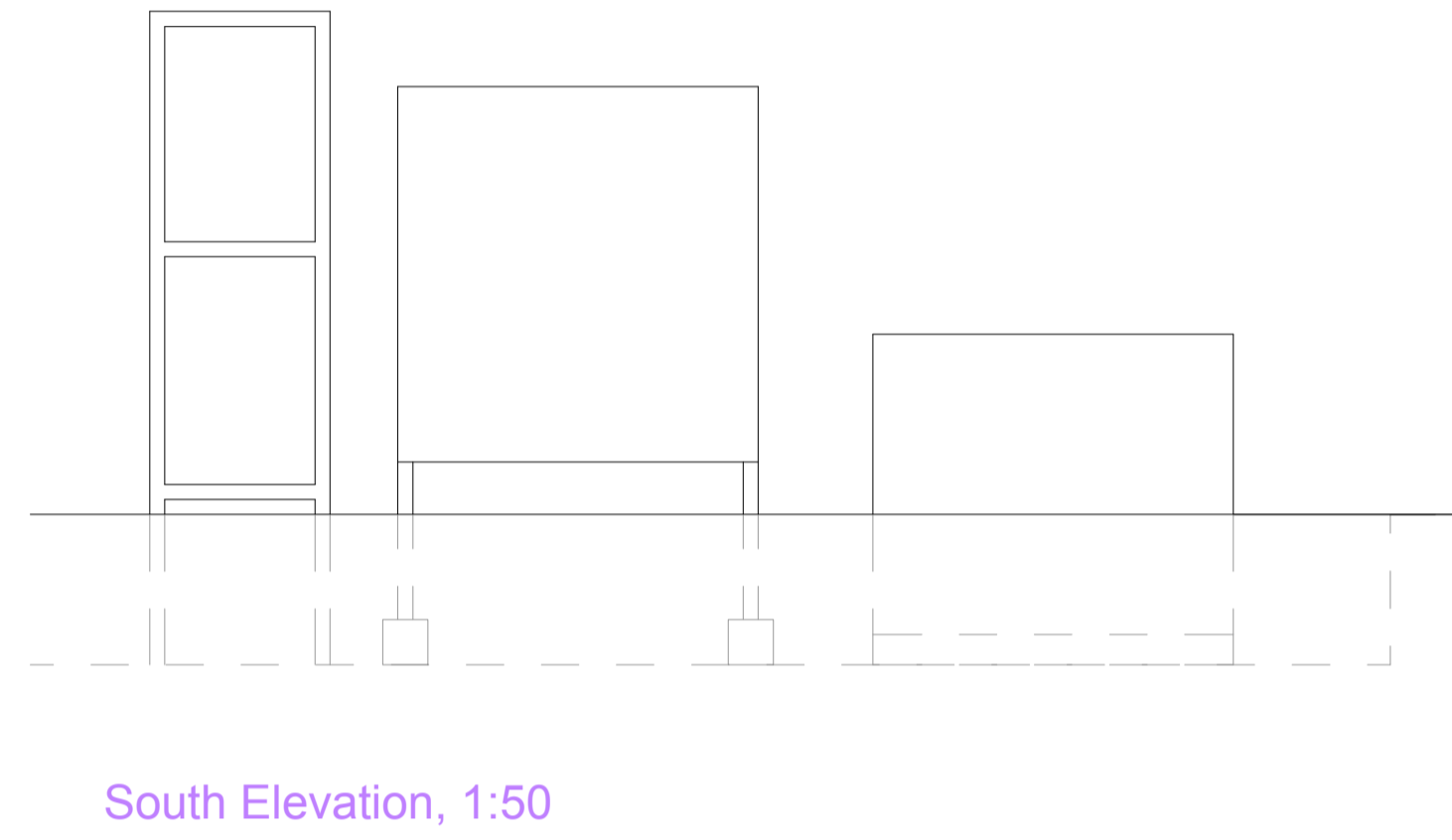
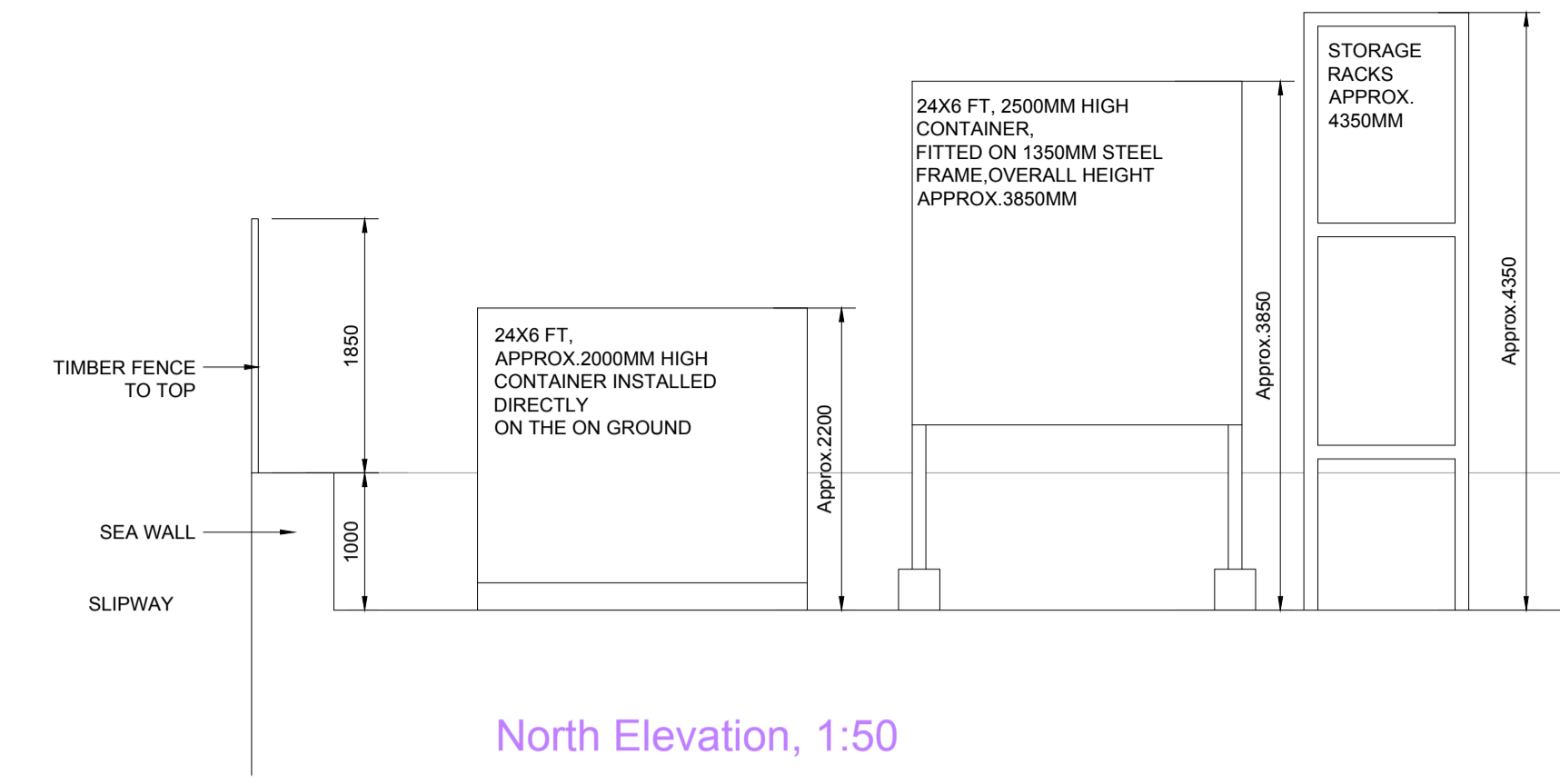
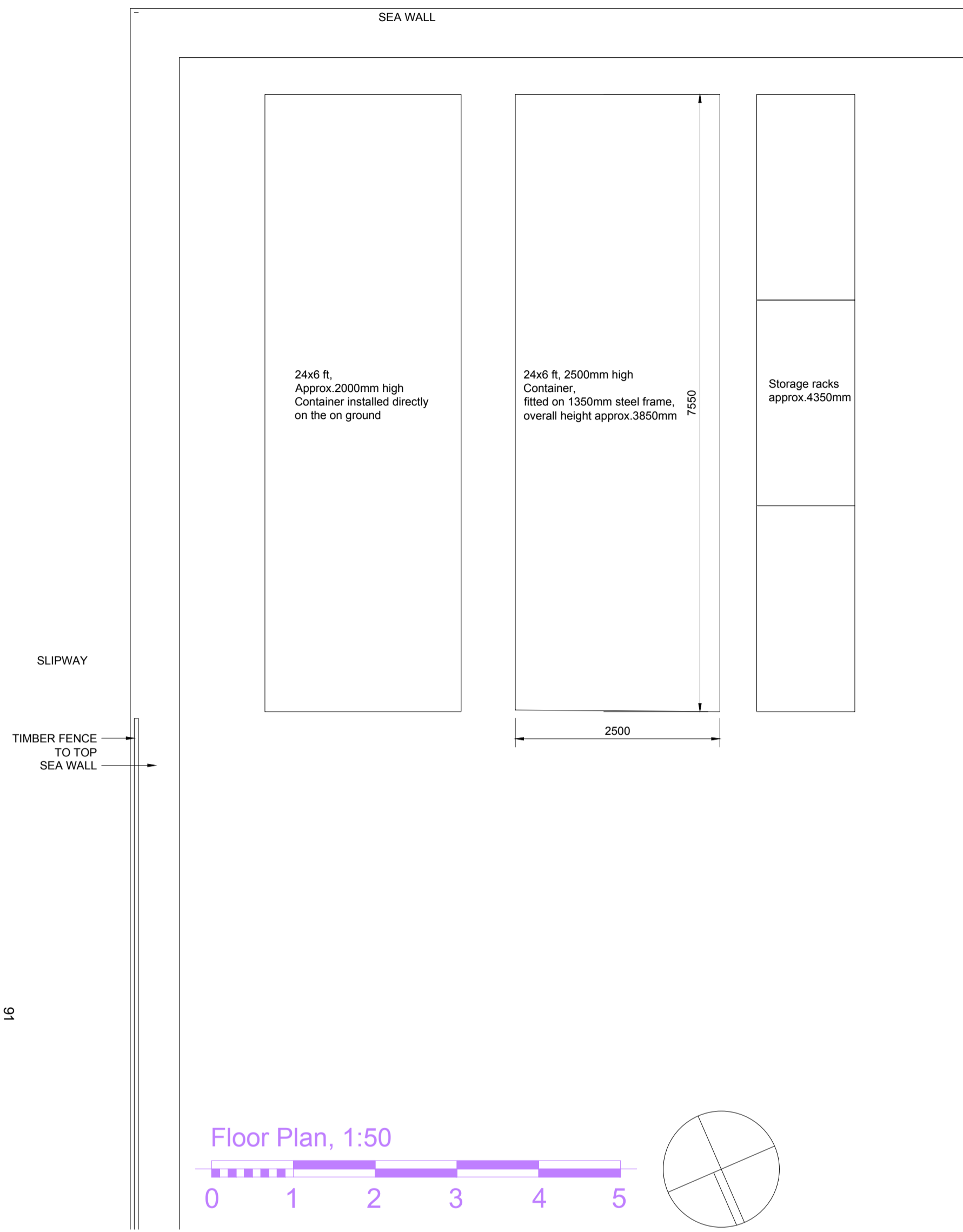
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 CLIENT: MM
 DRAWN BY: MM
 CHECKED BY: MMSK
 PROJECT: MERS SOLVARY, 17 HIGH STREET
 PROJECT NO: S53 ZEN
 PHASE NO: P01
 REGION: B
 BLOCK: B
 Site and Block Plans

SCALE: 1:500 on A1

BALANCE INFORMATION:
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BEFORE:



STATUS: AWAITING APPROVAL

PROJECT STAGE: PLANNING DRAWN BY: MM CHKD BY: MM&SK

CLIENT: MIKE'S BOATYARD

PROJECT: MIKE'S BOATYARD, 17 HIGH STREET Postcode: SS9 2EN

PROJECT NO: 89-03-11 PAGE NO: REVISION:

DRAWING: P02 BOAT YARD - PREVIOUS GENERAL ARRANGEMENT PLAN & ELEVATIONS

SCALE: 1:50, 200 on A1

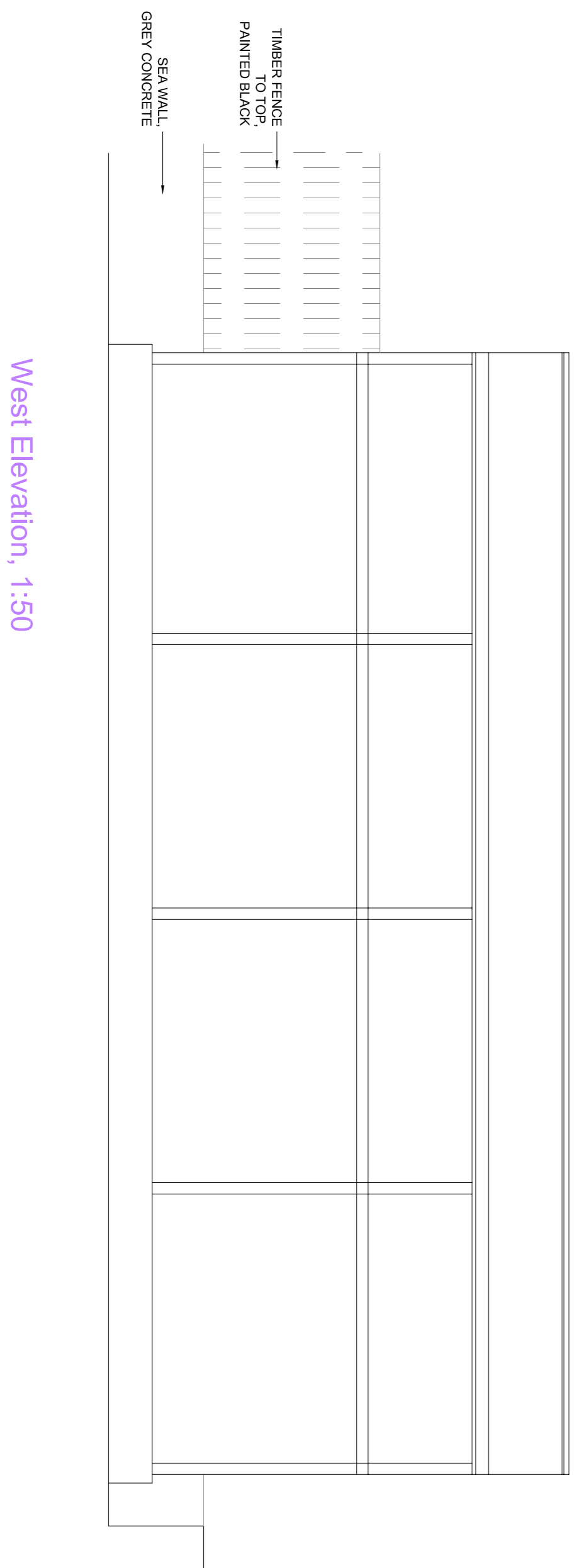
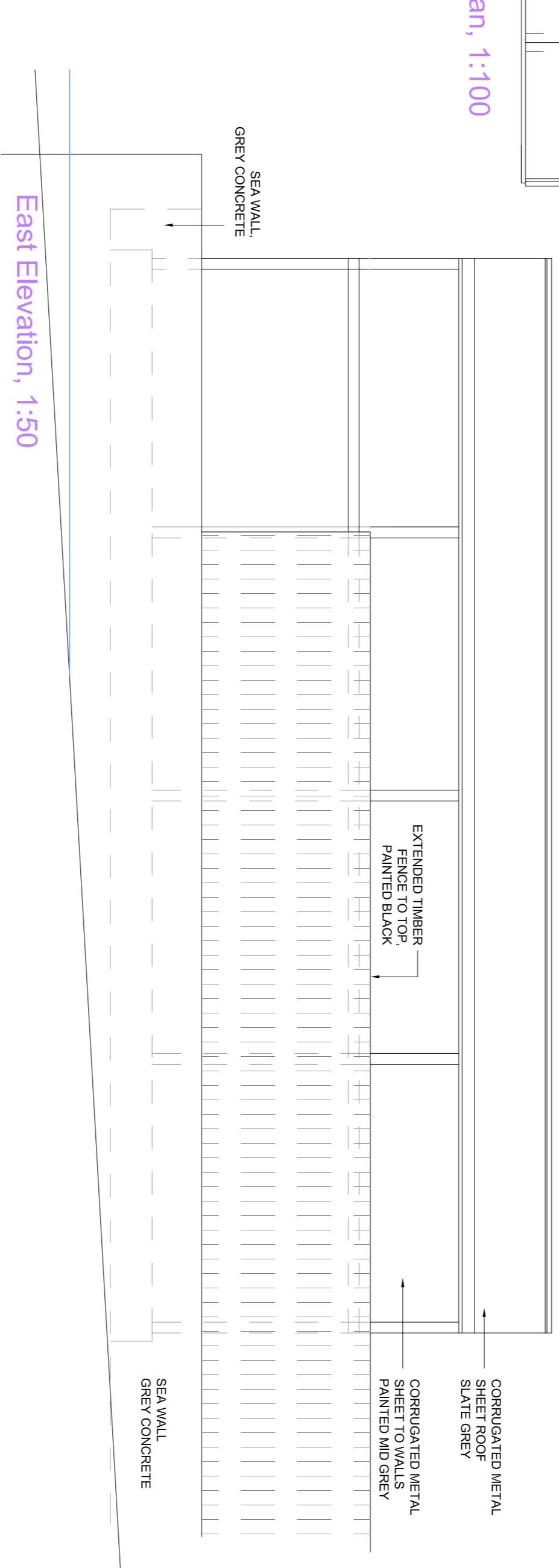
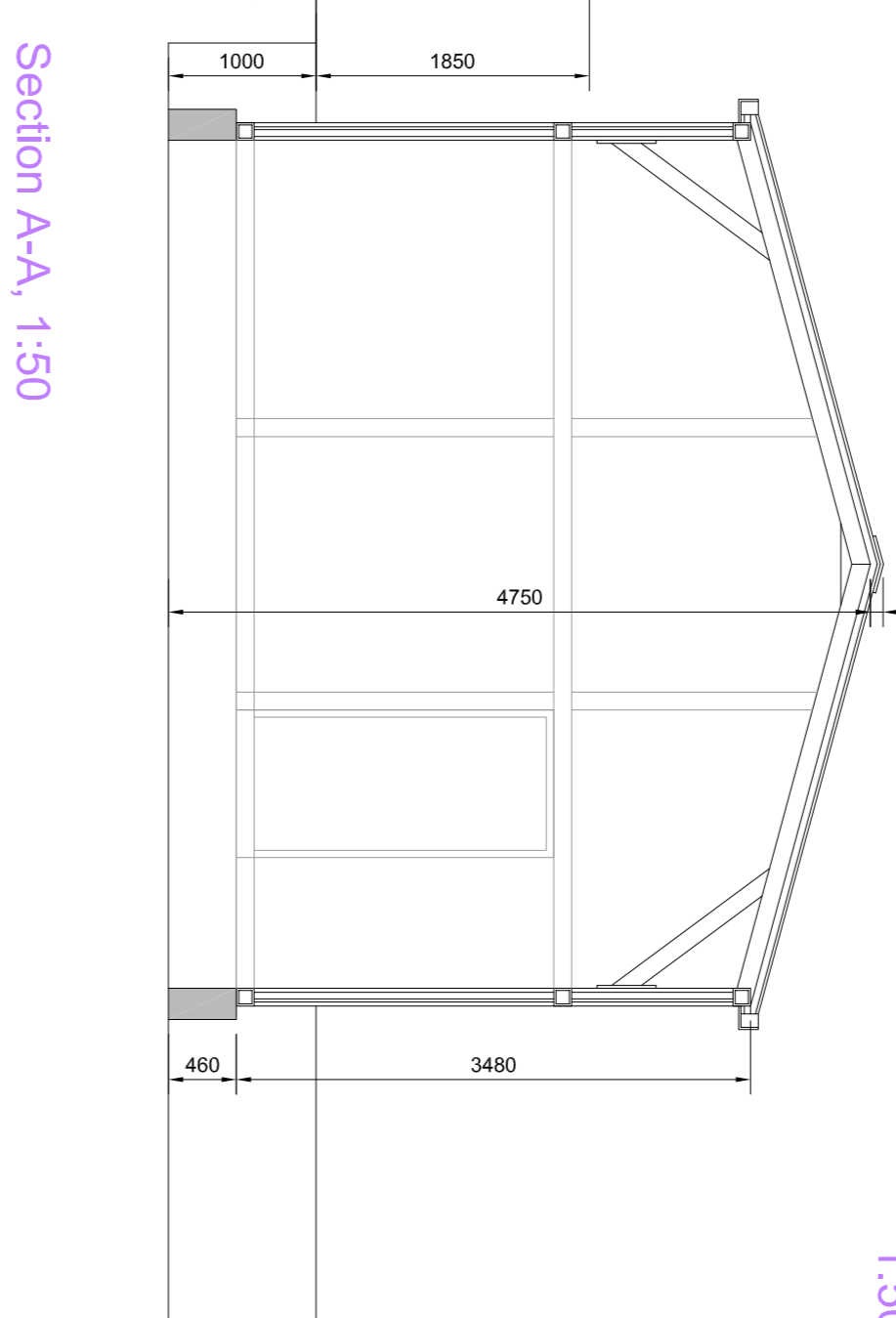
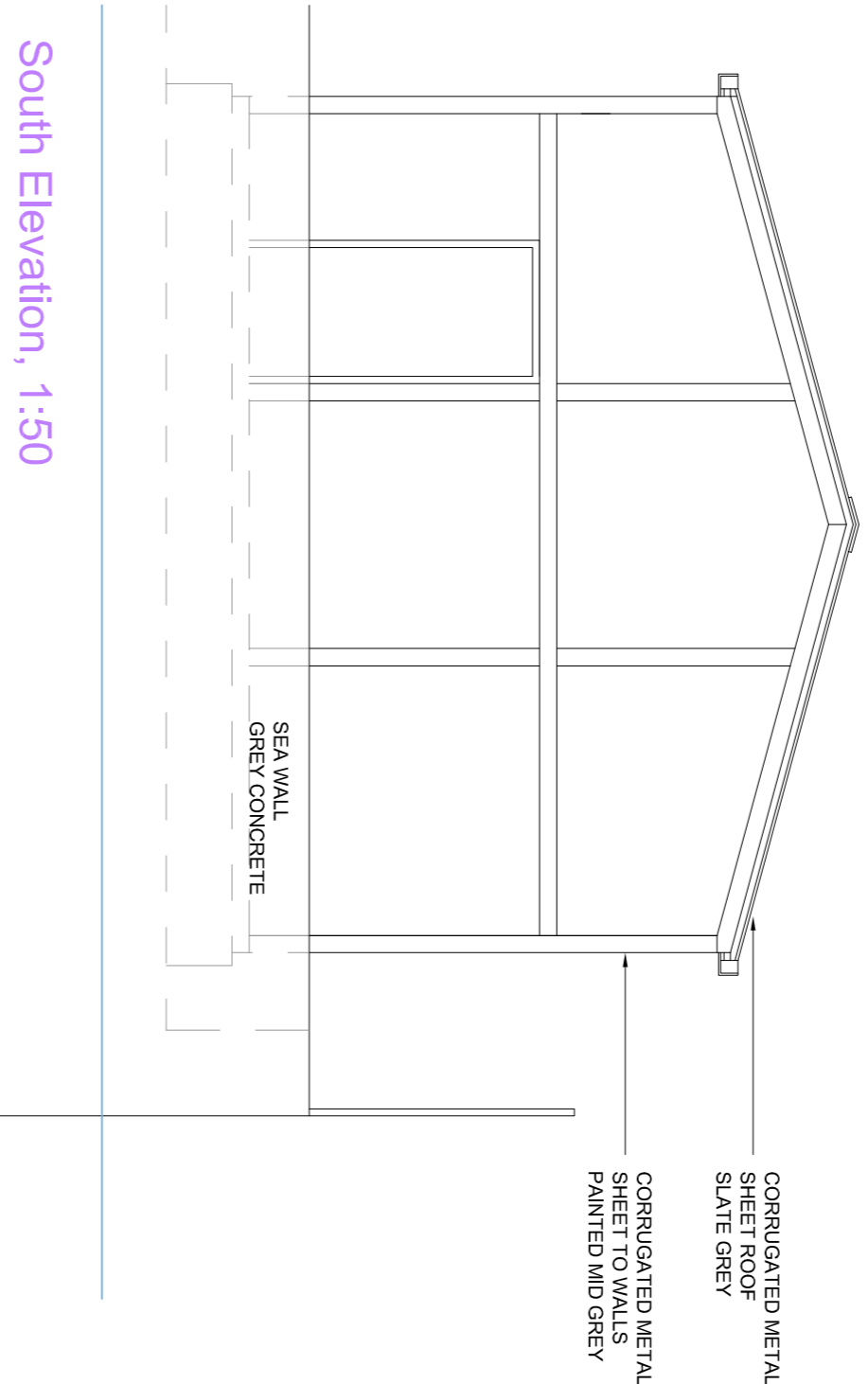
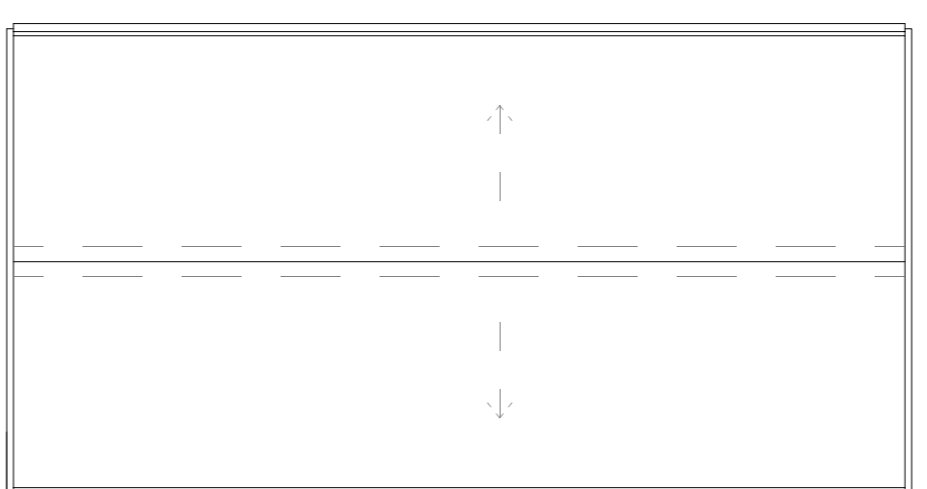
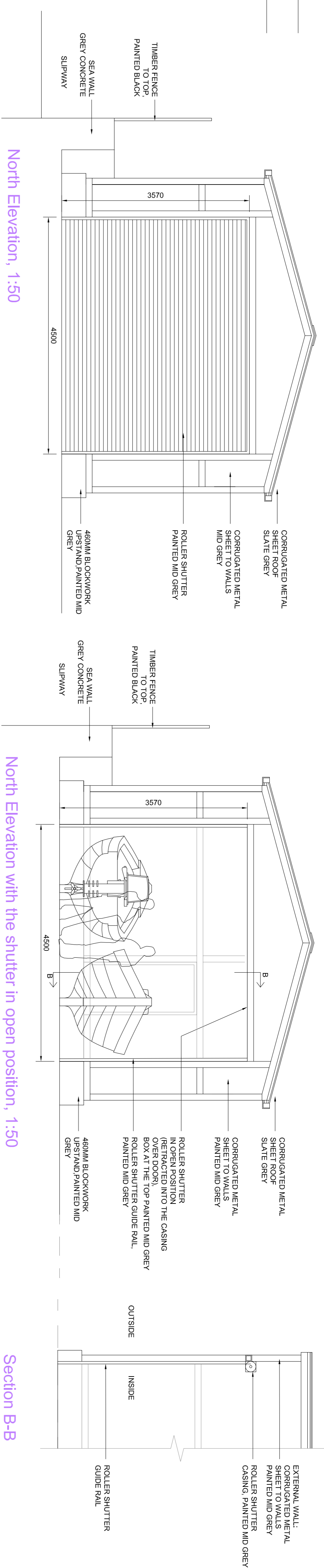
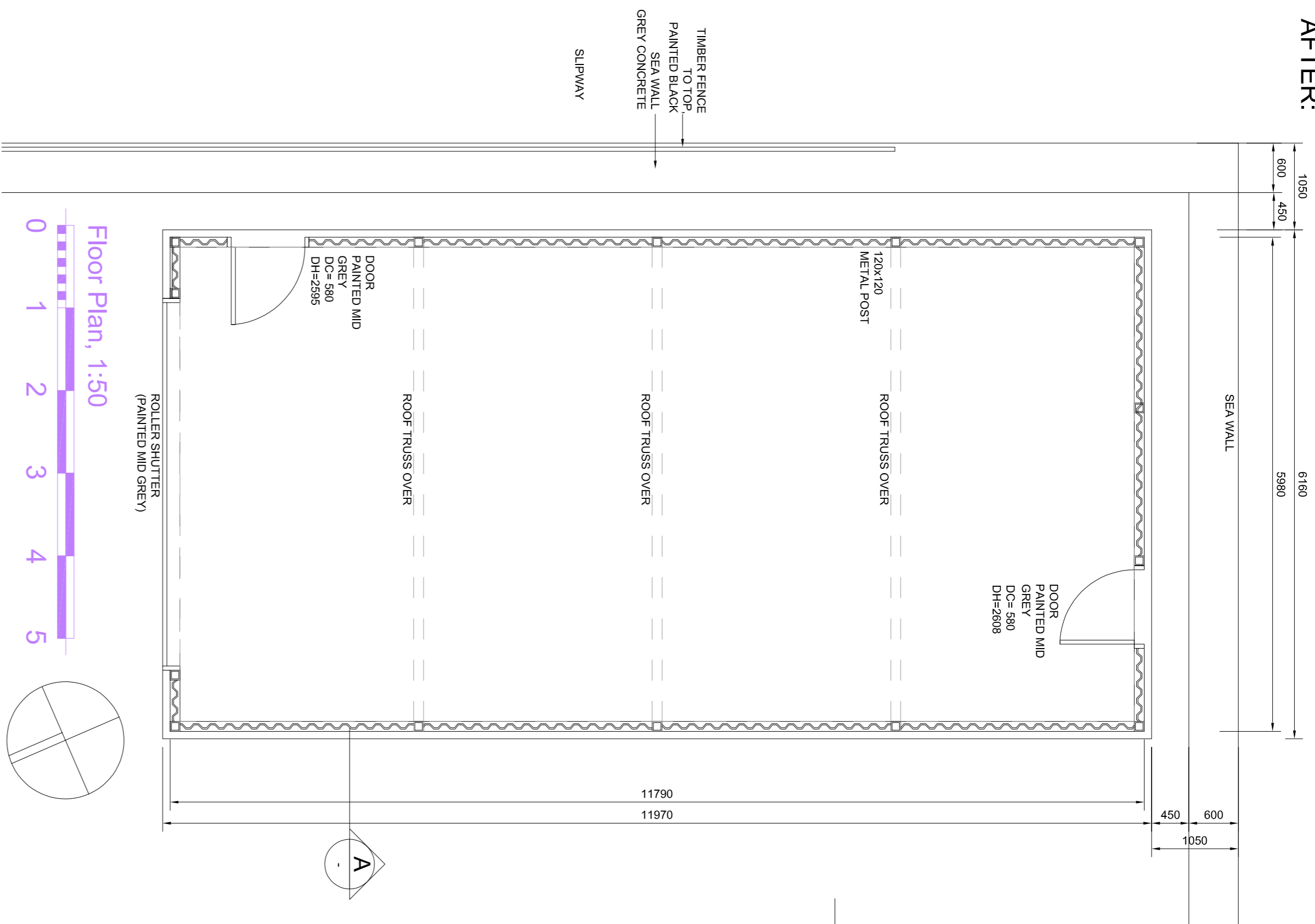
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DRAWING NOTES:
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THE CONTRACTOR IS TO ALLOW WITHIN THEIR PRICE FOR ALL ITEMS NOT LISTED BUT THAT WILL BE REQUIRED TO COMPLETE THE WORK IN ACCORDANCE WITH ALL CURRENT LEGISLATION.

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AFTER:



REV.	AMENDMENT	DATE
A	PLANNING ISSUE CHANGES TO FINISHES ROOF PLAN SHOWN PV PANELS SHOWN	13.04.17
B	PV PANELS OMITTED	18.04.17
		20.04.17

STATUS: AWAITING APPROVAL

PROJECT STAGE: **PLANNING** DRAWN BY: **MM** CHECKED BY: **MM&SK**

CLIENT: **MIKE'S BOATYARD**

PROJECT NO: **69-03-11** PAGE NO: **8** P/B

BOATYARD - NEW WORKSHOP SHED PLAN, ELEVATION, SECTIONS - AS PROPOSED

SCALE: 200 on A1

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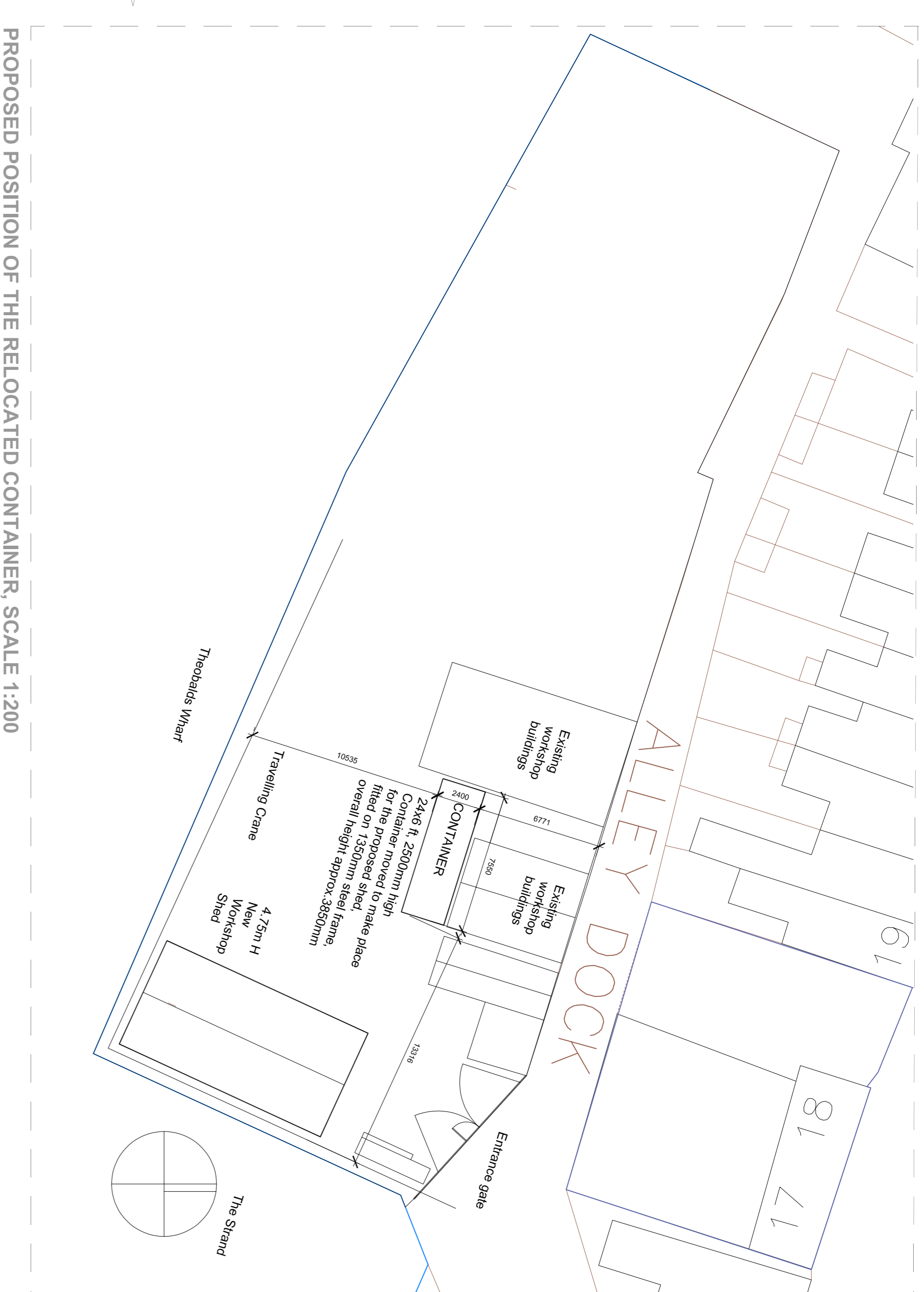
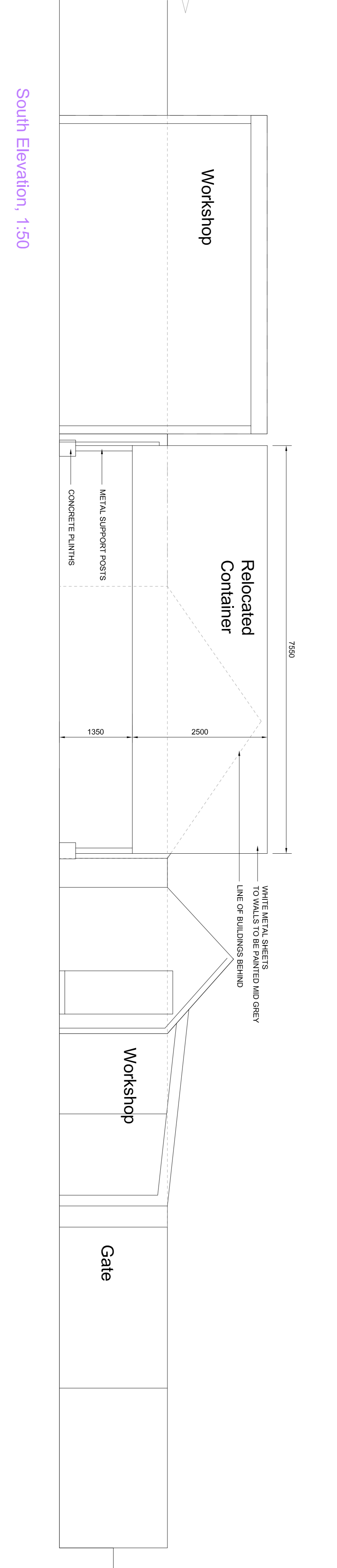
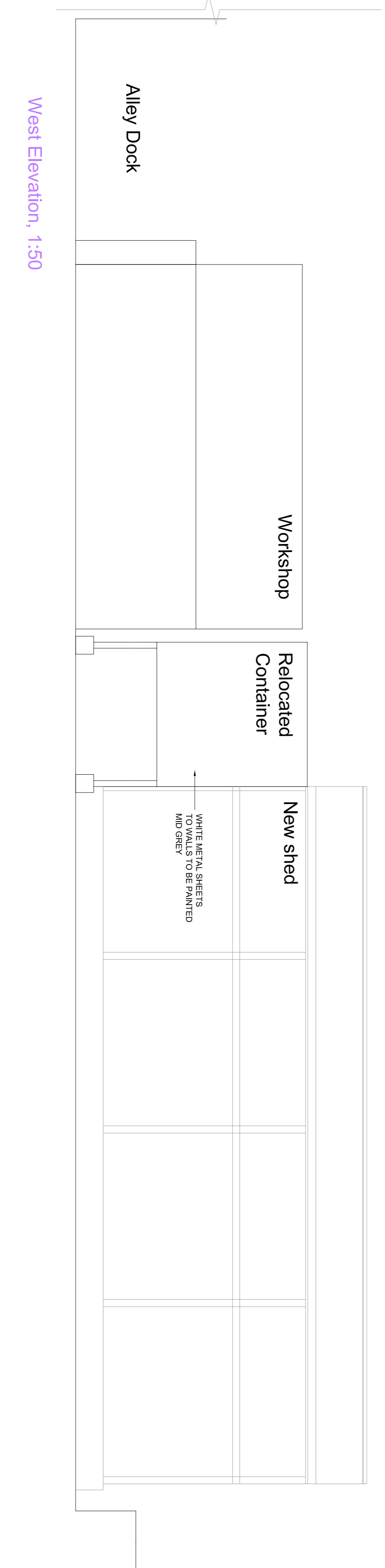
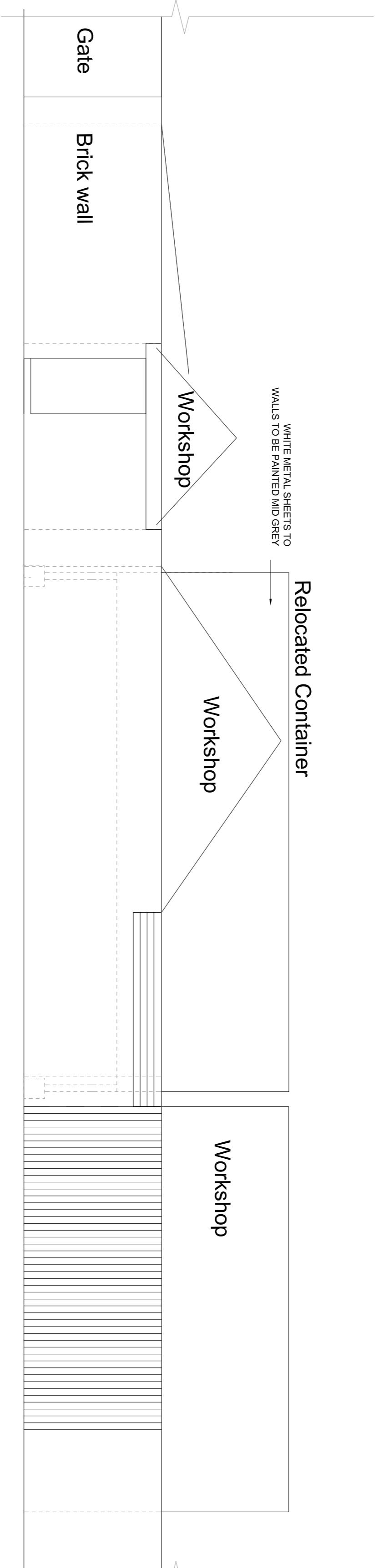
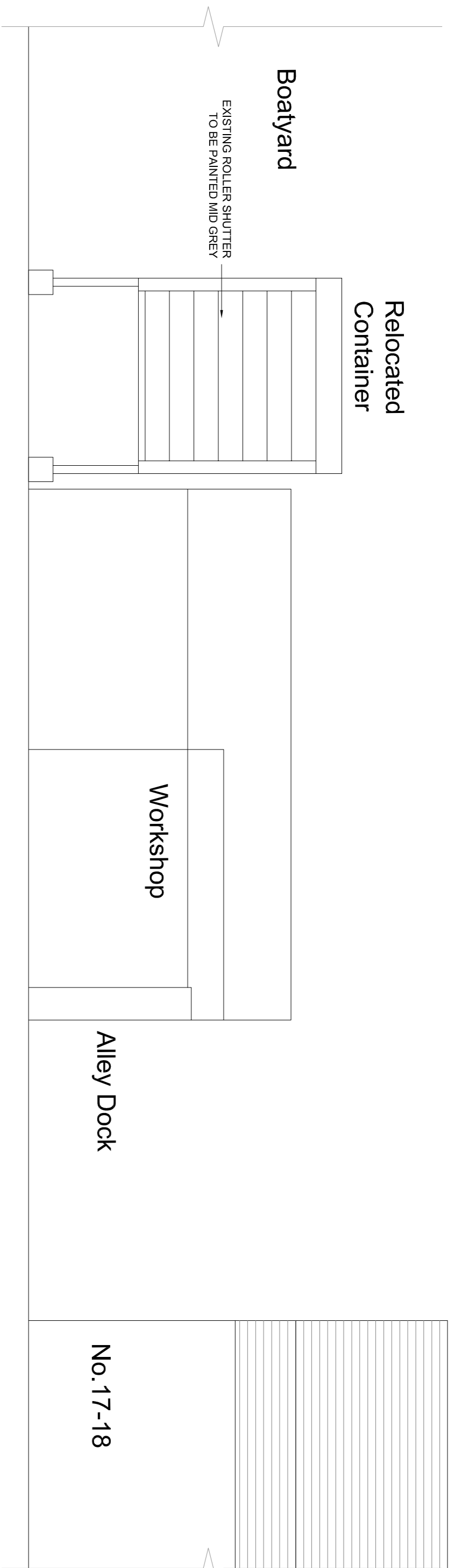
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REV.	AMENDMENT:	DATE:
-	PLANNING ISSUE	23.02.17
A	AMENDMENTS TO OUR FINISHES ON THE CONTAINER & CONTAINER MOVED INTO THE SITE	13.04.17
B	FINISHES AMENDED	18.04.17

STATUS: AWAITING APPROVAL

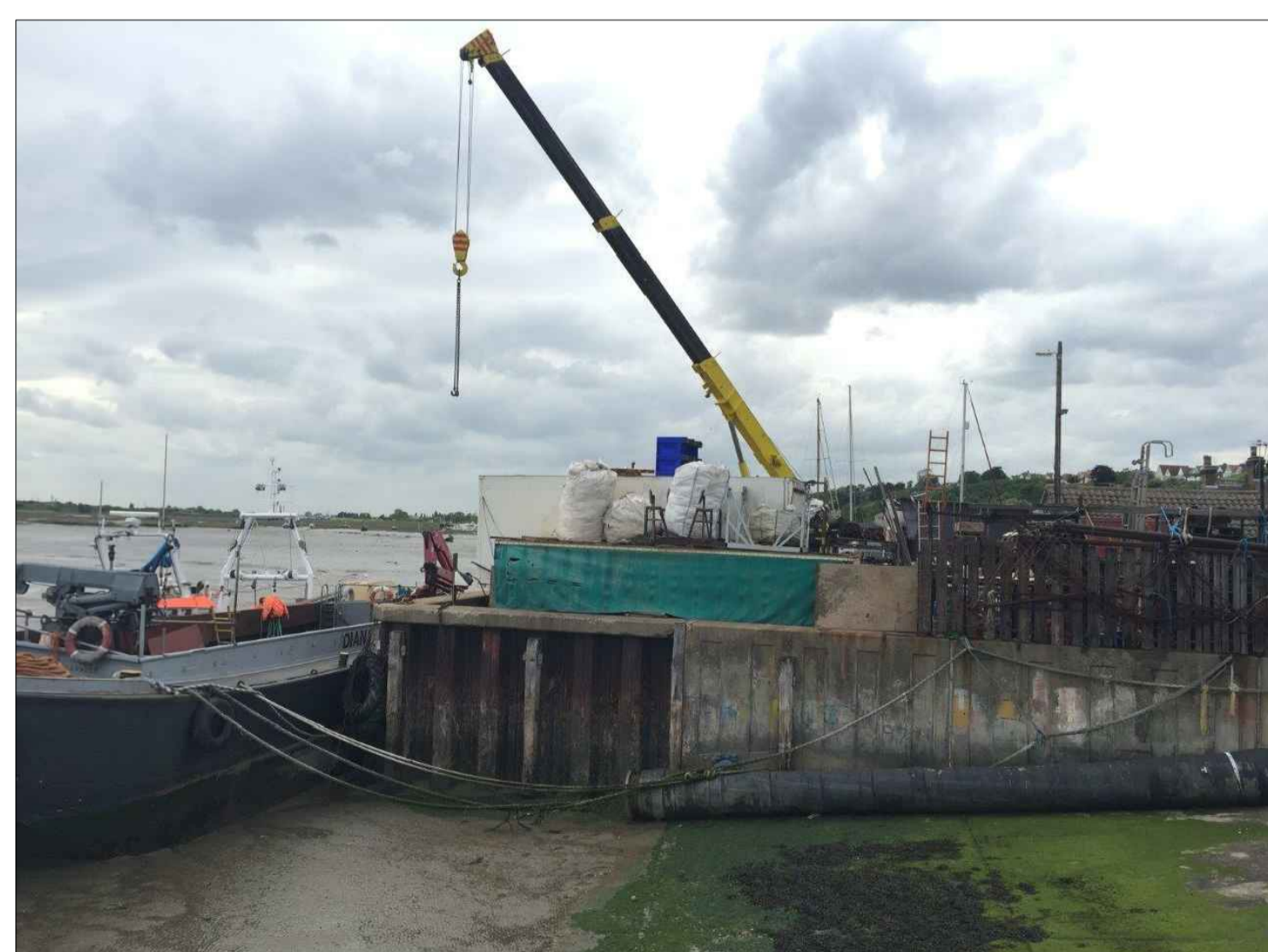
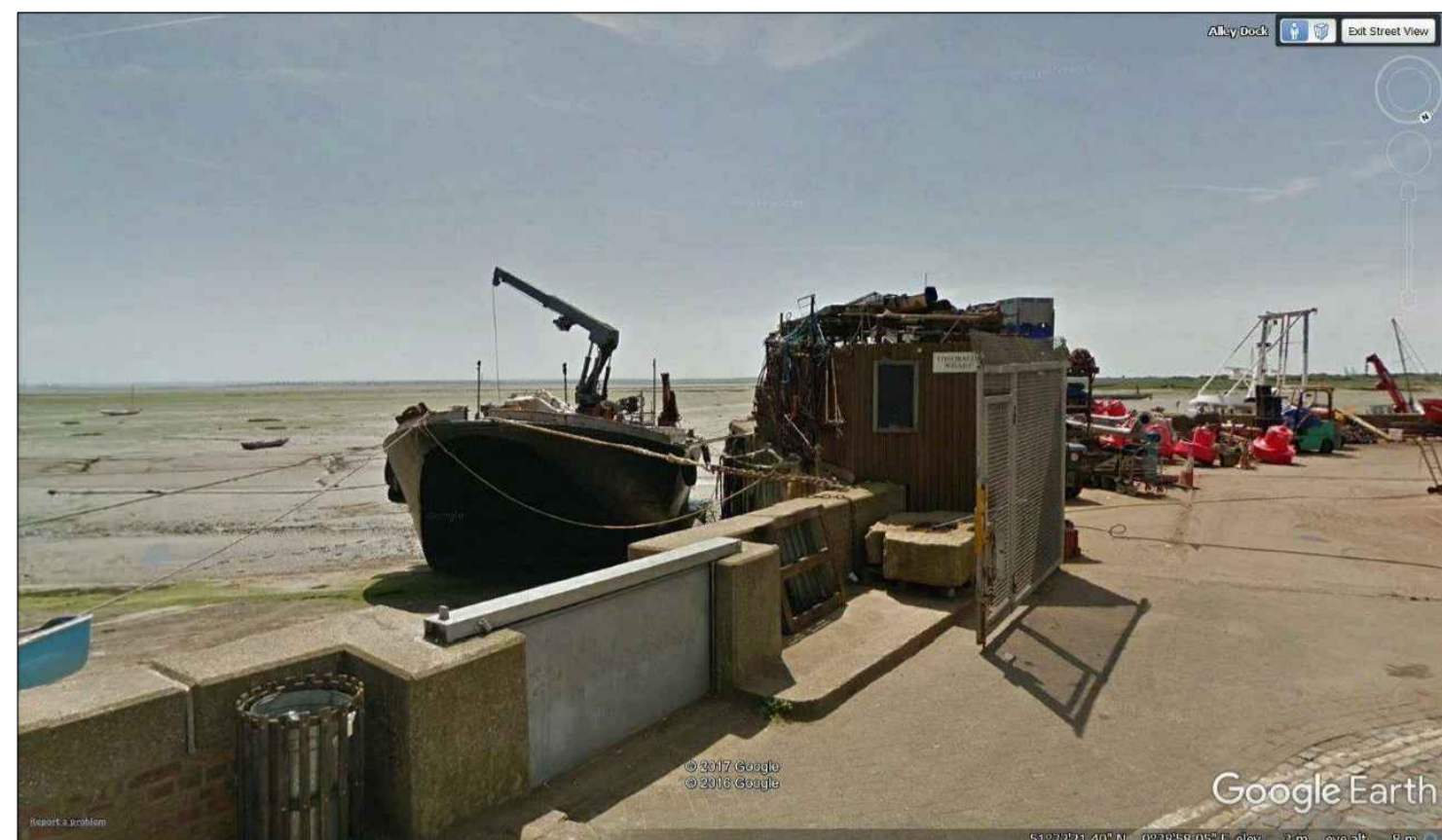
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 CLIENT: **MIKE'S BOATYARD**
 PROJECT NO: **69-03-11** PAGE NO: **PS1** REVISION: **B**
 DRAWINGS: **BOATYARD - RELOCATED CONTAINER**
 SCALE: **1:50 (200) on A1**

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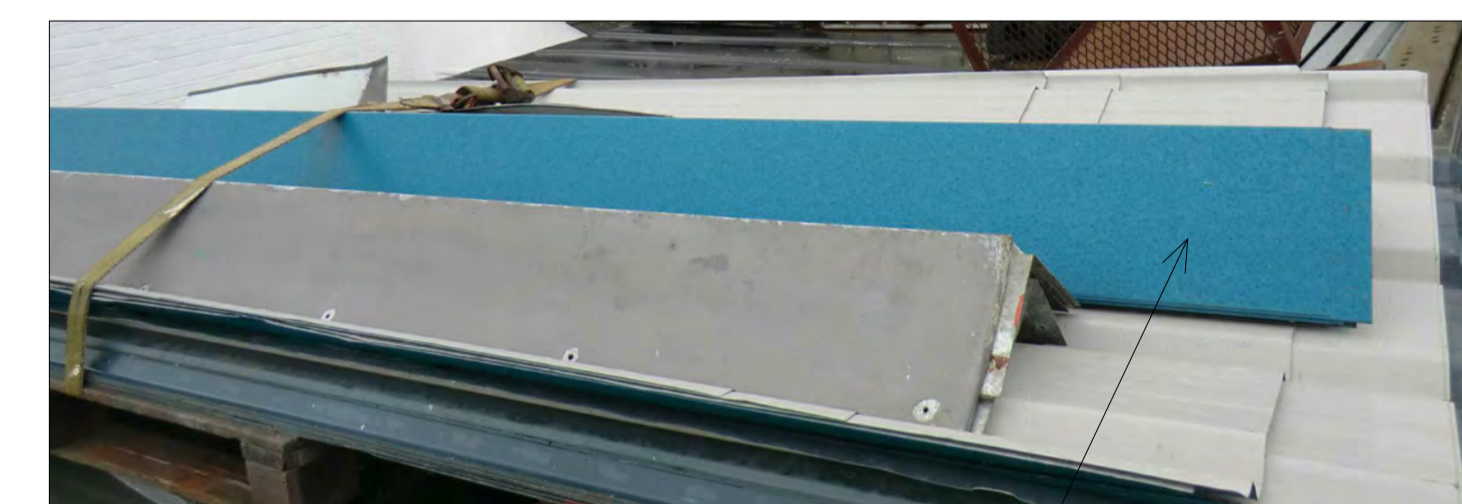
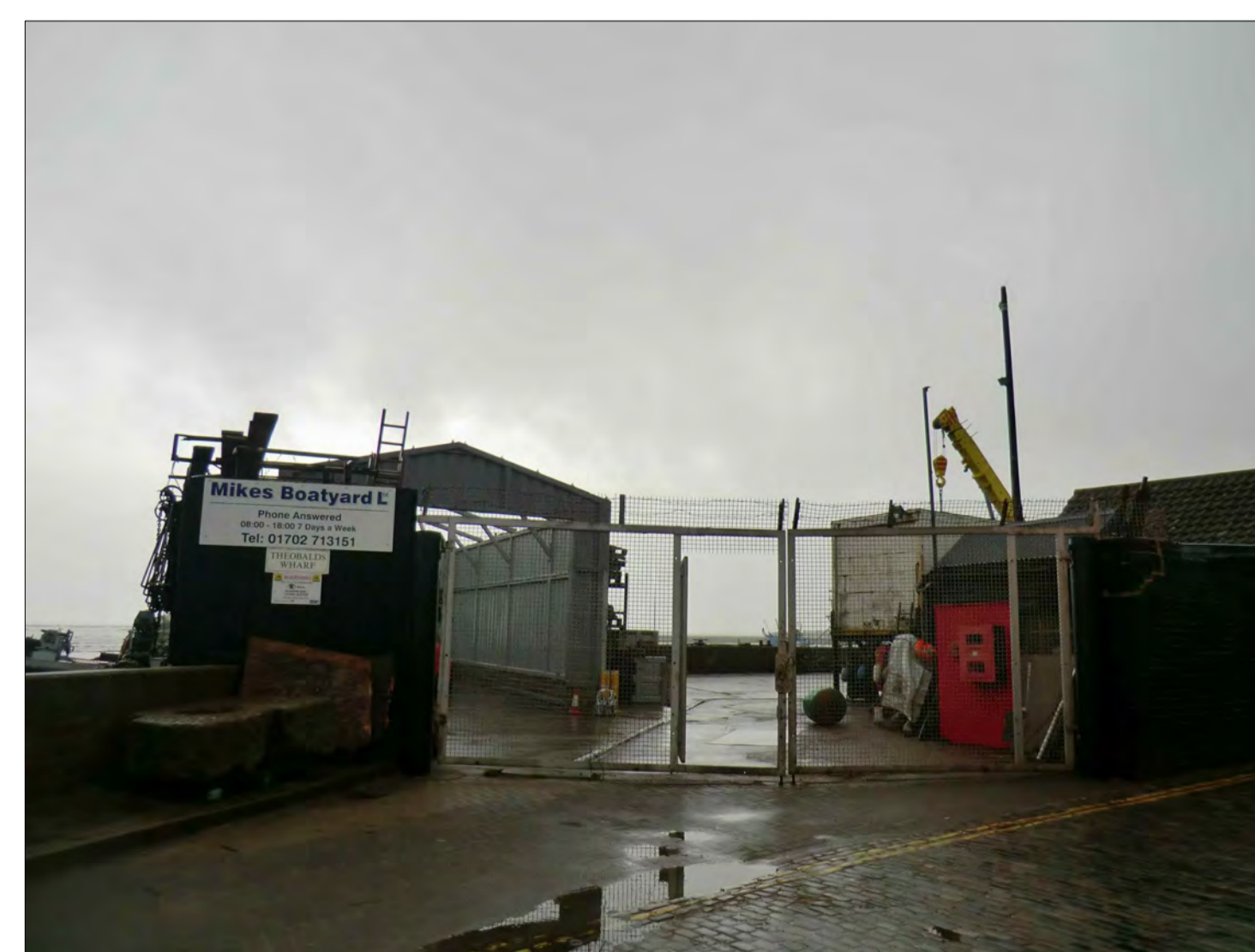
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BEFORE:
 PREVIOUS GENERAL ARRANGEMENT
 AS SHOWN ON DRAWING NO.89-03-11/P02



AFTER:
 EXISTING GENERAL ARRANGEMENT
 AS SHOWN ON DRAWING NO.89-03-11/P03



Blue corrugated roof finish

STATUS: AWAITING APPROVAL

PROJECT STAGE: PLANNING DRAWN BY: MM CHKD BY: MM&K

CLIENT: MIKE'S BOATYARD

PROJECT: MIKE'S BOATYARD, 17 HIGH STREET Postcode: SS9 2EN

PROJECT NO: 89-03-11 PAGE NO: P04 REVISION:

DRAWING: BOATYARD - PHOTOS OF PREVIOUS AND EXISTING

SCALE: n/a on A1

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Reference:	16/02282/FUL
Ward:	Eastwood Park
Proposal:	Demolish existing church hall , erect of 6no two storey dwelling houses, layout 12 parking spaces and form vehicular access on to Rayleigh Road
Address:	Eastwood United Reform Church, Rayleigh Road, Eastwood, Essex, SS9 5HX
Applicant:	Mr P Lehman
Agent:	Third Dimension Arch. Design Ltd
Consultation Expiry:	06.04.2017
Expiry Date:	11.05.2017
Case Officer:	Janine Rowley
Plan Nos:	202c House Type A; 203c House Type A; 204 House Type B; 205b Block Plan; 207b Streetscene Elevation; 206 Part M Compliance; Sections 208a; Site location plan 001
Recommendation:	GRANT PLANNING PERMISSION

8



1 The Proposal

- 1.1 Planning permission sought to demolish the existing church hall and erect 6 two storey dwellinghouses with associated amenity space and layout 6 parking spaces to the front of the site accessed from Rayleigh Road and 6 spaces accessed from Saffory Close. The dwelling would have gabled roofs, and have a simple design including a mix of render and brickwork and include accommodation in the roofspace, with small dormers. The proposal also includes the removal of a young street tree fronting Rayleigh Road
- 1.2 House type 'A' dwellings fronting Rayleigh Road (4 dwellings) are 9.5m high x 4.8m wide x 9.9m deep. House type 'B' dwellings fronting Saffory Close (2 dwellings) are 4.7m wide x 9.3m deep x 9.1m high.
- 1.3 The internal floorspace of the four dwellings to the front of the site (House type 'A' is 110sqm and 3 bedrooms to accommodate 5 persons. The house type 'B' to the rear of the site has an internal floorspace of approximately 90sqm over three floors with 3 bedrooms to accommodate 5 persons.
- 1.4 Each dwelling would have two parking spaces. The amenity space for each dwelling ranges from 60sqm to 80sqm.
- 1.5 The principle of change of use of the church hall to an office has been previously accepted under application 16/00639/FUL.

2 Site and Surroundings

- 2.1 The site contains a church hall that has been vacant since the summer of 2015. The existing site has a lawned area to the front with a number of trees and hardstanding to the side. A preserved tree is located to the south west corner of the site fronting Rayleigh Road. The site is located at the junction of Rayleigh Road and Saffory Close. The surrounding area is characterised by two storey dwellings in Saffory Close, a bungalow opposite the site in Rayleigh Road. To the west of the site are three storey residential properties.
- 2.2 The site is not designated within the Development Management Document 2015 and the area is not part of a conservation area.

3 Planning Considerations

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

4 Appraisal

Principle of Development

National Planning Policy Framework, Core Strategy Policies KP1, KP2, CP1, CP4, CP6 and CP8, Development Management Document DPD2 policies DM1, DM3 and DM7

Loss of the chapel/community use

- 4.1 The proposal seeks planning permission to demolish the existing church hall, previously used for community and nursery groups to erect six two storey dwellinghouses. The National Planning Policy Framework paragraph 70 states:

“To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should (inter alia): ensure an integrated approach to considering the location of housing, economic uses and community facilities and services”.

- 4.2 Whilst no supporting information has been provided with the application to justify why the community use is no longer required, the principle of the loss of the community use has been accepted following the approved change of use to (submitted under application 16/02282/FUL). At that time supporting information confirmed the condition of the existing building is in decline and that the church has been vacant since 2015.
- 4.3 The site is not safeguarded by any current planning policies contained within the Core Strategy or Development Management Document. The existing building has no heritage designations and is not designated by the Development Management Document for any specific use. Therefore no objection is raised in principle to the loss of the building. Each of the points detailed in Policy DM3 of the Development Management Document and the other relevant planning policies are discussed in detail below.
- 4.4 Policy CP8 expects 80% of residential development to be provided on previously developed land. The site is brownfield land within a residential area on this basis, it is considered that the principle of undertaking residential development at this site should be supported, subject to the following detailed considerations.
- 4.5 In light of the above, given there are no policies safeguarding the existing community use or the church hall for demolition, no objection is raised in principle to the redevelopment of this site for infill residential development and the provision of six new family houses is welcomed.

Design and Impact on the Street Scene

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

- 4.6 The National Planning Policy Framework requires new development to reinforce local distinctiveness. Policy KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 and the Design and Townscape Guide advocate the need for any new development to respect the character of the area and complement the local character.
- 4.7 Policy DM3 (2) states that *“All development on land that constitutes backland and infill development will be considered on a site-by-site basis. Development within these locations will be resisted where the proposals:*
- (i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or*
 - (ii) Conflict with the character and grain of the local area; or*
 - (iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or*
 - (iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees”.*
- 4.8 The Design and Townscape Guide paragraph 201 states:
- “Infill sites are development sites on the street frontage between existing buildings. These areas are usually spaces left over after earlier development or the redevelopment of small industrial units or garages. 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 usable 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. In these circumstances, unless an exceptional design solution can be found, infill development will be considered unacceptable. Other options, such as an extension to an adjacent building or a garage may be more achievable. However, in certain situations, where the density, grain and openness of an area are integral to its special character, infill development of any kind will not be appropriate in principle”.*
- 4.9 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. It is not considered the proposed infill development would appear out of keeping, which will not conflict with the urban grain of the area taking into account the surrounding residential development subject to the other material planning considerations discussed in detail below.

- 4.10 With regard to the general layout, the proposal seeks to erect a row of four terraced properties accessed from Rayleigh Road and two properties to the rear accessed from Saffory Close. The plot widths of the houses are narrower than the existing houses in Saffory Close and on Rayleigh Road to the east but are similar to the neighbouring development to the west on Rayleigh Road. Parking is proposed to the front of the site accessed from Rayleigh Road, which is a similar arrangement to Oakwood Villas to the west and the remainder of the dwellings would be accessed from Saffory Close to the east of the site.
- 4.11 The houses to the front of the site facing Rayleigh Road are set in a similar alignment to the neighbouring terrace to the west, which is welcomed. The applicant has sought to retain a soft landscaping buffer zone to the front of the building and the parking has been set away from the root protection area of a preserved tree to the south west corner of the site fronting Rayleigh Road. Whilst the proposed forecourt will introduce an area of hardstanding surface subject to materials and landscaping details it will not appear visually obtrusive within the streetscene.
- 4.12 To the rear, the two houses proposed are located within Saffory Close with tandem parking to the side. The alignment and proposed parking arrangement appears acceptable and the grassed verge to the street in front of the houses is maintained and the properties will have landscaped front gardens.
- 4.13 The overall design and scale of the dwellinghouses has sought to reference Oakwood Villas to the west. The dwellings have a gable roof form and this is not out of keeping with the streetscene in Rayleigh Road or Saffory Close and the siting of the properties also mitigates against their overall scale.
- 4.14 In terms of design detail, the overall elevations will provide positive relationship to the existing streetscene complimenting the local townscape. All elevations are of high quality design and the overall design is cohesive and all elements of the building relate positively to each other. The applicant has sought to reference the eaves alignment and fenestration proportions to the west of the site, which is welcomed. The materials include a mix of brickwork and render similar to properties in Rayleigh Road, but details can be finalised by condition.
- 4.15 This site is considered appropriate for housing development. The proposed development by reason of its design and scale would not be out of keeping with the general character or visually harmful to the character of surrounding area and would be positive addition to the streetscene. This development is in accordance with the National Planning Policy Framework policies KP2 and CP4 of the Core Strategy DPD1, Policies DM1 and DM3 of Development Management Document DPD2 and policies and the Design and Townscape Guide.

Living Conditions for Future Occupiers

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

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

- Minimum property size for a 3 bedroom (5 bed space) dwellinghouse shall be 99 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.

Weight should also be given to the content of policy DM8 which states the following standards in addition to the national standards.

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bed space.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

- 4.17 The internal floorspace as set out in the National Technical Housing Standards 2015 requires 90sqm for 3 storey buildings with 3 bed spaces for 5 persons in this location. The proposed dwellinghouses are policy compliant in this respect. All habitable rooms will benefit from sufficient daylight and outlook.
- 4.18 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. The applicant has provided drawing 3D_644.206 demonstrating the new dwellinghouses will meet part M4 (2) of the Building Regulations and this will be dealt with by condition.
- 4.19 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”*.
- 4.20 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.
- 4.21 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”*.
- 4.22 The proposed dwellinghouses would benefit from 60sqm-80sqm of rear amenity space which is considered sufficient useable amenity space to meet the needs of future occupiers.

Traffic and Transportation

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

- 4.23 12 parking spaces are provided to serve the development, 2 per dwelling which accords with Policy DM15. In terms of parking space provision, the proposal shown on the submitted plans would accord with the relevant standards and no objection should be raised to the proposal on the grounds of parking provision or the “tandem” siting. The proposal is also found to be acceptable in terms of its impacts on highways and pedestrian safety.
- 4.24 The design of the existing site benefits from two vehicle accesses along Rayleigh Road and an in and out access to the parking area in Saffory Close. The proposal seeks to extend the existing vehicle crossover to the front to an overall width of 4.8m. Whilst the proposal will result in the loss of a young tree this has limited amenity value and therefore no objection is raised to its loss.

The proposal also includes the resiting of the existing traffic island within Rayleigh Road and no objections are raised by the Council Highway Officer (these works will be controlled by a 'Grampian condition'). To the rear two vehicle crossovers are proposed to serve plots 4-6 and no objection is raised on highway grounds.

- 4.25 Refuse and cycle parking at the site should be secured through the imposition of a condition.

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.

- 4.26 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 overbearing, pollution and daylight and sunlight. A proposed development will need to consider its potential impact upon neighbouring properties and the surrounding area. 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;”

- 4.27 Plot 1 is located 1m-1.7m away from the boundary abutting no. 6 Oakwood Villas to the west with a further 1.5m to the flank elevation of the dwelling. The nearest dwellinghouse will be set 1m in front of the building line of no. 6 Oakwood Villas however, the rear elevation will not project beyond the existing building line and thus there will be no material impact on front or rear windows, to 6 Oakwood Villas. Concerns have been raised by a neighbour in terms of the loss of light to two windows in the side elevation but they serve non habitable rooms (hall and landing and thus are afforded limited protection) and will not cause material harm to the amenities of the existing occupiers. In terms of overlooking, concern has been raised by a neighbour in relation to the proposed houses overlooking the rear garden of 6 Oakwood Villas however the relationship of proposed plot 1 is the same as that with no. 5 Oakwood Villa and therefore there is no material harm from overlooking and no objection is raised on amenity grounds.
- 4.28 In relation to the impact on existing occupiers at 514 Rayleigh Road there is a separation distance of 17m to the flank elevation. Whilst windows are proposed to the flank elevation of the new development serving a bathroom a condition to ensure it is fixed shut and obscure glazed will be imposed. Therefore the development would not result in any increased overlooking or loss of privacy.

In terms of being overbearing, given the siting of the development and separation distance it will not result in loss of daylight nor will the proposal be overbearing or cause unacceptable enclosure to the amenities of 514 Rayleigh Road.

- 4.29 With respect to the plots 5 and 6, they are located 15m away from numbers 1 and 2 Saffory Close to the east and are on the opposite side of a public highway, which is considered sufficient to mitigate against overlooking or loss of privacy. Whilst there would be some impact on the outlook of nos. 1 and 2 Saffory Close, it is not considered sufficient to justify a refusal.
- 4.30 In terms of the impact on residents to the north of the site in Saffory Close (numbers 7, 8 and 9), there is an overall separation distance of 13m and the applicant has provided drawing 208a (sections) demonstrating the variation in site levels of the dwellings. Whilst the proposal will have some impact on the amenities enjoyed by existing residents in terms of outlook it will not be overbearing or cause unacceptable enclosure nor would it result in loss of light. There is a separation distance of 23m between number 14 Saffory Close to the west, which is sufficient to mitigate against overlooking, loss of privacy and the development will not be overbearing nor result in loss of light. There is an overall separation of 37m distance from the front of the proposed dwellings to the south in Rayleigh Road and therefore no objections are raised. Whilst the dwelling will overlook the end of gardens in Oakwood Villa, given the separation distance of 9.6m to the boundary of plot '5' and orientation of the dwellings at an oblique angle. The relationship is found to be acceptable.
- 4.31 Due to the positioning of the dwellinghouses in relation to the properties to the north, east and west, the scale, orientation, fenestration detail of the proposed dwellings would not cause a loss of light, privacy or outlook or an increased sense of enclosure that would justify the refusal of the application.

Sustainable Construction

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

- 4.32 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”.

- 4.33 The provision of renewable energy resources should be considered at the earliest opportunity to ensure an intrinsic design. In this instance the applicant has indicated that photovoltaic panels will be used to meet the requirement of policy KP2 of the Core Strategy and further details can be required by condition if this application is deemed acceptable.

- 4.34 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

Impact on street tree

- 4.35 The application is accompanied by an Arboricultural report, demonstrating that the mature preserved tree to the front of the site will not be affected by the formation of car parking spaces to serve plots 1-4. The tree protection method statement accompanying this application states a 'no dig' surface construction method will be required within the root protection zone and subject to appropriate conditions no objections have been raised by the Councils Arboriculturalist. In relation to the loss of a different street tree to extend the existing vehicle crossover, it is considered to be a young specimen with limited amenity value. Whilst the loss is regrettable the Council will seek a two for one replacement when dealing with the landscaping condition in accordance with policy DM1 of the Development Management Document.

Permitted Development Rights

- 4.36 It is noted that given the limited size of the plot and buildings, any alterations/extension of the dwellings allowed by the General Permitted Development Order or any order revoking and re-enacting that Order with or without, modification, 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

National Planning Policy Framework; Community Infrastructure Levy Charging Schedule

- 4.37 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.
- 4.38 This application is CIL liable. The existing floorspace can be taken into account as this satisfies the 'in-use' test. The site is located within CIL Zone 3. Therefore, the required CIL payment is £8236.80.

Conclusion

4.39 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. Whilst the loss of the community facility is regrettable, new family housing in this location is welcomed. The dwellinghouses by reason of their design, scale, amenity space and parking provision would provide a positive addition within the streetscene enhancing the overall character and appearance of the surrounding locality while providing adequate amenities for future occupiers whilst protecting the amenities of neighbouring properties.

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), CP6 (Community Infrastructure), 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), DM7 (Dwelling Mix), DM8 (Residential Standards). DM15 (Sustainable Transport Management)

5.4 SPD1 Design & Townscape Guide 2009

5.5 CIL Charging Schedule

5.6 Technical Housing Standards Transitional Policy Statement (October 2015)

6 Representation Summary

Design and Regeneration

6.1 No objections

Traffic and Transportation

6.2 The proposal has provided 12 car parking spaces for each dwelling which meets the current Development Management Policy guidance. The applicant will be required to reinstate any disused vehicle crossovers and will also be responsible for the relocation of the existing pedestrian crossing point which currently would be in conflict with the proposed vehicle access from Rayleigh Road. These works will have to be carried out under a Section 278 agreement. No objections are raised in relation to the loss of the street tree, which can be replaced two for one.

Consideration has been given to the existing site use which has the potential to generate a significant number of vehicle movements. The proposal would represent a reduction in vehicle movements within the local area.

Trees

- 6.3 The tree to the front of the site is a mature multi stemmed Lombardy poplar with dense ivy cover on the stem. The tree is approx. 20m in height and has been previously reduced at 10 m. It is not on the site proposed for development but within the adjacent property. The presence of the ivy and hedgerow make it difficult to inspect the stem of the tree but Lombardy poplars of this age are sometimes liable to decay and decline especially when they have been reduced. They also require periodic repeated crown reduction to retain them safely which detracts from their visual amenity value.

The proposed car park has been moved from the Root Protection Area in accordance with the B.S. 5837 including the submission of a Tree Survey and Arboricultural Impact Assessment and therefore no objection is raised.

Installing the vehicle crossover to the front will result in the loss of a young tree however, a suitable condition can be imposed to ensure a two for one replacement.

Environmental Health

- 6.4 No objection to the principle of development. However, demolition and construction can give rise to public health issues and a number of conditions in relation to asbestos, demolition and construction should be imposed if the application is deemed acceptable.

Essex and Suffolk Water

- 6.5 The existing apparatus does not appear to be affected by the proposed development and no objection is raised subject to compliance with water requirements. Consent is given to this development on the condition that a new metered water supply is provided for each new dwelling for revenue purposes.

Anglian Water

- 6.6 No comment as the proposal is below the threshold of 0.5 hectares.

Essex Fire Service

6.7 Access is satisfactory for fire service.

Water supplies-additional water supplies for fire fighting maybe necessary for this development including sprinkler systems.

Public Consultation

6.8 A site notice displayed on the 19th January 2017 and 16 neighbours notified of the proposal. Three letters of representation have been received stating:

- Proposal would be detrimental to highway safety
- Dwellings fronting Rayleigh Road will have an adverse effect on rights to light and result in overlooking and existing extensions of properties surrounding the site have not been considered **[Officer Comment: Rights to light is a civil matter and not a material planning consideration];**
- Overlooking and loss of privacy to surrounding residents;
- Loss of community space **[Officer Comment: The site is not safeguarded by planning policies within the Development Management Document or the Core Strategy];**
- CIL should be applied **[Officer Comment: The CIL contribution required for this development equates to £8236.80 and the applicant will be required to pay the fee];**
- Street lighting **[Officer Comment: The proposal will not result in the loss of street lighting]**
- Landscaping and public realm has not been provided and may harm trees and other vegetation **[Officer Comment: A full landscaping scheme and tree protection mitigation measures will be dealt with by condition to ensure soft landscaping is integral to the overall development];**
- Widening of existing access to plots 1 and 4 will conflict with pedestrian refuge island **[Officer Comment: The Council Highway Officer has raised no objection subject to appropriate conditions and vehicles entering and exiting the site along Rayleigh Road can manoeuvre in accordance with policy requirement to come off in forward gear];**
- Impact on the kerbside parking as this proposal will increase people visiting the site and harm residents in Saffory Close **[Officer Comment: The proposal is policy compliant and taking into account the existing use of the community hall it is not considered this proposal will result in greater harm than existing in terms of numbers of visitors]**
- Site levels should be fully explained **[Officer Comment: The applicant has provided drawing 208a that demonstrates site levels and relationships with adjacent dwellings, will not result in demonstrable harm];**
- Refuse collections have not been accounted for with particular reference to plots 1 and 4 and the area is too small to allow refuse vehicles to enter the site **[Officer Comment: the Councils Highway Officer has confirmed on street collection is acceptable in this location];**
- The red line show the stopping up of public land **[Officer Comment: The applicant has confirmed this is under ownership of the applicant];**
- Low boundary fence in this location would not be acceptable **[Officer Comment: Details of boundary treatments will be dealt with by**

condition];

- The six houses will result in overlooking and loss of privacy to no. 6 Oakwood Villas;
- Plot 1 will block out light from the side windows serving no. 6 Oakwood Villa
[Officer Comment: The windows serve non habitable rooms];
- Fumes emitted from the 12 cars will be unacceptable on the health of existing residents;
- The third storey of plot 5 will overlook no. 14 Saffory Close

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.

6.10 Councillor Walker has requested this application be dealt with by Development Control Committee.

7 Relevant Planning History

7.1 Change of use of Chapel (Class D1) to Office (Class B1) and form parking to side-Granted (16/00639/FUL)

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: 202c House Type A; 203c House Type A; 204 House Type B; 205b Block Plan; 207b Streetscene Elevation, 208a sections, site location plan 001

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, dormers, porch canopy, 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 only be carried out in accordance with the approved details.

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

- 04 No development approved by this permission shall be commenced until the Local Planning Authority has approved in writing a full scheme of highways works (including detailed designs and contract details) and the relevant highways approvals are in place, in relation to the resiting of the traffic island and works to street trees. The works shall thereafter be undertaken in accordance with the approved details and completed prior to first occupation of the development hereby approved unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of highways management and safety in accordance with (Core Strategy) DPD1 policy KP2, CP3, CP4; (Development Management) DPD2 policies DM13 and the Design and Townscape Guide SPD1.

- 05 The development shall not be occupied until 12 car parking spaces have been provided at the site in accordance with drawing 205b Block Plan, 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.

- 06 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

- 07** 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 - Recommendations has been agreed in writing by the local planning authority. These measures shall be carried out as described and 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.

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

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

- 09** 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).

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

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

- 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) Policy DM1 and SPD1 (Design and Townscape Guide).

- 12 Prior to their occupation the proposed first floor windows in the flank elevations of the houses 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 policy DM1 and advice contained within the Design and Townscape Guide SPD1.

- 13 Prior to installation of any external lighting, 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 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, National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and DPD2 (Development Management Document) 2015 policy DM1.

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.

02 Consent is given to this development on the condition that a new metered water supply is provided for each new dwelling for revenue purposes.

03 Water supplies-additional water supplies for fire fighting maybe necessary for this development including sprinkler systems.

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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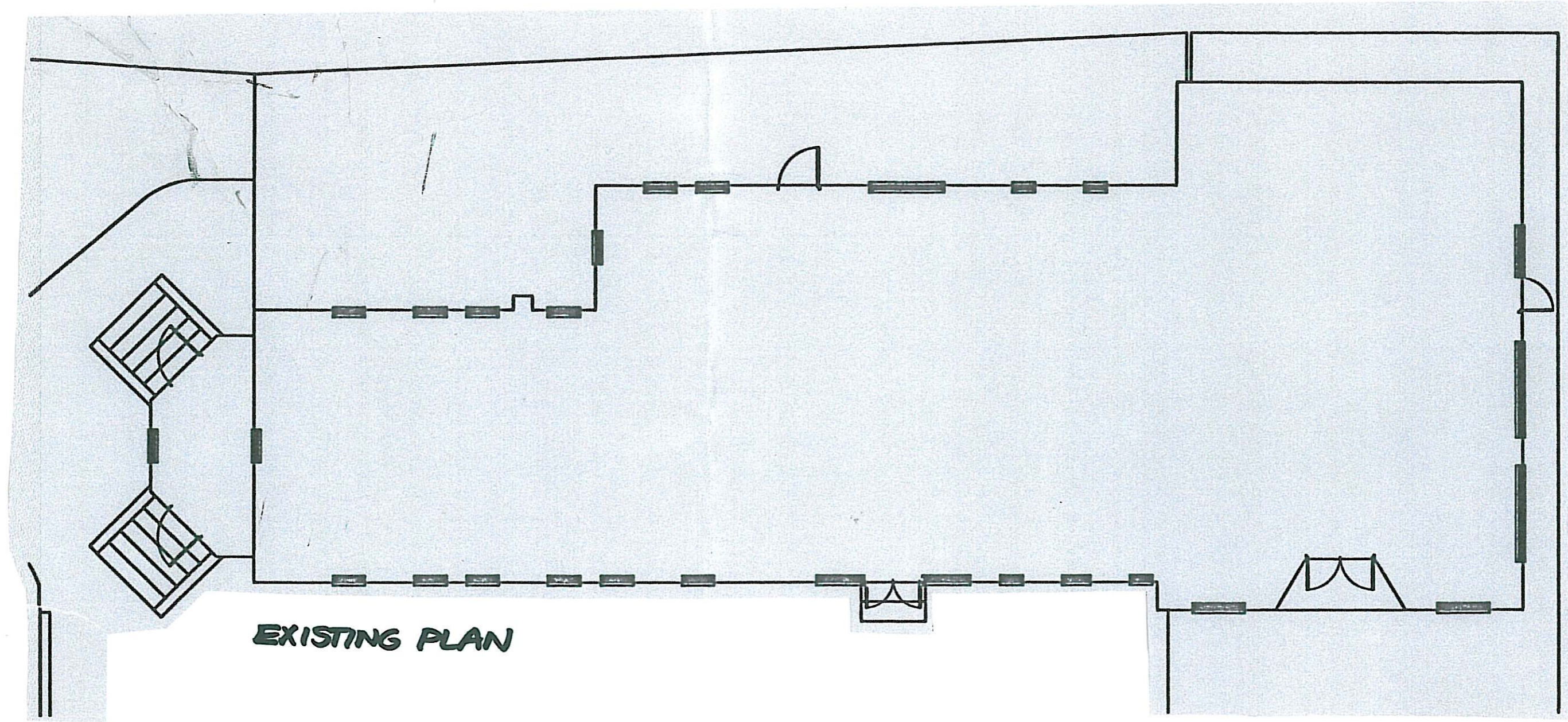


Project:
Proposed Development
 Former ERC Church
 Rayleigh Road
 Leigh on Sea, Essex
 Drawing title:
 Site Location Plan

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Client: Mr Lehman		DWG No. 001
Scale: 1:500 @ A4		Project No. ERC
Date: Oct'16		
Dwn. GC	Chk.	
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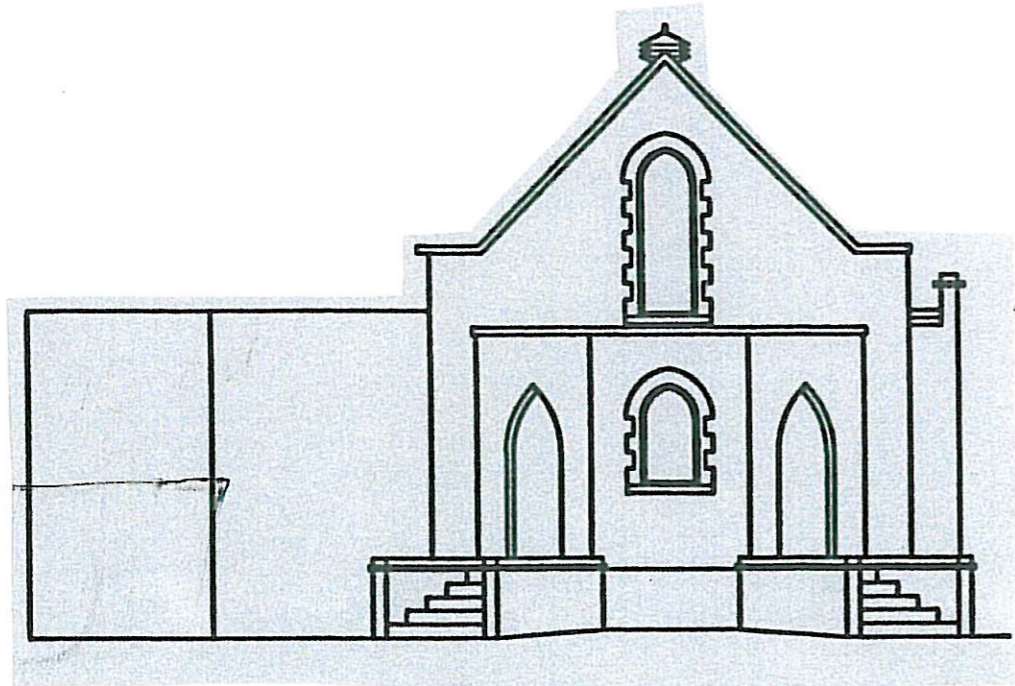
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Proposed Development
ERC Church
Rayleigh Road
Leigh on Sea
Drawing title:
Existing Plan

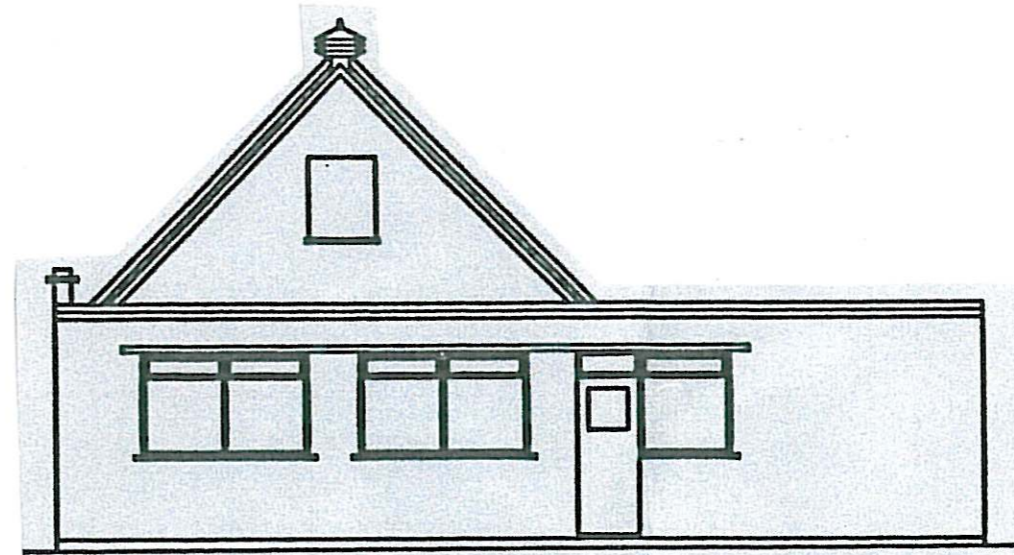
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Client:
Mr P Lehman
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Date:
Dec'16
Dwn:
Chk:
Project No.
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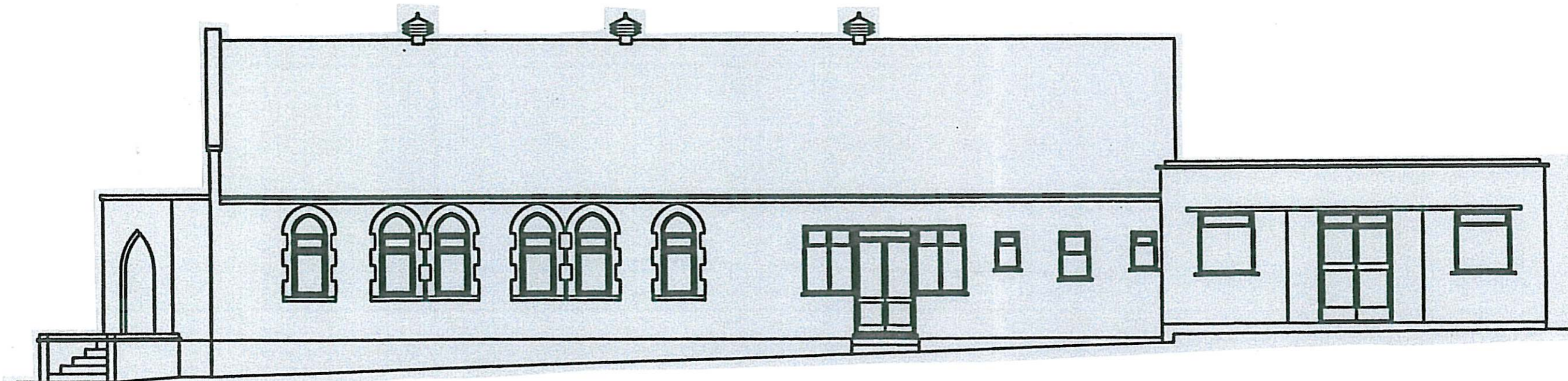
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FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION

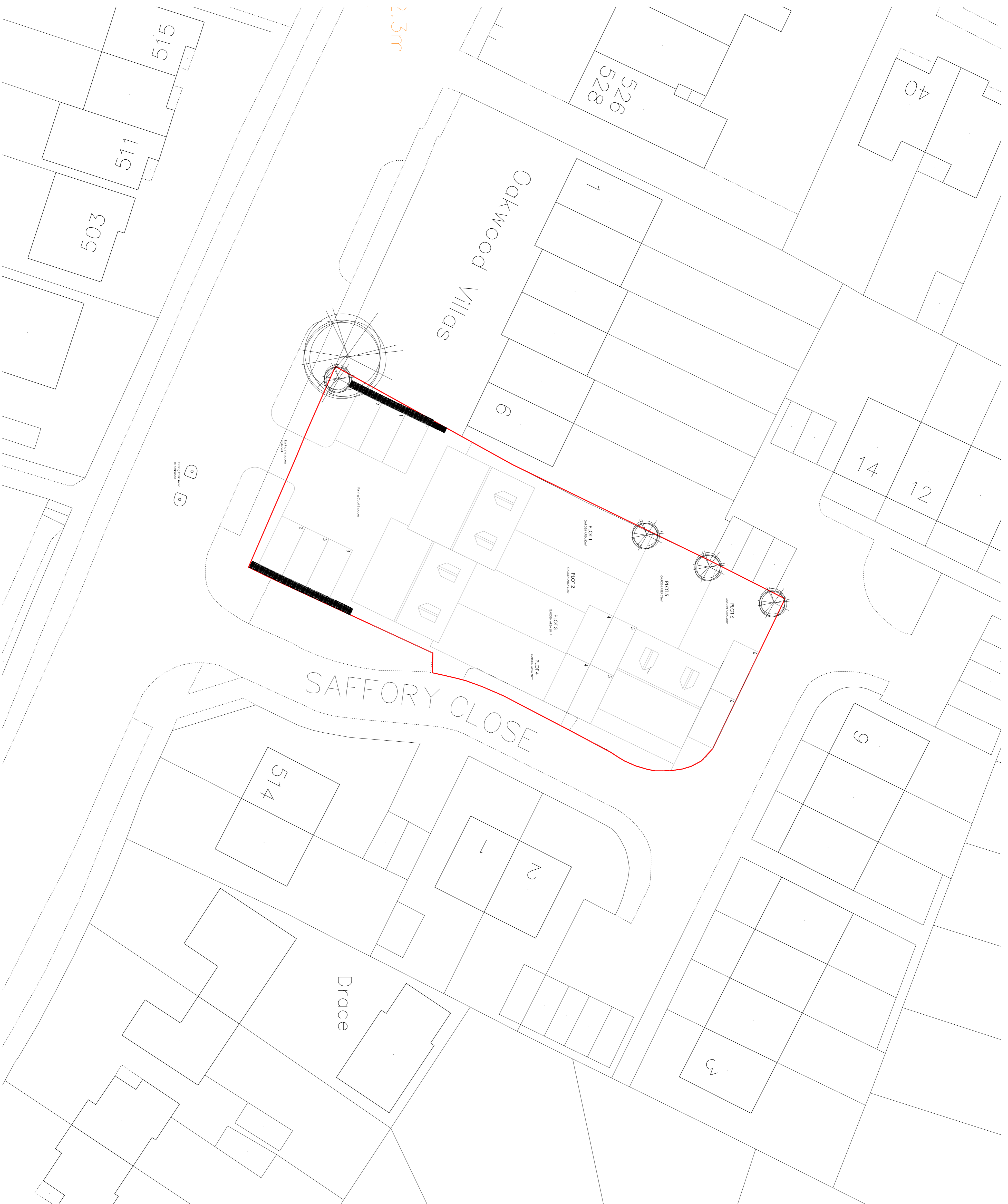
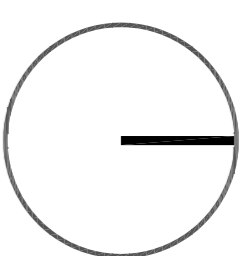
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Project:
Proposed Development
ERC Church
Rayleigh Road
Leigh on Sea
Drawing title:
Existing Elevations


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Scale:
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Date:
Dec'16
Dwn:
Chk:
Project No.
644
DWG No.
201
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Rev.	Date	Amendment	Dwn.
b	Mar'17	Plot 3 & 4 position revised	
a	Feb'17	Site layout and parking revised	

Proposed Dwellings

Former ERC Church
 Royleigh Road, Leigh on Sea
 Essex



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Block Plan

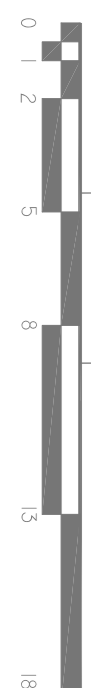
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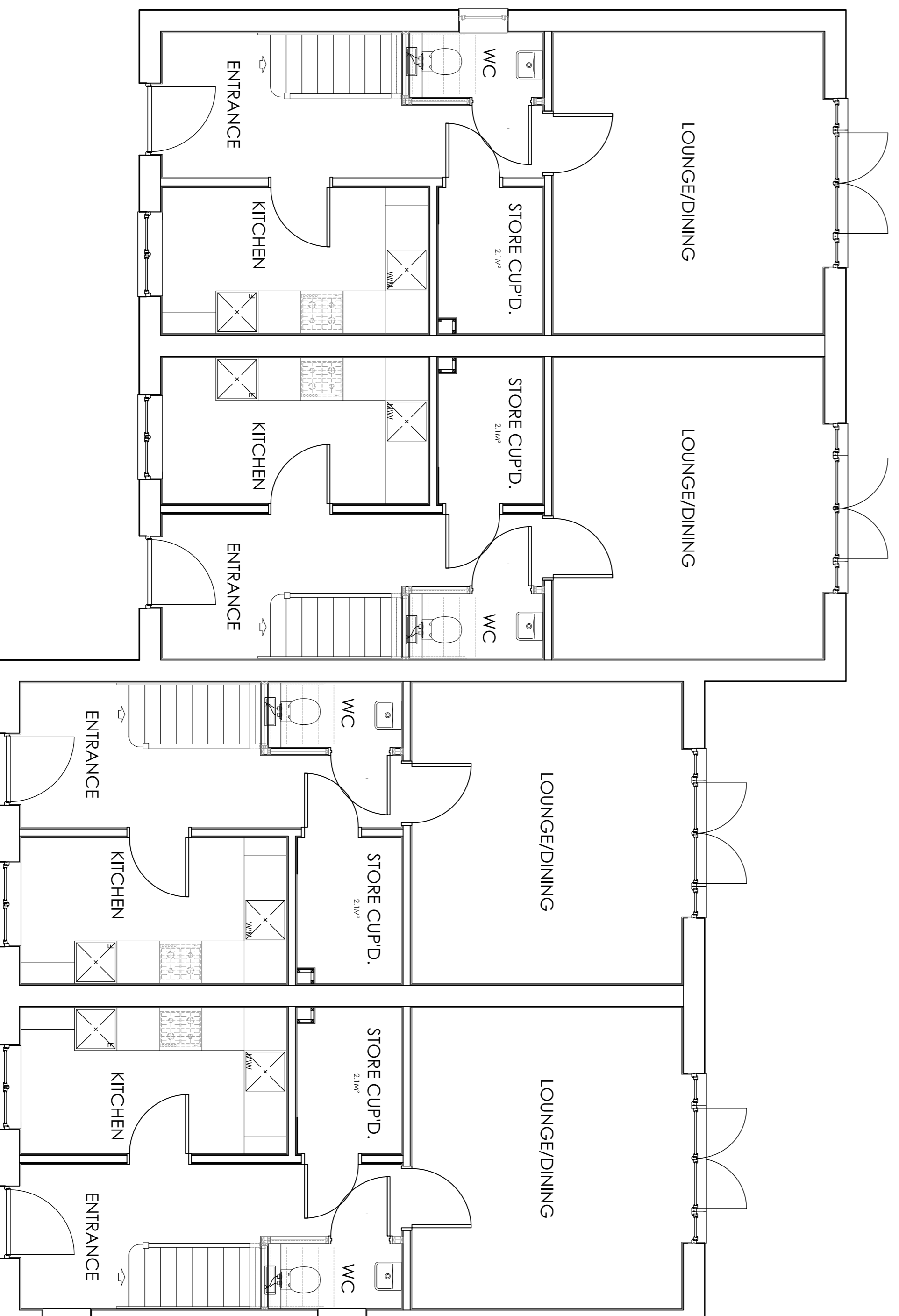
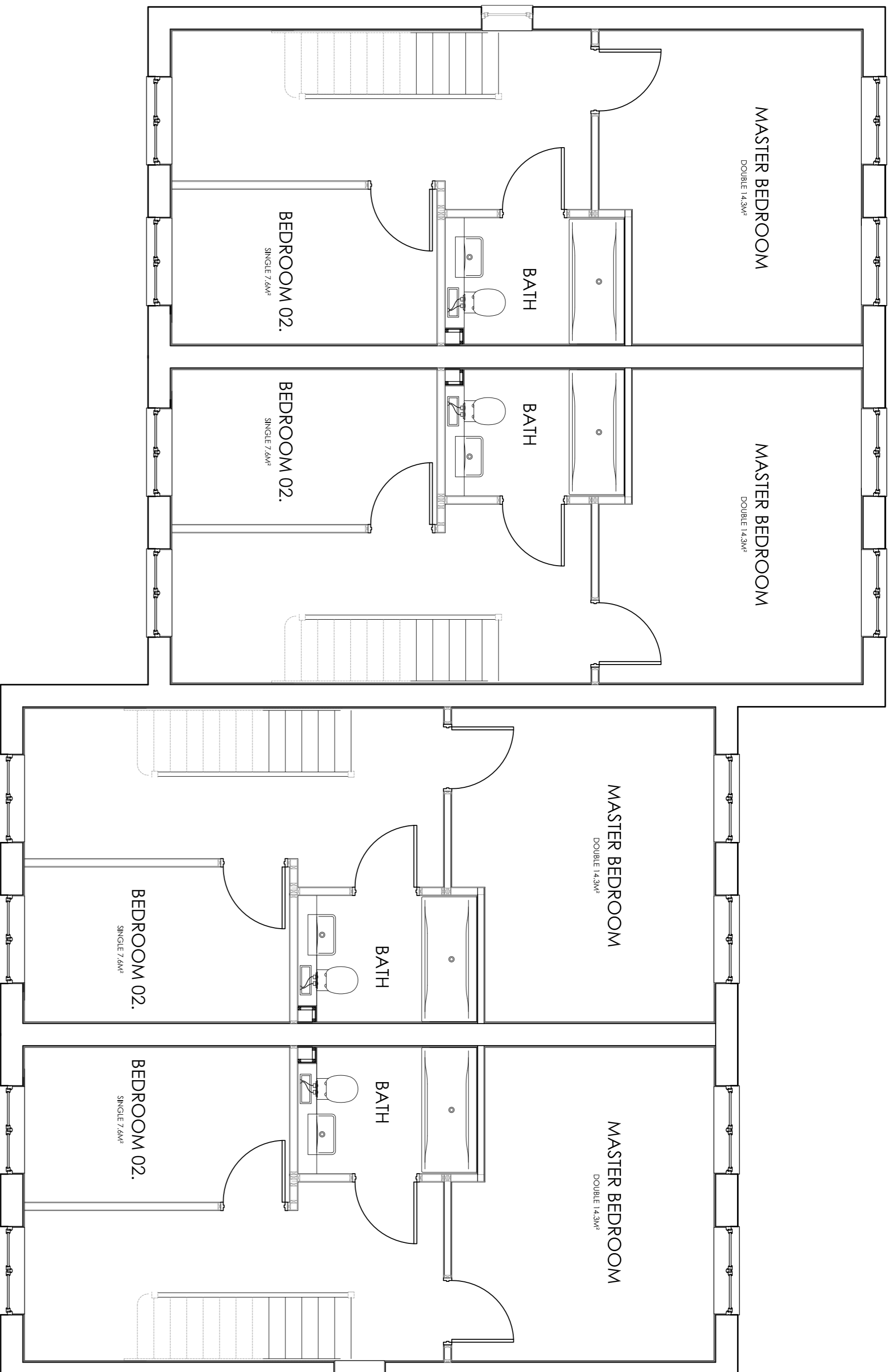
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DWG No. **2051b**

Dwn: GC
 C/Nk: 644



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Rev.	Date	Amendment.	Drawn
c	March 17	Plans reviewed, Plots 3 & 4 revised in height	
b	March 17	Plans reviewed, Plots 3 & 4 reduced in height	
a	Feb 17	Plans reviewed	

Proposed Dwellings

Former ERC Church
 Royleigh Road, Leigh on Sea
 Essex



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House Type A

Client:

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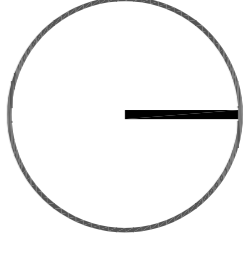
Date: Nov 16

Project No: 644

Drawn: GC

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0	March 17	Part 3 & 4 reduced in height and dormers to second floor from elevation removed.	Dwn.
1	March 17	Part 3 & 4 reduced in height and dormers to second floor from elevation removed.	Dwn.
2	March 17	Part 3 & 4 reduced in height and dormers to second floor from elevation removed.	Dwn.

Proposed Dwellings

Former ERC Church
 Royleigh Road, Leigh on Sea
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Growing Things
 Streetscene Elevation

Client:

Scale: 1:50 @ A1

Date: Nov 16

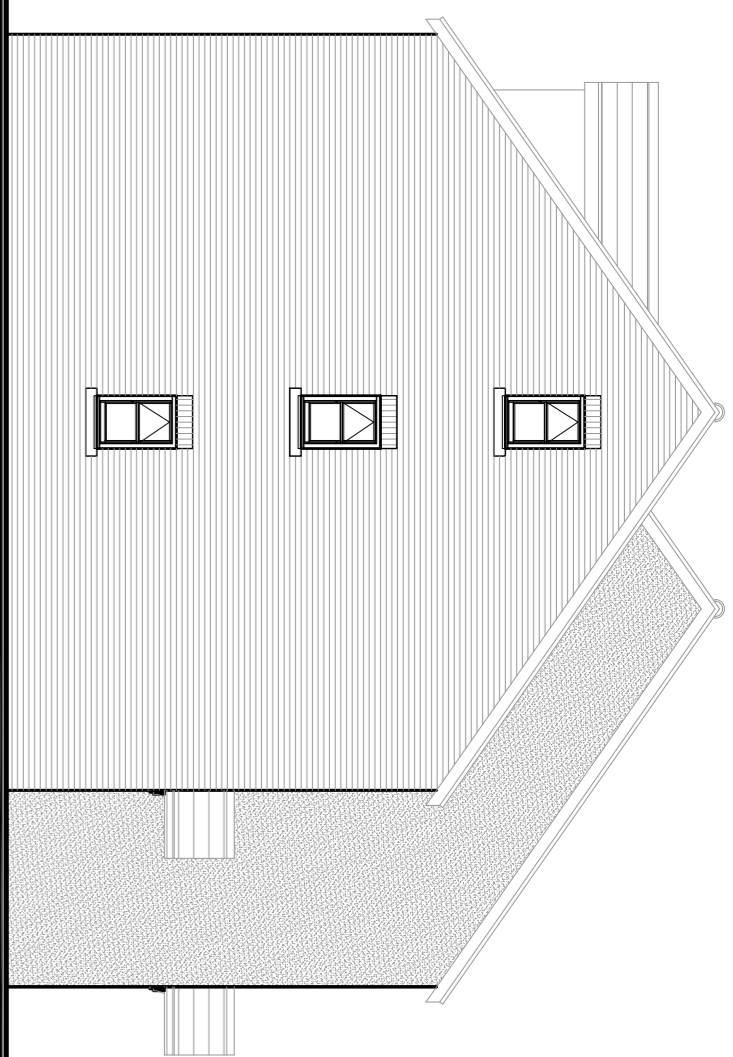
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DWG No: 2076

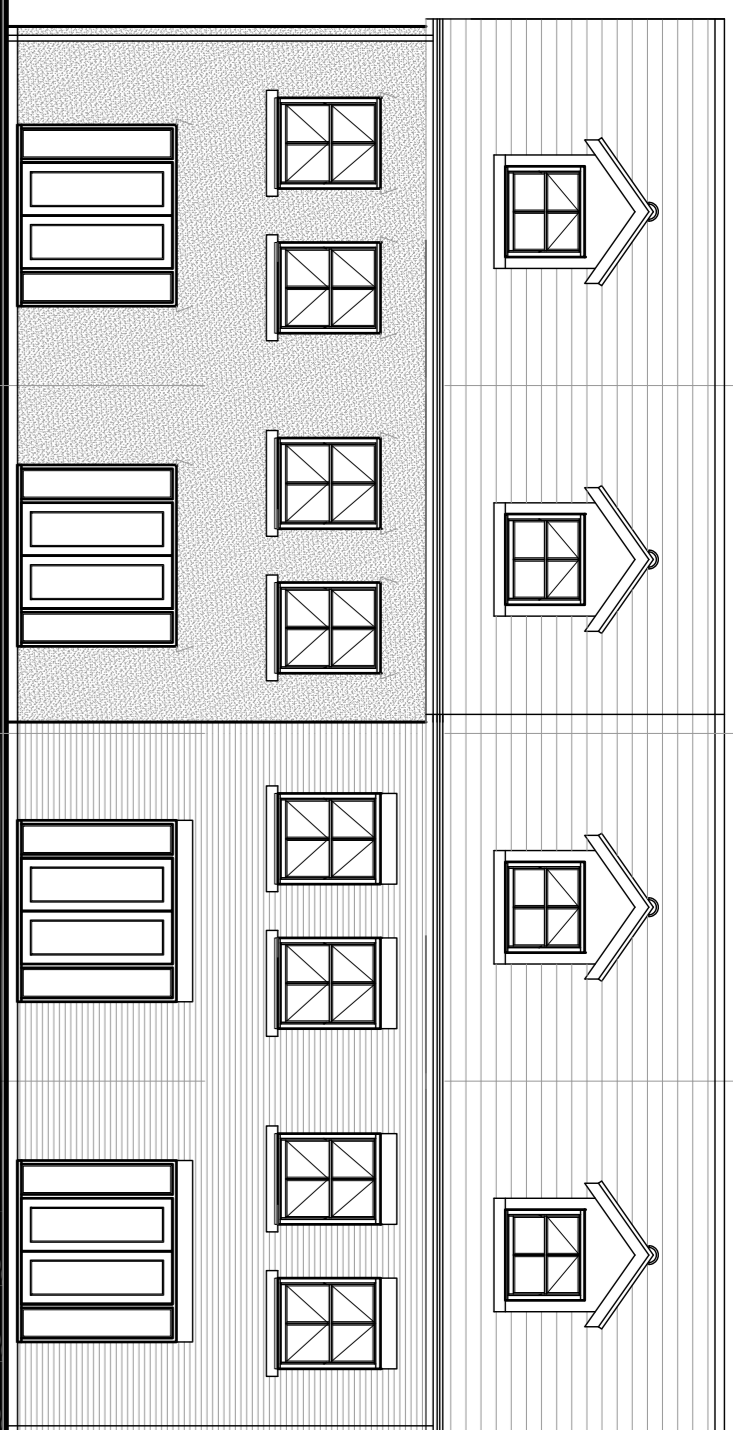
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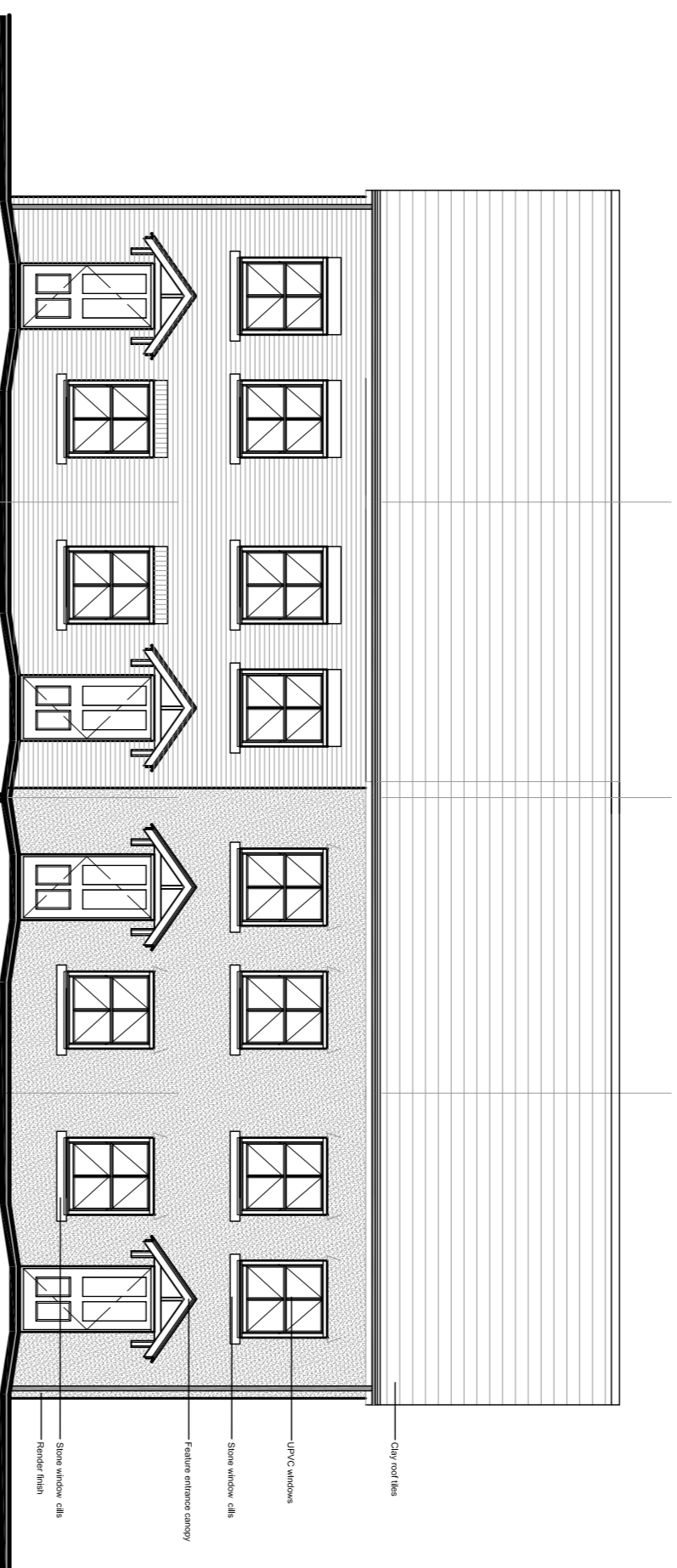
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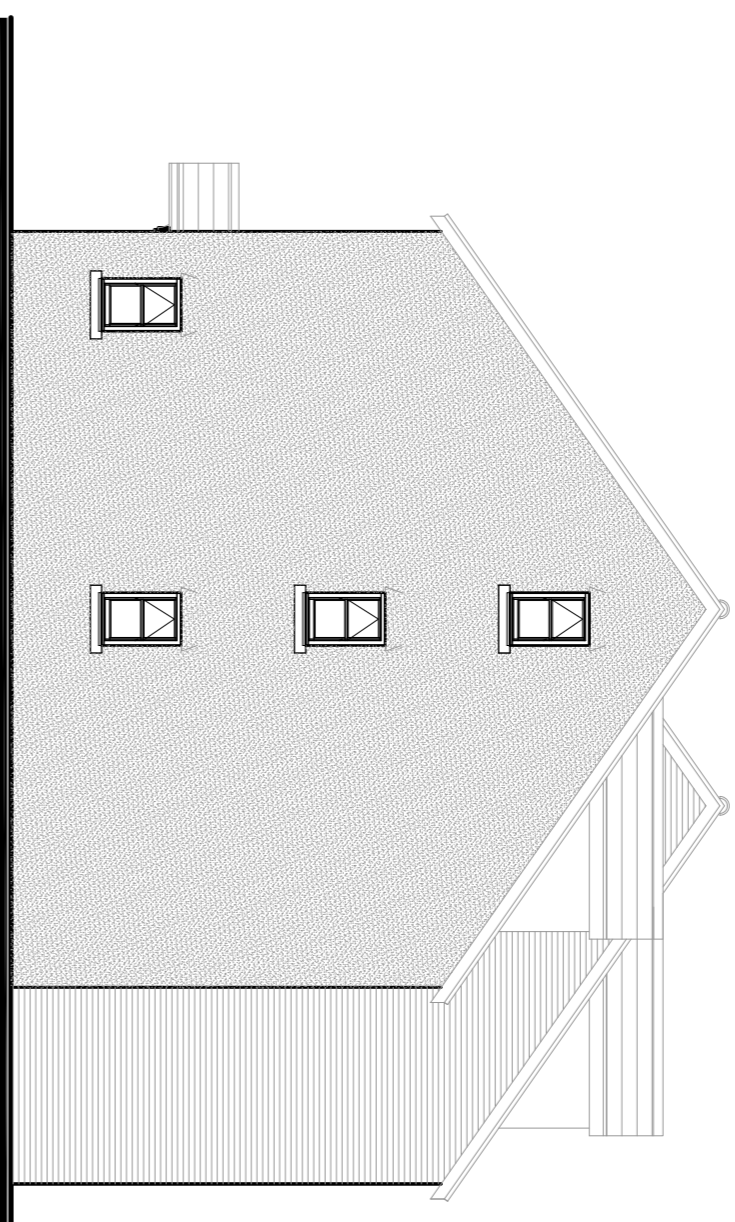
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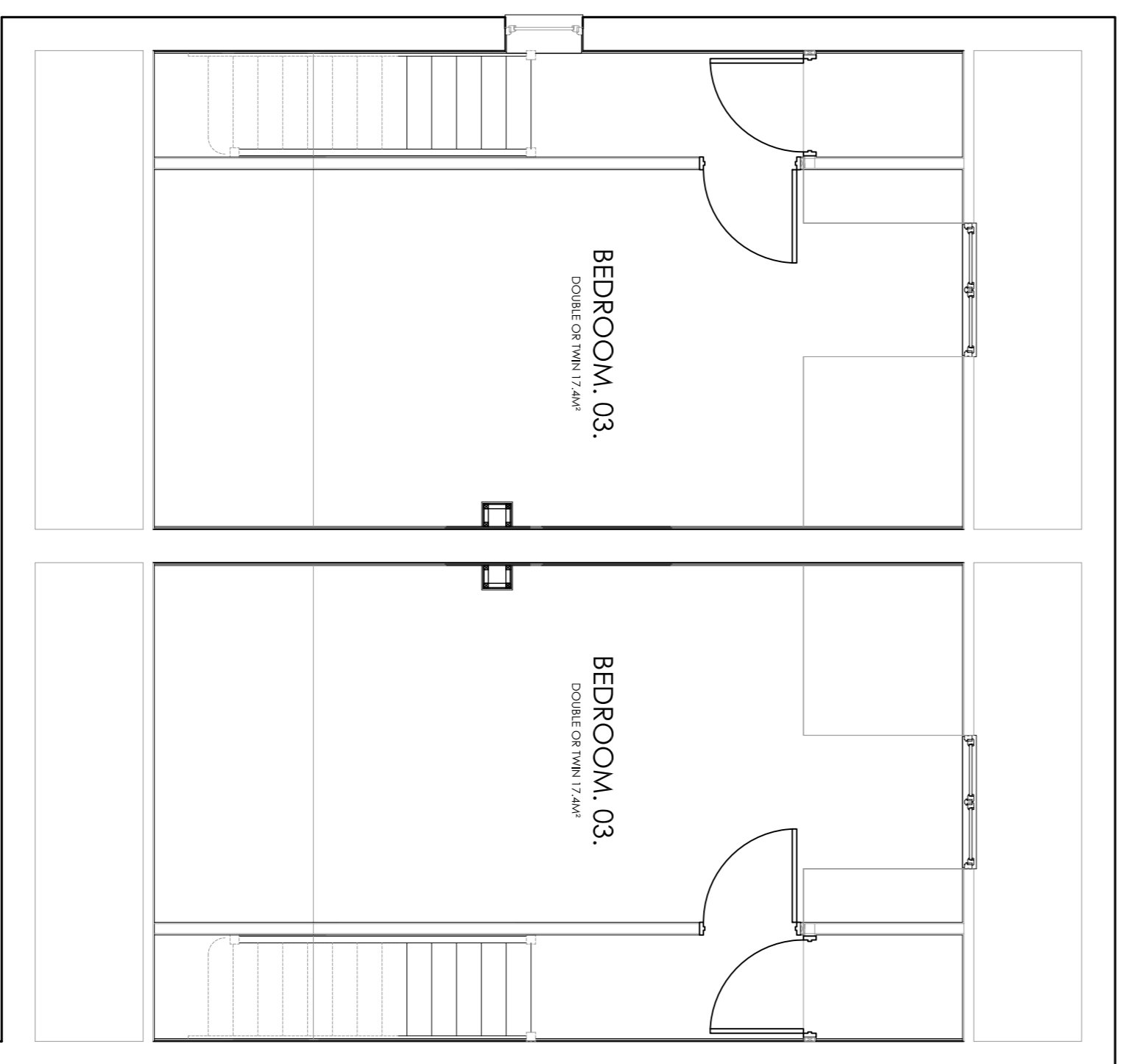
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SCALE 1:100@A1



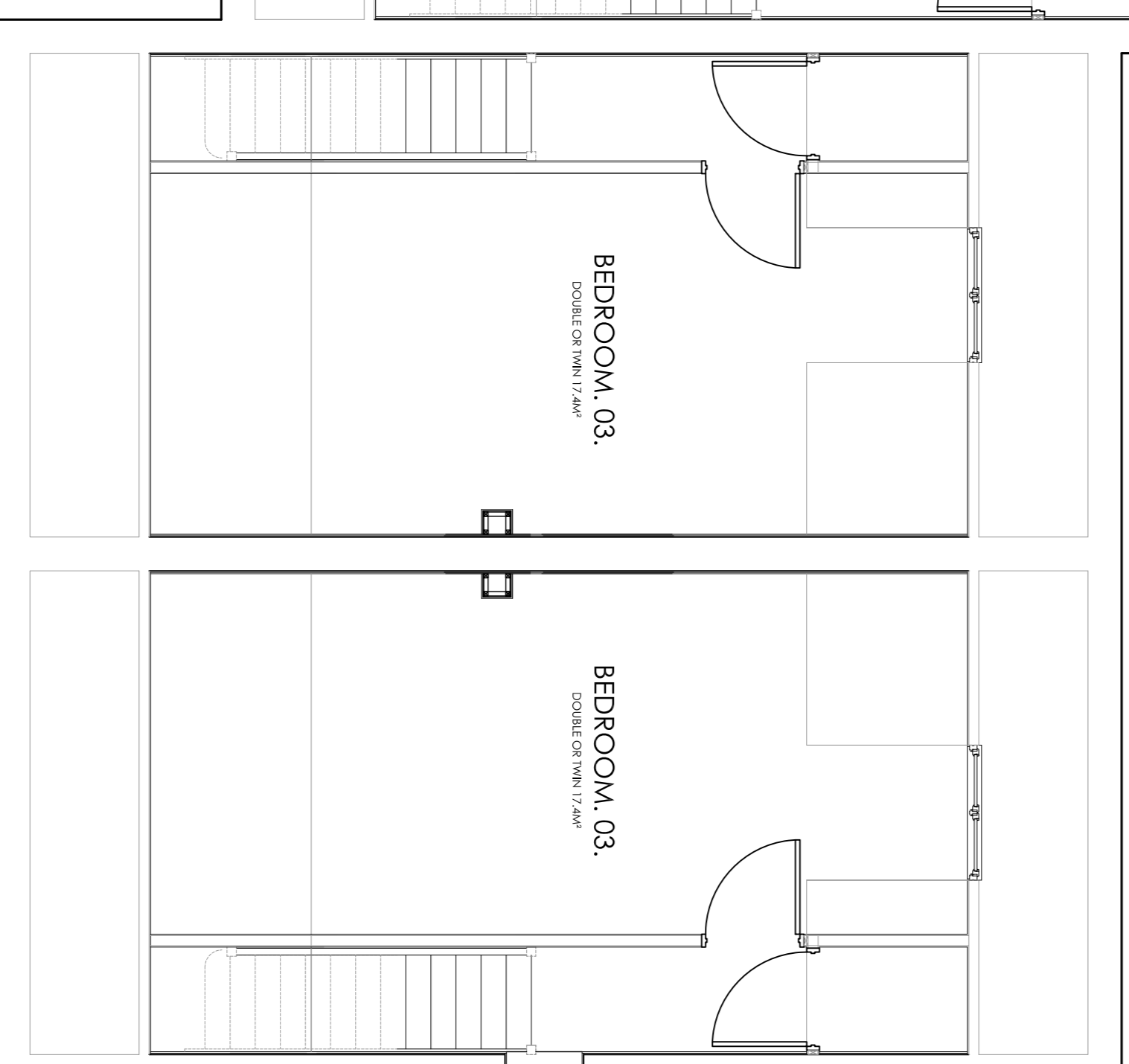
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SCALE 1:100@A1



HOUSE TYPE A SIDE ELEVATION
SCALE 1:100@A1



HOUSE TYPE A SECOND FLOOR PLAN
SCALE 1:50@A1



Rev.	Date	Amendment.	Drawn
c	March 17	LAYOUTS REVISED, PLOTS 3 & 4 REVISED IN HEIGHT	
b	MARCH 17	LAYOUTS REVISED, PLOTS 3 & 4 REDUCED IN HEIGHT	
a	FEB 17	PERMITS/DEVELOPERS REVISED	

Proposed Dwellings

Former ERC Church
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Growing Things

House Type A

Client:

Scale: 1:50 @ A1

Date: Nov '16

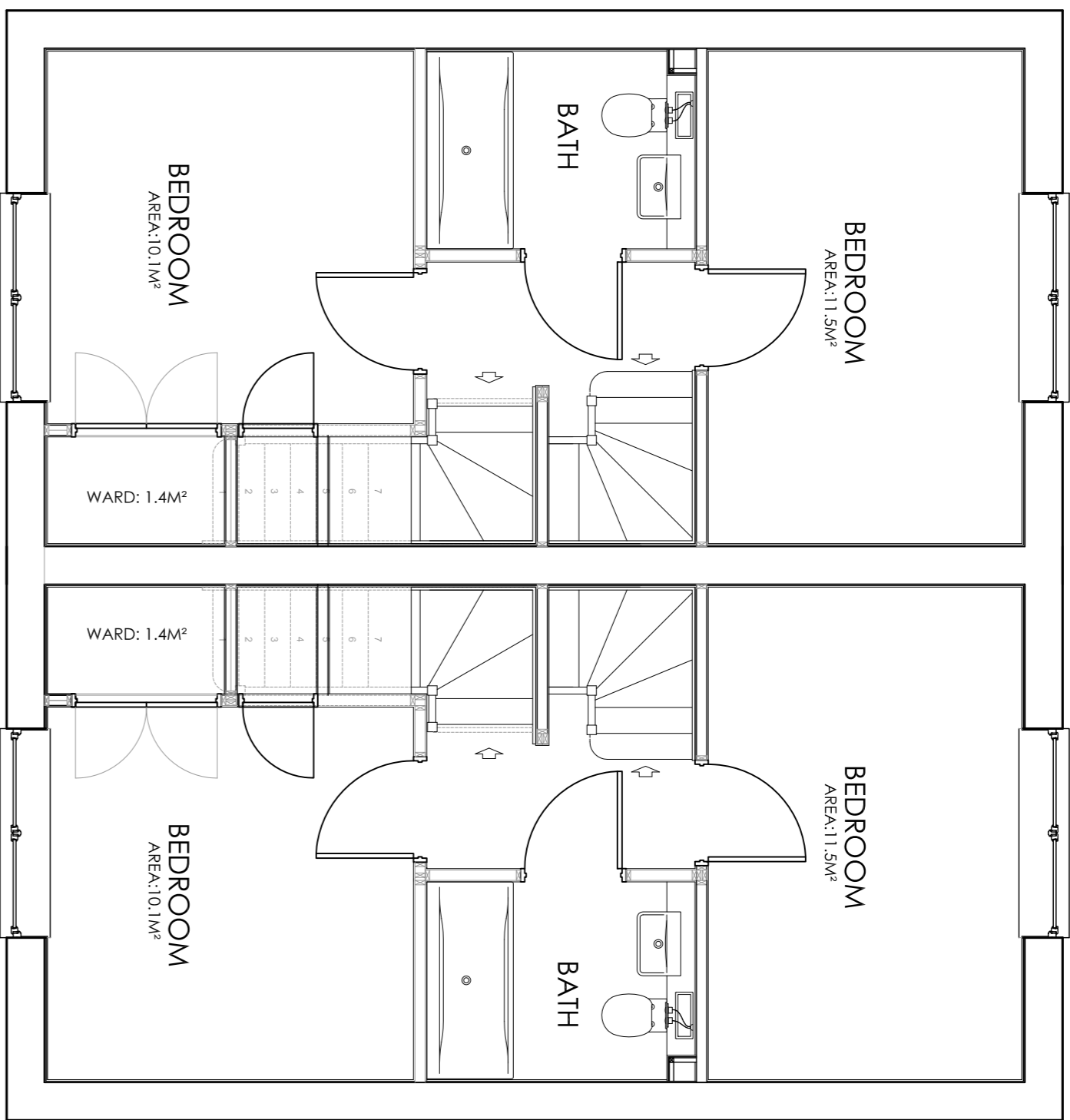
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Project No: 644

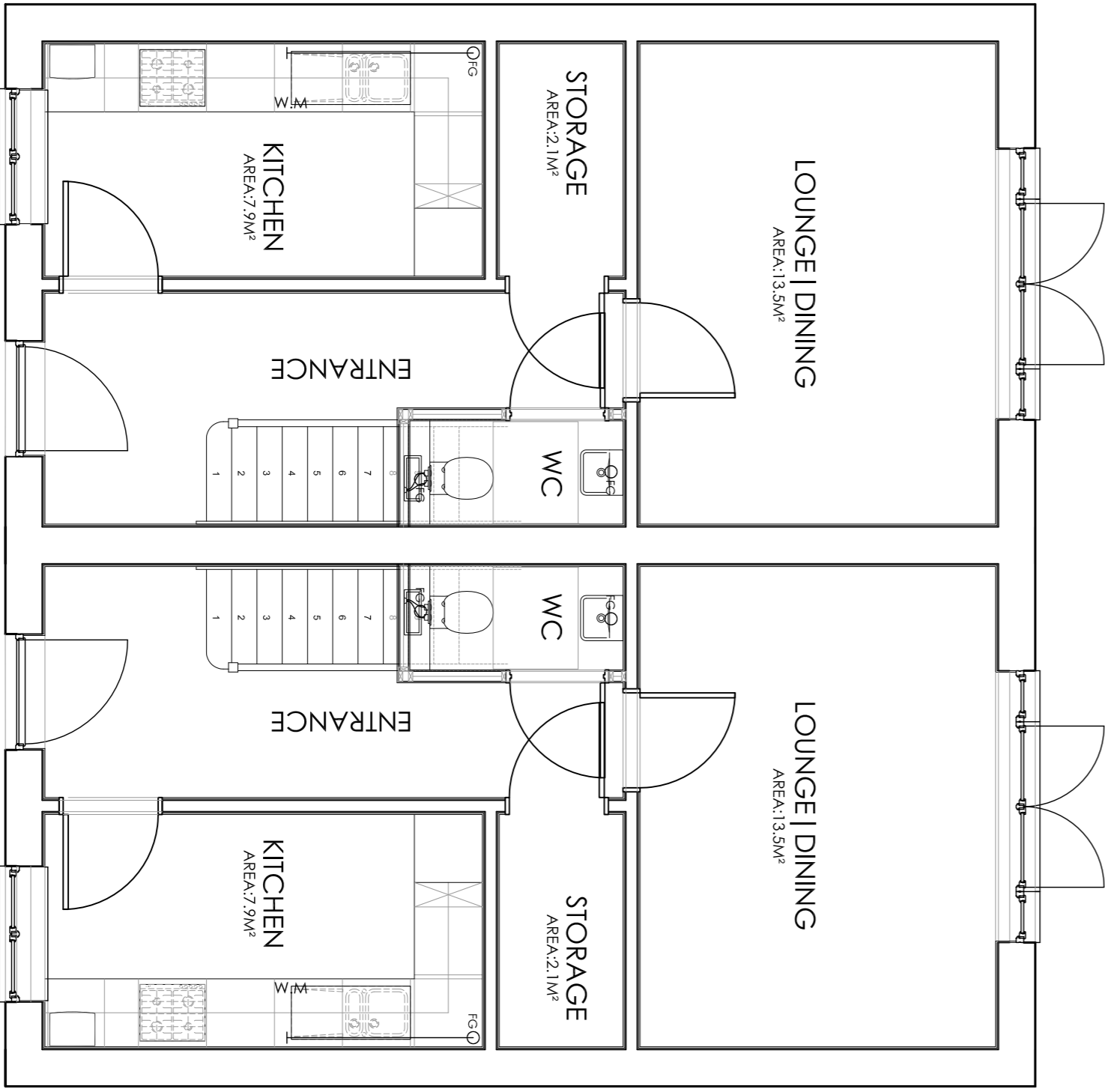


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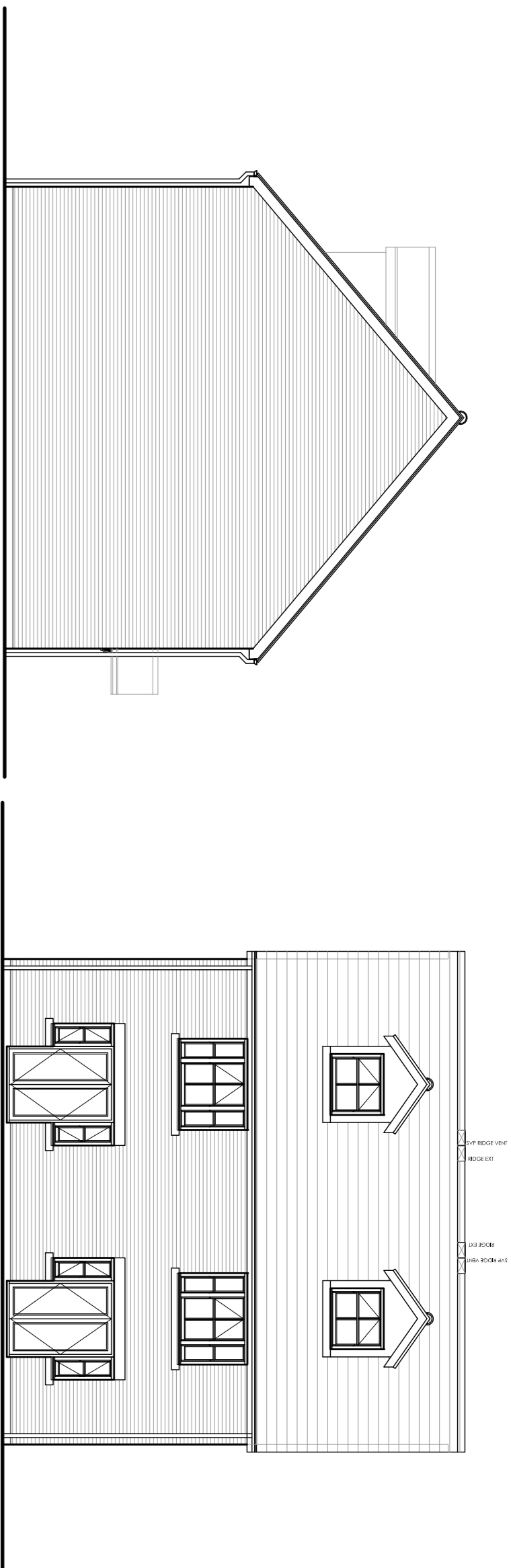
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HOUSETYPE 'B' FIRST FLOOR PLAN
SCALE 1:50@A1

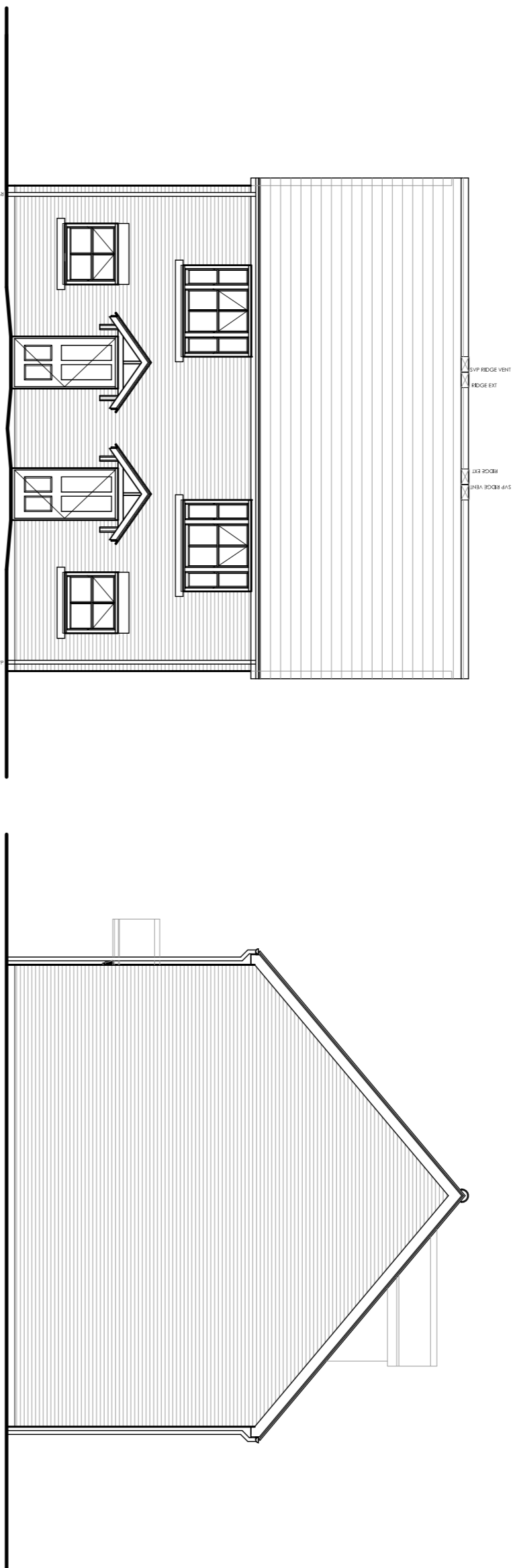


HOUSETYPE 'B' GROUND FLOOR PLAN
SCALE 1:50@A1



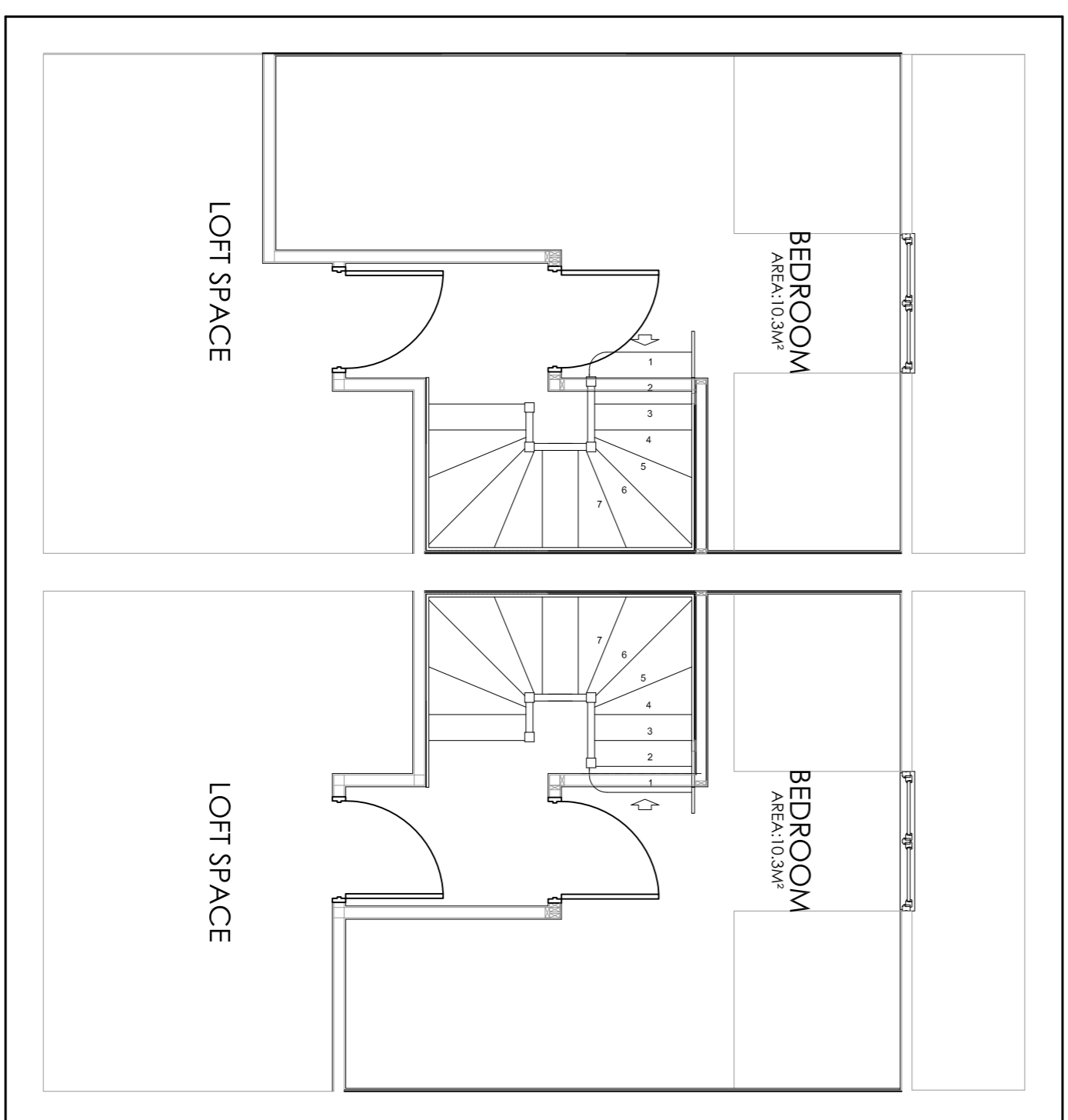
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SCALE 1:100@A1

HOUSETYPE 'B' REAR ELEVATION
SCALE 1:100@A1



HOUSETYPE 'B' FRONT ELEVATION
SCALE 1:100@A1

HOUSETYPE 'B' SIDE ELEVATION
SCALE 1:100@A1



HOUSETYPE 'B' SECOND FLOOR PLAN
SCALE 1:50@A1

Rev.	Date	Amendment	Drawn

Proposed Dwellings

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House Type B

Client:

Scale:

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Date:

Nov'16

Drawn:

GC

DWG No.

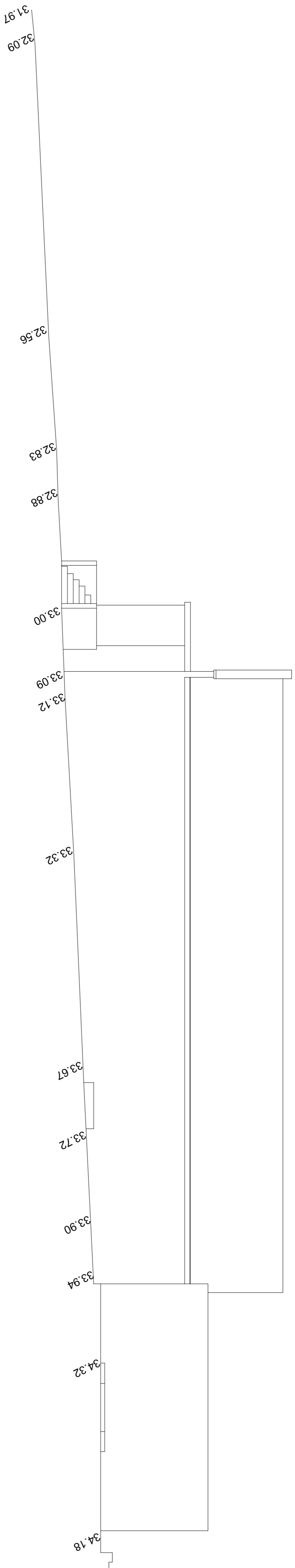
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Project No.

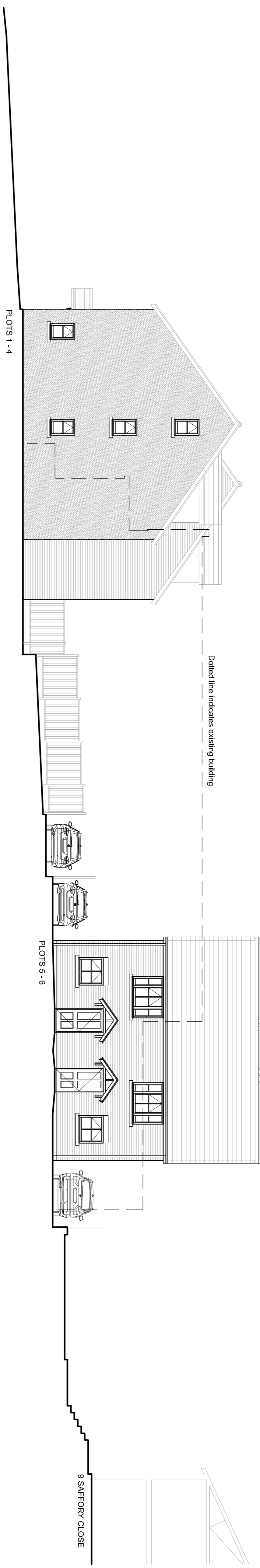
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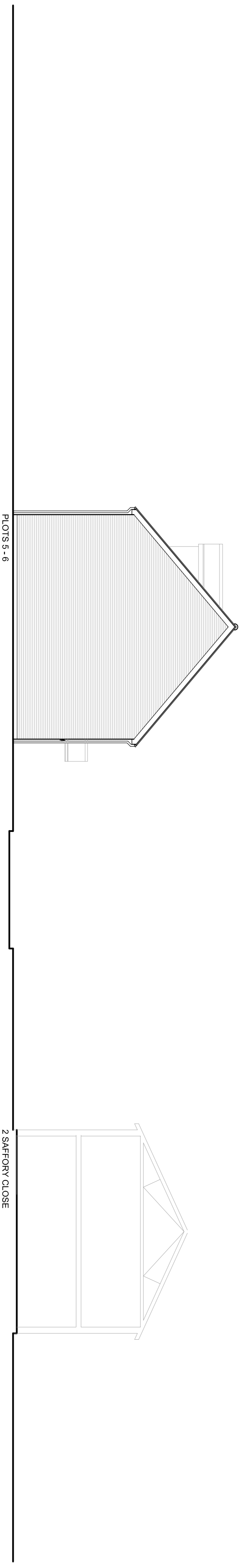
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EXISTING SITE SECTION
SCALE 1:100@A1



PROPOSED SITE SECTION
SCALE 1:100@A1



PROPOSED SITE SECTION
SCALE 1:100@A1

Rev.	Date	Amendment	Drawn

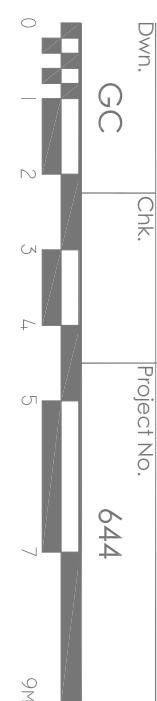
Proposed Dwellings
Former ERC Church
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Essex



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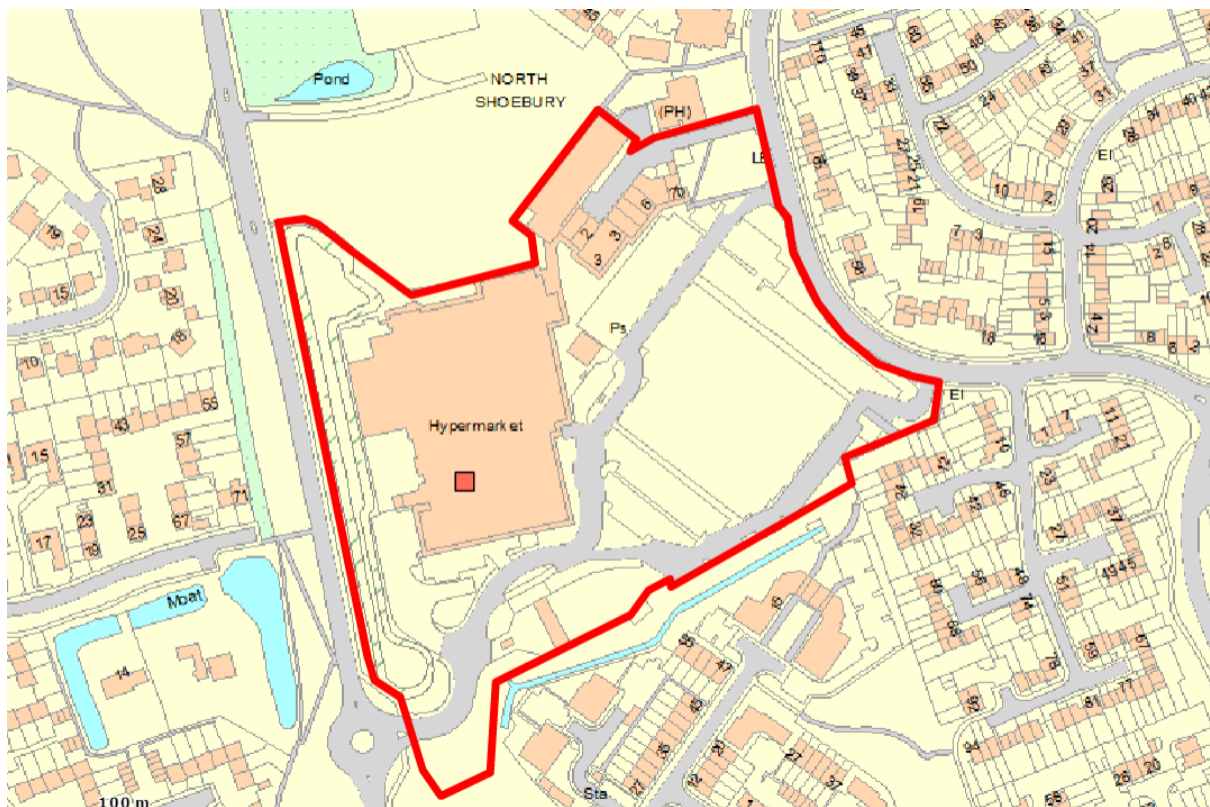
Client: _____

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Date: Nov'16
DWG No: **208a**
Project No: 644



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Reference:	17/00446/FULM
Ward:	Shoeburyness 9
Proposal:	Car park alterations, relocation of lighting columns and associated works
Address:	Asda, North Shoebury Road, Shoeburyness, Southend on Sea, Essex
Applicant:	Asda Superstores Limited
Agent:	Gleneagles Project Services Limited
Consultation Expiry:	21.04.2017
Expiry Date:	20.06.2017
Case Officer:	Janine Rowley
Plan Nos:	1953 4606 LP01 Revision A Location Plan; 1953 4606 Proposed Layout (PL01)
Recommendation:	GRANT PLANNING PERMISSION



The Proposal

- 1.1 Planning permission is sought to alter the existing car parking layout and reduce the number of car parking spaces from 513 to 464 spaces together with the repair and repositioning of existing lighting columns. Associated works are also proposed to the existing car parking bays, including a reduction in the number of pedestrian walkways from 4 to 2 and the repositioning of lighting columns which are 8m in height.
- 1.2 The supporting information accompanying this application states that following consultation with store customers, it has been determined that the current parking bay dimensions are too narrow and customers find it difficult to park. The applicant is therefore seeking to increase the existing bay widths from 2.4m wide to 2.6m wide and the length of the spaces are to be increased from 4m to 4.8m.
- 1.3 The proposed revised layout reduces the number of standard car parking spaces by 70, but the number of disabled car parking spaces will increase from 20 to 28 and parent and child spaces from 17 to 30. Overall 49 parking spaces would be lost on site. The access to the store will remain as existing both from North Shoebury Road to the west and Frobisher Way to the east.
- 1.4 The application is accompanied by a Design and Access Statement and Car Park Capacity Survey.

2 Site and Surroundings

- 2.1 The site contains a supermarket and parking located to the northeast of North Shoebury Road. North Shoebury Road runs through the site linking to Frobisher Way to the east. The 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 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 existing car parking layout and resiting of lighting columns subject to all other relevant planning considerations detailed below.

Design and impact on the character of the area

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

- 4.3 It is not considered the alterations to the car parking layout will harm the existing character of the site or wider area including resiting of the lighting columns. The columns are no more prominent than existing situation and they are only being resited due to the reconfiguration of the parking bays.

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 east via North Shoebury Road and Frobisher Way to the west. The existing disabled and parent and child parking spaces are located to the northeast of the main entrance to the store. The existing layout benefits from 476 standard parking spaces, 20 disabled spaces and 17 parent and child parking spaces therefore an overall total of 513.
- 4.5 The proposed layout reduces the number of standard car parking spaces by 70. Disabled car parking spaces will increase from 20 to 28. Parent and child spaces from 17 to 30. The net overall loss of parking at the site equates to 49. The access to the store will remain from North Shoebury Road to the west and Frobisher Way to the east.
- 4.6 The application is accompanied by a 'Car Park Accumulation Survey' dated February 2-17 (reference GPS 2044). The survey on the existing car park capacity was carried out on the following dates between the hours of 00:00-23:00 hours:
- Thursday 12.01.2017- Sunday 15.01.2017;
 - Thursday 19.01.2017- Sunday 22.01.2017;
 - Thursday 26.01.2017- Sunday 29.01.2017;
 - Thursday 02.02.2017- Sunday 05.02.2017

4.7 The supporting information for car park survey results are as follows:

- Thursday 12.01.2017- Sunday 15.01.2017 the peak times occurred at 13:00 hours and 14:00 hours with 217-293 spaces where available equating to 58.5% and 43.9% usage of the existing car park;
- Thursday 19.01.2017- Sunday 22.01.2017 the peaks times occurred at 13:00 hours and 15:00 hours, with 205-245 spaces available equating to 60.8% and 53.15% usage of the existing car park;
- Thursday 26.01.2017- Sunday 29.01.2017 the peak times occurred at 10:00, 14:00 and 15:00 hours, with 160-237 spaces available equating to 69.4% and 54.68% usage of the existing car park;
- Thursday 02.02.2017- Sunday 05.02.2017 the peak times occurred at 13:00, 14:00 and 15:00 hours, with 139-249 spaces available equating to 73.4% and 52.3% usage of the existing car park

4.8 As stated above in paragraphs 4.7 and 4.8 above, the car parking survey was carried out over a 4 week period on the peak days of Thursday to Sunday. The findings as detailed in paragraph 4.8 above clearly demonstrates the existing car park never reaches full capacity, with a significant number of empty spaces during peak times. Even during the highest usage 139 parking spaces were still available for potential customers visiting the supermarket remained vacant.

4.9 Thus it is clear that there is sufficient capacity during peak hours to allow the redesign of the car park to accommodate additional disabled and parent parking and the resulting loss of 49 car parking spaces and that this reduction will not result in a detrimental impact on parking provision, safety or the surrounding highway network.

4.10 In light of the above, it is not considered the reconfiguration of existing car park, with the loss of 49 spaces, will result in additional parking demand within the surrounding streets. Furthermore, the increase of disabled and parent child parking spaces and increased size of general parking bay are welcomed.

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)

4.11 It is not considered the proposed changes to the existing parking layout or the repositioning of lighting columns will harm the amenities of residential properties given the separation distances to the east and south of between 43m and 73m. 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

4.12 Given the proposal is for the reconfiguration of the existing car park the application is not CIL liable.

Conclusion

- 4.13 The number of parking spaces on site will reduce from 513 to 464 with a net loss of 49 parking spaces. However, the proposed works will increase disabled car parking spaces and parent child spaces near to the main entrance of the store available for customers. The car park accumulation survey carried out by Gleneagles Project Services Limited demonstrates the existing car park does not reach full capacity even in peak hours and therefore no objections are raised on parking or highway grounds. The repositioning of the existing lighting columns and other works will not harm the amenities of nearby residential occupiers given the overall separation distance.
- 4.14 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 objections to the proposed reorientation of the spaces.

Traffic and Transportation

- 6.2 The applicant has provided a comprehensive capacity survey of the existing car park which has included date timed photographs, over a 4 week, 24hr per day period.

The peak vehicle volumes during the survey period and calculated the capacity percentage usage are summarised below:

12th Jan – 15th Jan the average percentage usage is 52%

19th Jan – 22nd Jan the average percentage usage is 60%

26th Jan – 29th Jan the average percentage usage is 62%

2nd Feb – 5th Feb the average percentage usage is 63%

Within the applicants survey using the worst case scenario being Thursday 2nd February 3pm, 73.42% usage occurred however 139 car spaces were still available.

This demonstrates that there is sufficient capacity during peak hours to justify the redesign of the car park to accommodate additional disabled and parent parking including the loss of 49 car parking spaces can be accommodated within the site.

Having considered the information supplied by the applicant within the design and access statement and the comprehensive survey report it is considered that the re-configuration of the car park will not have a detrimental impact upon the surrounding highway network.

7 Public Consultation

- 7.1 Two site notices have been displayed on the 31.03.2017 and no letters of representation have been received in relation to this proposal.
- 7.2 Councillor Hadley has requested this application be dealt with by Development Control Committee.

8 Relevant Planning History

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

- 8.1 Install three non-illuminated panel signs- Pending consideration (17/00368/ADV)
- 8.2 Erect canopy and cabin to North of car park to be used for car valeting- Refused (15/01711/FUL).
- 8.3 Erect external refrigeration and freezer units to South elevation with associated works- Granted (15/00755/FUL).

- 8.4 Erect detached single storey building to front of existing store (Retrospective)-
Granted (14/00642/FUL)
- 8.5 Erect four externally illuminated fascia signs, one non-illuminated hoarding sign and
four non-illuminated signs to proposed canopy area- Granted (13/00572/ADV)
- 8.6 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 1953 4606 LP01 Revision A Location Plan; 1953 4606 Proposed Layout (PL01).**

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

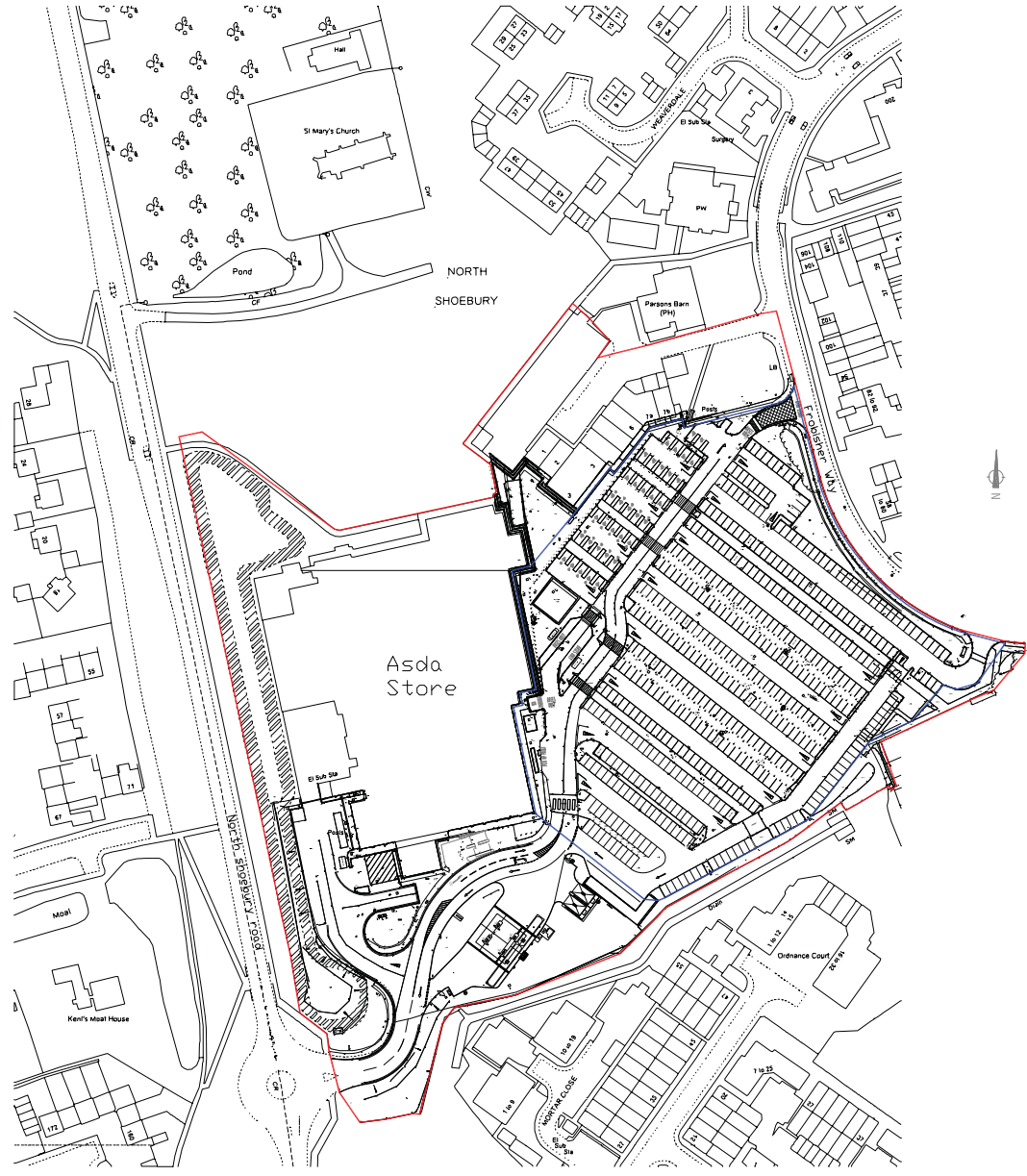
- 3 Prior to commencement of the development hereby approved details of design, height and level of illumination of the lighting columns shall be submitted and approved and built in accordance with the approved details before lighting columns are used.**

Reason: To protect residential amenity and general environmental quality in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4, and policy DM1 of the Development Management Document.

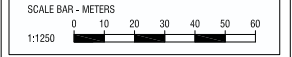
Informative

- 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.**
- 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.**

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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Parking Bay No's	Existing
Standard Bay	476
Disabled Bay	20
Parent and Child Bay	17
Total	513
Trolley Shuttle	11

Key:

Land Ownership Boundary

Land Development Boundary

Rev	Date	Amendment	OCB	KM
A	21.03.17	Red line amended to include store	OCB	KM

Status

PLANNING

Project No	Dwg No	Rev
1953 4606	LP01	A

Dwg Title
 Location Plan

Date	Mar 2017	Scale	1:1250 @ A2
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Drawn	OCB	Designed	KM	Checked	KM
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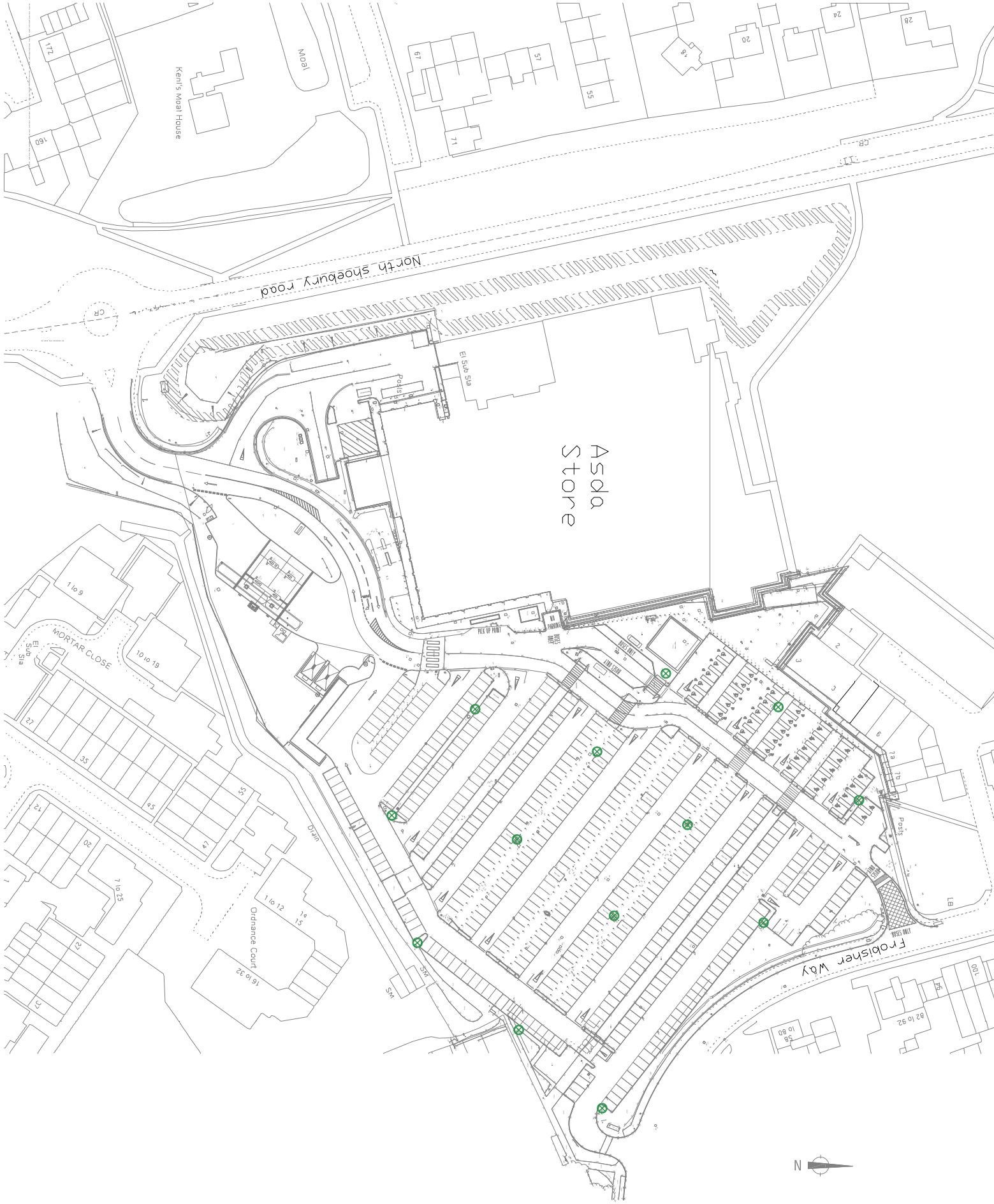
Project
 Asda Shoeburness Car Park 2017 (4606)
 North Shoebury Road, Shoeburness, Southend-on-Sea
 Essex SS3 8DA



CREATE THE DIFFERENCE

Gleneagles Project Services Ltd
 2 Pilton Place, Bradley Business Park,
 Dyson Wood Way, Huddersfield, HD2 1GT
 Tel: 01484 422219 Email: enquiries@gps-ld.co.uk

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SCALE BAR - METERS
 0 5 10 15 20 25 30 35 40

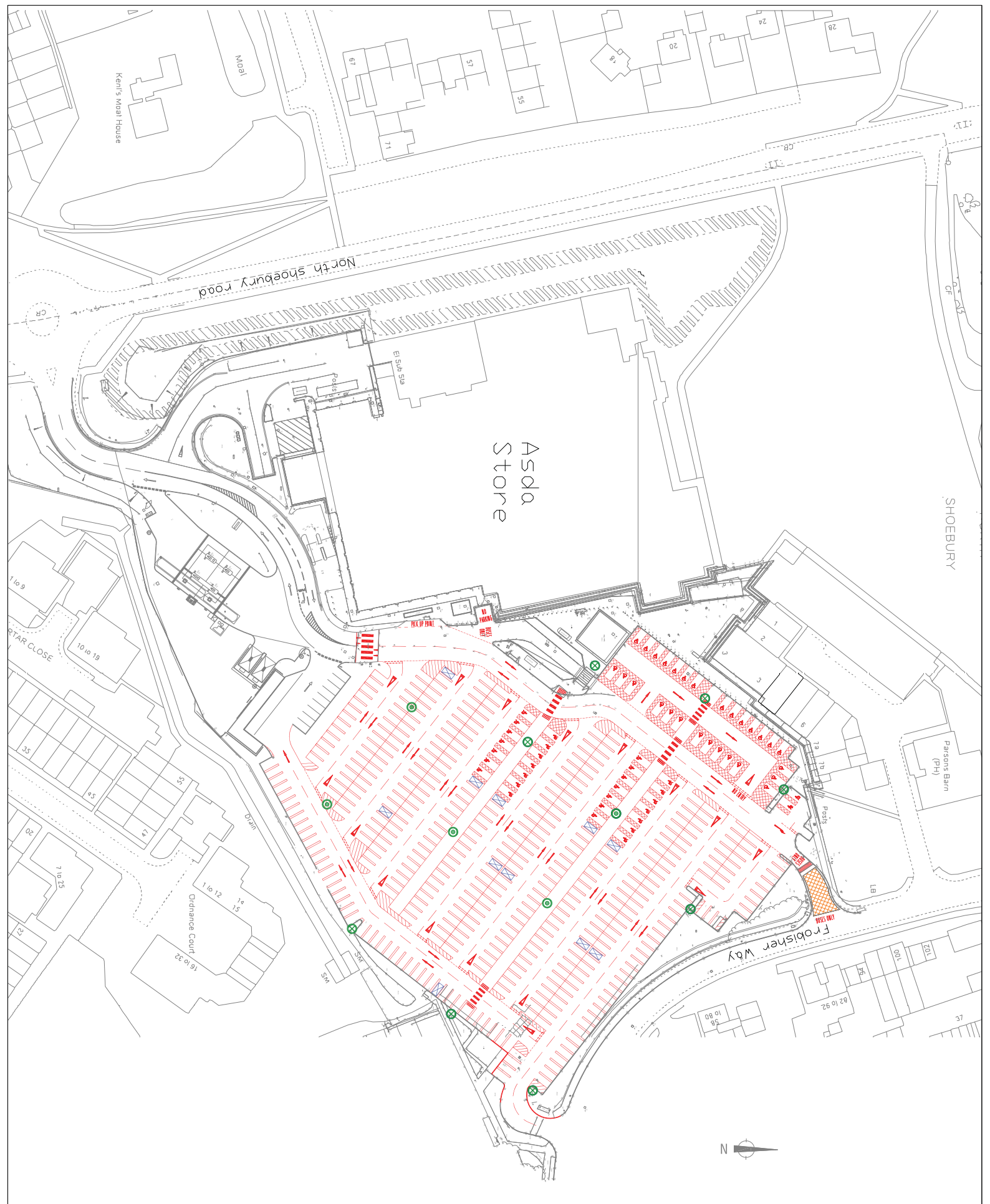
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Parking Bay Nos	Edging
Standard Bay	476
Disabled Bay	20
Trailer and Cycle Bay	513
Total	1009
Trailer Shelter	11

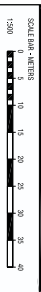
Key:
 Existing Lighting Column

PLANNING	
Project No	1953 4806
Drawn	DOB
Date	Mar 2017
Drawn	DOB
Scale	1:500 @ A1
Client	Asda Store
Address	North Shoebury Road, Shoeburyness, Southend-On-Sea, Essex S53 8DA
Client Logo	
Client Logo	
Client Logo	
Client Logo	

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Parking Bay Nos	Existing	Proposed	Gain
Standard Bay	475	405	-70
Disabled Bay	20	28	8
Parent and Child Bay	17	30	13
Total	513	464	-49
Vehicle Shelter	11	11	0

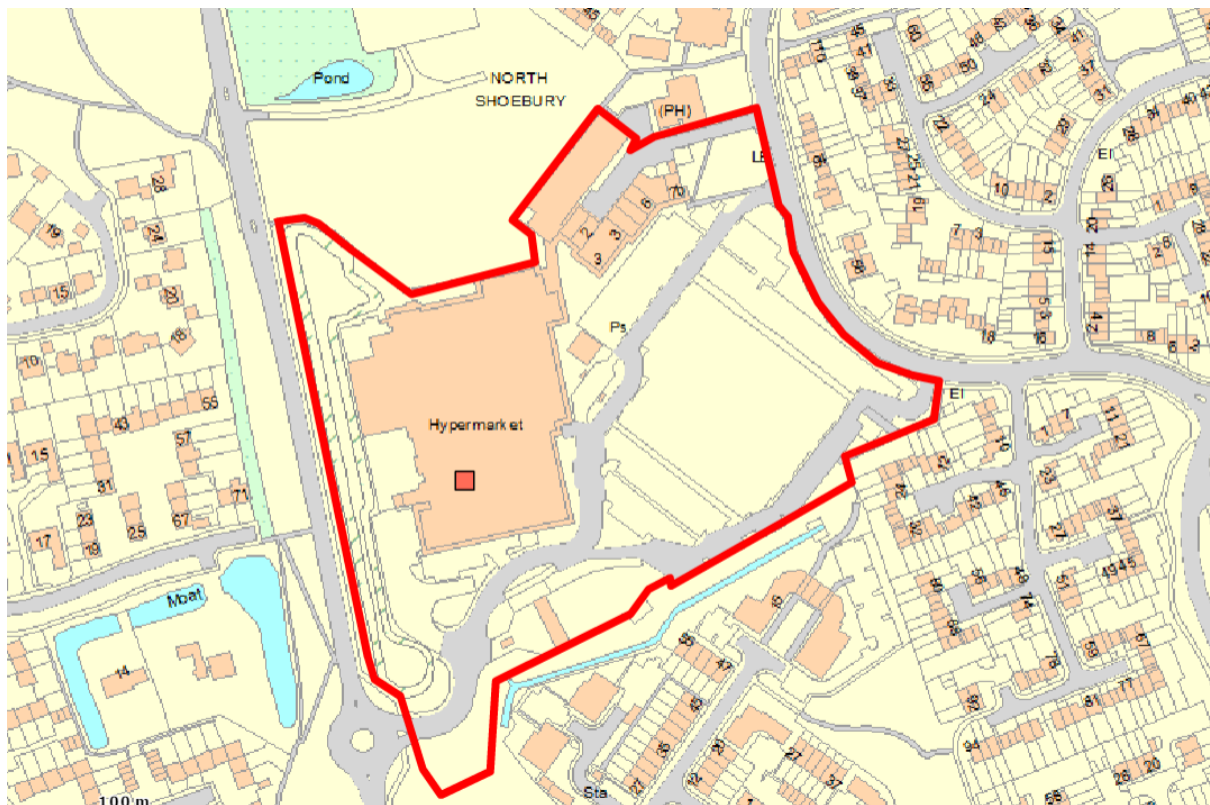
- Key:
- Proposed helix shelter location.
 - Proposed location of lighting column to match existing specification.
 - Proposed white lining.
 - Proposed yellow lining.
 - Existing lighting column to remain.

PLANNING	
Project No	1953 4806
Dwg No	PL01
Date	Mar 2017
Drawn	DOB
Checked	KM
Scale	1:500 @ A1
Project	Asda Shoebury Car Park 2017 (4806)
Client	Asda North Shoebury Road, Shoeburyness, Southend-On-Sea Essex S53 8DA

CREATE THE DIFFERENCE
 Chemiglet Project Services Ltd
 3 Filton Way, Filton, Bristol, Avon, UK
 TEL: 01454 422719 Email: enquiries@gps-uk.co.uk

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Reference:	17/00368/ADV	10
Ward:	Shoeburyness	
Proposal:	Install three non-illuminated panel signs	
Address:	Asda, North Shoebury Road, Shoeburyness, Southend-on-Sea, Essex, SS3 8DA	
Applicant:	ASDA	
Agent:	Whittam Cox Architects	
Consultation Expiry:	09.04.2017	
Expiry Date:	04.05.2017	
Case Officer:	Janine Rowley	
Plan Nos:	Site location plan 160428 PL_02; 24919pl01 Proposed location plan; 22919pl101 Signage	
Recommendation:	GRANT ADVERTISEMENT CONSENT	



1 The Proposal

- 1.1 Advertisement consent is sought to erect three non-illuminated panel signs within the car park of the existing Asda store. The adverts are to be sited on the approach from North Shoebury Road, to the rear of the existing petrol station and on the entrance/exit to Frobisher Way. The proposed aluminium panels for the adverts would be attached to existing steel posts replacing the existing adverts currently on site.
- 1.2 The adverts will detail include a welcome sign, recycling information and marketing campaigns associated with the supermarket.

2 Site and Surroundings

- 2.1 The site contains a supermarket and associated parking located to the northeast of the main A13 North Shoebury Road. North Shoebury Road also runs through the site linking to Frobisher Way to the east. The surrounding area is residential in character with a public house to the south, church to the north.

3 Planning Considerations

- 3.1 The main considerations in relation to this application relate to amenity and public safety.

4 Appraisal

Amenity

National Planning Policy Framework, DPD1 (Core Strategy) 2007 Policies KP2 and CP4; DPD2 (Development Management Document) 2015 policy DM1

- 4.1 The National Planning Policy Framework paragraph 67 states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. The National Planning Policy Framework advises advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
- 4.2 Development Management (DPD2) Policy DM1 and the Design and Townscape Guide (SPD1) require advertisements to be well designed and sited to respect the character and appearance of buildings and the street scene.

4.3 The Council's Design and Townscape Guide states;

“Low quality poorly sited or excessive signage can have an adverse effect on both the image of the business and the wider area”.

“Large numbers of adverts add clutter to the streetscene and will not be considered appropriate”.

4.4 It goes on to state signage should not have a detrimental impact on townscape and should have adequate regard to its setting.

4.5 The site is an Asda store with customer parking to the front of Asda on the northern and eastern boundaries, with the service yard being at the rear of the store on the south western boundary facing the A13. The proposed advertisements will be sited in close proximity to existing signage in three different locations as stated in paragraph 1.1 above.

4.6 The proposed signs would be of a scale commensurate with that of the existing supermarket and given the existing adverts on site it is not considered their design, scale and position will have a detrimental impact upon the amenity of the area or lead to a proliferation of advertisements within the area. The application is therefore considered acceptable on amenity grounds and is compliant with Council policy.

Public Safety

National Planning Policy Framework, DPD2 (Core Strategy) policies KP2, CP3, CP4; (Development Management Document) 2015 policies DM1 and DM15

4.7 The proposed advertisements are within the site and adjacent to the highway. The number of advertisements proposed is considered acceptable and will replace existing adverts in the same position not resulting in any harm to any form of traffic or transport on land (including the safety of pedestrians), or in the air. Furthermore, the Councils Highway Officer has raised no objection to the proposed advertisements in terms of impact on public safety.

Conclusion

4.8 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 amenity and public safety. This application is therefore recommended for approval subject to conditions.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework 2012
- 5.2 Development Plan Document 1: Core Strategy (2007) Policies KP2 (Development Principles) CP3 and CP4 (The Environment and Urban Renaissance).
- 5.3 Development Plan Document 2: Development Management (2015) Policies DM1 (Design Quality), DM15 (Sustainable Transport Management)
- 5.4 SPD1 Design & Townscape Guide 2009

6 Representation Summary

Traffic and Transportation

- 6.1 No objections.

Public Consultation

- 6.2 Two site notices displayed on the 16.03.2017 and no letters of representation have been received.
- 6.3 Councillor Assenheim requested this application be dealt with by Development Control Committee.

7 Relevant Planning History

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

- 7.5 Erect four externally illuminated fascia signs, one non-illuminated hoarding sign and four non-illuminated signs to proposed canopy area- Granted (13/00572/ADV)

8 Recommendation

8.1 Members are recommended to GRANT ADVERTISEMENT CONSENT:

- 1 This consent is granted for a period of 5 years beginning from the date of this consent.**

Reason: To comply with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) Regulations 2007.

- 2 The advertisements shall be displayed in accordance with the approved plans: Site location plan 160428 PL_02; 24919pl01 Proposed location plan; 22919pl101 Signage.**

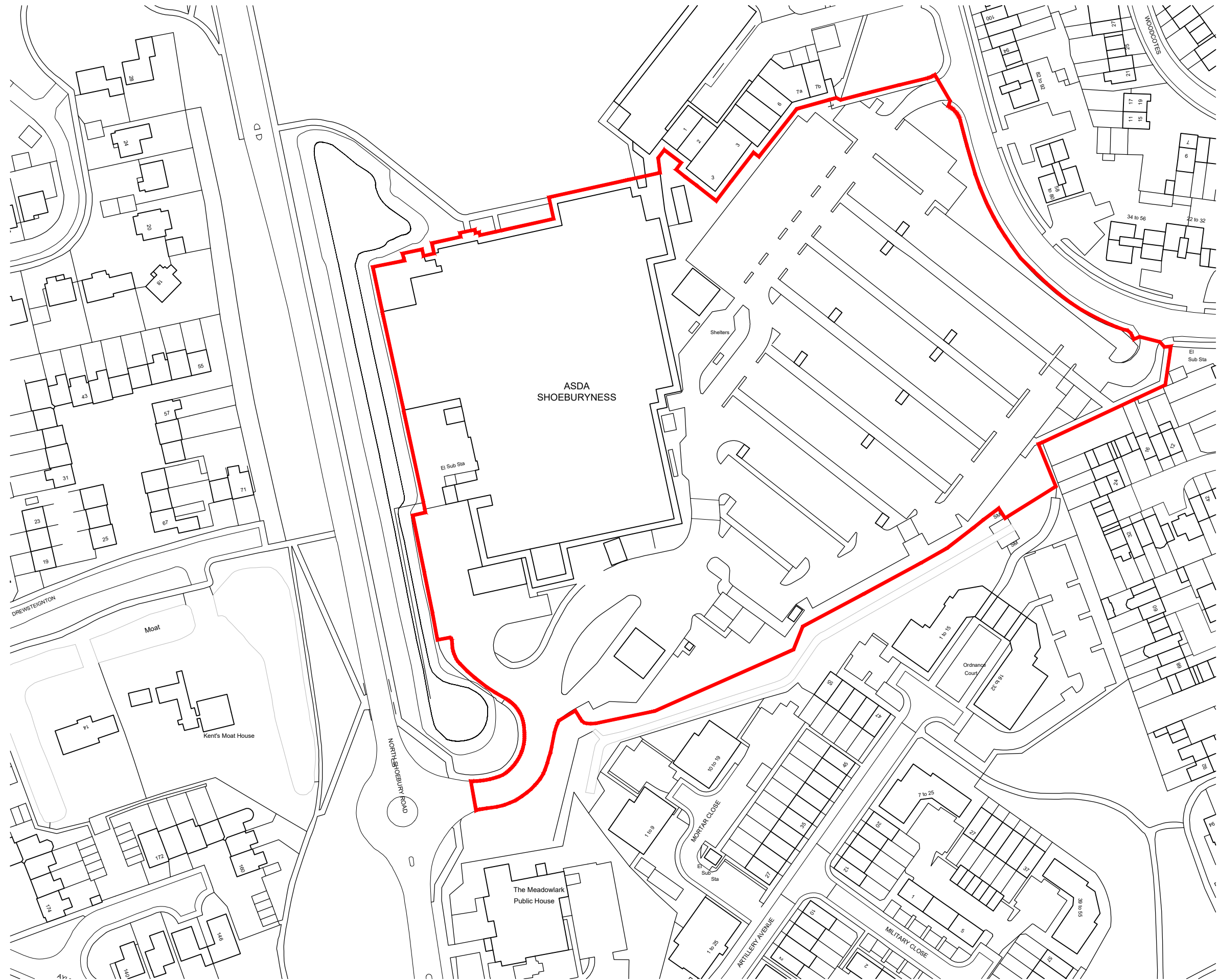
Reason: To ensure that the advertisements are displayed in accordance with the policies outlined in the Development Plan.

- 3**
- (a) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.**
 - (b) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.**
 - (c) Where any advertisement is required under the Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.**
 - (d) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.**
 - (e) No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including coastal waters) or aerodrome (civil or military).**

Reason: Required to be imposed to comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) Regulations 2007.


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.

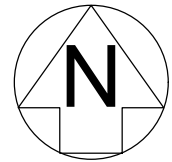
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IF IN DOUBT ASK.
Materials not in conformity with relevant British or European Standards/Codes of practice or materials known to be deleterious to health & safety must not be used or specified on this project.

LEGEND:
 RED LINE INDICATES SITE APPLICATION BOUNDARY.



155

01/03/17 First Issue. DB / LB

PLANNING

No. Date Description Drawn/Checked By
 CLIENT



PROJECT
 PROPOSED SIGNAGE APPLICATION
 ASDA SHOEBURYNESS

TITLE
 SITE LOCATION PLAN

DRAWING STATUS
 PLANNING

DRAWN DB CHECKED LB

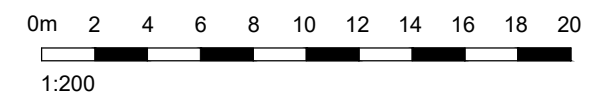
SCALE 1:1250 @ A3

DATE MARCH 2017

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

JOB NO. 160428 DRAWING NO. PL_02 REV -

1 SITE LOCATION PLAN
 PL_02 Scale 1:1250 @ A3



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ALL SCALES @ A3

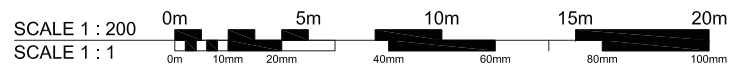
EXACT SIGNAGE POSITIONS TO BE DETERMINED ON SITE BY ARCHITECT.

This is a site plan and is not a contract. It is the responsibility of the client to ensure that the site plan is accurate and that the signage is installed in accordance with the relevant regulations. The information in this document is for information only and does not constitute an offer of any product or service. OmegaSigns Ltd. Newmarket Approach, Leeds, LS9 0RJ
T: 0113 240 3000 F: 0113 249 2228
E: info@omega-signs.co.uk W: www.omega-signs.co.uk



Issue No.	Date	Brief Description	Raised	Amended

AMENDMENTS
(Latest issue number applies)



ASDA	SCALE	CREATED	JOB NUMBER
	NTS	09-02-17	24919p101
	MANAGER	DESIGNER	ISSUE
C Place	KT	1	

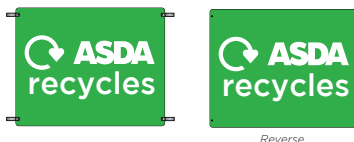


ALL SCALES @ A3
 EXACT SIGNAGE POSITIONS TO BE DETERMINED ON SITE BY ARCHITECT.
This is a true to scale representation of our signage product. Sign colours and placement are subject to the manufacturer's specifications. The document is the property of Omega Signs Ltd and must not be passed on to third parties without consent. Any unauthorised use of this document will result in a charge for legal services. © Omega Signs Ltd.
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 E: info@omega-signs.co.uk W: www.omega-signs.co.uk

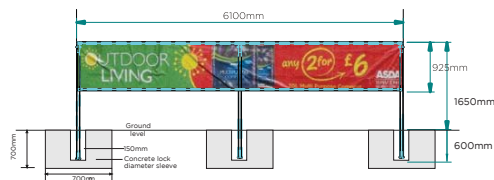
SIGN TYPE	DESCRIPTION
F1 (03)	Twin Post Opening hours sign with brackets.
LOCATION	
53, 76	SPECIFICATION
QUANTITY	1390mm x 1100mm
02	
MI CODE	ASETWINPOST001



SIGN TYPE	DESCRIPTION
N8 (03)	Recycling sign with brackets.
LOCATION	
31	SPECIFICATION
QUANTITY	1390mm x 1100mm
01	
MI CODE	ASETWINPOST001



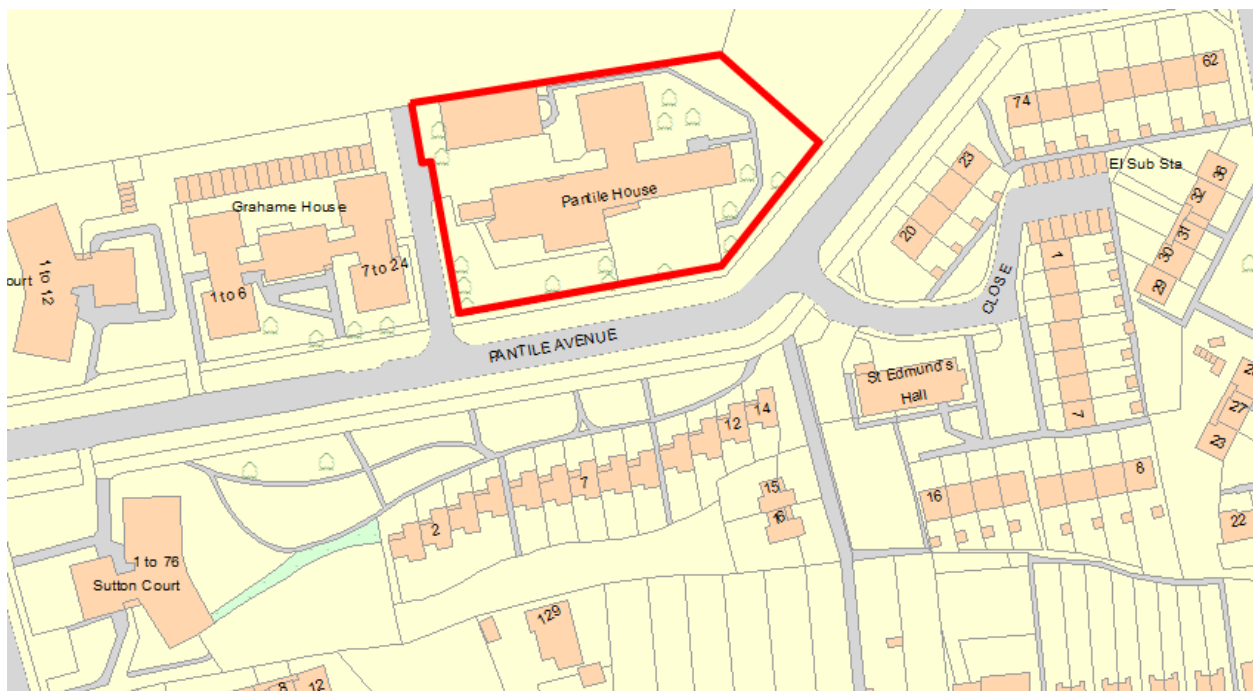
SIGN TYPE	DESCRIPTION
MCS (01)	Post mounted marketing campaign signs.
LOCATION	
12	SPECIFICATION
QUANTITY	6100mm x 925mm x 30mm
01	
MI CODE	ASEBANNERFRAME001



158

SCALE	CREATED	JOB NUMBER
1:50	09-02-17	24919p101
MANAGER	DESIGNER	ISSUE
C Place	KT	1

Reference:	17/00471/BC4
Ward:	St Lukes 11
Proposal:	Use temporary building as a health clinic (Class D1) and layout parking
Address:	Cumberlege Intermediate Care Centre, Pantile Avenue, Southend-on-Sea, Essex, SS2 4BD
Applicant:	NHS Property Services Ltd
Agent:	LSI Architects
Consultation Expiry:	21.04.2017
Expiry Date:	11.05.2017
Case Officer:	Janine Rowley
Plan No:	17036 1700 Site Location Plan; 17036 1701 Site Plan; 17036 1702 Parking Plan; 17036 2050 Elevations page 1; 17036 2050 Elevations page 2; 148 08 1 Revision E
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought to retain the existing temporary building located to the rear of Cumberlege Centre on Pantile Avenue for 18 months.
- 1.2 It should be noted planning permission was granted to erect a temporary building for use as a health clinic under application 08/01572/FUL subject to a condition that it was to be removed within 5 years after 27.02.2009. The applicant then sought to extend the time under application 14/00148/BC4 dated 22.05.2014 for a further 3 years expiring on the 22.05.2017 due to the changes in funding for NHS England and Southend Clinical Commissioning Group.
- 1.3 The existing building measures 9m deep by 20m wide and 3m high, is flat roofed and constructed of modern materials consisting of blue fascia board with aluminium weatherlap cladding and grey marble stone chip panel walls with black plywood skirting to the bottom. It is fitted with aluminium framed PVC windows and steel doors and accessed via two ramped entrances. The clinic has an internal floor space of 205sqm, and contains 5 consulting rooms, with other associated rooms including toilets. There are 5 members of staff and 4 administration staff on site daily. The opening times are between 08:00-18:30 hours Monday to Friday and 10:00-13:00 hours Saturday and Sunday.
- 1.4 The existing parking arrangements would not be altered with a total of 11 spaces to the front and 8 parking spaces to the rear together with the existing cycle spaces in situ. The original arrangement with St Edmunds Hall will be maintained whereby an additional 16 spaces would be accommodated at the hall which has an overall capacity of 25 parking spaces and is available everyday.
- 1.5 Supporting information has been submitted with this application in relation to the retaining the temporary building for a further 18 months for the St Luke's Health Centre. NHS Southend Clinical Commissioning Group (CCG) and South East Essex Partnership University (SEPT) state that they remain fully committed to the provision of primary care and walk in services to patients of the health centre and is assisting NHS England. Retention of the temporary building will enable refurbishment works required at Cumberlege Lodge to ensure that the building is compliant and fit for service delivery as required by current legislation. NHS England has recommended the temporary building is retained for a further 18 months whilst contractual re-procurement process runs its course. St Lukes GP Practice is situated in the East Central Locality, which has some of the highest deprivation levels and health needs across Southend. The temporary building was erected in 2008 and retained for a further 3 years under application 14/00148/BC4. The applicant states that the continued provision of this service is critical to the area and it is extremely unlikely that suitable alternatives temporary premises could be sourced should permission not be granted in this instance. The long term plan is for the health centre to be located within the existing Cumberlege Lodge.

2 Site and Surroundings

- 2.1 The existing clinic replaced the former surgery at Cluny Square, located some 300 metres to the west. The site lies in a predominantly residential area typified by properties of mixed type and tenure. To the immediate west lies a residential block of social housing with two storey detached and semi detached properties located to further west. To the south, on the other side of Pantile Avenue are detached bungalows set behind the adjoining street separated by street trees, a footpath and front landscaped area.
- 2.2 Temple Sutton Primary School adjoins the application site to the north while St. Edmund's Community Hall is located opposite to the southeast.

3 Planning Considerations

- 3.1 The main issues for consideration are the principle of the development, design and relationship with adjacent development and the streetscene, any impact on neighbours, parking implications and CIL.

4 Appraisal

Principle of Development

National Planning Policy Framework 2012, Development Plan Document 1: Core Strategy (2007) Policies KP1 KP2, CP4, CP6, Development Plan Document 2: Development Management Document (2015) policies DM1 and DM3 and the Design and Townscape Guide SPD1(2009)

- 4.1 Part 1 of Policy CP6 of the Core Strategy states:

“Providing for health and social care facilities in particular supporting the strategic services development plan of the Primary Care Trust, and the improvement and expansion plans of Southend Hospital and other key health and social care agencies where these demonstrate clear net benefits in terms of accessibility to services for the local community. This will include the establishment of Primary Care Centres at Leigh, Eastwood, Westcliff, Central Southend, Southchurch and Shoeburyness”.

- 4.2 In this instance, a temporary permission is sought to retain the existing health clinic on Pantile Avenue for a period of 18 months. The building to be retained provides a local facility in the form of a clinic. There is no objection in principle to the medical facility however; the building is not suitable for permanent retention due to its temporary nature. The applicant has submitted justification for the additional 18 months, which is considered an appropriate timeframe.

Design

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

4.3 Paragraph 56 of the NPPF states:

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

4.4 Policies KP2 and CP4 of the Core Strategy together with policies DM1 and DM3 of the Development Management Document advocate the need for development to secure good relationships with the existing development and respect the existing scale. The Design and Townscape Guide states that alterations to existing buildings with particular reference to extensions should appear subservient and must be respectful of the scale of existing buildings.

4.5 It is considered the overall design, scale and materials of the existing temporary building will have limited impact on the character of the area, given it is not visible from the street. The design and construction is not one that would be appropriate as a permanent building, however given the temporary consent in this instance no objection is raised.

4.6 Given the proposal is temporary in nature it is considered to be in accordance with the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policies DM1 and DM3 of the Development Management Document and the Design and Townscape Guide.

Traffic and Transport

National Planning Policy Framework, Development Plan Document 1: Core Strategy (2007) Policies KP2, CP4, CP3; Development Plan Document 2: Development Management Document (2015) policy DM15 and the Design and Townscape Guide SPD1(2009)

4.7 The existing site includes 11 parking spaces to the front of the clinic and a further 8 spaces to the front of Cumberlege House, thus an overall total of 19. The applicant states the existing staffing levels will remain the same as previously considered under applications 08/01572/FUL and 14/00148/BC4. As per the previous application written confirmation has been provided stating 16 spaces at St Edmunds Hall will be continued to be used and required to be provided by condition. In accordance with policy DM15 of the Development Management Document 1 space per full time member of staff and 3 spaces per consulting room is required therefore equating to a total of 5 staff and 15 for the consulting rooms. Given there are 36 car parking spaces the proposal is policy compliant.

Furthermore, the Councils Highway Officer has raised no objection to the temporary permission being extended as the existing building has not had an adverse impact on the highway network or parking since 2008. Notwithstanding the above, an existing controlled parking zone has also been implemented in the area and this helps to mitigate against any potential parking issues surrounding the clinic.

Impact on Neighbouring Properties

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

- 4.8 Policies DM1 and DM3 of the Development Management DPD refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive 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 overbearing, pollution and daylight and sunlight. A proposed development will need to consider its potential impact upon neighbouring properties and the surrounding area. DM DPD1, policy DM1 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;”

- 4.9 The nearest residential property is located to the 15m away to the west in Grahame House. Given the existing use of the building as a health clinic, it is not considered to be overbearing nor to result in any loss of light, harm to privacy or noise and disturbance to the immediate residential occupiers. The existing opening hours are between 08:00 to 18:30 Monday to Friday and 10:00 to 13:00 Saturday and Sundays and at no time on Bank Holidays. It is not considered the continuous use will result in a harmful impact on neighbours given the separation distance which mitigates against any potential harm.

CIL

- 4.10 As the proposal creates no new floorspace at the application site, the development is not CIL liable.

Conclusion

- 4.11 The retention of the temporary building will continue to provide health facilities within an area of some of the highest deprivation levels in Southend. The applicant has provided a project plan detailing the timeframe for when the existing practice will be moved into St Lukes Medical Practice in 2018. This justifies an extension to the existing temporary permission. There is sufficient parking available for staff and visitors and it is not considered the continued use will affect the amenities of nearby residential occupiers.

The development is therefore considered to be in accordance with National and Local Planning Policies and is considered to be acceptable.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework March 2012.
- 5.2 Development Plan Document 1: Core Strategy (2007) Policies KP1(Spatial Strategy) and KP2 (Development Principles) CP4 (Environment & Urban Renaissance), CP3 (Transport and Accessibility), CP6 (Community Infrastructure)
- 5.3 Development Plan Document 2: Development Management Document (2015) Policies: Policy DM1 – (Design Quality); DM3 (Efficient and Effective Use of Land), Policy DM15 – (Sustainable Transport Management).
- 5.4 Supplementary Planning Document 1: Design & Townscape Guide, 2009.
- 5.5 Community Infrastructure Levy Charging Schedule

6 Representation Summary

Highways

- 6.1 There are no highway objections to this proposal

Public Consultation

- 6.2 A site notice displayed on the 31.03.2017 and 43 neighbours notified of the proposal. No letters of representation have been received.

7 Relevant Planning History

- 7.1 Application for variation of condition 02 (temporary building) of planning permission 08/01572/FUL dated 27/2/2009- Granted (14/00148/BC4)
- 7.2 Erect temporary building for use as Health Clinic (class D1) and lay out parking- Granted for 5 years (08/01572/FUL).

8 Recommendation

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

- 01 The building shall be removed on or before 18 months from the date of this permission and the area affected by the works reinstated to its original condition to the satisfaction of the Local Planning Authority.**

Reason: The building in this location would be unacceptable on a permanent basis.

- 02** Parking shall be permanently retained for staff and visitors to the clinic in accordance with drawing 17036-1702 1700 Site Parking Plan C unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that satisfactory off-street car parking and highway efficiency, in accordance with the National Planning Policy Framework, policy CP3 of the Southend on Sea Core Strategy (2007), policy DM15 of the Southend on Sea Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

- 03** The health clinic shall not be used outside the following hours: - 08:00 hours to 18:30 hours Monday to Friday, 10:00 hours to 13:00 hours on Saturdays and Sundays; and at no time on Bank Holidays or Public Holidays.

Reason: To protect the amenities of the adjacent residential occupiers from undue noise and disturbance in order to protect their amenities in accordance with DPD1 Southend Core Strategy (2007) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the Southend Development Management DPD2 (2015) and advice contained within the Southend SPD1 (Design and Townscape Guide) (2009).

Informative

- 01** 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.

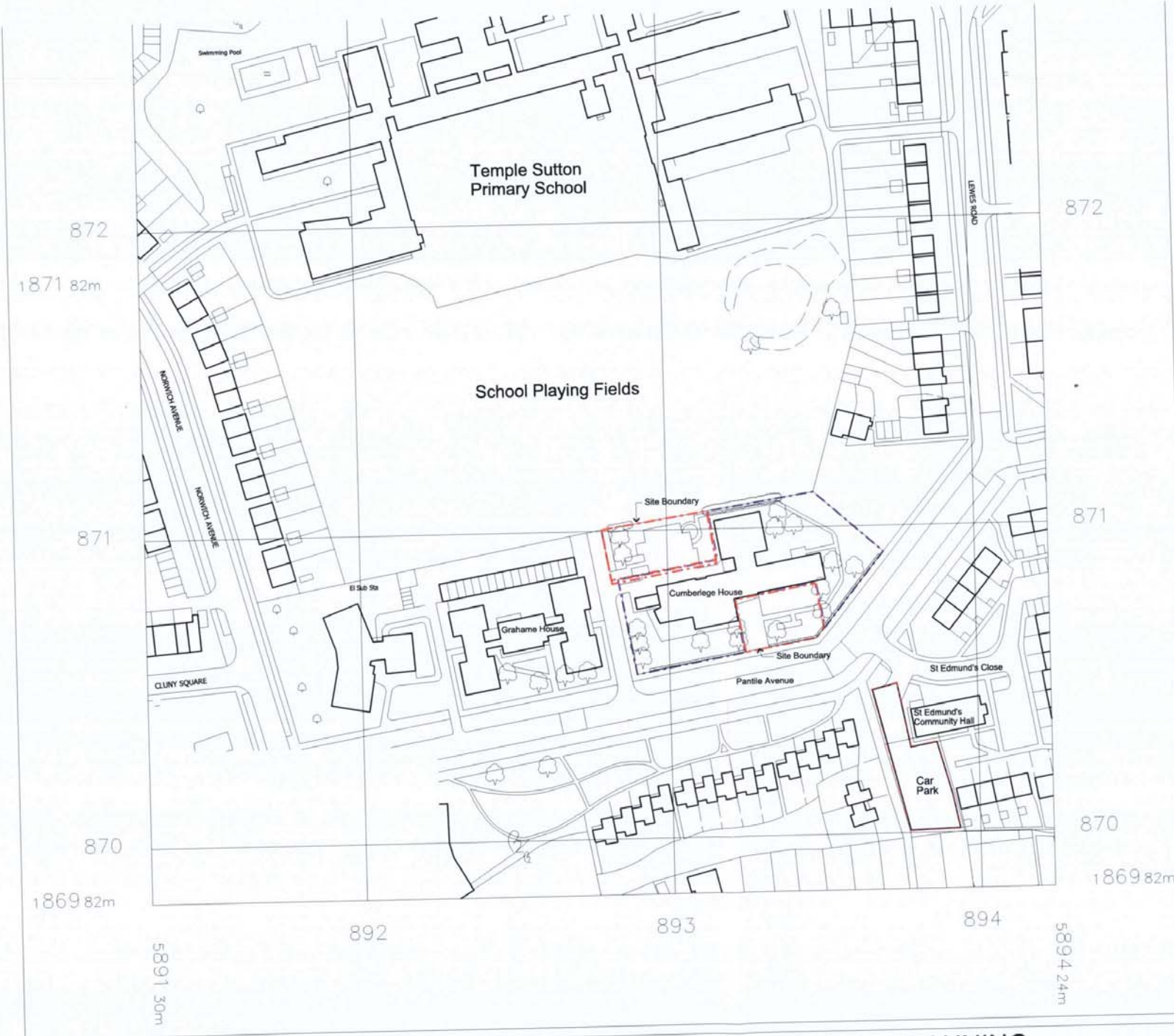
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167

Rev | Init | Date | Revision



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Client

NHS Property Services

Project

St. Luke's Health Centre

Title

1700 Site
Site Location Plan

Scale @ A3
1:1250

Date
10.03.2017

Drawn

PLANNING

17036-1700

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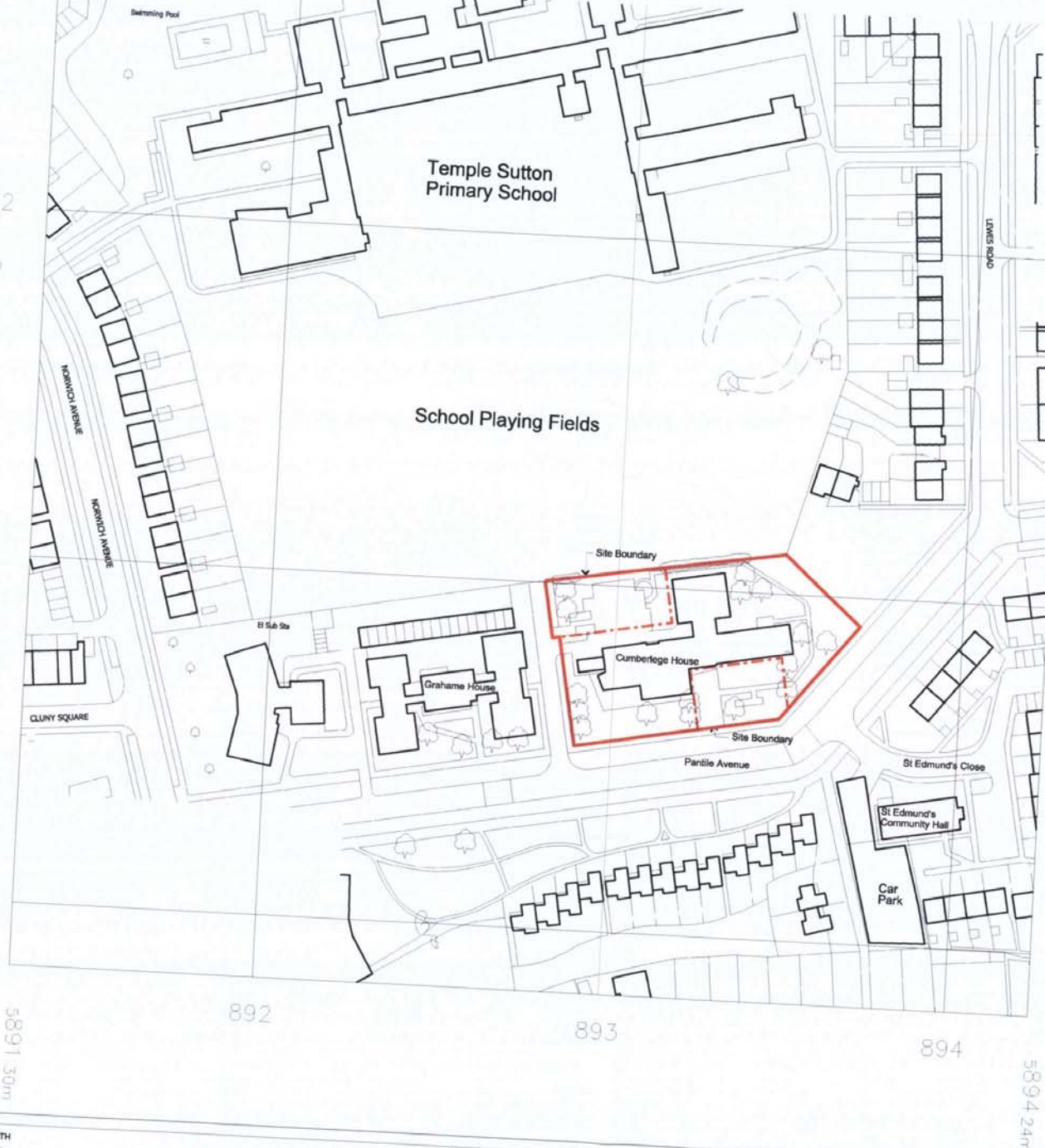
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Key
— Site Boundary
- - - Application area



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Client
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Project
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Title
**1700 Site
Site Plan**

Scale @ A3	Date	Drawn
1:1250	10.03.2017	

17036-1701

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Key

- - - Site Boundary

- - - Outline of Site in Same Ownership



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Client
NHS Property Services

Project
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Title
**1700 Site
Parking Plan**

Scale @ A3
1:500

Date
10.03.2017

Drawn

17036-1702

PLANNING

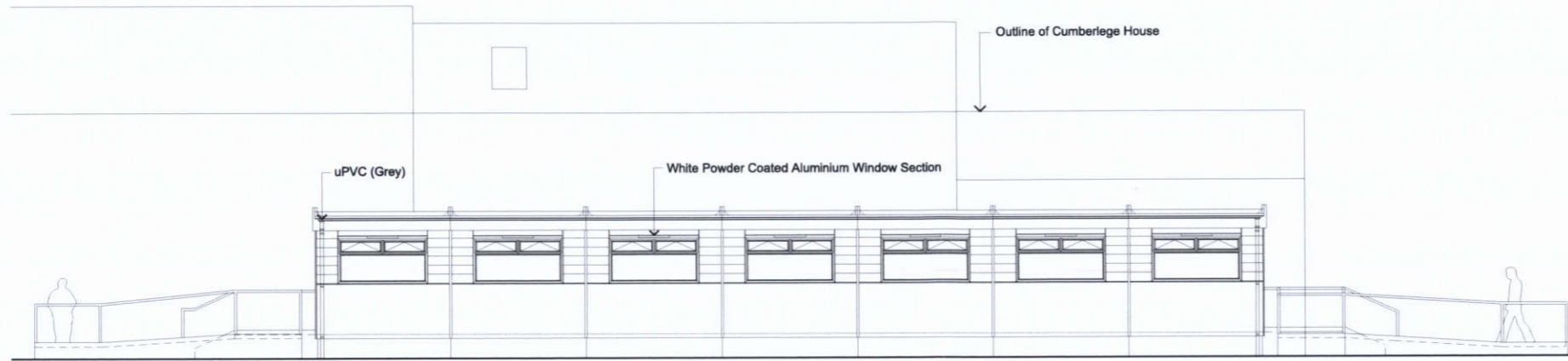
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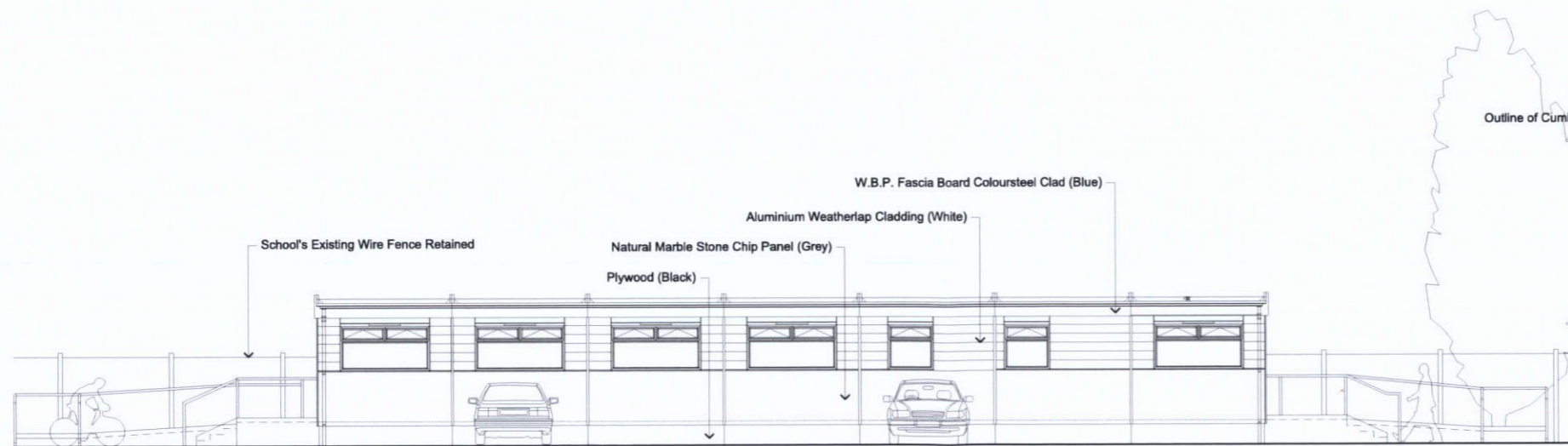
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North Elevation



South Elevation

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Project
St. Luke's Health Centre

Title
**2050 General Arrangement Elevations
Elevations p1**

Scale @ A2 | Date | Drawn
1:100 | 10.03.2017 |

17036-2050 | *

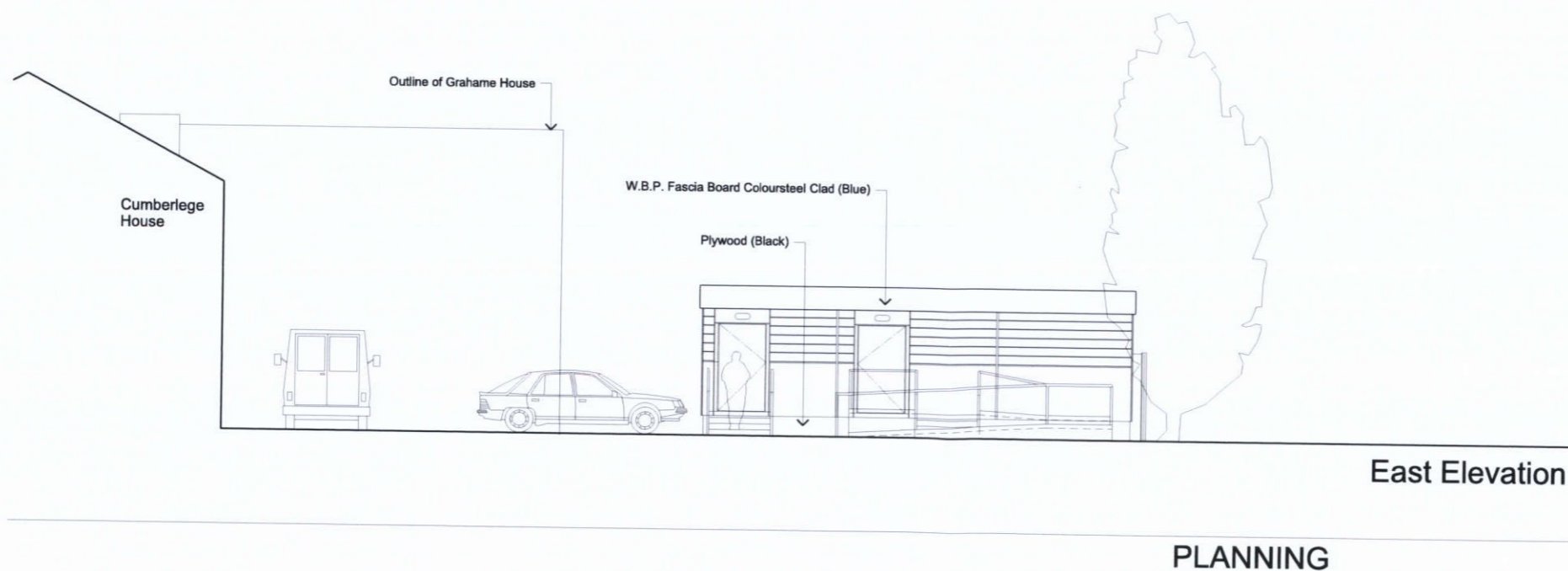
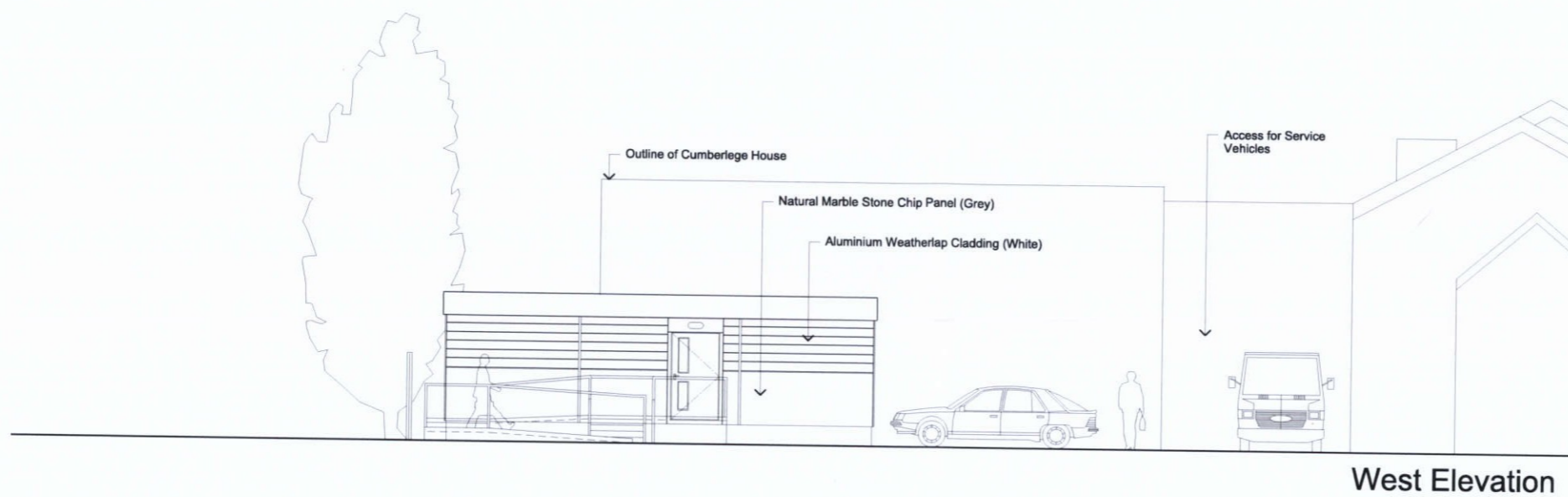
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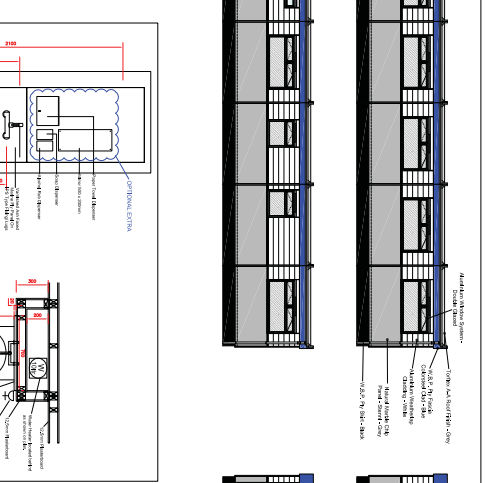
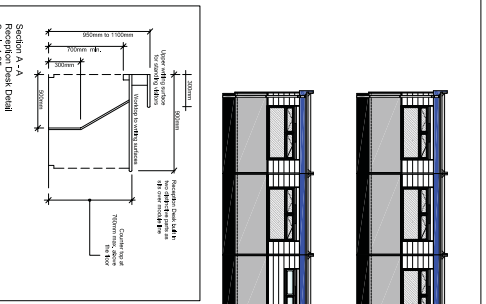
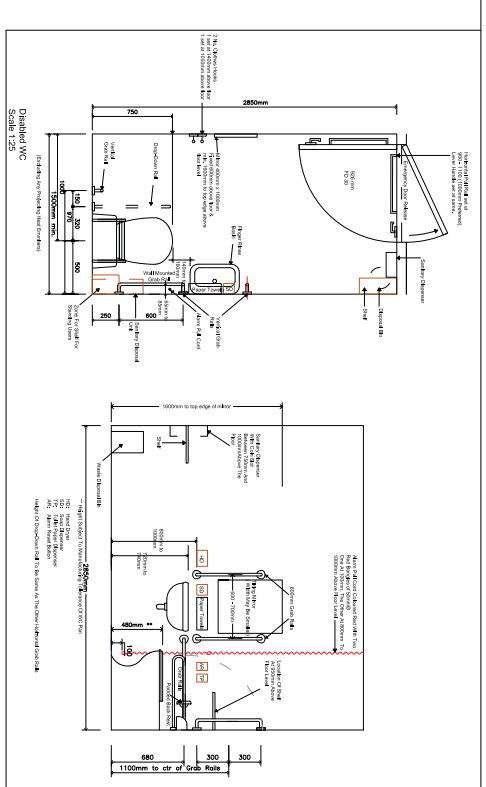
Project
St. Luke's Health Centre

Title
2050 General Arrangement Elevations
Elevations p2

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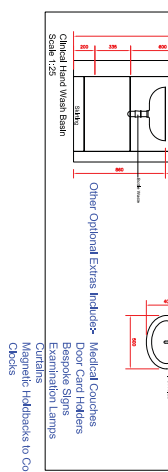
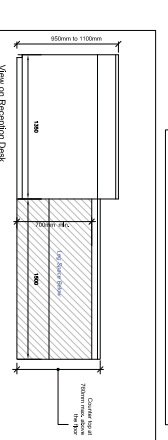
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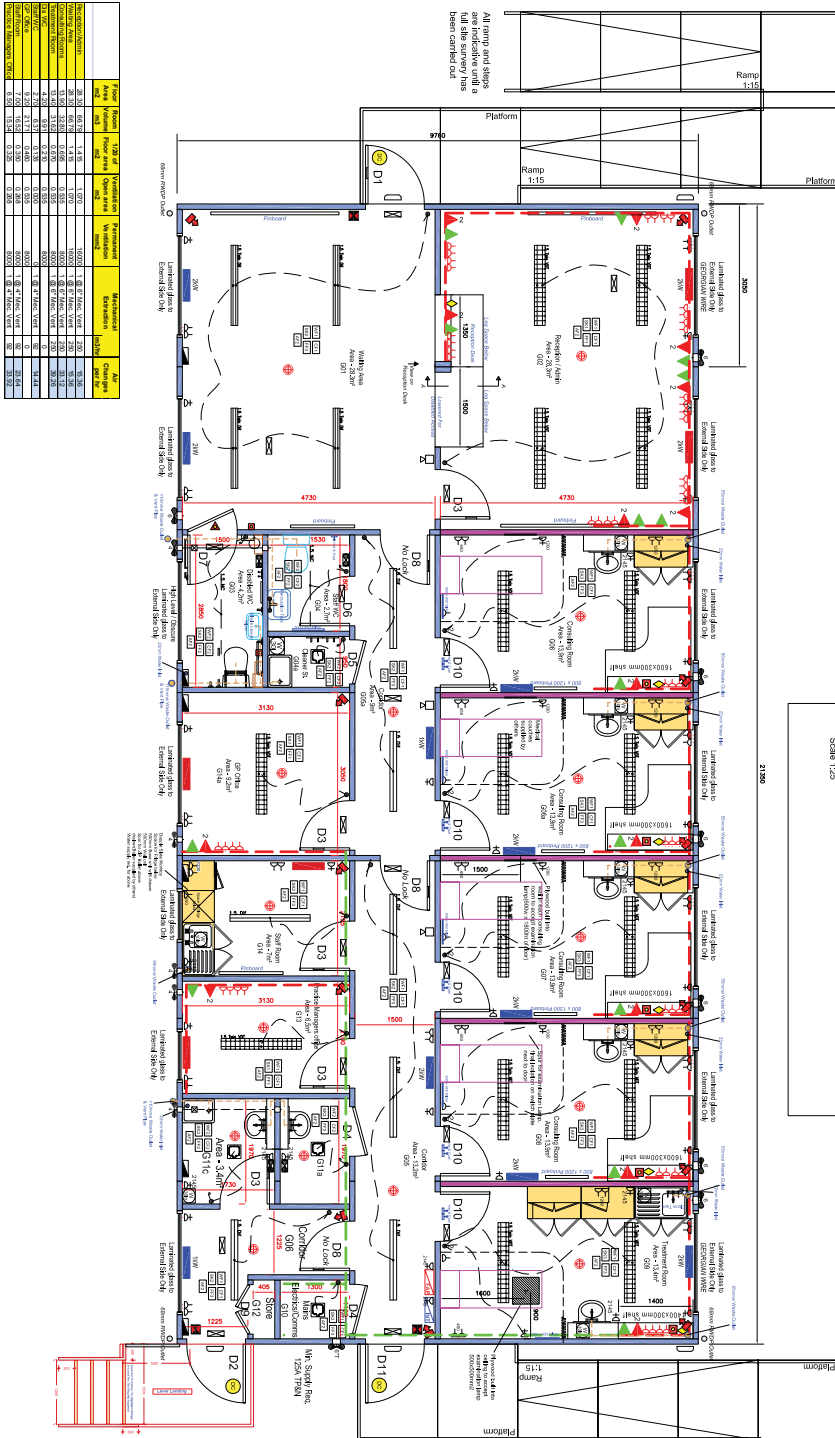


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CLIENT DESIGN APPROVAL

APPROVED SIGNATURE: _____ DATE: _____

PROJECT: Health Centre

CLIENT: Southland CICC

DESIGNER: SIBCAS

DATE: 07.08.2006

SCALE: 1:50 @ A1

DRAWING NO: 148.08.1

PROJECT: Health Centre

CLIENT: Southland CICC

DESIGNER: SIBCAS

DATE: 07.08.2006

SCALE: 1:50 @ A1

DRAWING NO: 148.08.1

PROJECT: Health Centre

CLIENT: Southland CICC

DESIGNER: SIBCAS

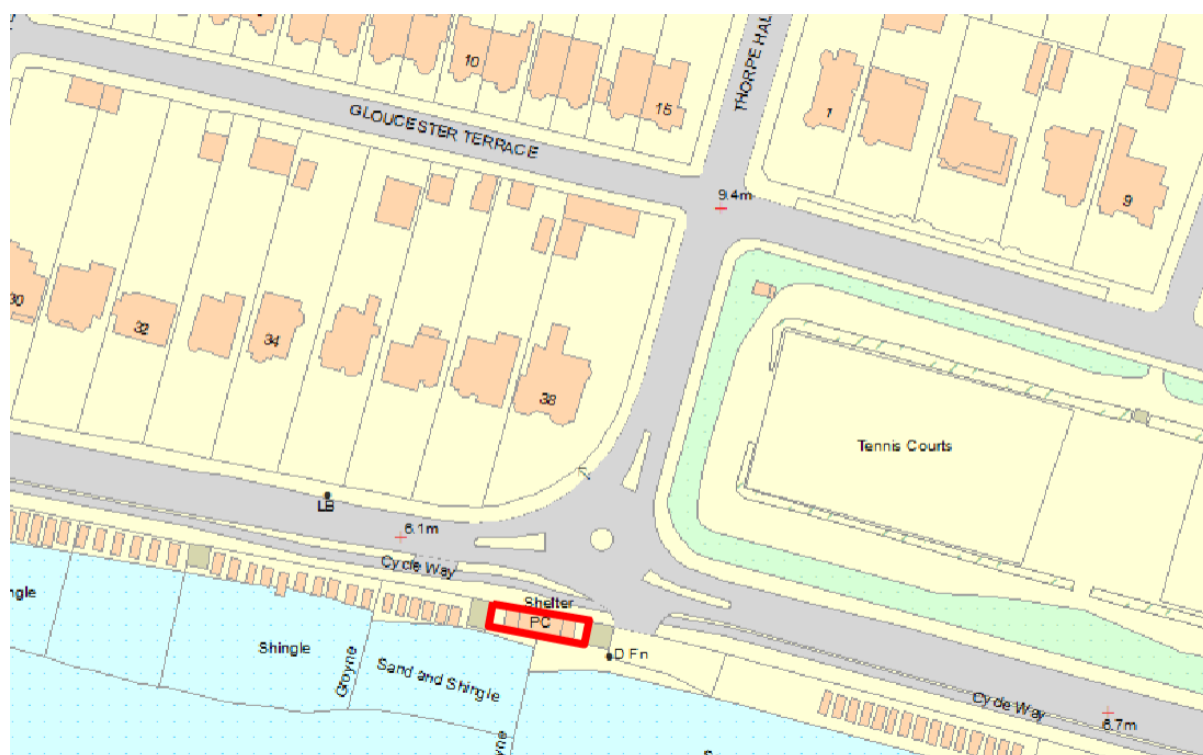
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DRAWING NO: 148.08.1

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Reference:	17/00104/BC4
Ward:	Thorpe
Proposal:	Erect single storey building to be used as a non-residential institution (Class D1) and install ramp to front
Address:	SBC Shelter and public conveniences at junction of Thorpe Hall Avenue and Thorpe Esplanade, Thorpe Bay
Applicant:	Tram Stop Shelter Committee
Agent:	T C Matthew Chartered Architect
Consultation Expiry:	15.03.2017
Expiry Date:	11.05.2017
Case Officer:	Janine Rowley
Plan Nos:	12020-STP-001 Revision 1 Site Plan; 12020_P_P010 Revision 4 Proposed Plans; 12020_P_E010 Revision 5 Proposed Elevations and Section
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought to erect a single storey building to be used by community groups accommodating all ages and people with learning disabilities (use class D1) together with the installation of a ramp to the front.
- 1.2 It should be noted the existing shelter was demolished 25.11.2015 under application reference 15/01814/DEM as it was in a poor repair and because of the overall safety of the structure. A community use has been previously accepted at this site (under application 13/00451/FUL). The building granted planning permission under reference 13/00451/FUL was 12.5m wide x 4.9m deep x 2.8m high.
- 1.3 The proposed building is 22.1m wide x 4.9m deep x 3.3m high with a flat roof.
- 1.4 The proposed materials include:
- a perimeter plinth upstand in painted concrete;
 - mineral felt roof membrane;
 - entrance doors with colour coated metal frames clear double glazing;
 - plant and bin rooms with colour coated metal louvre doors and side panels;
 - roller shutters of coated metal with perforated laths;
 - building frame and roof fascia would be painted timber cladding and colour coated metal window frames with and solid stall risers.
- 1.5 The proposed ramp to the front of the site is 7.1m wide x 1.5m deep x 1m high and will be sited to the northwest of the building to allow for access. The internal floorspace to be created equates to 90sqm and will include a changing place, toilet, bin store and open area for visitors. The access to the toilets at lower ground floor will remain as existing.
- 1.6 The opening hours are between 08:00 hours to 22:00 hours daily.
- 1.7 The Design and Access Statement accompanying the application explains that the Tram Stop Shelter Committee a local non-profit organisation. The main objective of the change of use is to provide a local service for community groups for meetings and educational classes. The applicant states the new community use would accommodate people of all ages including people with learning disabilities, spinal injury, muscular dystrophy and other conditions.
- 1.8 The Chairman of the Tram Stop Charity supporting the application states:
- “The plans submitted will enable us to create a community hub that is inclusive and open to all. Some of the many groups who have already shown an interest in using the shelter include the severely disabled. If the new plans are approved, the building will be fully accessible and we will be able to accommodate wheelchair users so they can enjoy facilities which are not available anywhere else in Southend on Sea”.*

2 Site and Surroundings

- 2.1 The existing site is vacant when viewed from Thorpe Hall Avenue as the existing shelter was previously demolished in 2015. To the lower ground floor are toilets for tourists visiting the beach in this location retained that were after the demolition of the main building. The building would be constructed above these at street level. The site is located at the junction of Thorpe Hall Avenue and Thorpe Esplanade. To the north west of the site are residential properties. To the immediate east and west of the site are beach huts. The site is surrounded by parking restrictions and pay and display parking bays. To the south of the site is the beach and Thames Estuary.
- 2.2 The site is located within seafront character zone 6 as designated by policy DM6 of the Development Management Document DPD2.

3 Planning Considerations

- 3.1 The main planning considerations for this application are the principle of development, design, traffic and transportation and impact on residential amenity and CIL implications.

4 Appraisal

Principle of the Development

National Planning Policy Framework; Development Plan Document 1 (Core Strategy) 2007 policies KP1, KP2, CP4, CP6 ; Development Plan Document 2: (Development Management) 2015 policies DM1, DM3, DM6 and the Design and Townscape Guide.

- 4.1 Policy KP1 of the Core Strategy states *“As a principal basis for sustainable development in the town, development and investment will be expected to build on and contribute to the effectiveness and integration of the key transport corridors and interchanges. The policy goes on to state the spatial strategy for the seafront is:*

“Seafront – to enhance the Seafront’s role as a successful leisure and tourist attraction and place to live, and make the best use of the River Thames, subject to the safeguarding of the biodiversity importance of the foreshore”.

- 4.2 Part 5 of Policy DM6 of the Development Management states:
“The provision of new and improved facilities for water recreation and other leisure and tourism facilities will generally be supported in appropriate locations along the Seafront in accordance with Policy Table 1. Proposals are required to demonstrate that:
- (i) Such facilities will not detrimentally reduce the amount of beach available for public use or public accessibility to the foreshore; and*
 - (ii) They provide an adequate means of access to the foreshore*
 - (iii) They contribute to the positive appreciation of natural resources and biodiversity of the foreshore by visitors and users”.*

4.3 The site is located within the Seafront Character Zone 6 Clieveden Road to Maplin Way states:

(i) Maintain existing established built character and activities based around open parks and beach recreation.

(ii) Measures to improve the quality of the beach huts will be supported.

(iii) Green grid will be enhanced through improvements to the parks and gardens.

(iv) Retain and enhance existing leisure activities including the tennis, bowls and yacht clubs. No major development will be promoted or supported in this zone.

(v) New flatted developments along the Seafront will be resisted. Development that does take place must respect the open nature of the public and private open space and the grain and character of the residential area.

(vi) Shelters and cafes will be improved. Refurbishment and renewal works will not impact on the foreshore views and should not unduly encroach upon it.

4.4 Part (vi) is most relevant to this application given the proposed development is to erect a single storey building on vacant land previously occupied by a shelter before demolition. It would not therefore encroach on the foreshore. Whilst the building is larger and spans the entire width of the site, the proposal will provide visitor-related development providing new facilities within the seafront area and maintain foreshore views with the glazing through the building, which is welcomed in principle and does not conflict with the aforementioned policy.

4.5 Policy CP6 of the Core Strategy supports development and new community facilities for people. The new development will provide a new leisure facility and community use with suitable access for all users complying with policy CP6 of the Core Strategy.

4.6 In light of the above, there is no objection in principle to the development which will provide a new facility for community groups. The scheme will not impact on the foreshore or existing access or use of the existing public toilets to the lower ground floor.

**Design and Impact on the Character of the Foreshore and wider area
National Planning Policy Framework; Development Plan Document 1
(Core Strategy) 2007 policies KP2, CP4, CP6 ; Development Plan
Document 2: (Development Management) 2015 policies DM1, DM3, DM6
and the Design and Townscape Guide.**

4.7 Prior to demolition the shelter in this location formed a visible part of the streetscene, along the seafront promenade, which was single storey in character, and seating areas to the north, south and west. The site is now vacant; however the public toilets are still useable at lower ground floor level.

- 4.8 The proposed building is single storey with a width of 22.1m wide x 4.9m deep x 3.3m high with a flat roof. The building will extend the full width of the site. No objections are raised to overall scale of the proposed development and although the external seating is not part of this application, there are a number of benches within walking distance. The building proposed is not considered out of character with the streetscene nor will the proposal have a significant impact on the foreshore views as a sufficient degree of openness is retained.
- 4.9 The overall design detailing of the building is set out in above and no objections are raised subject to the use of appropriate conditions.
- 4.10 With respect to the internal arrangement, the proposal will include a changing place, toilet, bin store, and open area for visitors. This does affect the east elevation and north elevation frontage along Thorpe Esplanade whereby obscure glazing and louvre doors are proposed. The remainder of the elevation will be glazed fronting Thorpe Esplanade as per the south and west elevation. The applicant is seeking to install perforated lath roller shutters to main entrance doors on the north elevation and the remainder of the glazing will be clear with the exception of the louvres and panels to the north east of the building. The applicant has provided further details relating to this matter and the perforated laths enable visibility through the building, accept to the plant area and east elevation and full details will be required by condition if this application is deemed acceptable.
- 4.11 A ramp is also proposed to the northeast elevation for access to the site and further details are required regarding the materials to be used. Detailing of the ramp and boundary wall to the front will be required to be dealt with by condition.
- 4.12 The proposed development by reason of its design and scale is considered to provide a positive contribution to the character and appearance of the surrounding area in accordance with the National Planning Policy Framework, policies KP2, CP4 and CP6 of the Core Strategy, policies DM1, DM3 and DM6 of the Development Management and advice contained within the Design and Townscape Guide SPD1.

Traffic and Transportation

National Planning Policy Framework; Development Plan Document 1 (Core Strategy) 2007 policies KP2, CP4, CP3; Development Plan Document 2: (Development Management) 2015 policy DM15 and the Design and Townscape Guide.

- 4.13 The site is located at a busy junction of Thorpe Hall Avenue and Thorpe Esplanade. Immediately outside of the building is a pedestrian crossing and parking restrictions in the form of double yellow lines.

The site is served by public transport in the form of the no. 9 bus for Shoeburyness and Rayleigh and a cycle path which runs alongside the esplanade, furthermore, the Thorpe Bay Station is also located in close proximity to the site some 15-20 minutes' walk.

- 4.14 The applicant states within the Design and Access Statement that a traffic management plan will be implemented to mitigate against any road safety risks and the plan will also encourage drop-off points and using on street parking along the seafront. Due to the parking restrictions surrounding the site no drop off points will occur on the highway, however there are a number of public car parking areas along Thorpe Esplanade to provide a drop off point which will be available for the users of the building. The Council's Highway Officer has raised no objection to the proposal on parking grounds.
- 4.15 In relation to the ramp detailing the Councils Highway Officer has confirmed the access ramp to the development will be constructed on the public highway the applicant will be required to formally stop up this section of highway. This matter can be controlled by condition.

Impact on Neighbouring Occupiers

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

- 4.16 Policies DM1 and DM3 of the Development Management DPD 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 overbearing, pollution and daylight and sunlight. A proposed development will need to consider its potential impact upon neighbouring properties and the surrounding area. DM DPD1, policy DM1 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;”

- 4.17 The nearest residential property is located 42m away to the northwest of the site. Given the overall opening hours between 08:00 and 22:00 hours daily it is not considered the change of use for community groups purposes will have any adverse impact on residential amenity of existing occupiers to the north. The overall noise and activity generated by the proposed use will not have a detrimental impact on the amenities of nearby residential occupiers given the location at the junction of Thorpe Hall Avenue and Thorpe Esplanade.

- 4.18 The proposal complies with Policy CP4 of the Core Strategy and policies DM1 and DM3 of the Development Management Document.

Sustainable Construction

Planning Policies: National Planning Policy Framework; DPD1 (Core Strategy) 2007 policies: Key Policies: KP2, CP4; Development Management DPD (2015) Policy DM2; SPD 1 Design and Townscape Guide (2009)

- 4.19 Policy KP2 sets out development principles for the Borough and refers specifically to the need to:

“include appropriate measures in design, layout, operation and materials to achieve:

a reduction in the use of resources, including the use of renewable and recycled resources.

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

- 4.20 Policy DM2 restates the need for *“all development proposals [to] contribute to minimising energy demand and carbon dioxide emissions in accordance with the energy hierarchy”.*
- 4.21 The applicant has confirmed the new building will incorporate a thin-film photo voltaic technology into the new roofing membrane to meet the 10% renewable energy requirement. The full calculations and details will be dealt with by condition.

Flood Risk

National Planning Policy Framework; Core Strategy Policies KP1 and KP2

- 4.22 The site is not within a flood zone as defined by the Environment Agency.

Environmental Issues

National Planning Policy Framework, Core Strategy Policies KP2 and CP4; Development Management policy DM1

- 4.23 The application site is located directly adjacent to the Benfleet and Southend Marshes Site of Special Scientific Interest (SSSI). Natural England comments will be reported accordingly within the supplementary report.

The proposed building would be located on an existing hardstanding area above public toilets, where a single storey building has been previously sited. Whilst the proposal will span the width of the site it will not encroach on the foreshore and it is found to be acceptable and compliant with the objectives of development plan policies on biodiversity and nature conservation.

Community Infrastructure Levy

- 4.24 The proposed new building 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

- 4.25 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 proposed development will have an acceptable impact on the foreshore, provide a community use for visitors and will not harm the amenities of neighbouring occupiers. The 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) and CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure)
- 5.3 Development Plan Document 2: Development Management 2015 policies DM1 (Design Quality), DM3 (Efficient and Effective use of land), DM6 (The Seafront), DM15 (Sustainable Transport Management)
- 5.4 Design & Townscape Guide, 2009 (SPD1).
- 5.5 Community Infrastructure Charging Schedule

6 Representation Summary

Traffic and Transport

- 6.1 The design and access statement states that users of the building will disembark at designated drop off points. No drop off points can be on the public highway.

Thorpe Esplanade has a number of pay and display parking bays which should be utilised for users of the tram stop.

The site location benefits from being served by the number 9 bus route and cycle route 16 runs parallel to the proposal. Therefore no highway objections are raised.

The access ramp to the development will be constructed on the public highway the applicant will be required to formally stop up this section of highway.

Environmental Health

- 6.2 The application states that no food and drink facilities are to be provided therefore the Environmental Protection Team does not wish to raise any adverse comments in respect of this application. However noise issues may arise during the construction phase; which may lead to hours of work being restricted.

Asset Management

- 6.3 No comments received

Pier and Foreshore Officer

- 6.4 No comments received

Natural England

- 6.5 No comments received.

Public Consultation

- 6.6 Two site notices displayed on the 22.02.2017 and 2 neighbours were notified of the proposal. Two letters of representation has been received stating:

- Proposed building no longer a tram stop;
- The new building is significantly larger than previously agreed;
- No external seating areas are proposed for residents who have used the shelter for years;

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.

Chairman of the Tram Stop Charity has responded to the points raised by the objector above stating the following:

- *“The first planning application was to extend the existing shelter on the same footprint and at that time the lease would only be for the shelter site and seating areas would be retained by the Council.*

- *However, prior to submission of the application the Council have confirmed the lease would be for the whole area, including seating areas and due to security and maintenance this application does not include these areas;*
- *One of the concerns raised by the objector was about the loss of the sheltered seating along the seafront. From Shoebury Common to Eastern Esplanade there are approximately 11 shelters and 44 benches available for use of both visitors and residents ;*
- *If this application is refused the site will be available for the development of a café/wine bar;*
- *The plans submitted will enable us to create a community hub that is inclusive and open to all. Some of the many groups who have already shown an interest in using the shelter include the severely disabled. If the new plans are approved, the building will be fully accessible and we will be able to accommodate wheelchair users so they can enjoy facilities which are not available anywhere else in Southend on Sea”.*

7 Relevant Planning History

- 7.1 2015- Demolish former Tram Stop Shelter (Application for Prior Approval for Demolition)- Prior approval granted (15/01814/DEM).
- 7.2 2014- Demolish and replace existing shelter, erect a single storey extensions, alter elevations and change of use from sui generis to Class D1 for use by community groups, install ramp to the front (Amended Proposal)- (14/00788/BC4)

8 Recommendation

Members are recommended to GRANT 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 12020-STP-001 Revision 1 Site Plan; 12020_P_P010 Revision 4; 12020_P_E010 Revision 5 Proposed Elevations and Section.**

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

- 3 The use hereby permitted shall be carried out only by Tram Stop Shelter for use by community groups in accordance with the details and particulars submitted with the application and by no other individual or organisation or for any other purpose including any other purpose falling within use Class D1.**

Reason: To protect residential amenity and general environmental quality in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4, and DPD2 (Development Management Document) policies DM1, DM3 and the advice contained within the Design and Townscape Guide SPD1.

- 4 No development shall take place until details, and samples of the facing materials to be used on the development including the window details, shutters, glazing, doors, shutter housing to the entrance door, louvre doors, panels and access ramp details have been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority before the building is brought into use or occupied.**

Reason: To safeguard character and appearance of surrounding area in accordance with the National Planning Policy Framework Policies KP2 and CP4 of the Core Strategy 2007 and policies DM1 and DM3 of the Development Management DPD 2015 and the advice contained within the Design and Townscape Guide 2009.

- 5 No development approved by this permission shall be commenced until the Local Planning Authority has approved in writing a full scheme of highways works (including detailed designs and contract details) and the relevant highways approvals are in place including any relevant stopping up orders, in relation to the pedestrian ramp. The works shall thereafter be undertaken only in accordance with the approved details and completed prior to occupation of the building hereby approved unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of highways management and safety in accordance with (Core Strategy) DPD1 policy KP2 and CP3; and policy DM15 of the Development Management Document DPD2.

- 6 Prior to occupation of the development hereby approved details of refuse storage and collection shall be submitted to and agreed in writing by the local planning authority and then occupy in accordance with the approved details.**

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

- 7 Notwithstanding the provisions of the advertisement regulations (2007) as amended or any amendment, revocation or alteration of these regulations advertisements of any sort shall not be displayed at the site other than in accordance with details that have previously been submitted to and approved in writing by the local planning authority.**

Reason: To safeguard character and appearance of surrounding area in accordance with the National Planning Policy Framework Policies KP2 and CP4 of the Core Strategy 2007 and policies DM1 and DM3 of the Development Management DPD 2015 and the advice contained within the Design and Townscape Guide 2009.

- 8 Live or recorded music which is audible outside the site boundary must not be played on the premises at any time.**

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy DPD1 (2007) and Policies DM1 and DM3 of the Development Management DPD (2015).

- 9 The building hereby approved shall not be open for use outside the hours of 08:00 – 22:00 hours Monday to Sunday including 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 the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy DPD1 (2007) and Policies DM1 and DM3 of the Development Management DPD (2015).

- 10 A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources shall be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the occupation of the development hereby approved. 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), Development Management Document (2015) Policy DM2 and the advice contained within the Design and Townscape Guide (2009).

- 11 Construction hours shall be restricted to between 7.30am – 6pm Monday to Friday, 8am – 1pm on Saturdays and not at all on Sundays or Bank Holidays.**

Reason: To protect residential amenity and general environmental quality in accordance with National Planning Policy Framework, DPD1 (Core Strategy) 2007 policies KP2 and CP4, and DPD2 (Development Management) 2015 policies DM1, DM3 and the advice contained within the Design and Townscape Guide.

- 12 No construction works involving heavy plant or machinery are to be undertaken during the period from 1 October to 31 March inclusive and at no time unless agreed in writing by the Local Planning Authority.**

Reason: To ensure the nature conservation interests of the area are protected considering the sites location in relation to Benfleet and Southend Marshes Site Scientific Special Interest, RAMSAR, Special Protection Areas pursuant to Policy KP2 of the Southend on Sea Core Strategy 2007.

- 13 No materials or waste are to be deposited within the Benfleet and Southend Marshes SSSI, SPA and Ramsar site, outside the boundary of the area that the planning application refers to.**

Reason: To ensure the nature conservation interests of the area are protected considering the sites location in relation to Benfleet and Southend Marshes SSSI, RAMSAR and SPA site, pursuant to Policy KP2 of the Southend on Sea Core Strategy 2007.

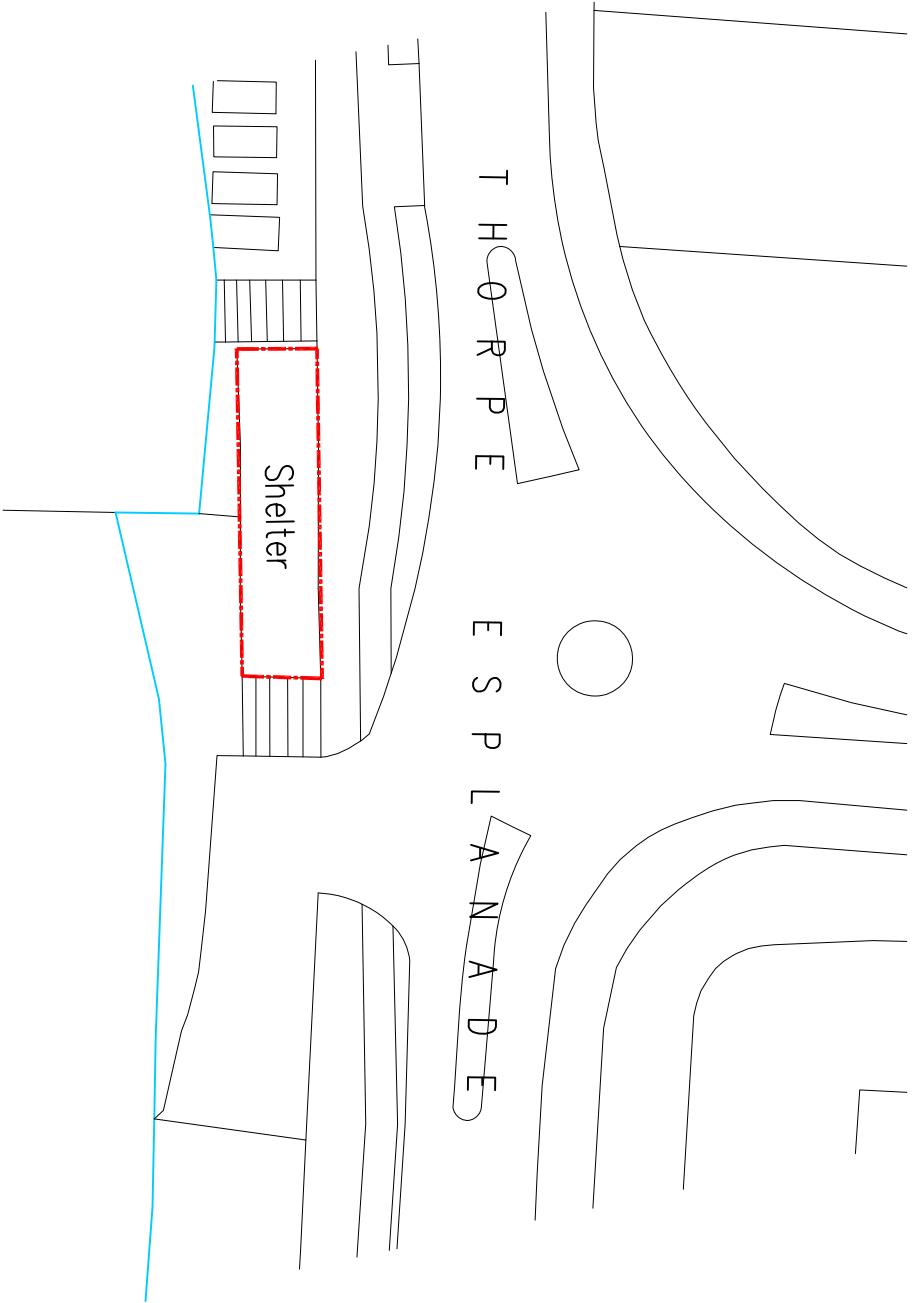
- 14 Prior to installation of any external lighting, details of the proposed lighting, including design, siting, luminance, hours of illumination and an assessment using the Institution of Lighting Engineers Guidance Note for the Reduction of Obtrusive Light shall be submitted to and approved in writing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

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

Informative

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

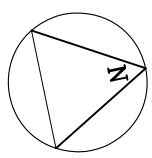
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in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



SITE PLAN
SCALE 1:500

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Notes



Revision	Author & Description	Date
1	TM, Updated	16.01.2017

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Project
Tram Stop Shelter
Junction of
Thorpe Hall Avenue & Thorpe Esplanade
Essex SSI 3BA

The
Site Plan

Drawing:	12020-STP-001 Rev.1
Date:	26/03/2013
Scale:	1:500 @ A4
By:	TCM
Check:	TCM

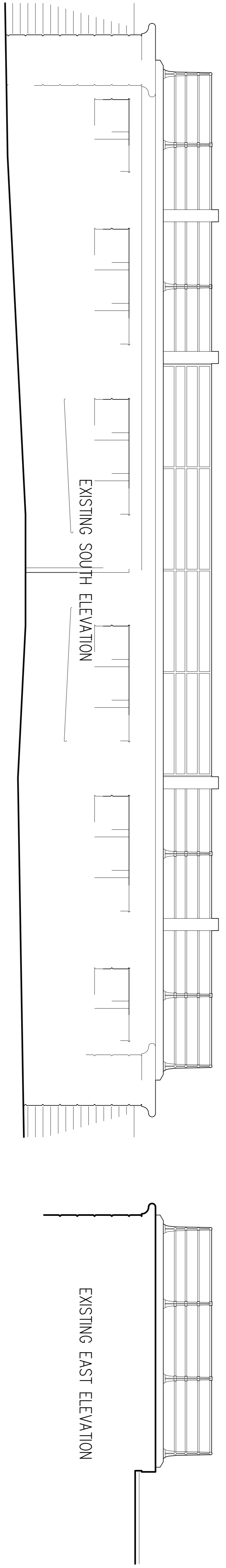
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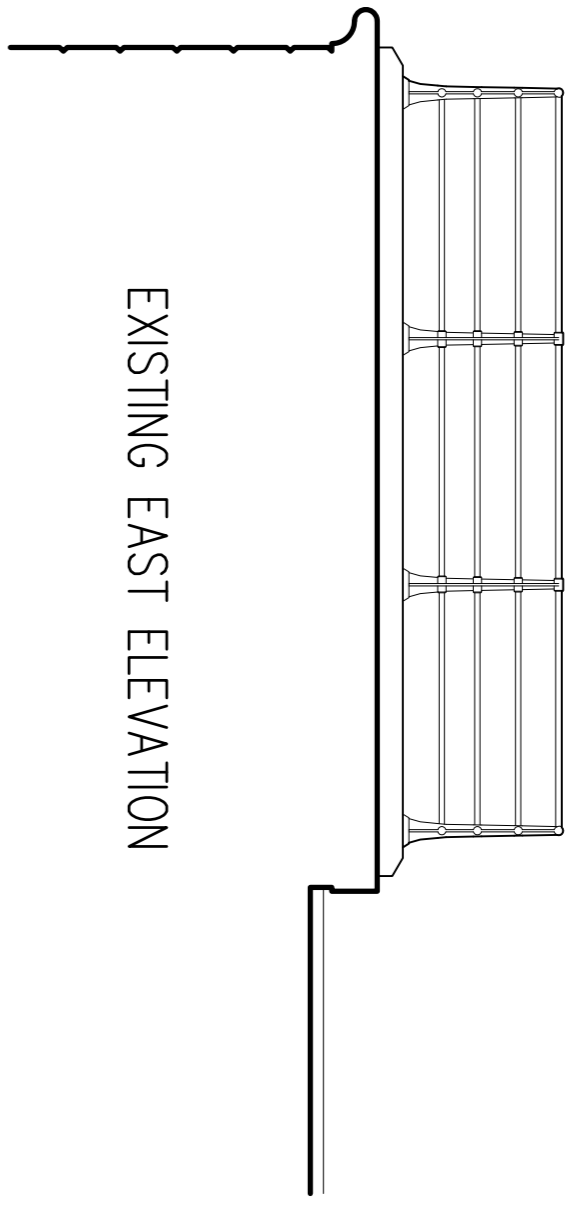
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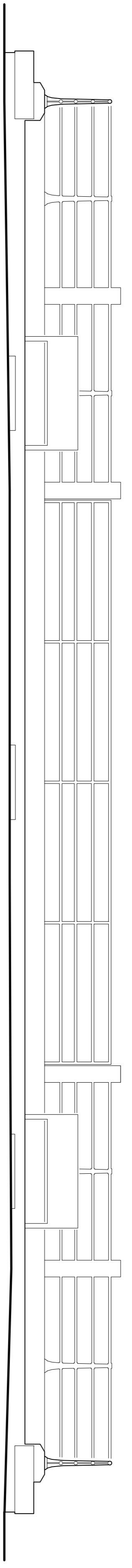
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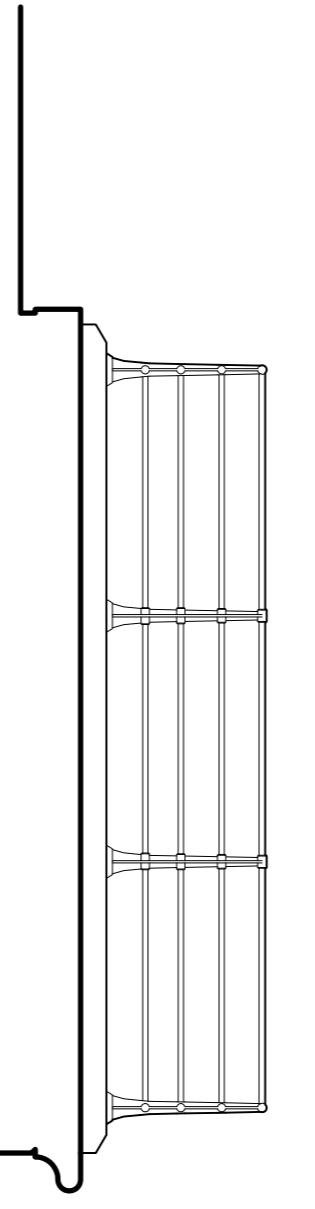
EXISTING SOUTH ELEVATION



EXISTING EAST ELEVATION



EXISTING NORTH ELEVATION



EXISTING WEST ELEVATION

Revision	Author & Description	Date
1	NA - Updated section omitted.	06/01/2017

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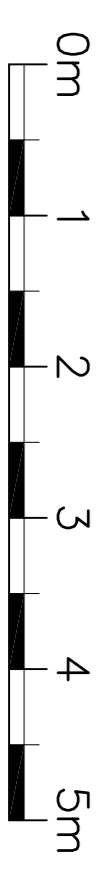
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Project
Tram Stop Shelter
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Thorpe Esplanade
Southend-on-Sea, Essex SS1 3BA

Title
**Existing Elevations
& Section**

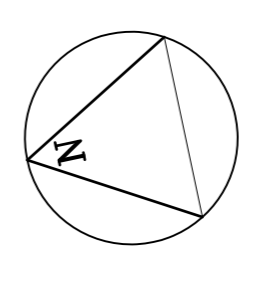
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Notes



Revision	Author & Description	Date
1	Nil - Issued	06/01/2017

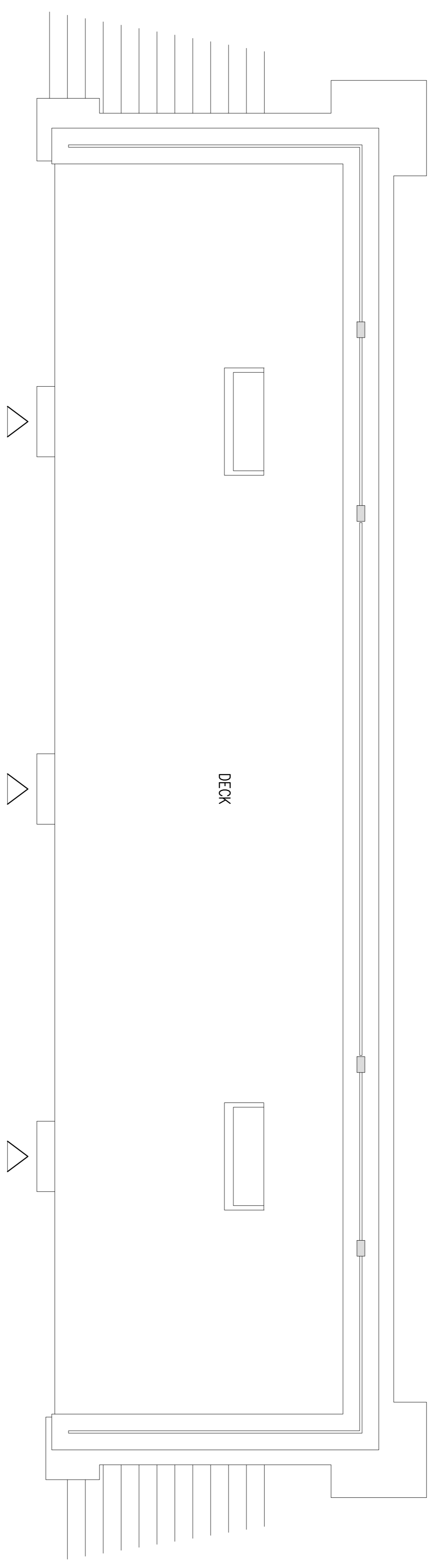
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Thorpe Hall Avenue &
Thorpe Esplanade
Southend-on-Sea, Essex SS1 3BA

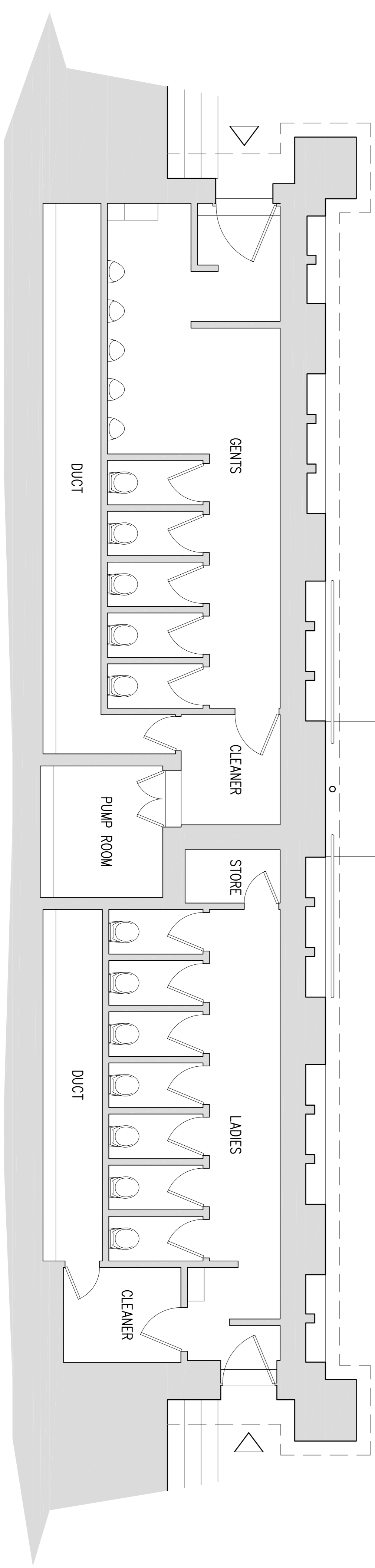
Title
Existing Plans

Drawing:	12020_X_P010 Rev.1	By:	TDW
Date:	24/01/2013	Check:	TDW
Scale:	1:50 @ A1		



EXISTING UPPER GROUND FLOOR PLAN

Footpath
Cycle Path



EXISTING LOWER GROUND FLOOR PLAN

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Notes

- PROPOSED EXTERNAL MATERIALS:**
 Structural frame and roof fascia:
 Painted timber cladding.
 Low level blight resistant.
 Painted concrete.
- Windows:**
 Colour coated metal frames. Double glazed either clear (as blue fill) or opaque (as grey fill) with solid stainless steel panel to north elevation.
- External doors:** Shelter entrance doors: Colour coated metal frames, fully glazed.
 Double doors and inset side panels to Paint/Bars for ventilation.
 Roller shutters:
 Laths, guide tracks and housings all from marine grade treated/coated metal.
 Access slope and upstand:
 Self-finish concrete with integrated building name text in low relief as indicated.
 Flat roof:
 Built-up mineral felt membrane or similar.

Revision	Author & Description	Date
5	TK. South elevation roller shutters omitted.	26.04.2017
4	TK. Roof level ventilation pipes omitted.	18.04.2017
3	TK. Updated	09.07.2017
2	TK. Updated for beam piling specification	26.02.2013
1	TK. Updated to client comments	06.02.2013

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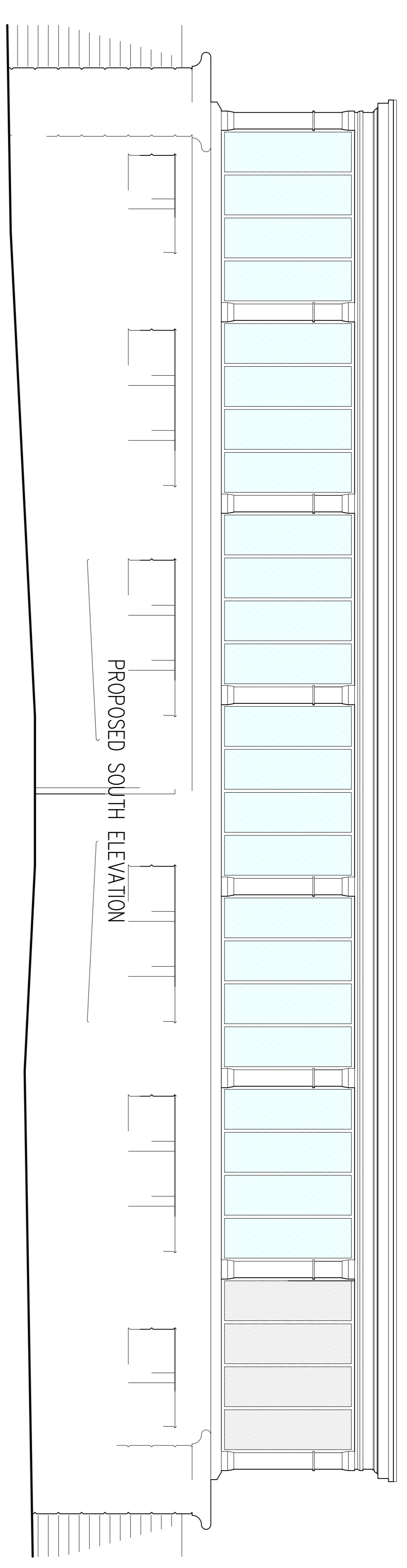
**T C Matthey
 Chartered
 Architect**

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 Tram Stop Shelter OJO
 c/o 85 Moplin Way
 Southend-on-Sea
 Essex SS1 3NL

Project
Tram Stop Shelter
 Junction of
 Thorpe Hill Avenue &
 Thorpe Esplanade
 Southend-on-Sea, Essex SS1 3BA

Title
**Proposed Elevations
 & Section**

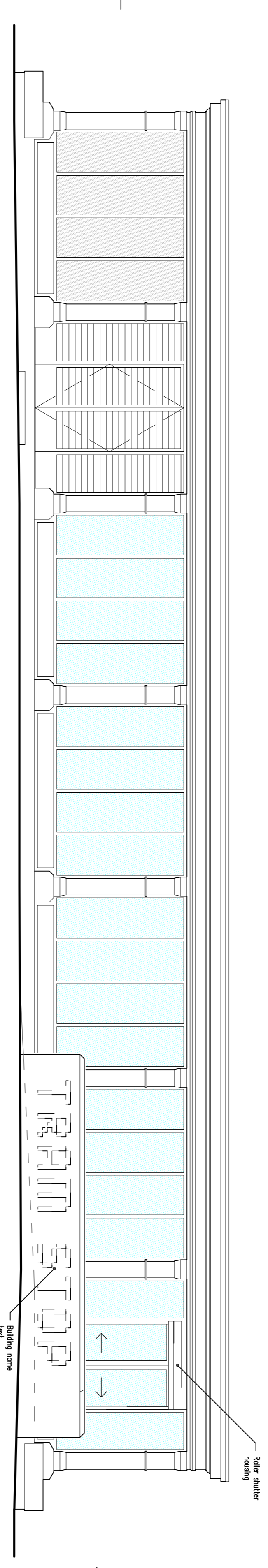
Drawing:	12020_P_E010 Rev:5	Sp:	TKM
Date:	24/01/2013	Chk:	TKM
Scale:	1:50 @ A1	Chk:	TKM



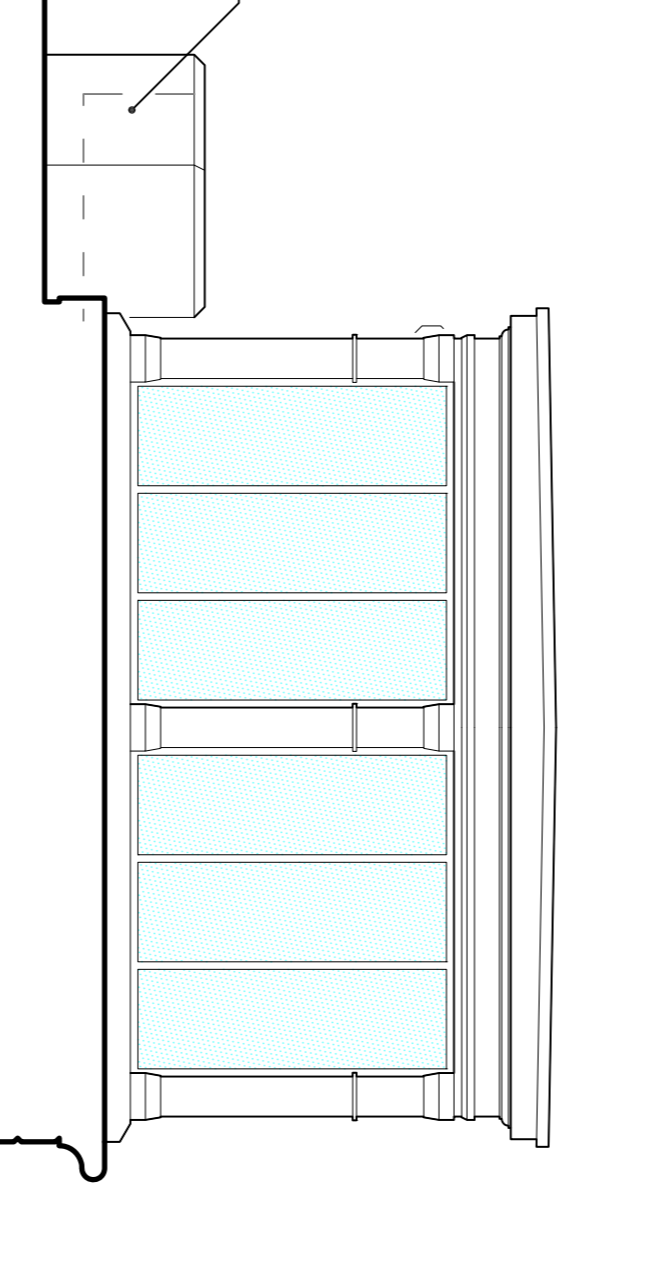
PROPOSED SOUTH ELEVATION



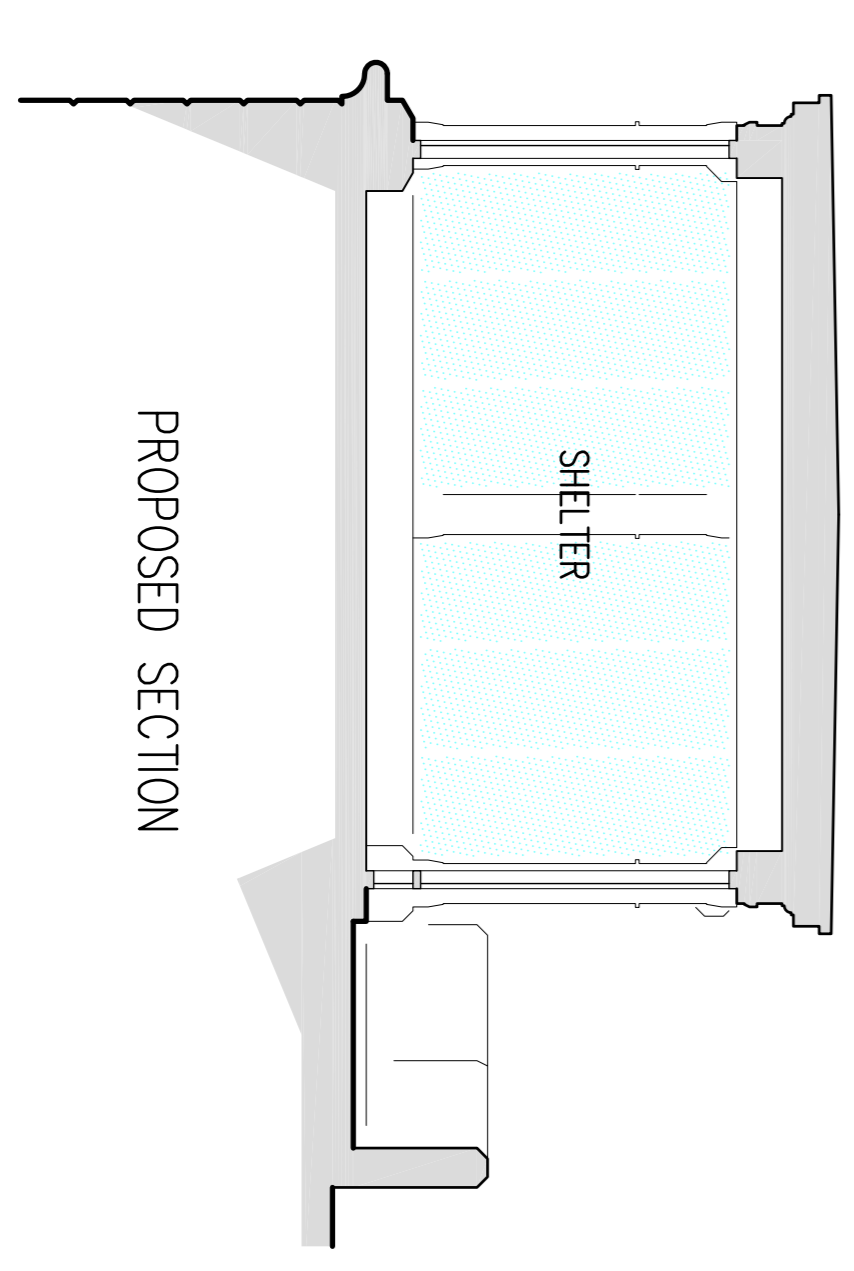
PROPOSED EAST ELEVATION



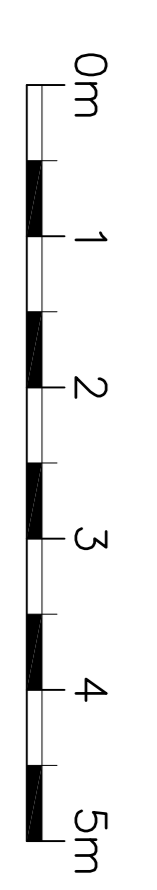
PROPOSED NORTH ELEVATION



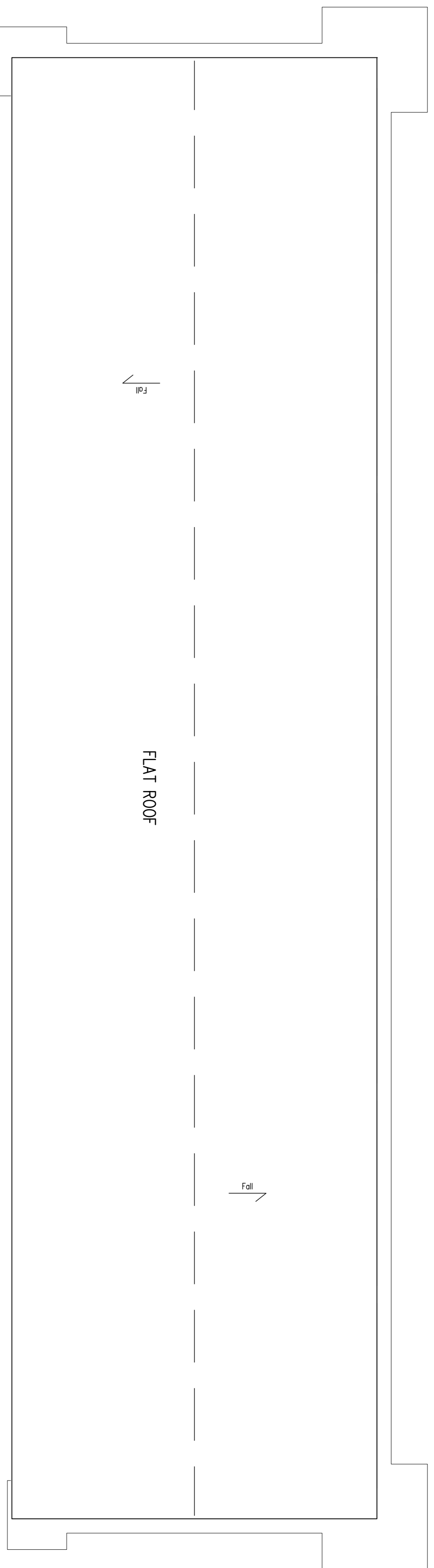
PROPOSED WEST ELEVATION



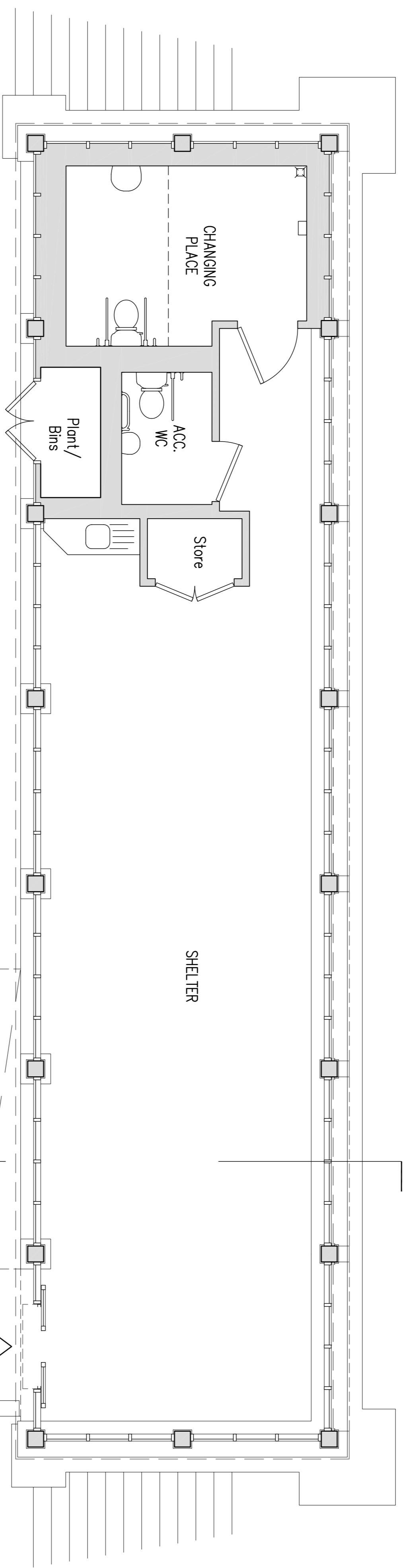
PROPOSED SECTION



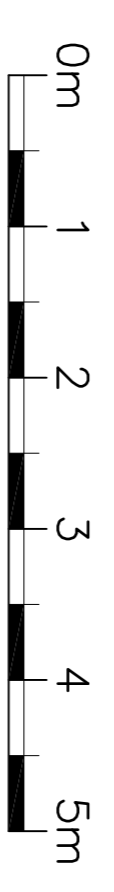
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PROPOSED ROOF PLAN

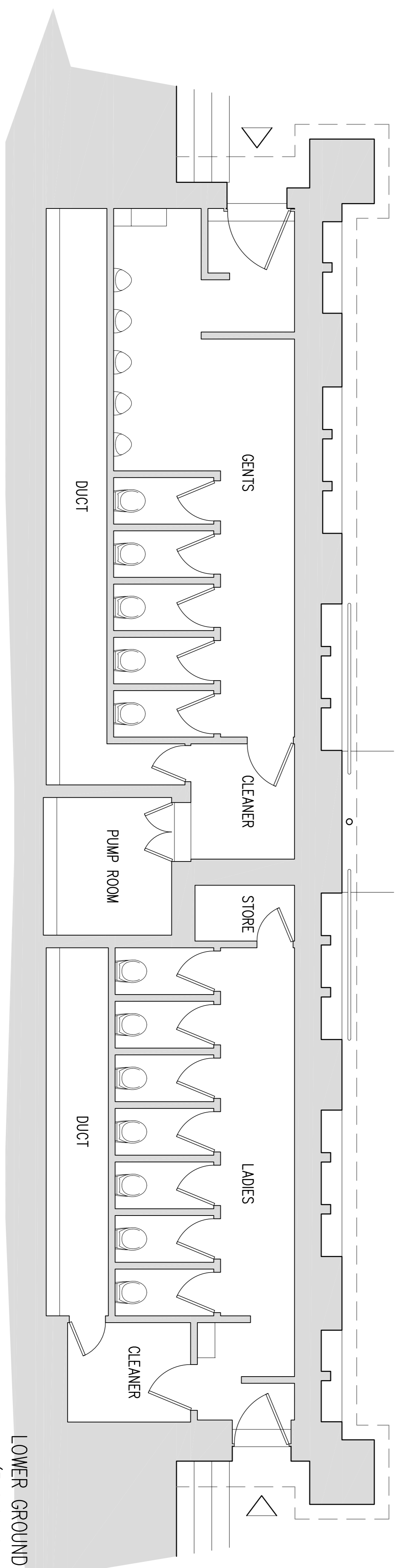


PROPOSED UPPER GROUND FLOOR PLAN



Cycle Path

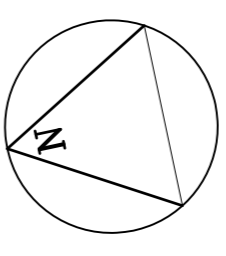
Footpath



LOWER GROUND FLOOR PLAN
(Retained as Existing)

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Notes



4	TK: Roof level ventilation pipes omitted.	18.04.2017
3	TK: Updated	09.01.2017
2	TK: Updated for beam planning application	26.03.2013
1	TK: Updated to Client comments	06.02.2013
Revision	Author & Description	Date

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Essex SS1 3NL

Project
Tram Stop Shelter
Junction of
Thorpe Hall Avenue &
Thorpe Esplanade
Southend-on-Sea, Essex

Title
Proposed Plans

Drawing:	12020_P_P010 Rev.4	By:	TM
Date:	24/01/2013	Check:	TM
Scale:	1:50 @ A1		

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Reference:	16/02195/FUL
Ward:	Leigh
Proposal:	Demolish existing buildings, erect three-storey block of five dwellings, form 8 car parking spaces, amenity area, bin and cycle stores, extend vehicular access onto Dundonald Drive.
Address:	Nova Car Sales, 840 - 846 London Road, Leigh-On-Sea, Essex, SS9 3NH
Applicant:	Mr A McNamara
Agent:	SKArchitects
Consultation Expiry:	10/01/17
Expiry Date:	30/01/17
Case Officer:	Ian Harrison
Plan Nos:	P01 B, P02 B, P03 B, P04 B, P05 B (Streetscene Drawings), P05 B (Existing and Proposed Site Plans), P07 B, P08 B, P09 B (Part M 2 nd Floor Plan) and P09 B (Construction Details).
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 The application seeks planning permission for the clearance of the existing buildings at the application site and the erection of a terrace of five dwellings with two and three storey accommodation.
- 1.2 The proposed building would have an overall width of 22.4 metres and measure between 10.2 and 13.7 metres deep with the front elevation of each dwelling being set 1.3 metres behind the front elevation of the dwelling to the west. The overall set back of the easternmost dwelling in relation to the westernmost dwelling is therefore 5.2 metres. The three dwellings at the east side of the building would feature three storey accommodation built to a flat roof height of 8.9 metres. The two westernmost dwellings would be two storey dwellings with large amenity areas on the roof partially covered by unenclosed roofs and enclosed by walls to have a similar appearance as the third floor accommodation to the east. Each dwelling would feature a Juliet balcony to the rear elevation, dwellings two and four would feature first floor balconies at the front of the building, a total of six Juliet balconies would be provided to the front elevation of the building and one would be provided to the site elevation of the dwelling that fronts Dundonald Drive.
- 1.3 The submitted plans and supporting illustrations demonstrate that the building would mostly be constructed from two white bricks that would be arranged in single brick thick bands throughout the development to create visual interest.
- 1.4 The dwellings would measure 70.5, 90.6, 119.3, 120.2 and 119.1 square metres in area and all but one of the bedrooms would be double bedrooms that would measure in excess of 11.5 square metres. The sole single bedroom would measure in excess of 7.5 square metres in area.
- 1.5 Eight parking spaces are proposed at the rear of the site which would be accessed from Dundonald Drive. In addition to the roof terraces and balconies that are set out above, gardens would be provided to serve the four larger dwellings which would measure 54, 54, 57 and 63 square metres. Small front gardens are shown to be provided to the front and west side of the proposed building.

2 Site and Surroundings

- 2.1 The application site is located at the junction of Dundonald Drive and London Road, measuring 24.7 metres wide at the London Road frontage and 33 metres long at the west side. The site currently contains a two storey building at the north west corner and two ancillary single storey buildings at the south west corner of the site.
- 2.2 The surrounding area features a variety of properties that are of different designs, scale and uses. Immediately to the east is a two storey building that appears to be used as two flats and at the rear of that site, with the address of Rear of 836 London Road, is a detached building that appears to be in use as a separate dwelling. The properties of Dundonald Drive to the south are used as residential dwellings with most properties featuring being two storey dwellings apart from two bungalows which are to the south west of the application site.

The properties of London Road are used for retail purposes at ground floor with some commercial and residential uses at first floor. Other than the bungalows, the properties of Dundonald Drive are built to a reasonably consistent scale and appearance, but the properties of London Road feature a wide variety of building styles.

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

3 Planning Considerations

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

4 Appraisal

Principle of Development

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

4.1 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework Sections 56 and 64, Core Strategy DPD Policies KP2, CP4 and CP8. Amongst the core planning principles of the NPPF includes to *“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.”* Paragraph 56 of the NPPF states; *“the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* Paragraph 64 of the NPPF states; *“that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*

4.2 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development. Policy CP8 requires that development proposals contribute to local housing needs and identifies that 80% of residential development shall be provided on previously developed land.

4.3 Policy DM3 states that *“the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.”*

- 4.4 As part of its Strategic Housing Land Availability Assessment (SHLAA) update, the Council has published information on its potential housing supply (5 year supply of housing plus an additional 5% buffer as required by the NPPF). This demonstrates that the Council has a 6 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be unacceptable. Notwithstanding this the principle of providing a new dwelling at the site is considered to be acceptable subject to the considerations set out below.
- 4.5 Policies CP1 and DM11 set out that developments resulting in the loss of employment land outside the designated employment areas of the Borough will be resisted unless specified criteria can be met. As the car sales business is deemed to fall outside of the designated use classes and is not considered to represent an employment use falling with Class B of the Use Classes Order. As the existing use relates to the sale of items rather than a use that is more comparable to an employment use, it is considered that the restrictions set out within these policies cannot reasonably be applied to the existing use. The applicant sets out that employment at the site is minimal and as such the site is not contributing significantly in this regard. This position is accepted in this instance.
- 4.6 For these reasons it is considered that no objection should be raised in relation to the principle of undertaking residential development at the site. Although development plan policies are now materially different, it is considered to be of some relevance that no objection was raised to the loss of employment land at the site when planning permission was refused under the terms of application 14/01354/OUT.

Design and Impact on the Character of the Area

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

- 4.7 In the Council's Development Management DPD, policy DM1 states that development should "add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features."
- 4.8 Policy DM3 states that "*all development on land that constitutes backland and infill development will be considered on a site-by-site basis. Development within these locations will be resisted where the proposals:*
- (i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or*
 - (ii) Conflict with the character and grain of the local area; or*
 - (iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or*
 - (iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees."*

- 4.9 The proposed built form would be built to feature three storeys of accommodation, with a flat roof built to a height of 8.9 metres, which is comparable to the ridge height of the buildings to the south of London Road. The buildings to the north of the site are built to two storeys with a flat roof and the single storey building to the west also features a flat roof. In this context it is considered that the height of the proposed building is suitably in-keeping with the varied heights of buildings within the surrounding area and that the use of a flat roof is also in-keeping with the general character of the area, albeit at a higher level. The objection of Leigh Town Council in relation to the proposal to undertake three storey development is noted. However, it is considered that in the context of the mixed heights of the surrounding area the height of the proposed building can be found acceptable.
- 4.10 The proposed building would have a staggered arrangement to reflect the position of the buildings to the east and west of the application site. The staggered arrangement ensures that the building line is respected, but also enables the proposed building to have an element of visual interest through the arrangement of the dwellings. This arrangement and the inclusion of recessed entrances, balconies and enclosed roof terraces at second floor helps the massing of the building to be broken down.
- 4.11 During the course of the application, officers and the applicant have discussed and secured amendments to the proposals to improve certain elements of the proposed development. It was previously a concern that the use of a single brick throughout the front elevation was a little monolithic and therefore the applicant has resolved to use two subtly different bricks to provide visual interest. Other alterations have seen the configuration of the windows and Juliette style openings to create more visual interest to the south and west elevations. Additional details have also been provided in relation to a brick wall that is proposed at the side of the proposed building.
- 4.12 It is noted that the extensive use of brickwork is not in-keeping with a number of the properties within the immediate vicinity of the site as render is the dominant material. However, there are several examples of red brickwork within the surrounding area and for a building of this scale, it is considered that the proposed brickwork approach provides better opportunities to provide high quality visual interest within the development, such as brickwork detailing.
- 4.13 For these reasons and as the abovementioned amendments are considered to represent a material improvement to the proposed development, it is now considered that the development would be of sufficiently high quality and visual interest to be deemed to be in accordance with the abovementioned policies. It is therefore considered that no objection should be raised to the proposal on design grounds.

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.

- 4.14 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.”
- 4.15 The proposed dwellings would be a minimum of 14 metres from the north elevation of the neighbouring property to the south (96 Dundonald Drive) and it is noted that the property features no windows in the side elevation of that building. Due to this relationship it is considered that the proposed development would have no significant impact on the sense of enclosure, light or outlook of the neighbouring property and that the only overlooking would be from a reasonable distance and only towards the amenity area of that property. It is therefore considered that the proposal would not impact on the amenities of that property to an extent that would justify the refusal of the application.
- 4.16 The neighbouring building to the east appears to be used as two flats and contains several windows in the side elevation, although it is noted that most of those windows feature obscured glass and are therefore presumed to serve non-habitable rooms. The proposed built form would be positioned 3.6 metres to the side of that property and therefore the impact on light, sense of enclosure and outlook would be reduced. For these reasons and due to the non-habitable use of the windows in the west side elevation it is considered that the proposed built form would not cause an unacceptable loss of light or outlook within the neighbouring properties. Due to the positioning of the proposed and neighbouring buildings, it is considered that the neighbouring property would not be significantly overlooked by the proposed development. Similarly, due to the positioning of the buildings, it is considered that the impact on the building at the rear of 836 London Road would not be at a level that would justify the refusal of the application.
- 4.17 The proposed buildings would be at least 18.4 metres from all other residential properties and it is therefore that case that no other properties would be materially affected by the proposed development to an extent that would justify the refusal of the application on those grounds.

Standard of Accommodation:

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

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

- Minimum property size for a two storey, 2 bedroom (3 person bed space) property shall be 70 square metres, a two storey 2 bedroom (4 person bed space) property shall be 79 square metres and a three storey 3 bedroom (6 bed space) property shall be 108 square metres.
- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m; and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
- Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

Weight should also be given to the content of policy DM8 which states the following standards in addition to the national standards.

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bed space.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

- 4.19 The dimensions of the proposed residential units are set out above and it is accepted that they comply with the abovementioned standards. Furthermore, the bedrooms would be of appropriate size. It is therefore considered that the proposed development would accord with the size criteria set out above.
- 4.20 The amenity space provision for four of the dwellings consists of roof terraces, balconies and gardens and is considered to be entirely adequate to serve the dwellings proposed. Due to the arrangement of the site, the westernmost dwelling is almost entirely reliant on the roof terrace to provide its outdoor amenity space. Whilst this would be an unusual arrangement, it is considered that the unconventional approach would ensure that the amenity space provision is adequate to serve the proposed dwelling and should therefore be found acceptable.
- 4.21 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. It has been demonstrated that the proposed development would accord with the requirements of the Building Regulations. It is therefore considered that it is reasonable and appropriate to impose a condition on any permission to require the development to comply with Part M4 (2) of the Building Regulations.

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.

- 4.22 Policy DM15 states that each dwelling should be served by at least two parking spaces per property and as such the five dwellings should be served by a total of 10 spaces. However, policy DM15 also states that *“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.”*
- 4.23 The three larger dwellings would comply with the abovementioned parking standards as each dwelling would be provided by two parking spaces. The two smaller dwellings would only be served by one parking space and these dwellings would therefore not fully comply with the abovementioned parking standards.
- 4.24 This site is considered to be located in a reasonably sustainably location as it is well served by bus connections of the numerous routes that travel along London Road. The site is also within walking distance of Chalkwell Station (0.7 miles to the south) and the centre of Leigh. It is therefore considered that the site is suitably located for a flexible approach to be taken with respect to parking provision.

- 4.25 Moreover, providing additional parking would be likely to have a detrimental visual impact on Dundonald Drive which also gives grounds to apply the parking standards with some flexibility. Not only would additional hardstanding be required which would result in the hardstanding at the west boundary of the site being more visually dominant, but it would also be likely to require the removal of a street tree which would not be encouraged. Therefore, on balance and due to the flexibility that is set out within policy DM15, it is considered that the proposed level of parking provision can be found acceptable.
- 4.26 The Highway Authority have raised no objection to the proposed development and it is noted that the advice received sets out that they are satisfied that the proposed works would not be likely to harm the street tree. The works are not considered to be more likely to pose a threat to the tree than recent works that have been undertaken by the Highway Authority and it would therefore be unreasonable to object to the application on those grounds.

Sustainability

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

- 4.27 Policy KP2 of the DPD1 and the SPD1 require that 10% of the energy needs of a new development should come from on-site renewable resources, and also promotes the minimisation of consumption of resources. No details have been submitted to demonstrate this proposal would provide 10% of the energy needs, it is considered this could be required by condition if permission is granted.
- 4.28 Policy DM2 states that developments should achieve compliance with Level 3 of the Code for Sustainable Homes. It is also stated that water efficient design measures should be incorporated into development. Changes to legislation means that these standards have now been incorporated into Building Regulations and as such it is considered that it is reasonable and necessary to impose conditions to any permission granted at this site to require development to achieve the 'enhanced standard' of building regulations.

Community Infrastructure Levy

- 4.29 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. The proposed development will result in a net increase in gross internal area of 276.7 square metres (taking into account a deduction of 243 square metres for existing 'in-use' floorspace that is being demolished). The CIL chargeable rate for residential units in this location is £20 per square metre. Therefore, this equates to £6087.40.

Conclusion

- 4.30 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, the street scene and the locality more widely. The highways impacts of the proposal are not considered to be such that a refusal of planning permission would be justified and the scheme would provide adequate amenity for its future occupiers. This application is therefore recommended for approval subject to conditions.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework
- 5.2 DPD1 Core Strategy Policies CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance) and KP2 (Development Principles), CP8 (Dwelling Provision)
- 5.3 Development Management DPD Policies DM1, DM2, DM3, DM7, DM8 and DM15
- 5.4 Community Infrastructure Levy Charging Schedule
- 5.5 Design & Townscape Guide 2009 (SPD1).

6 Representation Summary

Traffic & Highways Network

- 6.1 The proposal provides 2 car parking spaces for each of the 3 bedroom dwellings and 1 car parking space for each of the 2 bedroom dwellings bringing the total off street parking spaces to 8. 8 cycle parking spaces have been provided. The site is located within a sustainable location with regard to public transport infrastructure with good links in close proximity. The proposed parking provision is considered acceptable given the information contained within the design and access statement. Consideration has also been given to the existing use of the site which has the capacity to generate a considerable number of vehicle movements more than the proposed use. Therefore the proposal represents a reduction in terms of traffic movements in the local area.

Should the application be approved all redundant vehicle crossovers should be reinstated at the applicant's expense. The applicant should also be made aware of the existing street tree and the root protection zone when constructing the new vehicle crossover alternative construction methods may need to be considered. All highway works will be carried out under a section 278 agreement.

Essex County Fire and Rescue Service

- 6.2 No objection is raised and the content of building regulations has been highlighted.

Environmental Health Officer

- 6.3 No objection subject to conditions controlling the hours of construction.

Leigh-on-Sea Town Council

- 6.4 An objection is raised on the grounds that the proposal of a very poor design. The majority of the other buildings in the area are rendered, and are not three storeys, so this building would be out of keeping.

Public Consultation

- 6.5 A site notice was displayed and 14 neighbours were notified of the application. Four letters of objections have been received which raise objections on the following grounds:

- The proposed development has inadequate parking and would affect parking within the vicinity of the site.
- The proposal would impact on property values.
- The proposed development would cause a loss of privacy within neighbouring properties.
- The proposed development would cause noise.
- Three storey development should not be supported.

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.

- 6.6 The application has been called-in to the Council's Development Control Committee by Councillors Mulronev and Arscott.

7 Relevant Planning History

- 7.1 Outline planning permission was sought under the terms of application 14/01354/OUT for the erection of a block of nine flats at the site. That application was refused.
- 7.2 The increase of the roof height of the workshop was approved under the terms of application 14/00692/FUL, a single storey valeting bay was approved under the terms of application 87/0846 and advertising at the site was refused under the terms of application 85/0879.

8 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans: P01 B, P02 B, P03 B, P04 B, P05 B (Streetscene Drawings), P05 B (Existing and Proposed Site Plans), P07 B, P08 B, P09 B (Part M 2nd Floor Plan) and P09 B (Construction Details)**

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

- 03 The bricks used in the construction of the development hereby approved shall only be in accordance with the details shown in plan P09 B (Construction Details) hereby approved and arranged/used in accordance with plan P09B (Construction Details) unless otherwise agreed in writing by the Local Planning Authority. Details of all other materials to be used on the external elevations of the building hereby approved, including the window frames and Juliet balconies, shall be submitted to and approved in writing by the Local Planning Authority prior to their use at the application site. The development shall then be implemented in accordance with the approved details before it is occupied.**

Reason: To ensure that the development contributes positively to the character and appearance of the site and the surrounding area and relates to the host buildings at the application site. In accordance with the National Planning Policy Framework, policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2012), policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Council's Design and Townscape Guidance (SPD1)

- 04 The 8 parking spaces shown on the plans hereby approved shall be provided in accordance with the approved plans prior to the first occupation of the building hereby approved. Subsequently, the parking spaces shall be retained at all times and only used by the occupants of dwellings hereby approved and their visitors.**

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

- 05 A scheme detailing how at least 10% of the total energy needs of the dwelling 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 dwelling. 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).

- 06 Prior to occupation of the dwelling 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 to be included in the scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be undertaken in accordance with the approved details before it is occupied and retained in perpetuity.**

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

- 07 Prior to the first occupation of the dwellings hereby approved, details shall be submitted of the provision of cycle parking and refuse storage at the site. The approved cycle parking and refuse storage shall be provided in full and made available for use by the occupants of the proposed dwelling prior to the first occupation of the dwellings hereby approved and be retained as such in perpetuity.**

Reason: To ensure the provision of adequate cycle parking and refuse storage in accordance with policies DM8 and DM15 of DPD2 (Development Management)

- 08 The development hereby approved shall be carried out in a manner to ensure the dwelling complies fully with Building Regulation M4 (2) 'accessible and adaptable dwellings'.**

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

09 Notwithstanding the provisions of Classes A, B, D and E of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 2015 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no extensions or outbuildings shall be erected at the site unless otherwise agreed in writing by the local planning authority.

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

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

Informative

Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a Community Infrastructure Levy (CIL) Liability Notice for the attention of the applicant and any person who has an interest in the land. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.

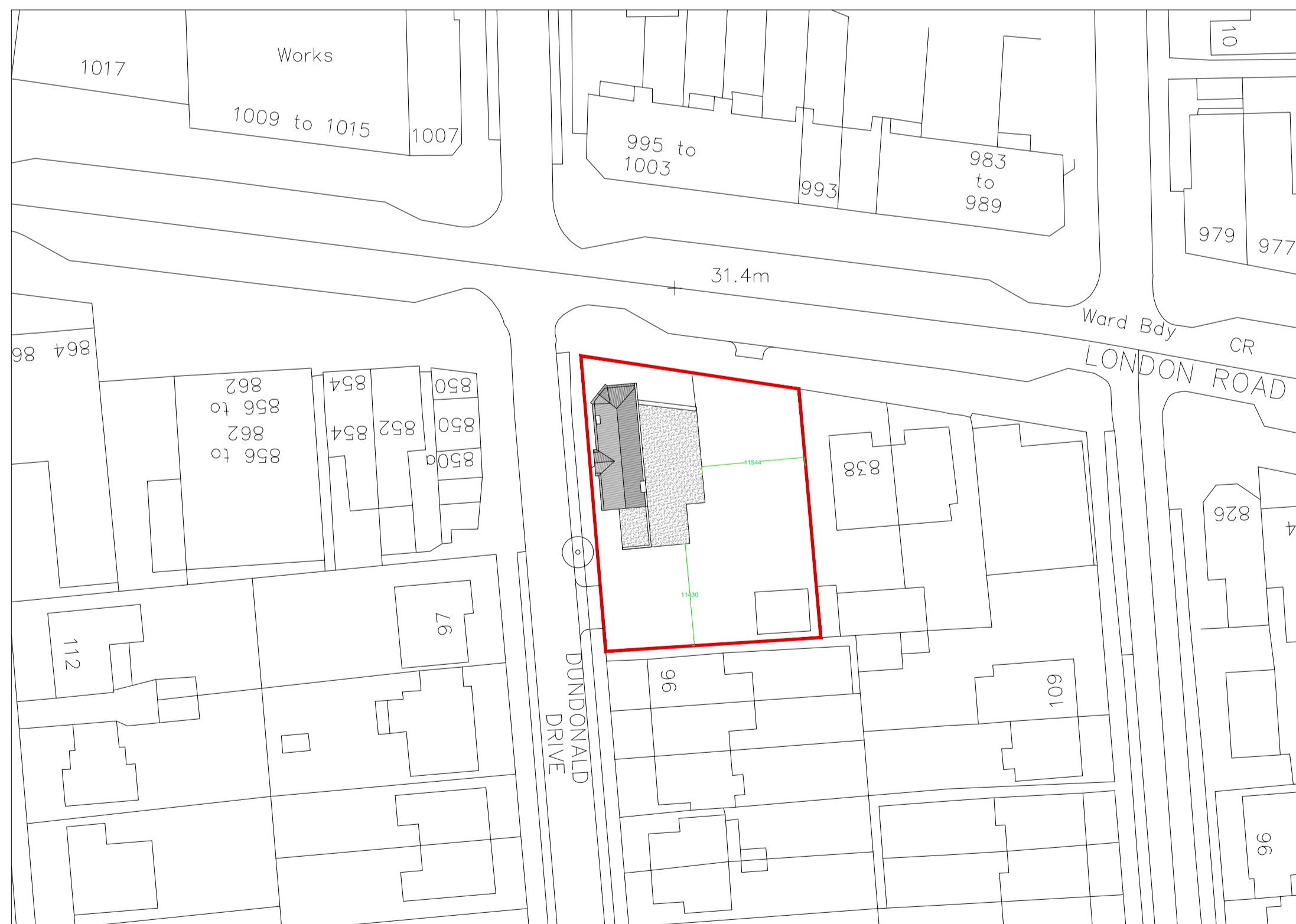
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-	PRODUCTION OF DRAWINGS	xx.xx.xx
A	PLANNING DRAWINGS	05.12.16
B	REVISED PLANNING DRAWINGS	17.03.17



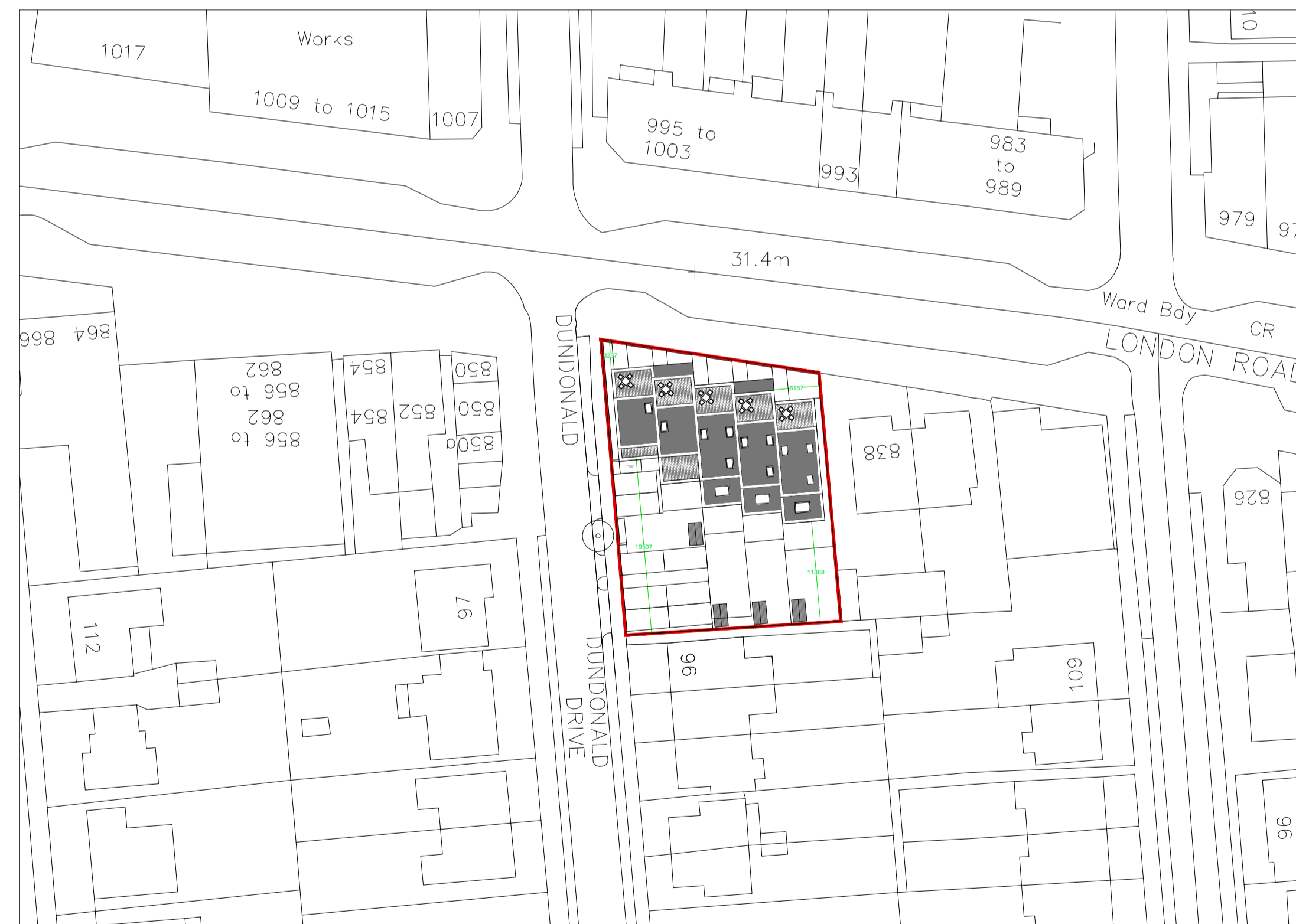
Existing Location Plan - 1:1250 North 



Proposed Location Plan - 1:1250 North 



Existing Block Plan - 1:500 North 



Proposed Block Plan - 1:500 North 

STATUS: AWAITING APPROVAL

PROJECT STAGE:	DRAWN BY:	CHECKED BY:
S1 - Preliminary	ABG	<input type="checkbox"/>
CLIENT:		
Estuary Cars		
PROJECT:		Postcode:
Estuary Cars		SS9 3NH
PROJECT NO:	PAGE NO:	REVISION:
347-11-15	P01	B
DRAWING:		
Site and Block Plans		
SCALE:		
1:500, 1:1250 on A1		

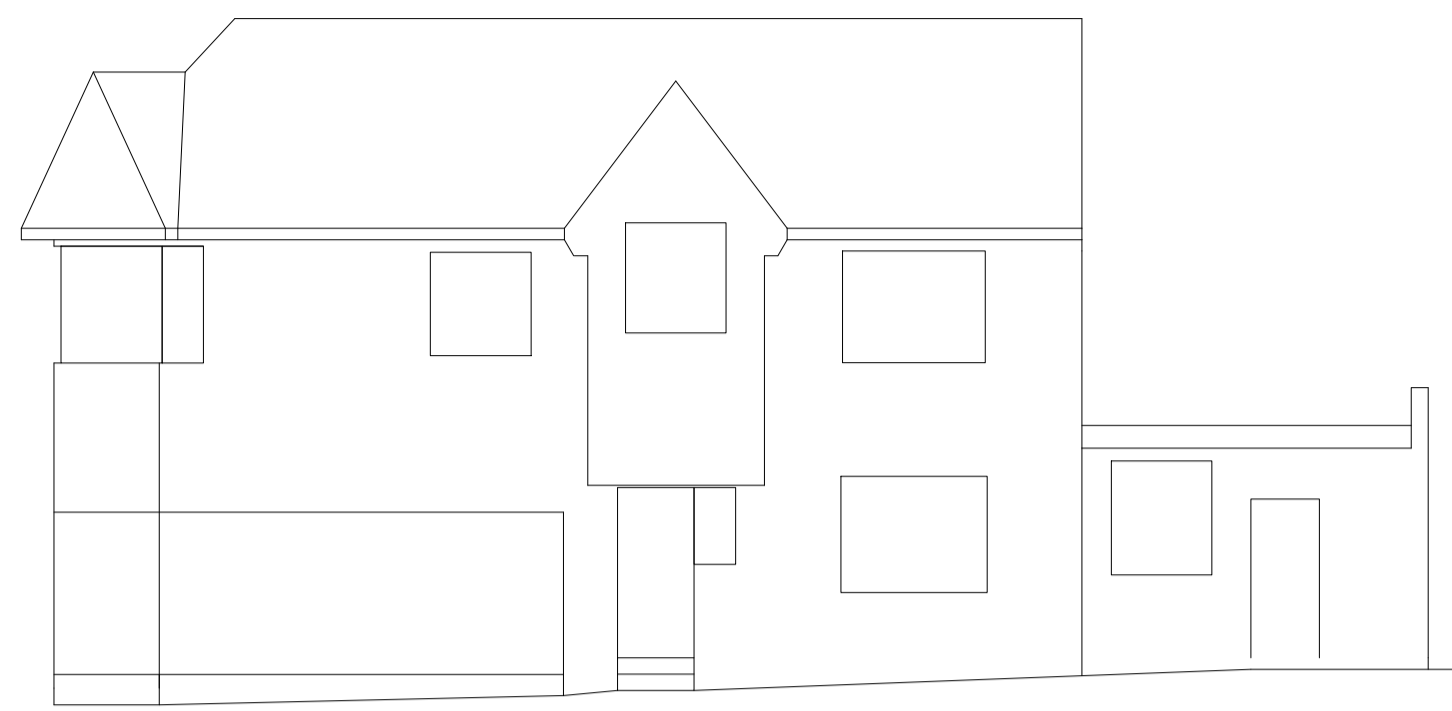
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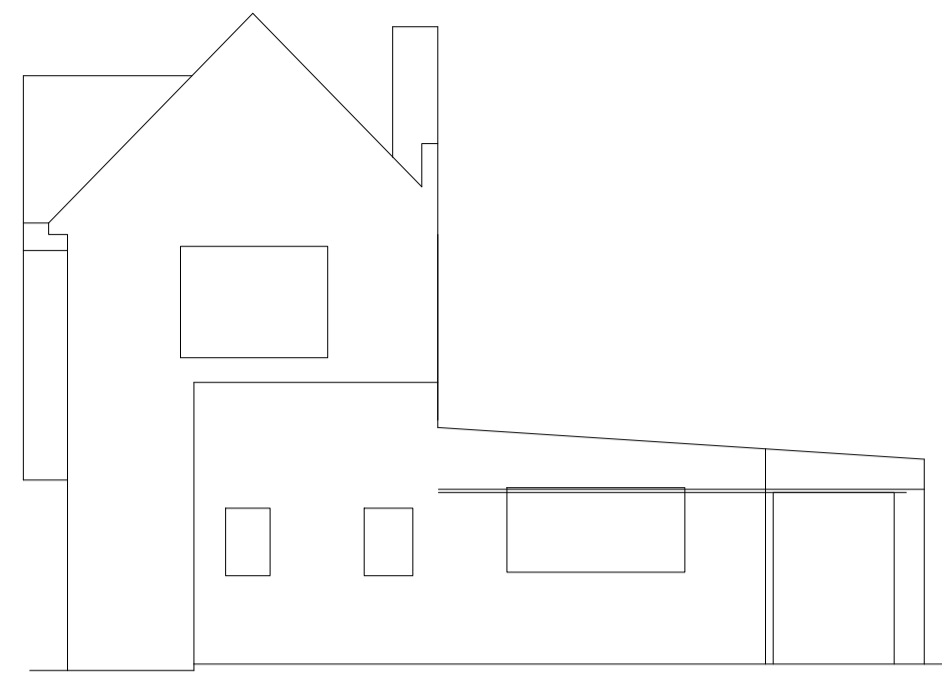
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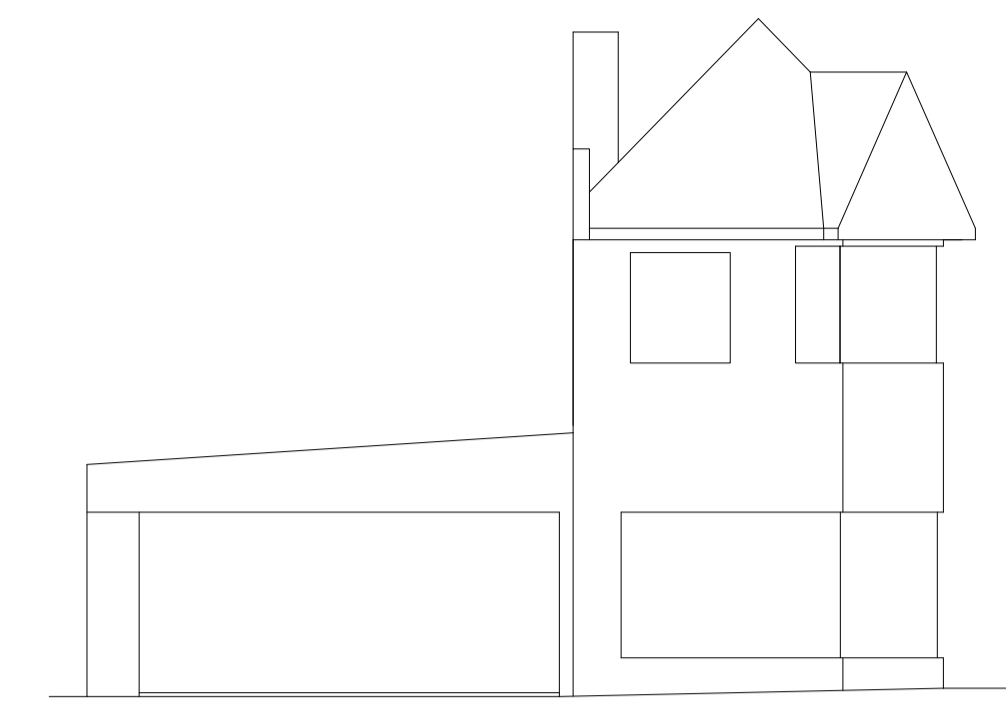
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B	REVISED PLANNING DRAWINGS	17.03.17



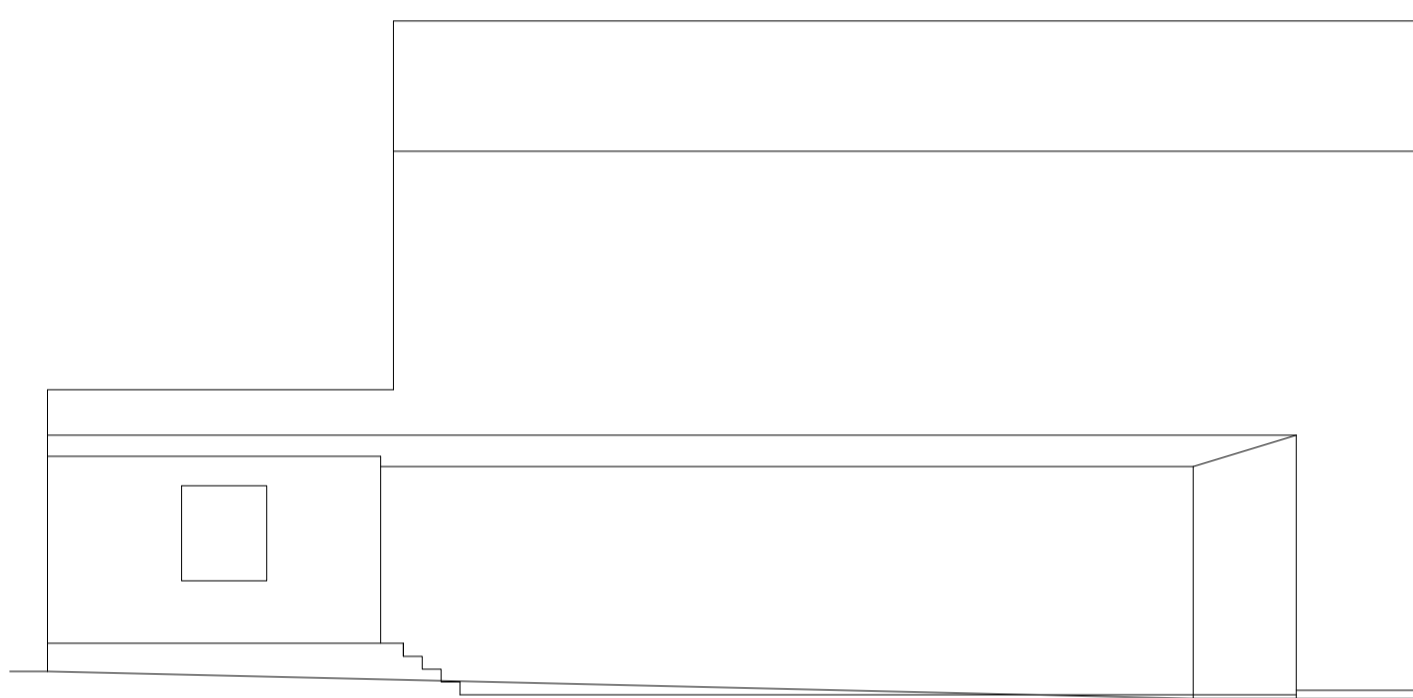
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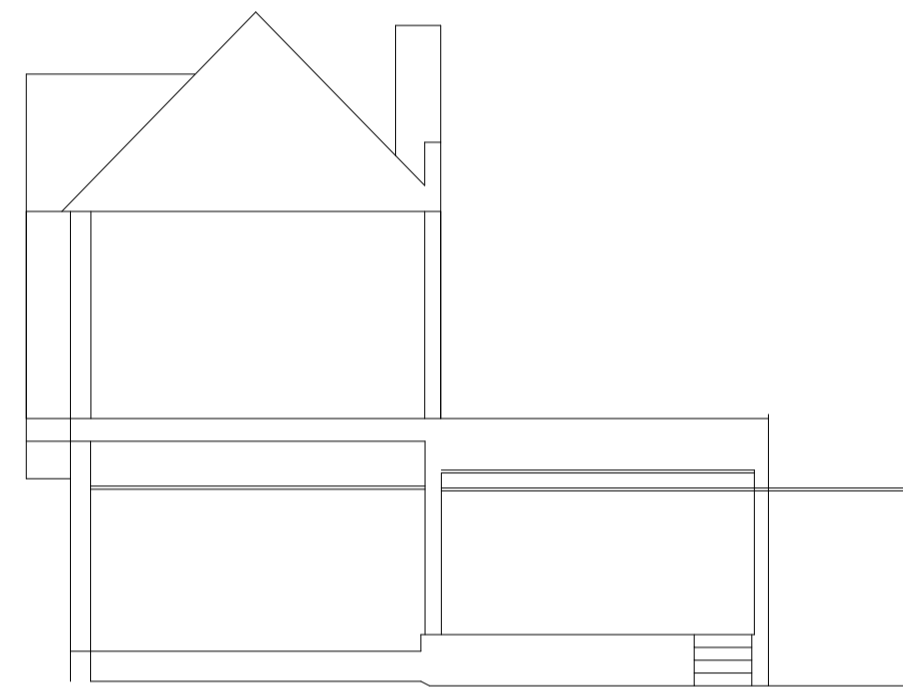
Existing South Elevation - 1:100



Existing North Elevation - 1:100



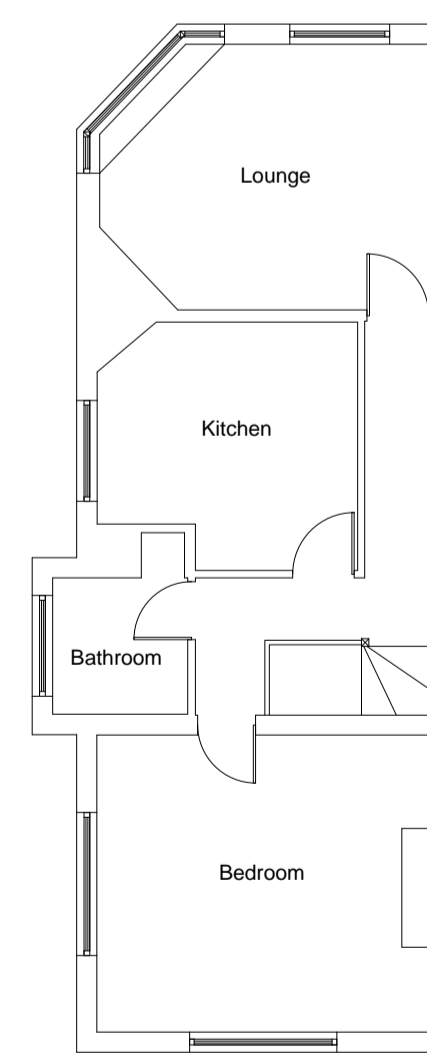
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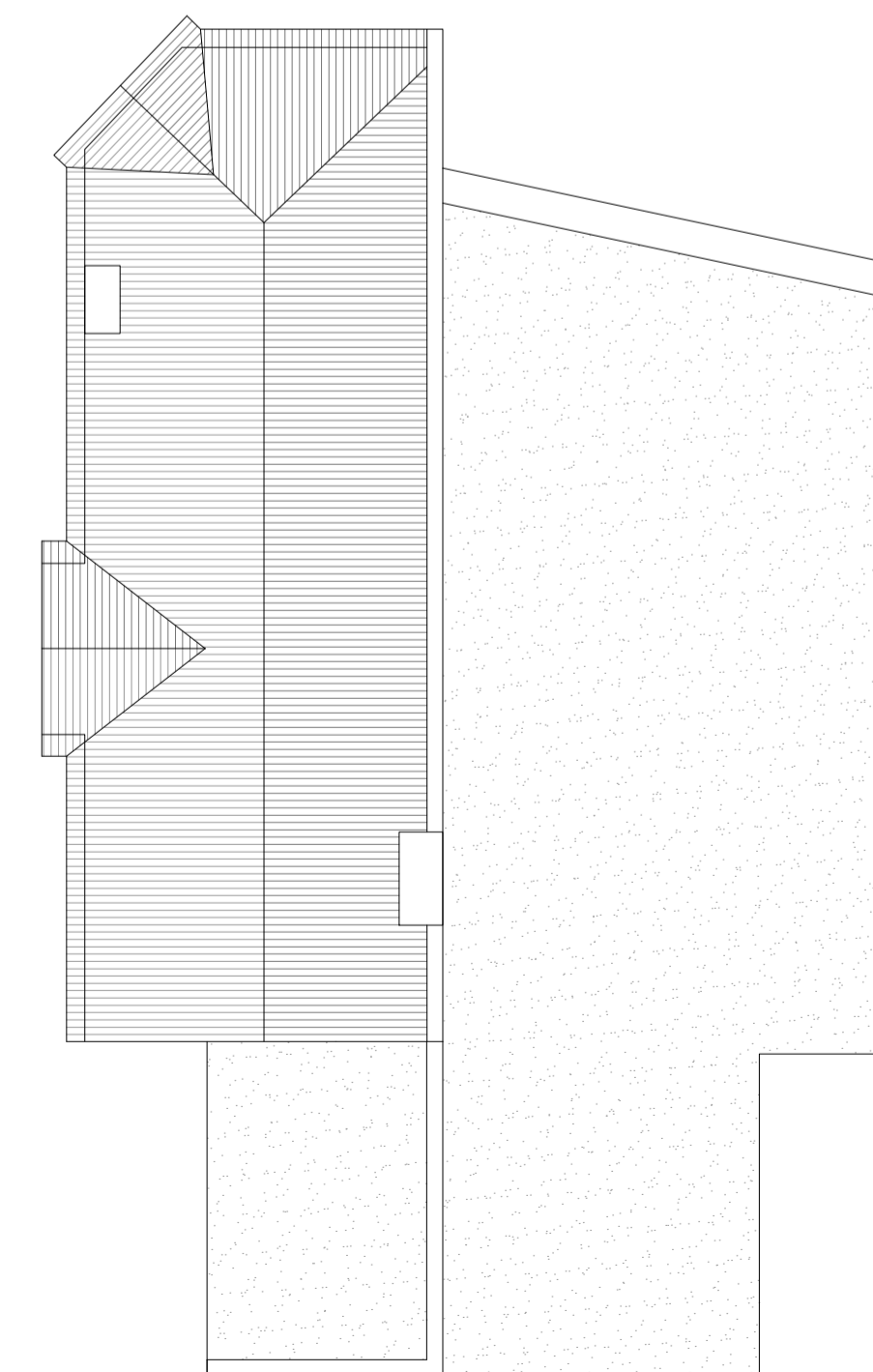
Existing Section - 1:100



Existing Ground Floor Plan - 1:100



Existing First Floor Plan - 1:100



Existing Roof Plan - 1:100

STATUS: AWAITING APPROVAL

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CLIENT: Estuary Cars	PROJECT: Estuary Cars	Postcode: SS9 9NH
PROJECT NO: 347-11-15	PAGE NO: P02	REVISION: B
DRAWING: Existing		
SCALE: 1:50, 1:100 on A1		

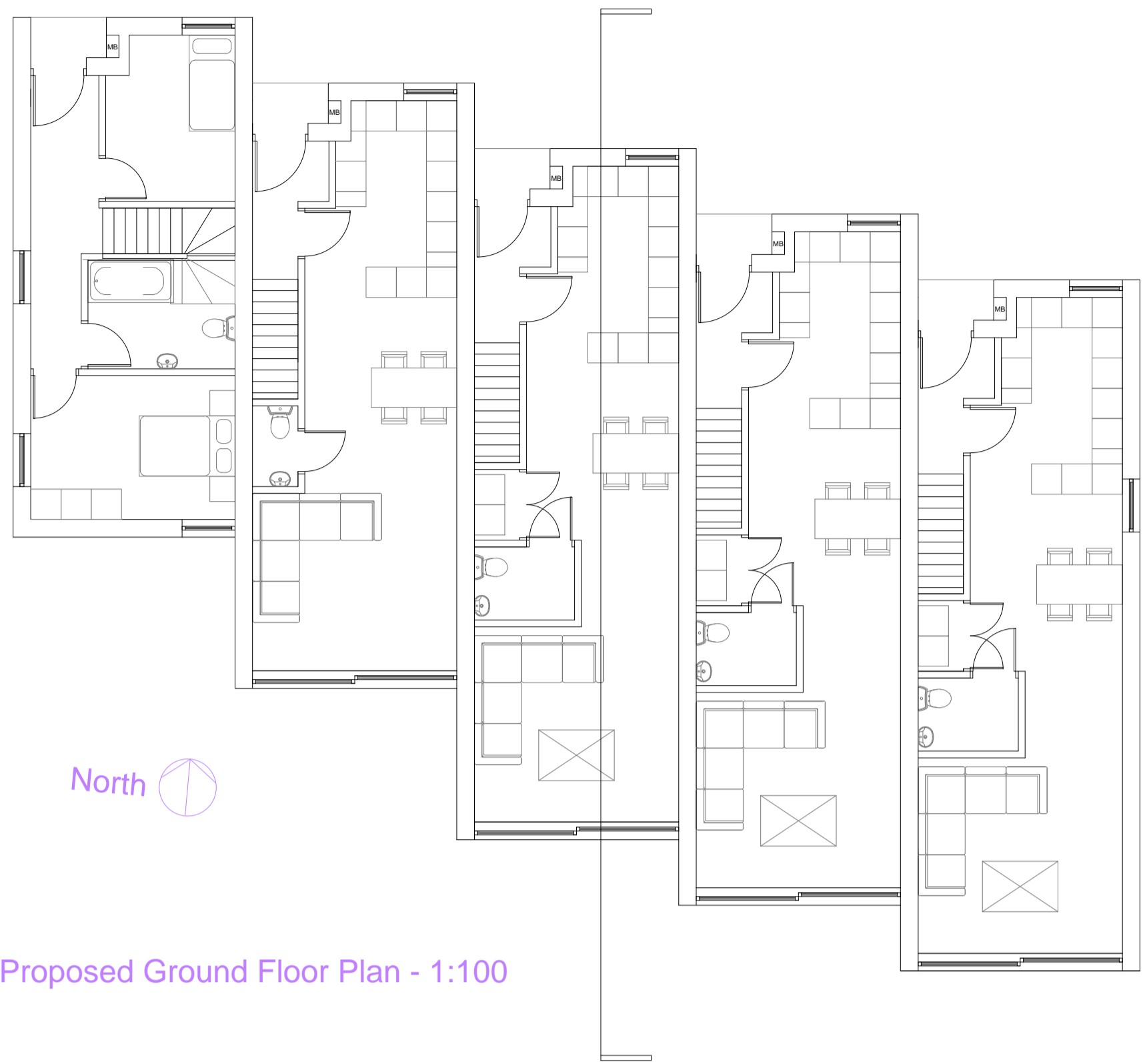
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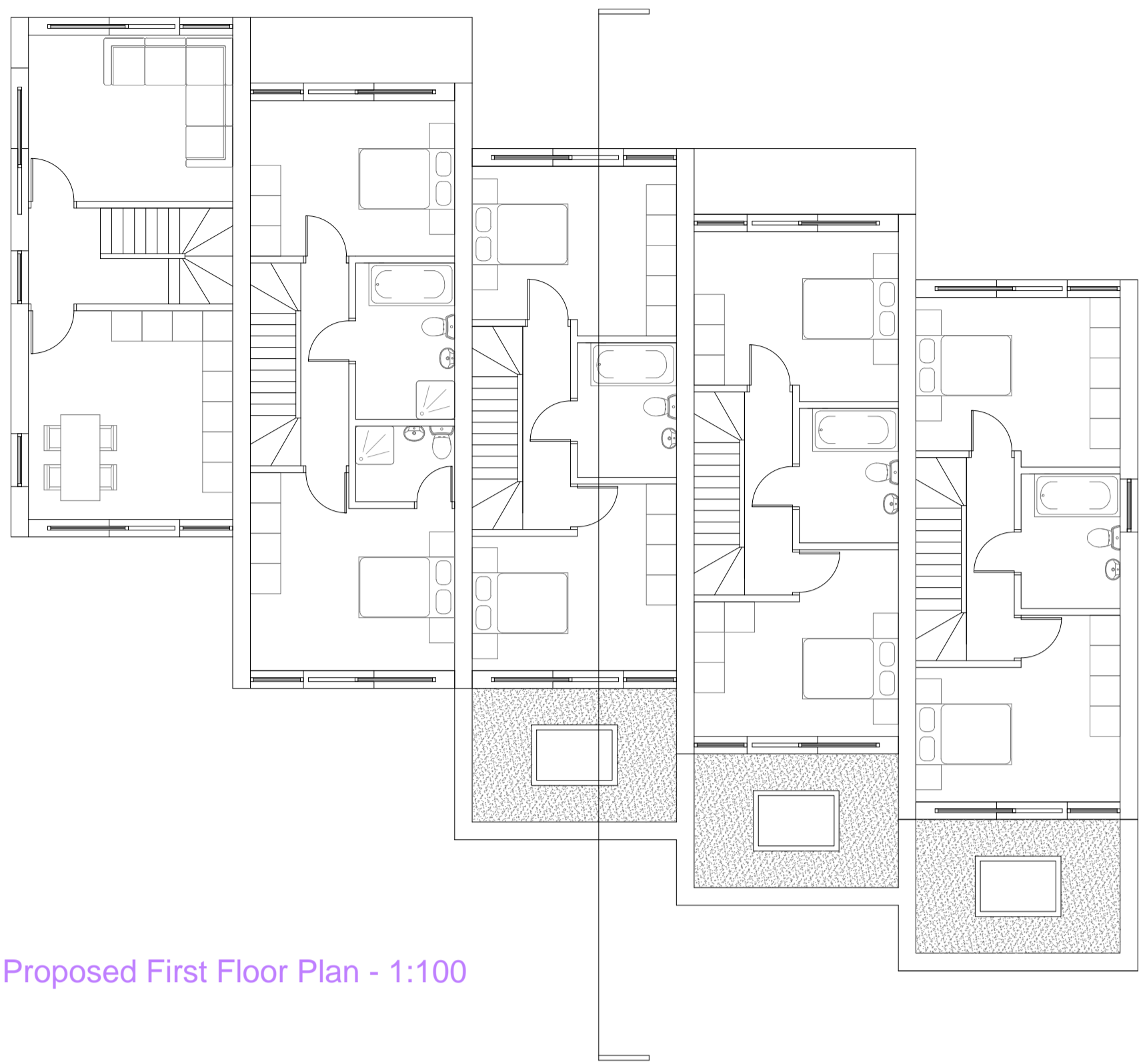
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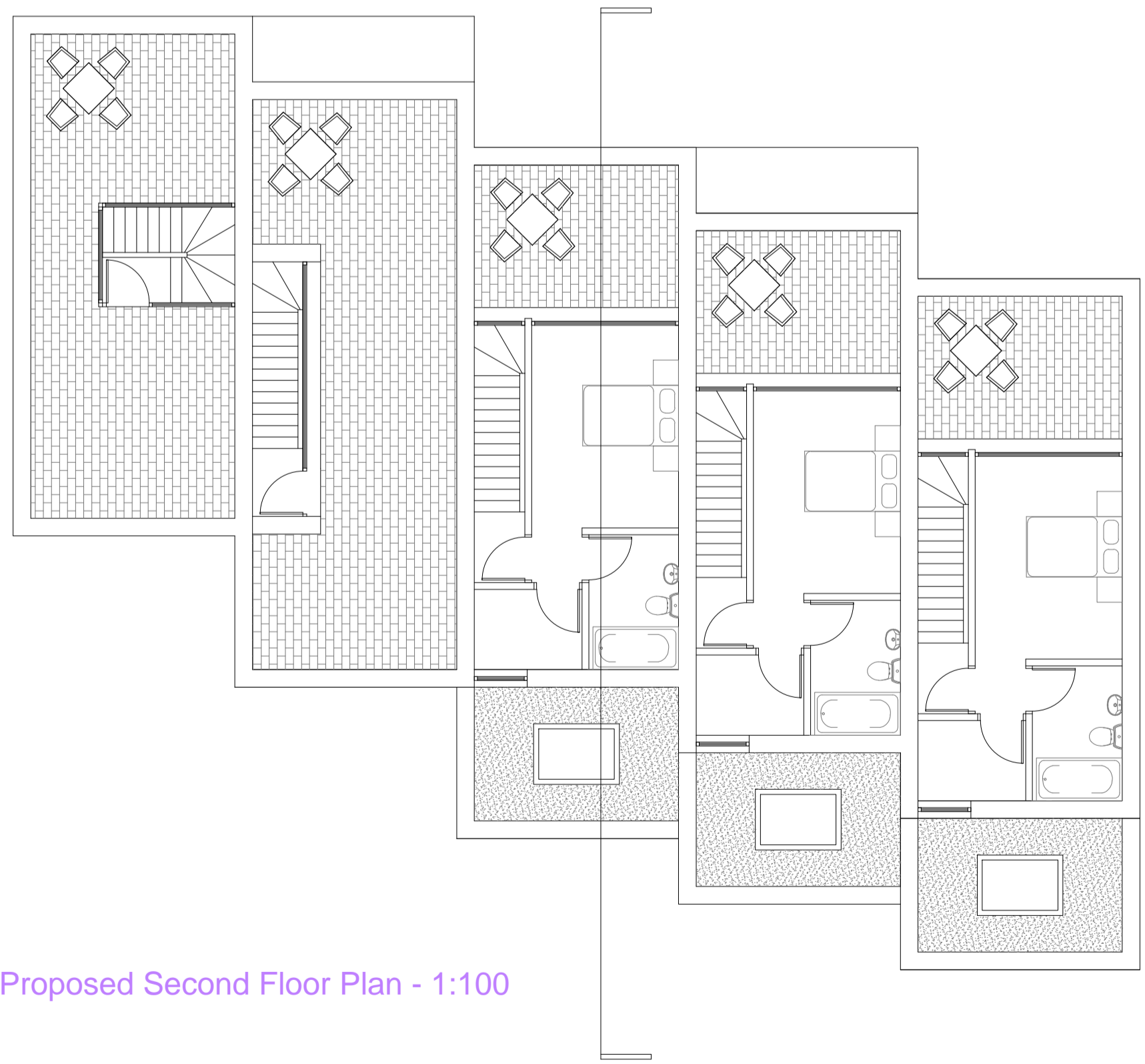
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B	REVISED PLANNING DRAWINGS	17.03.17



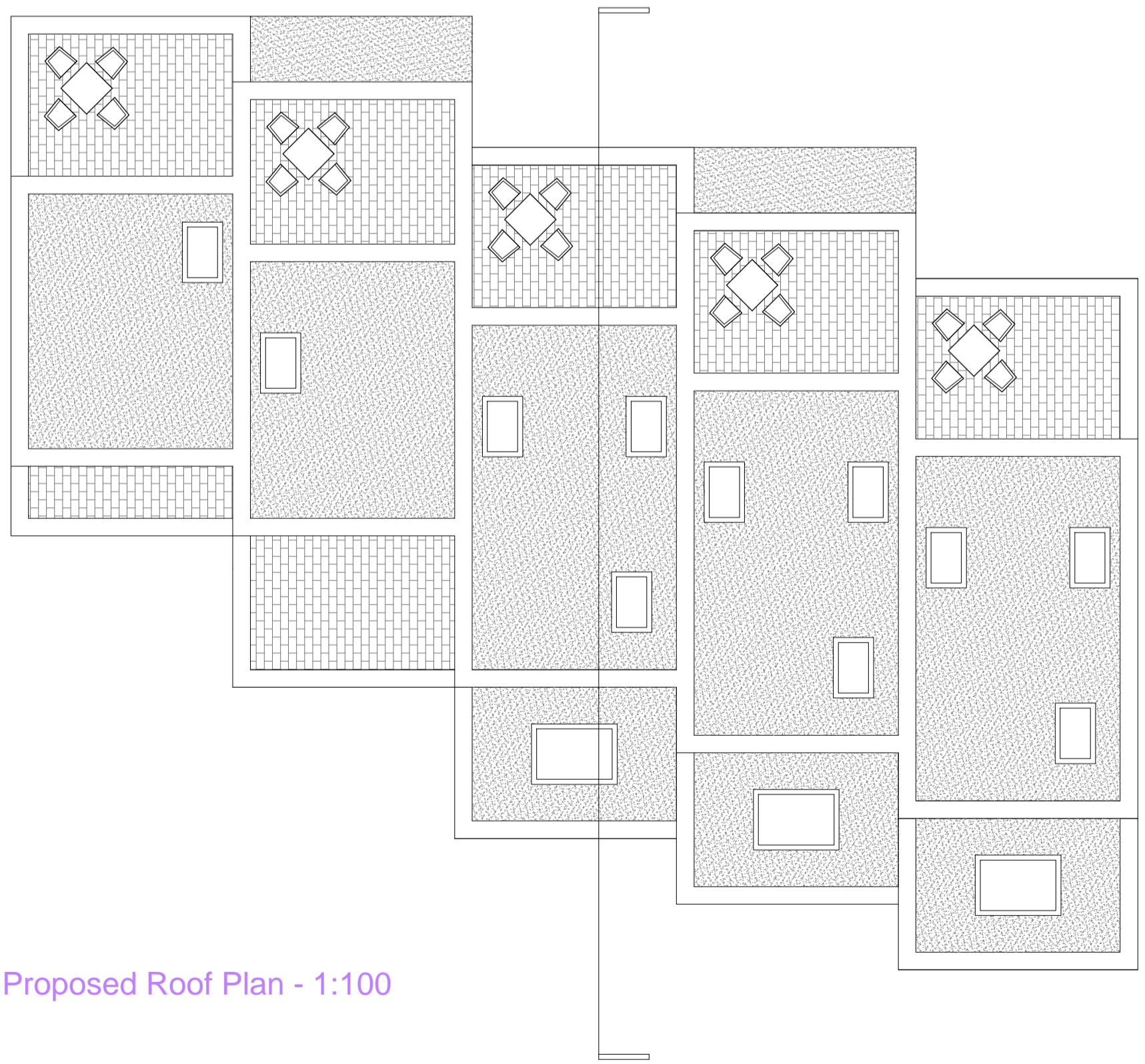
Proposed Ground Floor Plan - 1:100



Proposed First Floor Plan - 1:100



Proposed Second Floor Plan - 1:100



Proposed Roof Plan - 1:100

221

STATUS: AWAITING APPROVAL

PROJECT STAGE: S1 - Preliminary
 CLIENT: Estuary Cars
 PROJECT: Estuary Cars
 PROJECT NO: 347-11-15
 DRAWING: Proposed

DRAWN BY: ABG
 CHECKED BY:

Postcode: SS9 9NK
 PAGE NO: P03
 REVISION: B

SCALE: 1:50, 1:100 on A1

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B	REVISED PLANNING DRAWINGS	17.03.17



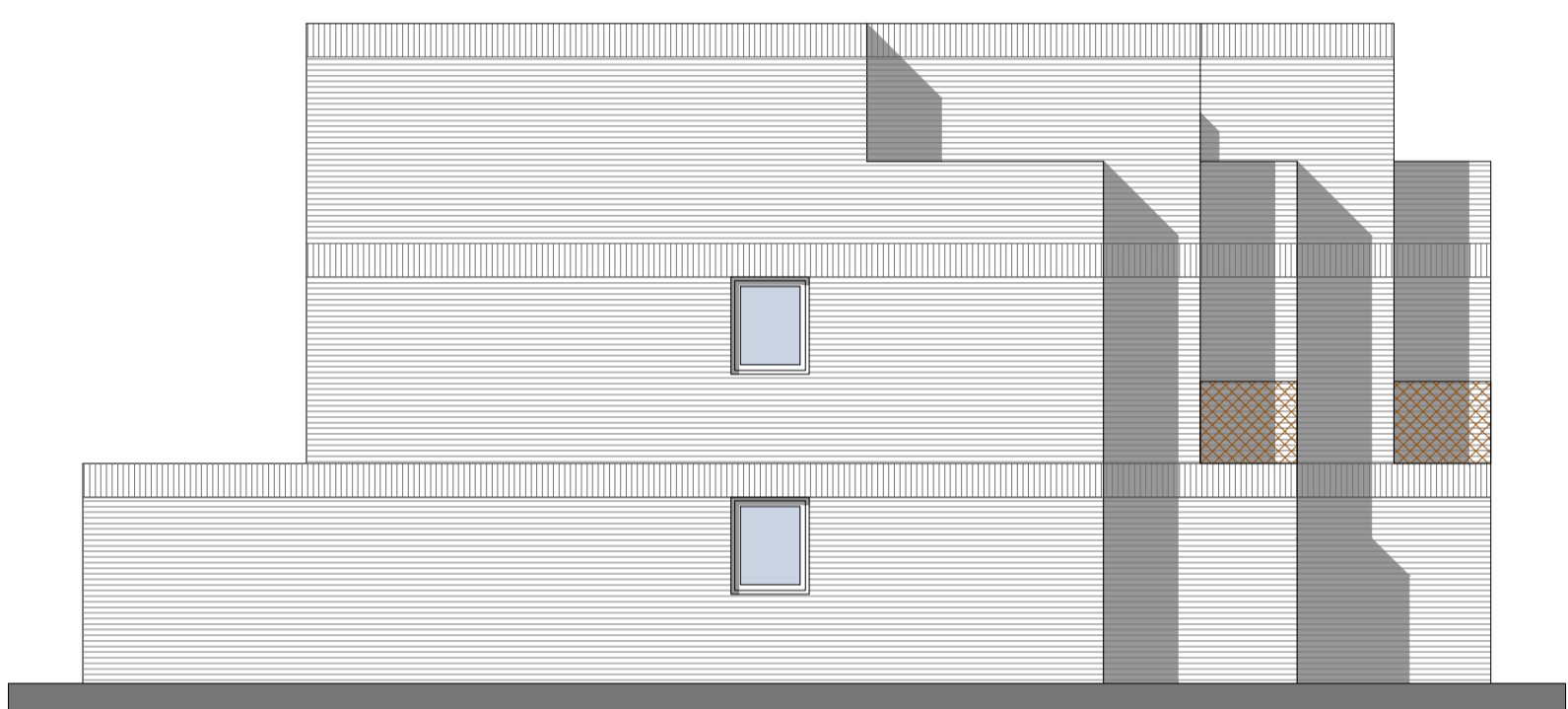
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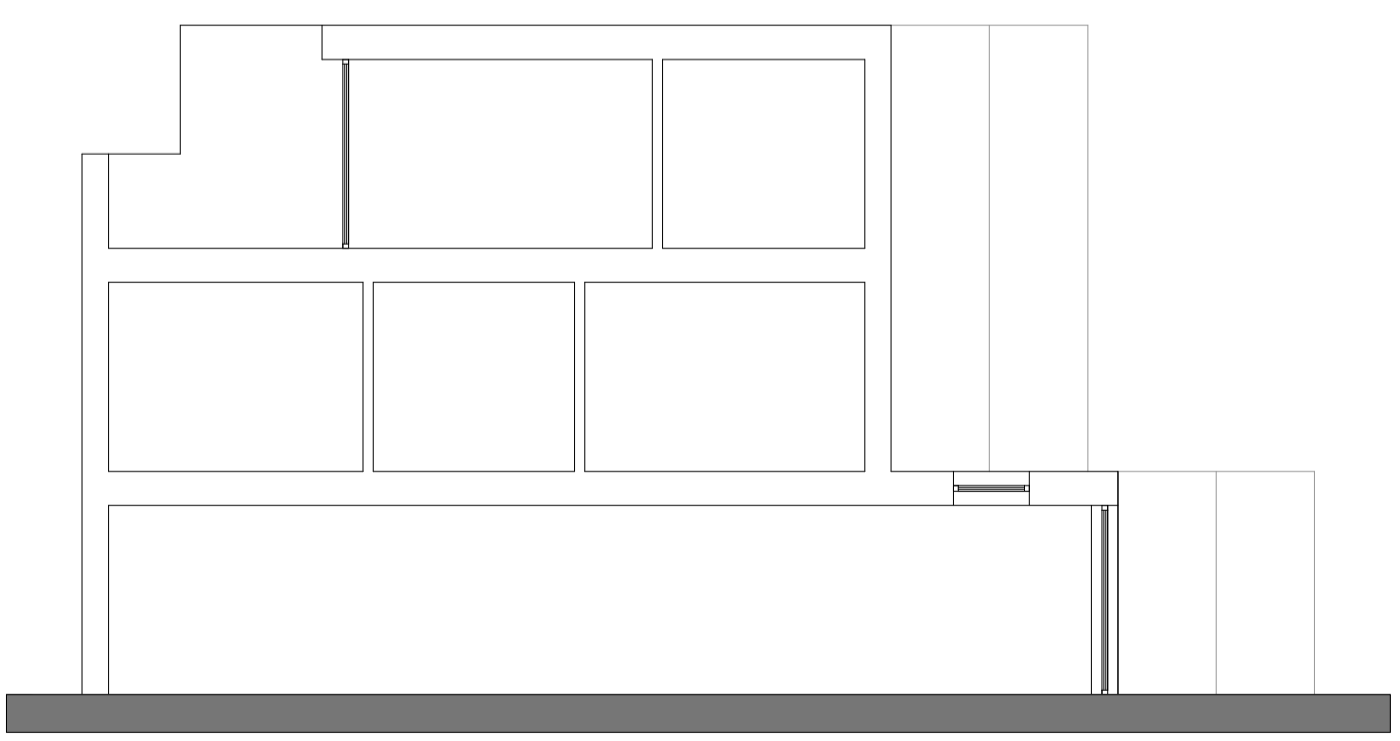
Proposed West Elevation - 1:100



Proposed South Elevation - 1:100



Proposed East Elevation - 1:100



Proposed Section - 1:100

223

STATUS: AWAITING APPROVAL

PROJECT STAGE: S1 - Preliminary
 CLIENT: Estuary Cars
 PROJECT: Estuary Cars
 PROJECT NO: 347-11-15
 DRAWING: Proposed

DRAWN BY: ABG
 CHECKED BY:

Postcode: SS8 3NH
 PAGE NO: P04
 REVISION: B

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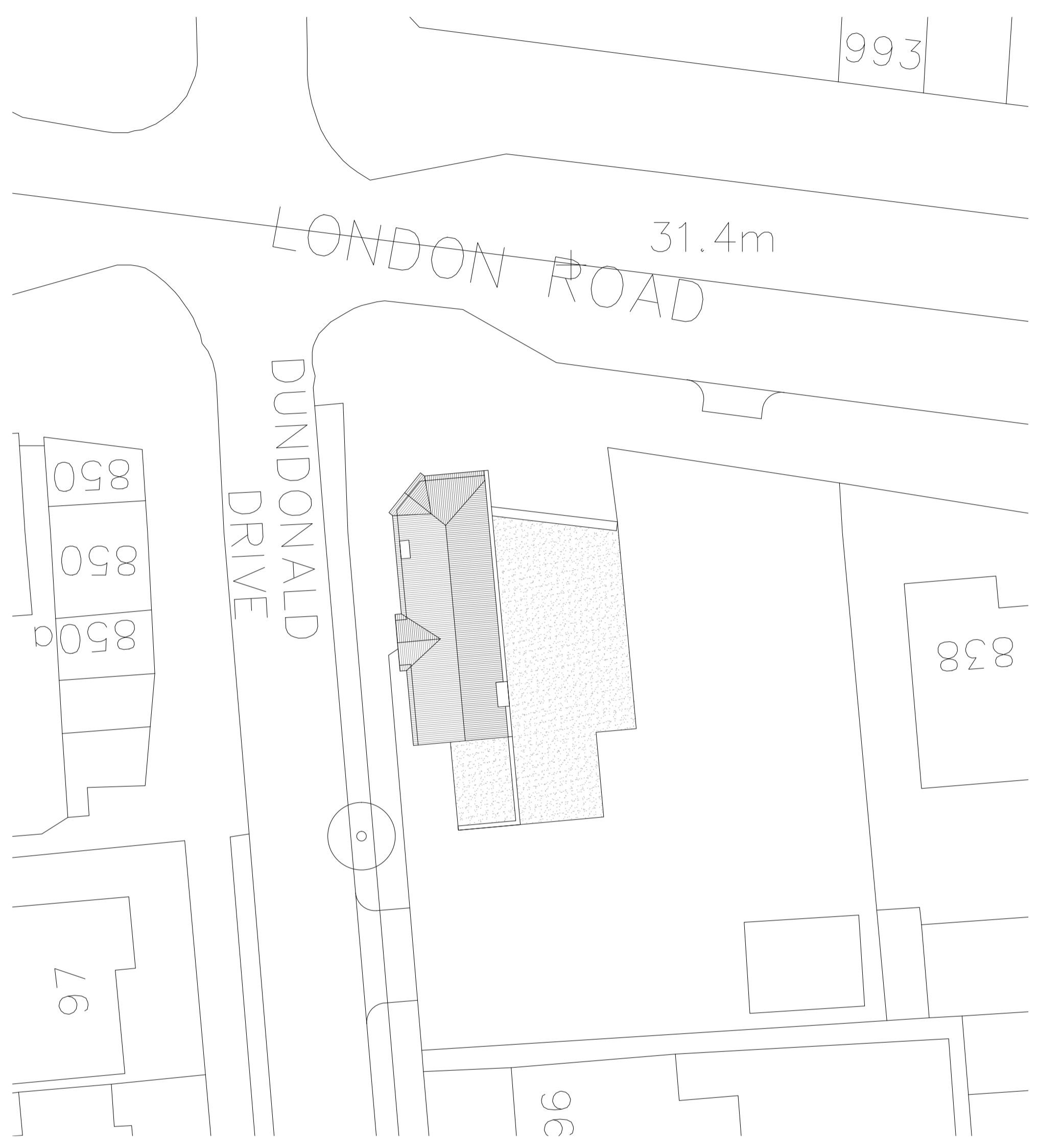
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-	PRODUCTION OF DRAWINGS	xx.xx.xx
A	PLANNING DRAWINGS	05.12.16
B	REVISED PLANNING DRAWINGS	17.03.17

225



Existing Block Plan - 1:200



Proposed Block Plan - 1:200



STATUS: AWAITING APPROVAL

PROJECT STAGE: S1 - Preliminary
 CLIENT: Estuary Cars
 PROJECT: Estuary Cars
 PROJECT NO: 347-11-15
 DRAWING: Proposed

DRAWN BY: ABG
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Postcode: SS9 9HZ
 PAGE NO: P05
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-	PRODUCTION OF DRAWINGS	xx.xx.xx
A	PLANNING DRAWINGS	05.12.16
B	REVISED PLANNING DRAWINGS	17.03.17



Proposed Front Street Scene with Planting - 1:100



Proposed Side Street Scene with Planting - 1:100

STATUS: AWAITING APPROVAL

PROJECT STAGE: S1 - Preliminary
 CLIENT: Estuary Cars
 PROJECT: Estuary Cars
 PROJECT NO: 347-11-15
 DRAWING: Proposed

DRAWN BY: ABG
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CHECKED BY:
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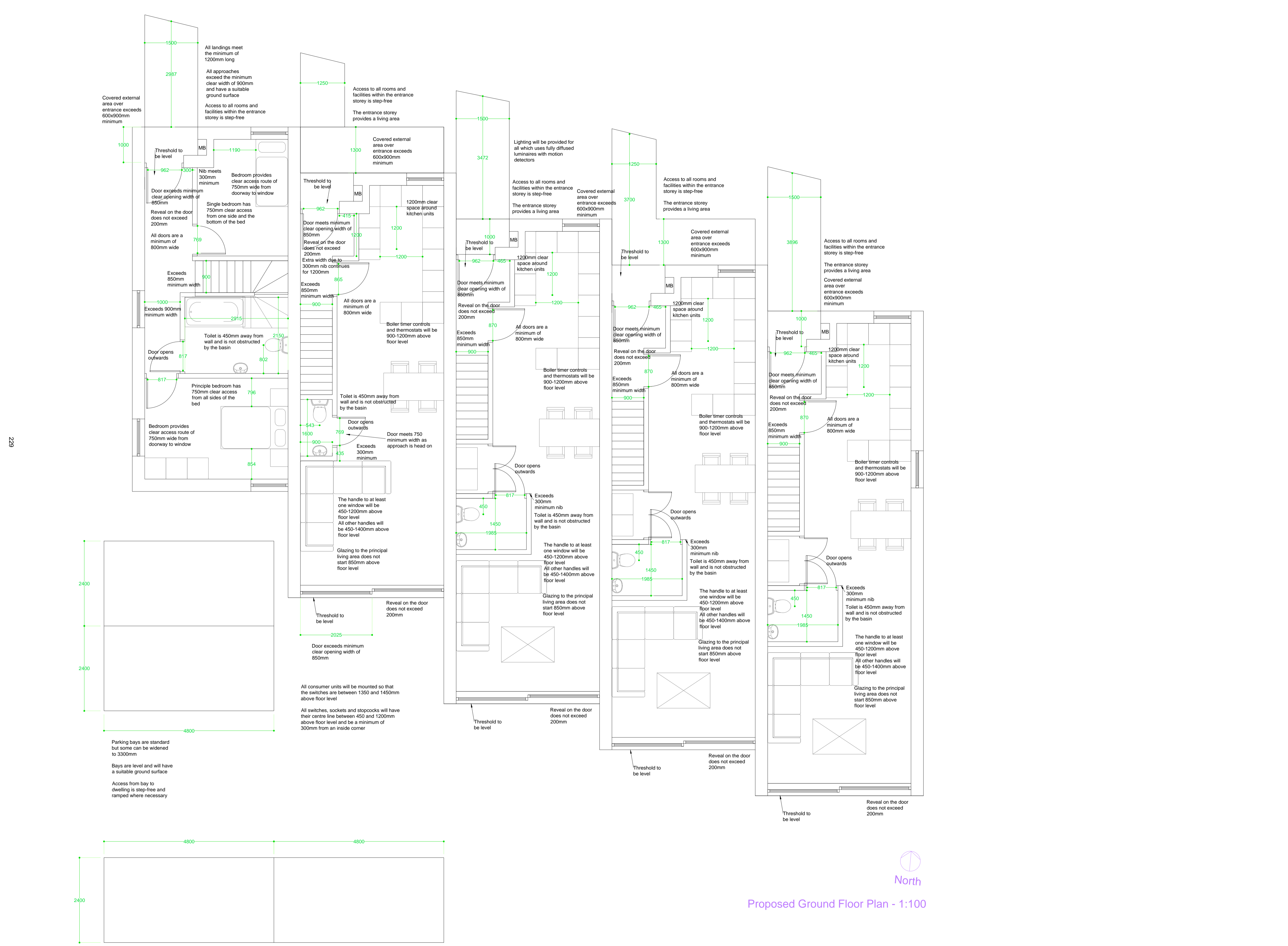
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REV.	AMENDMENT:	DATE:
-	PRODUCTION OF DRAWINGS	xx.xx.xx
A	PLANNING DRAWINGS	05.12.16
B	REVISED PLANNING DRAWINGS	17.03.17



2/29

STATUS: AWAITING APPROVAL

PROJECT STAGE:	S1 - Preliminary	DRAWN BY:	ABG	CHKD BY:	<input type="checkbox"/>
CLIENT:	Estuary Cars	PROJECT:	Estuary Cars	Postcode:	SS9 3NH
PROJECT NO:	347-11-15	PAGE NO:	P07	REVISION:	B
DRAWING:	Proposed - Part M compliance plan	SCALE:	1:50 on A1		

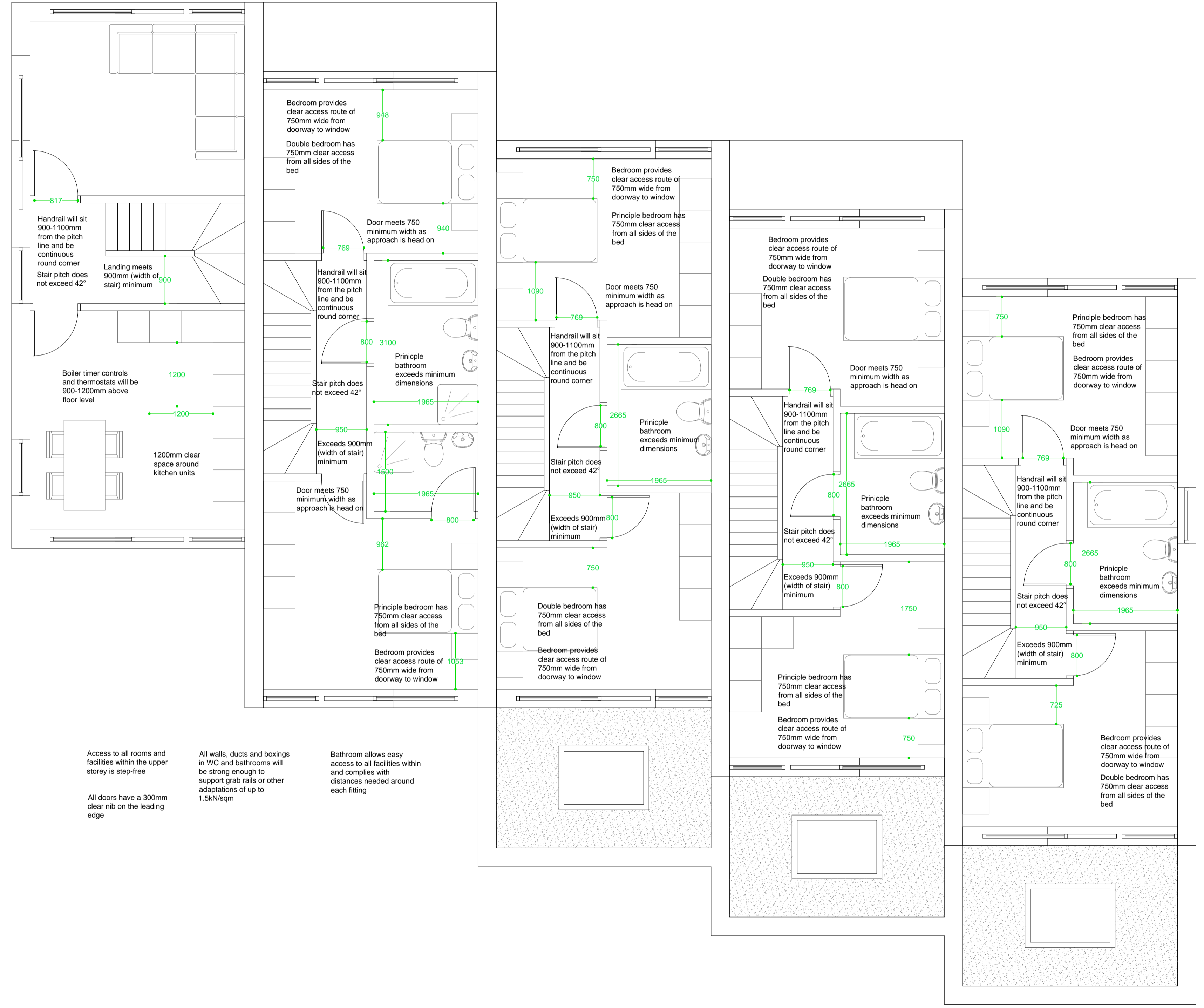
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-	PRODUCTION OF DRAWINGS	xx.xx.xx
A	PLANNING DRAWINGS	05.12.16
B	REVISED PLANNING DRAWINGS	17.03.17



Access to all rooms and facilities within the upper storey is step-free

All doors have a 300mm clear rib on the leading edge

All walls, ducts and boxings in WC and bathrooms will be strong enough to support grab rails or other adaptations of up to 1.5kN/sgm

Bathroom allows easy access to all facilities within and complies with distances needed around each fitting

Proposed First Floor Plan - Part M Compliance 1:50

Proposed First Floor Plan - 1:50

STATUS: AWAITING APPROVAL

PROJECT STAGE: S1 - Preliminary

CLIENT: Estuary Cars

PROJECT: Estuary Cars

PROJECT NO: 347-11-15

DRAWING: Proposed - Part M compliance plan

SCALE: 1:50 on A1

DRAWN BY: ABG

CHECKED BY: []

POSTCODE: SS9 9NK

PAGE NO: P08

REVISION: B

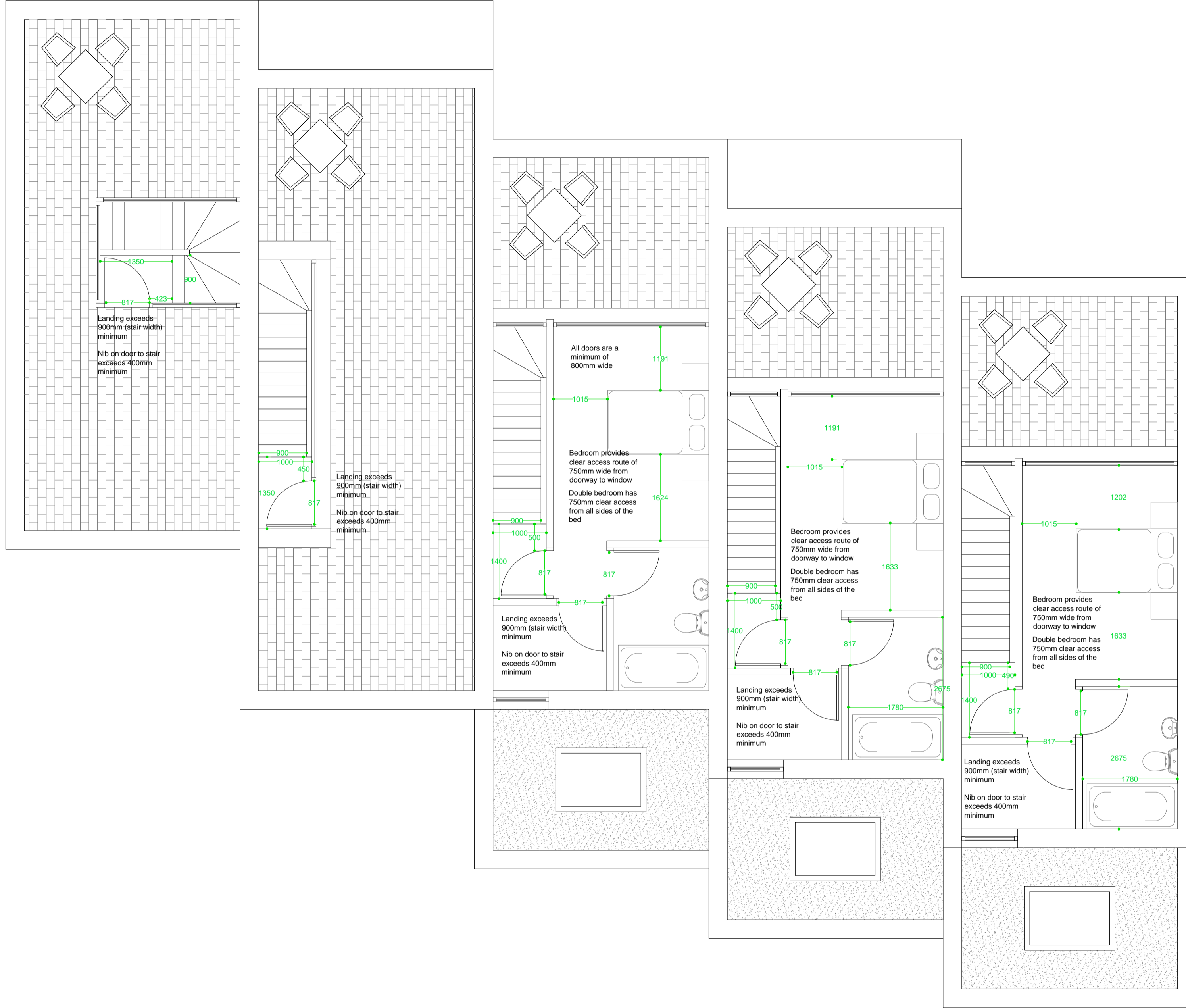
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-	PRODUCTION OF DRAWINGS	xx.xx.xx
A	PLANNING DRAWINGS	05.12.16
B	REVISED PLANNING DRAWINGS	17.03.17



Proposed Second Floor Plan - Part M Compliance 1:50

Proposed Second Floor Plan - 1:50

STATUS: AWAITING APPROVAL

PROJECT STAGE: S1 - Preliminary	DRAWN BY: ABG	CHECKED BY: <input type="checkbox"/>
CLIENT: Estuary Cars	PROJECT: Estuary Cars	Postcode: SS9 9NH
PROJECT NO: 347-11-15	PAGE NO: P09	REVISION: B
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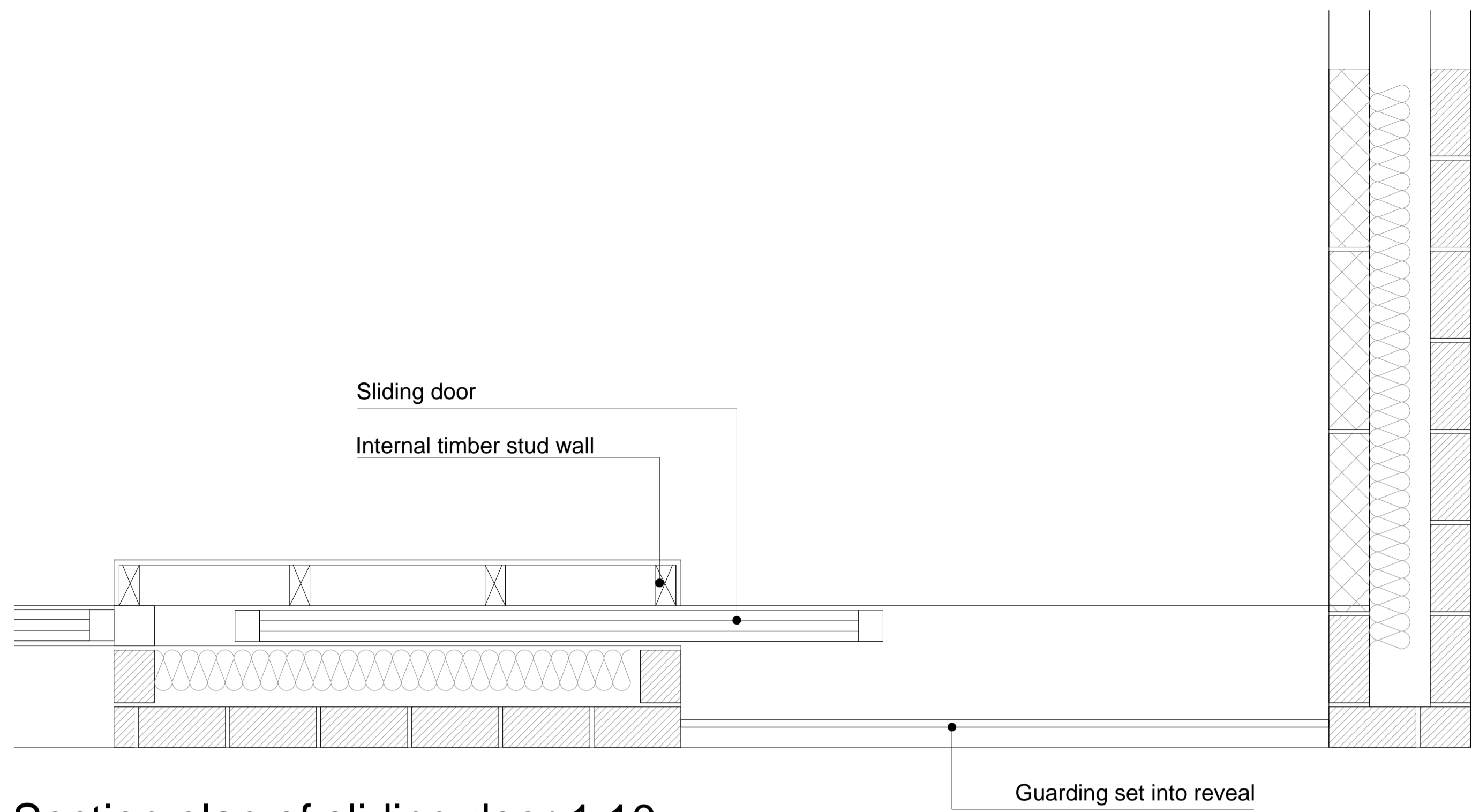
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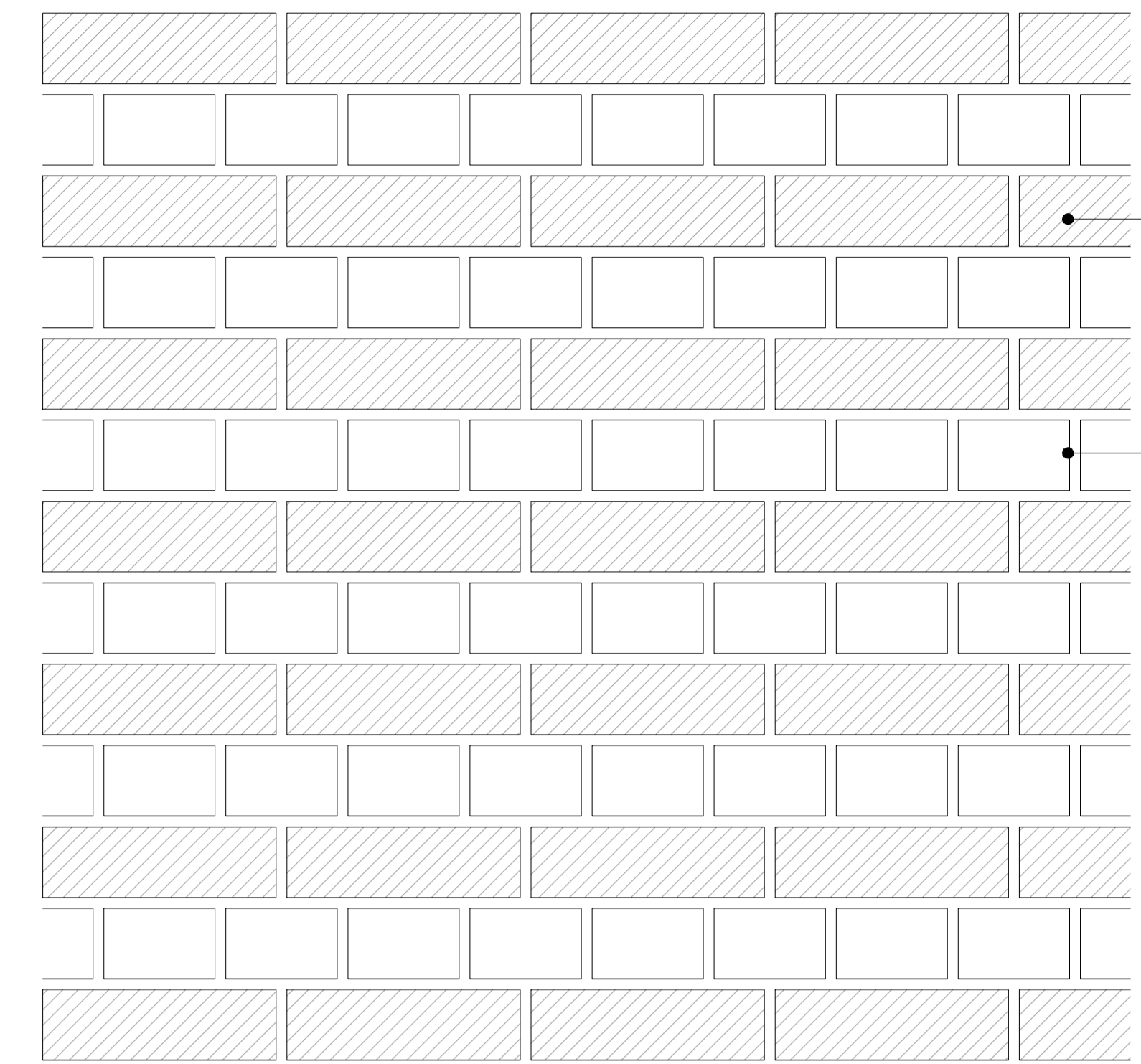
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REV.	AMENDMENT:	DATE:
-	PRODUCTION OF DRAWINGS	xx.xx.xx
A	PLANNING DRAWINGS	05.12.16
B	REVISED PLANNING DRAWINGS	17.03.17



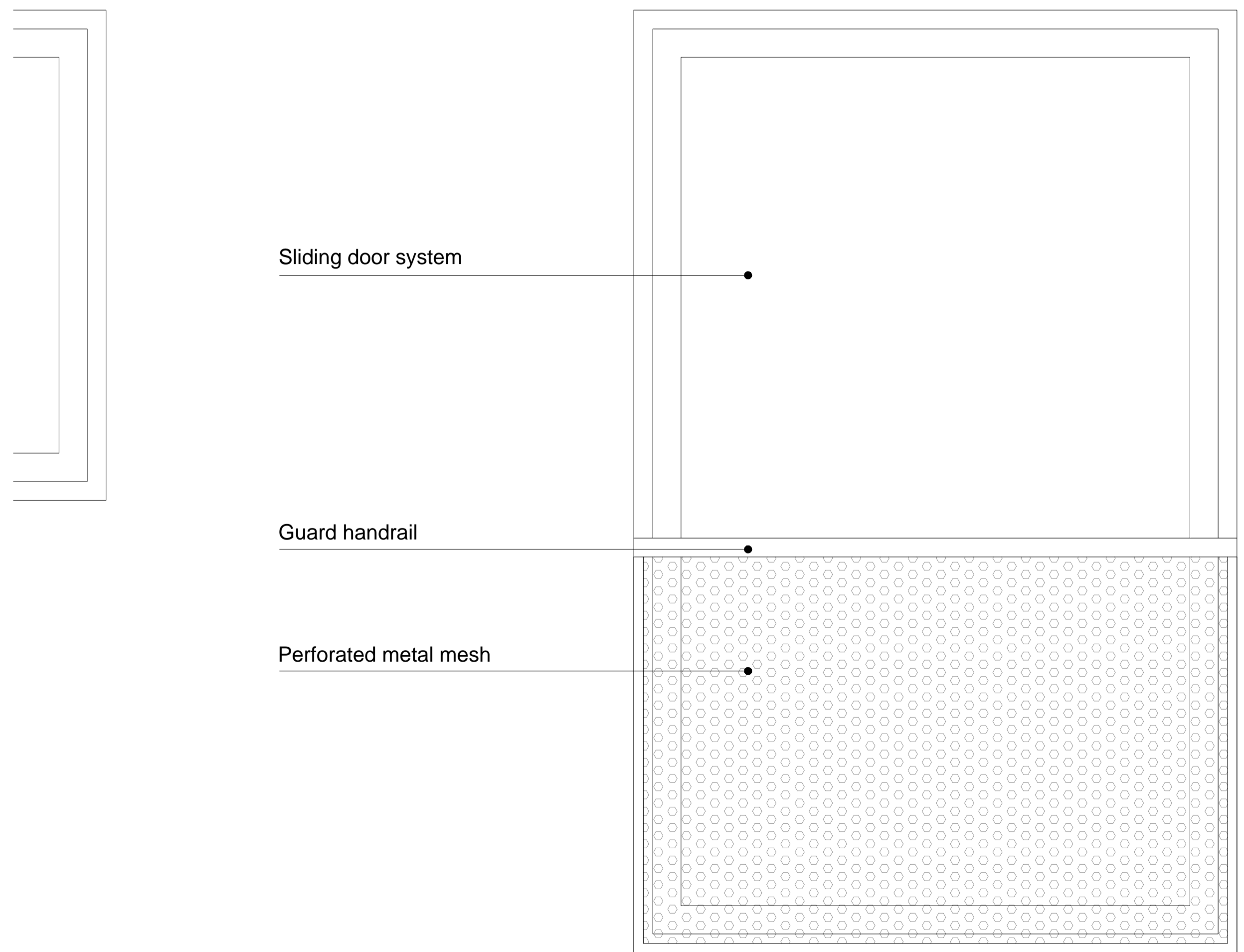
Section plan of sliding door 1:10



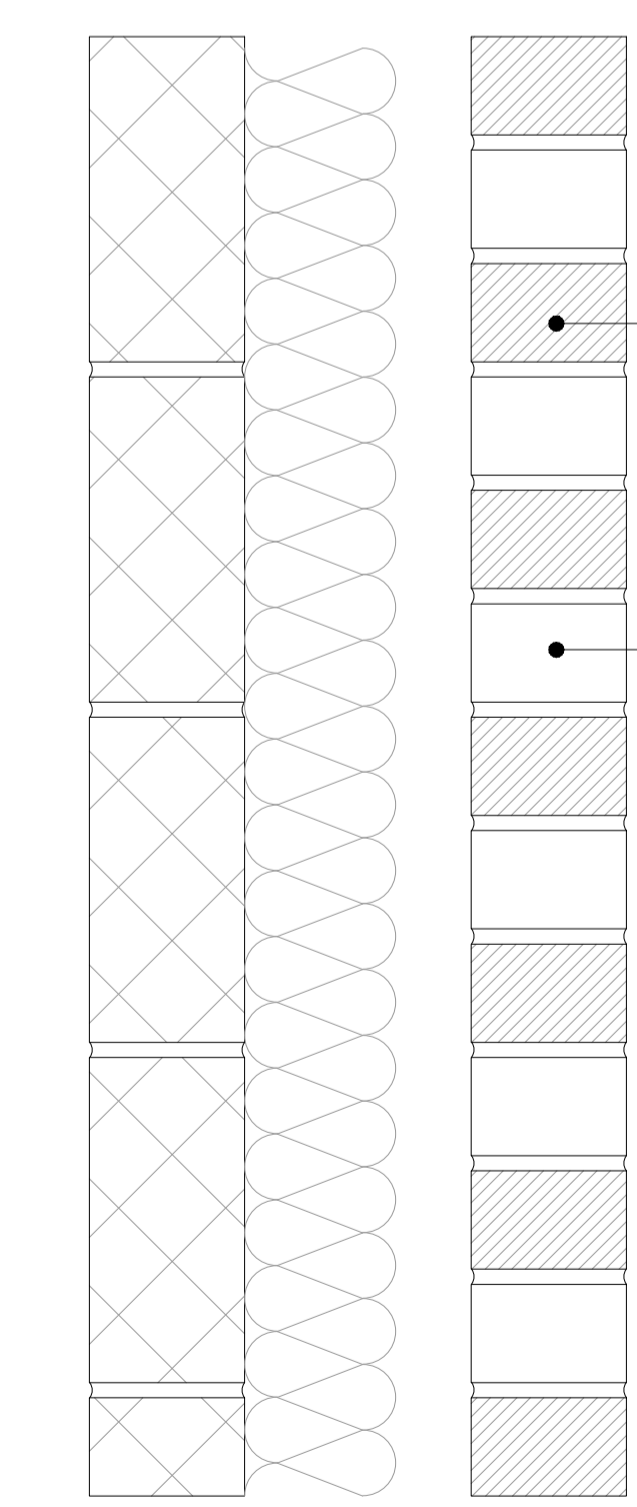
Wienerberger -
Platinum white
brick

Wienerberger -
Super white
brick

Brick pattern 1:5



Elevation of sliding door 1:10



Wienerberger -
Platinum white
brick

Wienerberger -
Super white
brick

Brick pattern section 1:5

STATUS: AWAITING APPROVAL

PROJECT STAGE: S1 - Preliminary	DRAWN BY: ABG	CHKD BY: <input type="checkbox"/>
CLIENT: Estuary Cars	PROJECT NO: 347-11-15	Postcode: SS9 9NH
PROJECT: Estuary Cars	PAGE NO: P09	REVISION: B
DRAWING: Details	SCALE: 1:50 on A1	

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Reference:	17/00077/FUL
Ward:	Milton
Proposal:	Change of use from B1 (Light industrial) to C3 (residential) to form four self-contained flats, alter elevations, layout associated parking, demolish existing garage to form amenity space with cycle store and erect bins store adjacent parking spaces for 204 London Road (Amended Proposal)
Address:	Rear of 206 London Road, Southend-On-Sea, Essex, SS1 1PJ
Applicant:	Roger Essex
Agent:	N/A
Consultation Expiry:	17/02/17
Expiry Date:	19/05/17
Case Officer:	Ian Harrison
Plan Nos:	Location Plan, Site Plan, BAK-GF-PLAN-PROP-203 Rev 001, BAK-GF-PLAN-PROP-204 Rev 001, BAK-GF-PLAN-PROP-205 Rev 001, BAK-GF-PLAN-PROP-206 Rev 001, BAK-GF-PLAN-PROP-207 Rev 001, BAK-GF-PLAN-PROP-208 Rev 001, BAK-GF-PLAN-PROP-209 Rev 001, BAK-FF-PLAN-PROP-320 Rev 001, BAK-FF-PLAN-PROP-321 Rev 001, BAK-FF-PLAN-PROP-322 Rev 001, BAK-FF-PLAN-PROP-323 Rev 001, BAK-FF-PLAN-PROP-324 Rev 001, BAK-FF-PLAN-PROP-325 Rev 001, BAK-FF-PLAN-PROP-326 Rev 001, BAK-FF-PLAN-PROP-327 Rev 001, BAK-CONST-GF-PLAN-808 Rev 001, BAK-CONST-FF-PLAN-809 Rev 001, BAK- STANNAH-810 Rev 001, BAK-CONST-E-ELEV-803 Rev 001, BAK-CONST-S-ELEV-804 Rev 001, BAK-CONST-E-ELEV-807 Rev 001, BAK-P1-SEC-ORIG-500 Rev 000, BAK-P1-SEC-PROP-500 Rev 001, BAK-P2-SEC-ORIG-501 Rev 000, BAK-P2-SEC-PROP-501 Rev 001, BAK-P3-SEC-ORIG-502 Rev 000, BAK-P3-SEC-502 Rev 001, BAK-SS-SEC-ORIG-503 Rev 000, BAK-SS-SEC-PROP-503 Rev 001, BAK-3DSE-ORIG-600 Rev 000, BAK-3DNE-ORIG-601 Rev 000, BAK-3DNW-ORIG-602 Rev 000, BAK-3DSW-ORIG-603 Rev 000, BAK-TSLPLAN-S Rev 1 (Site Plan), BAK-TSLPLAN-S Rev 1 (3D Drawing), BAK-TSLPLAN-NW Rev 1, BAK-TSLPLAN-E Rev 1, BAK-204-PLAN-WASTE-250 Rev 1, BAK-204-PLAN-WASTE-251 Rev 1, BAK-TSLPLAN-AMENITY-252 Rev 1, BAK-204-PLAN-RCARPARK-253 Rev 1, BAK-204-PLAN-FIRE-254 Rev 1, BAK-204-PLAN-RCP-255 Rev 1, BAK-204-W-ELEV-WASTE-257 Rev 1, BAK-204-E-ELEV-WASTE-258 Rev 1, BAK-204-S-ELEV-WASTE-259 Rev 1, BAK-204-N-ELEV-WASTE-260 Rev 1, BAK-204-3D-

14

	<p>ELEV-WASTE-261 Rev 1, BAK-GF-PLAN-ORIG-200, BAK-GF-PLAN-PROP-200 Rev 001, BAK-GF-PLAN-ORIG-201, BAK-GF-PLAN-PROP-201 Rev 001, BAK-GF-PLAN-ORIG-202, BAK-GF-PLAN-PROP-202 Rev 001, BAK-F.F-PLAN-ORIG-300, BAK-F.F-PLAN-ORIG-301, BAK-FF-PLAN-ORIG-302, BAK-RF-PLAN-ORIG-400, BAK-RF-PLAN-PROP-400 Rev 001, BAK-E-ELEV-ORIG-100 Rev 000, BAK-E-ELEV-PROP-100 Rev 001, BAK-W-ELEV-ORIG-101 Rev 000, BAK-W-ELEV-PROP-101 Rev 001, BAK-N-ELEV-ORIG-102 Rev 000, BAK-N-ELEV-PROP-102 Rev 001, BAK-S-ELEV-ORIG-103 Rev 000, BAK-S-ELEV-PROP-103 Rev 001, BAK-GATES Rev 1, Proposed Colours Rev 001</p>
<p>Recommendation:</p>	<p>GRANT PLANNING PERMISSION</p>



1 The Proposal

1.1 Planning permission is sought for the conversion of the existing building at the application site to form four flats.

1.2 The application site comprises of a finger of land that is located to the south of 206 to 210 London Road, east and west of the properties of Milton Road and Avenue Road respectively and north of a recent residential development. The main two storey part of the existing building measures 13.1 metres by 9.3 metres with a double pile roof built to a valley height of 5.5 metres and ridge heights of 7.3 metres. To the north is a two storey projection that measures 7.3 metres wide and 6.4 metres deep with a partially pitched roof built to a maximum height of 7.4 metres and a flat roof built to a height of 5.5 metres. To the south is a single storey projection that measures 9.3 metres deep and 10 metres wide. The roof of the single storey projection is partially flat (2.6 metres tall) and partially formed from a continuation of the main roof at the west side to a minimum height of 2.6 metres. The door features a variety of windows and doors to the East elevation and a smaller number of windows and doors to the other elevations.

1.3 The application proposes the adaptation of the existing building to enable the creation of four flats. The works of alteration to the external elevations of the building include the following:

- The garage element of the single storey projection at the south end of the building would be removed.
- The equivalent space and the finger of land to the south of the buildings would be enclosed by fencing to provide amenity space with an area of 105 square metres.
- The majority of the windows on the east elevation would be replaced with white upvc windows. A first floor door and window would be infilled on the east elevation, a new window would be created at the south end of that elevation and two entrance doors would be created at the north end. The size of all other doors and windows would be modified.
- Two existing first floor windows on the west elevation would be replaced with upvc windows.
- Two existing windows on the north elevation would be replaced with upvc windows and a door would be infilled.
- One existing window on the north elevation would be replaced with upvc windows and one would be retained. Two entrance doors would be created.

1.4 The four flats would feature the following accommodation:

- Flat 1 – 87 square metres, two bedrooms measuring 12.1 and 12.5 square metres.
- Flat 2 – 93 square metres, two bedrooms measuring 12.2 and 11.7 square metres.
- Flat 3 – 101 square metres, two bedrooms measuring 11.6 and 11.7 square metres.
- Flat 4 – 60 square metres, one bedroom measuring 11.6 square metres.

- 1.5 The yard area to the south of the buildings that would not be enclosed by the abovementioned amenity space would be used to create a car park for 7 cars. 1 allocated parking space would be provided for each flat and three spaces would be allocated to the adjacent workshop. A waste storage area is also shown to the North East of the building that measures 9 square metres in area and would be enclosed with palisade fencing.
- 1.6 This application follows the refusal of similar application 16/00833/FUL for the following reason:

“It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed dwellings and its amenity space would not be subjected to unreasonable noise disturbance by virtue of the proximity of the residential units to an existing commercial use at a neighbouring site. The proposal is therefore contrary to the National Planning Policy Framework 2012 and National Planning Practice Guidance, Development Management DPD Policies DM1, DM3 and DM8 and SPD1.”

2 Site and Surroundings

- 2.1 The application site and the existing building at the site is described above. The other land that is shown to be within the applicant’s control includes the means of accessing the site from London Road and the buildings to the east of the application site that appear to be in use for car maintenance purposes.
- 2.2 The site is located within an area of mixed uses including residential uses and commercial buildings within London Road.
- 2.3 The site is not the subject of any site specific policies. The Milton Conservation Area is located to the east of the application site and the boundary of the Southend Central Area is to the north of the application site.

3 Planning Considerations

- 3.1 The key considerations are the principle of the development, the division of the planning unit, the design and impact on the character of the area, the impact on residential amenity and highway implications.

4 Appraisal

Principle of the Development

The National Planning Policy Framework, DPD1 (Core Strategy) policies KP2, CP1, CP4 and CP8; DPD2 (Development Management) policies DM1, DM3 and DM11.

- 4.1 Policy CP8 identifies that the intensification of the use of land should play a significant role in meeting the housing needs of the Southend Borough, providing approximately 40% of the additional housing that is required to meet the needs of the Borough. Policy CP8 also expects 80% of residential development to be provided on previously developed land.

From this basis, it is considered that the principle of undertaking residential development at this site should be supported, subject to the following detailed considerations. This is especially the case given that one of the 12 core principles of sustainable development that are identified within the NPPF is to “promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas.”

- 4.2 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.
- 4.3 To address this matter the applicant’s submissions set out the full history of the site and the affected building dating back to 1920 when it was first constructed as a grain store and its subsequent use as a bakery and an electrical goods warehouse until 2000. The building was marketed for four years with no tenants being identified which could obtain planning permission given the residential use of the surrounding properties. It is therefore stated that the building has not been in use for over 15 years.
- 4.4 There is no reason to dispute this site history, but it is noted that the evidence that has been submitted is dated and does not therefore address the marketing requirements that are set out within DPD2. Notwithstanding this, noting that an intensive employment use would be likely to generate noise to the detriment of the amenities of neighbouring residents. In this instance, noting the abovementioned policies which support residential development, it is considered that no objection should be raised to the loss of employment land.

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.

- 4.5 In the Council’s Development Management DPD, policy DM1 states that development should “add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”
- 4.6 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.

- 4.7 The NPPF states that *“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*.
- 4.8 The Design and Townscape Guide (SPD1) states that *The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant... the easiest option is to draw reference from the surrounding buildings.”*
- 4.9 The proposed conversion would be brought about without any significant works of extension or development being required to the existing building. The works that are proposed mostly relate to the refurbishment of the existing building and the formation of enclosures and areas of hardstanding.
- 4.10 From this basis, noting the low quality appearance of the existing site and its proximity to a Conservation Area it is considered that the works of conversion and the introduction of a new use to the site would represent the overall enhancement of the appearance of the site and the surrounding area.
- 4.11 The prominence of the proposed bin store and the materials used in its construction are considered to not cause material harm to the character or appearance of the site or the surrounding area.

Traffic and Transport Issues

National Planning Policy Framework, Policy KP2, CP3 and CP8 of the Core Strategy, Development Management DPD Policies DM1, DM3 and DM15 and the Design and Townscape Guide.

- 4.12 Policy DM15 states that each flat should be served by one parking space. The proposal complies with these requirements and is therefore in accordance with the development plan.
- 4.13 Moreover, the site is a particularly sustainable location for residential development with good connections to local bus routes and a train station within walking distance and all other facilities required for day-to-day living within walking distance of the site.
- 4.14 Based on this policy background and the location of the application site it is considered that the proposal would comply with the abovementioned policy.
- 4.15 A location for cycle parking is shown on the submitted plans which addresses the requirements of policy DM15.

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.

- 4.16 Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties. Policy DM1 of the Development Management DPD also states that development should “Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”
- 4.17 Residential properties surround the application site, with the exception of the workshop to the east and some commercial properties within Milton Road and London Road. In this regard it is considered that the use of the building for residential purposes would generate less noise than a commercial use of the site. Although it is a long time since the building has been put to such a use, it is considered that the proposal would represent an amenity improvement in comparison to a potential use of the building that could be introduced through the fallback position that is offered by the buildings former use.
- 4.18 The proposal is not dependent on works of extension and as such it is considered that the resultant buildings would not cause the creation of an overbearing outlook or relationship, loss of light or increased sense of enclosure to any property that is materially different to the existing situation. It is noted that the residential use of the building would change the manner in which windows are used. In this respect it is noted that all windows are a significant distance from neighbouring properties and face away from those properties with the exception of the two windows in the west elevation. It is noted that the adjacent properties are used for commercial purposes at ground floor and as flats at first floor. The separation of distance of 15 metres between properties, the fact that the windows already exist and the presence of outbuildings between the properties which would partially obscure views from the window ensures that the impact on privacy caused by additional or different overlooking from the first floor windows would not be harmful to an extent that would justify the refusal of the application.

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.

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

- Minimum property size for a 1 bedroom (2 person bed space) dwelling shall be 50 square metres and a 2 bedroom (4 person bed space) dwelling shall be 70 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.

Weight should also be given to the content of policy DM8 which states the following standards in addition to the national standards.

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bed space.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.

Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

- 4.20 Each flat would have internal dimensions that exceed the abovementioned standards and the bedrooms are shown to be of a size that would comply with the abovementioned standards. Appropriate amenity space and cycle and refuse storage facilities are proposed to be provided at the site.
- 4.21 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. However as this proposal relates to the conversion of an existing building rather than a new build it is considered that this application should not be enforced.
- 4.22 Unlike the previous application, the applicant has submitted a noise assessment which demonstrates that the building can achieve suitable internal living conditions for future occupiers. This has been assessed by the Council's Environmental Health Officer and is considered to be acceptable subject to the detailed conditions that are set out below. The proposal is therefore acceptable in this regard subject to the conditions recommended to ensure that suitable internal noise conditions are provided.
- 4.23 Therefore, on balance and despite some deficiencies, it is considered that the standard of amenity for future occupants of the building would be acceptable.

Sustainability

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

- 4.24 Policy DM2 states that water efficient design measures should be incorporated into development. Changes to legislation means that these standards have now been incorporated into Building Regulations and as such it is considered that it is reasonable and necessary to impose conditions to any permission granted at this site to require development to achieve the 'enhanced standard' of building regulations. As the proposal relates to the conversion of an existing building rather than the erection of a new building it is considered that the requirement to generate 10% of the energy needs of the site through on-site renewable resources should not be imposed.

Community Infrastructure Levy

- 4.25 This application is CIL liable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. The proposed development will result in the formation of four flats that measure 341 square metres in internal area. The proposed development would therefore require a CIL payment of £7,502.

5 Conclusion

- 5.1 The principle of development can be supported at this site, the proposed development would not cause significant harm to the amenities of neighbouring residents and it is considered that the external works would accord with the character and appearance of the application site and the surrounding area as required by policies DM1, DM3, KP2 and CP4 of the Development Plan. Moreover, it is considered that the floorspace of the building is adequate to comply with the Technical Housing Standards and that the standard of living accommodation should be found adequate. It is therefore considered that the proposed development should be found acceptable.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework
- 6.2 DPD1 Core Strategy Policies KP2 (Development Principles), CP1 (Employment Generating Development) CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance) and CP8 (Dwelling Provision)
- 6.3 Development Management DPD Policies DM1,DM2, DM3, DM7, DM8, DM11 and DM15
- 6.4 Community Infrastructure Levy Charging Schedule
- 6.5 Design & Townscape Guide 2009 (SPD1).
- 6.6 Technical Housing Standards 2015

Representation Summary

Environmental Health

- 7.1 In relation to noise within the building at the site it is stated that there were originally concerns about the location of the proposed for residential use due to noise from the adjacent industrial unit. A noise assessment has been carried out by the applicant's acoustic consultant and noise mitigation measures have been proposed including enhanced glazing, acoustic insulation and operating the building with windows closed to exclude external noise. The report details, that in order to achieve the internal ambient noise levels set out in British Standard 8233:2014, a number of mitigation measures are required.

In relation to the amenity area, the noise assessment predicts that the amenity noise levels will exceed the WHO guidance of 55dBLAeq and it should be noted that there is a requirement for the development to be designed to achieve the lowest practicable noise levels possible. The report details that in order to reduce noise levels in the amenity area that mitigation measures are required in the form of acoustic fencing.

The construction phase should be controlled to ensure that noise and dust is not harmful to public health.

External lighting should be directed, sited and screened so as not to cause detrimental intrusion of light into residential property.

The site is also classed as being potentially contaminated land. Therefore this issue needs to be addressed.

As the building will have to operate with windows closed to exclude external noise it will be necessary for the building to be provided with adequate means of ventilation to ensure that the building does not suffer excess heat gain during summer time particularly in heat waves. The Acoustic reports details that wall vents and acoustic trickle vents are to be installed as ventilation is assumed as not being provided by open windows.

Public Consultation

7.2 41 neighbouring properties were notified of the application and a notice was posted at the site. One letter of representation has been received which objects on the following grounds:

- The change of use would cause noise and disruption.
- The proposed development would cause overlooking and a loss of privacy.
- The car parking and tenants would create a security risk.
- The proposed development would cause a loss of property value.
- The proposal has been refused previously.

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.

7.3 The application has been called-in to the Council's Development Control Committee by Cllr Ware-Lane.

8 Relevant Planning History

8.1 This application follows the refusal of similar application 16/00833/FUL for the following reason:

"It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed dwellings and its amenity space would not be subjected to unreasonable noise disturbance by virtue of the proximity of the residential units to an existing commercial use at a neighbouring site. The proposal is therefore contrary to the National Planning Policy Framework 2012 and National Planning Practice Guidance, Development Management DPD Policies DM1, DM3 and DM8 and SPD1."

8.2 Further planning history relates to 204 and 206 London Road but not the buildings at the application site.

8 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Site Plan, BAK-GF-PLAN-PROP-203 Rev 001, BAK-GF-PLAN-PROP-204 Rev 001, BAK-GF-PLAN-PROP-205 Rev 001, BAK-GF-PLAN-PROP-206 Rev 001, BAK-GF-PLAN-PROP-207 Rev 001, BAK-GF-PLAN-PROP-208 Rev 001, BAK-GF-PLAN-PROP-209 Rev 001, BAK-FF-PLAN-PROP-320 Rev 001, BAK-FF-PLAN-PROP-321 Rev 001, BAK-FF-PLAN-PROP-322 Rev 001, BAK-FF-PLAN-PROP-323 Rev 001, BAK-FF-PLAN-PROP-324 Rev 001, BAK-FF-PLAN-PROP-325 Rev 001, BAK-FF-PLAN-PROP-326 Rev 001, BAK-FF-PLAN-PROP-327 Rev 001, BAK-CONST-GF-PLAN-808 Rev 001, BAK-CONST-FF-PLAN-809 Rev 001, BAK-STANNAH-810 Rev 001, BAK-CONST-E-ELEV-803 Rev 001, BAK-CONST-S-ELEV-804 Rev 001, BAK-CONST-E-ELEV-807 Rev 001, BAK-P1-SEC-ORIG-500 Rev 000, BAK-P1-SEC-PROP-500 Rev 001, BAK-P2-SEC-ORIG-501 Rev 000, BAK-P2-SEC-PROP-501 Rev 001, BAK-P3-SEC-ORIG-502 Rev 000, BAK-P3-SEC-502 Rev 001, BAK-SS-SEC-ORIG-503 Rev 000, BAK-SS-SEC-PROP-503 Rev 001, BAK-3DSE-ORIG-600 Rev 000, BAK-3DNE-ORIG-601 Rev 000, BAK-3DNW-ORIG-602 Rev 000, BAK-3DSW-ORIG-603 Rev 000, BAK-TSLPLAN-S Rev 1 (Site Plan), BAK-TSLPLAN-S Rev 1 (3D Drawing), BAK-TSLPLAN-NW Rev 1, BAK-TSLPLAN-E Rev 1, BAK-204-PLAN-WASTE-250 Rev 1, BAK-204-PLAN-WASTE-251 Rev 1, BAK-TSLPLAN-AMENITY-252 Rev 1, BAK-204-PLAN-RCARPARK-253 Rev 1, BAK-204-PLAN-FIRE-254 Rev 1, BAK-204-PLAN-RCP-255 Rev 1, BAK-204-W-ELEV-WASTE-257 Rev 1, BAK-204-E-ELEV-WASTE-258 Rev 1, BAK-204-S-ELEV-WASTE-259 Rev 1, BAK-204-N-ELEV-WASTE-260 Rev 1, BAK-204-3D-ELEV-WASTE-261 Rev 1, BAK-GF-PLAN-ORIG-200, BAK-GF-PLAN-PROP-200 Rev 001, BAK-GF-PLAN-ORIG-201, BAK-GF-PLAN-PROP-201 Rev 001, BAK-GF-PLAN-ORIG-202, BAK-GF-PLAN-PROP-202 Rev 001, BAK-F.F-PLAN-ORIG-300, BAK-F.F-PLAN-ORIG-301, BAK-FF-PLAN-ORIG-302, BAK-RF-PLAN-ORIG-400, BAK-RF-PLAN-PROP-400 Rev 001, BAK-E-ELEV-ORIG-100 Rev 000, BAK-E-ELEV-PROP-100 Rev 001, BAK-W-ELEV-ORIG-101 Rev 000, BAK-W-ELEV-PROP-101 Rev 001, BAK-N-ELEV-ORIG-102 Rev 000, BAK-N-ELEV-PROP-102 Rev 001, BAK-S-ELEV-ORIG-103 Rev 000, BAK-S-ELEV-PROP-103 Rev 001, BAK-GATES Rev 1, Proposed Colours Rev 001.**

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

- 03 The materials used in the development hereby approved shall be as shown on the approved plans unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management) policy DM1, and SPD1 (Design and Townscape Guide).

- 04 Prior to the first occupation of the flats hereby approved, the amenity space, car parking, cycle parking and refuse storage areas shown on the plans hereby approved shall be provided and made available for use by the occupants of the proposed flats and be retained in perpetuity thereafter.**

Reason: To ensure the provision of adequate cycle parking and refuse storage in accordance with policies DM8 and DM15 of DPD2 (Development Management)

- 05 Prior to occupation of the dwellings 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 to be included in the scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be undertaken in accordance with the approved details before it is occupied and retained in perpetuity.**

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

- 06 Prior to the occupation of the development hereby approved details of the glazing, acoustic insulation and ventilation details for the development shall be submitted to, and approved by, the Local Planning Authority. The glazing and ventilation should be selected with relevant acoustic properties as outlined in section 5.4 and 5.5 of the Noise Assessment dated 24th March 2017 unless otherwise agreed in writing by the Local Planning Authority. No dwelling shall be occupied until such time that all of the approved details to serve that dwelling have been fully installed. The approved glazing, acoustic insulation and ventilation shall be maintained in the approved condition thereafter in perpetuity.**

Reason: To ensure the provision of adequate internal living conditions in accordance with policies DM1 and DM8 of DPD2 (Development Management)

- 07** Prior to the occupation of the development hereby approved details of acoustic fencing to the amenity area shall be submitted to, and approved by, the Local Planning Authority. No dwelling shall be occupied until such time that the acoustic fencing has been fully installed. The approved acoustic fencing shall be retained and maintained in the approved condition thereafter in perpetuity.

Reason: To ensure the provision of adequate internal living conditions in accordance with policies DM1 and DM8 of DPD2 (Development Management)

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

Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution in accordance with the national Planning Policy Framework and Southend-on-Sea Core Strategy (2007) policy KP2.

- 09** All first floor windows in the west elevation of the building (as shown on the approved plans) shall be fitted with obscured glazing (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority before the dwellings are occupied and be permanently retained as such thereafter. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

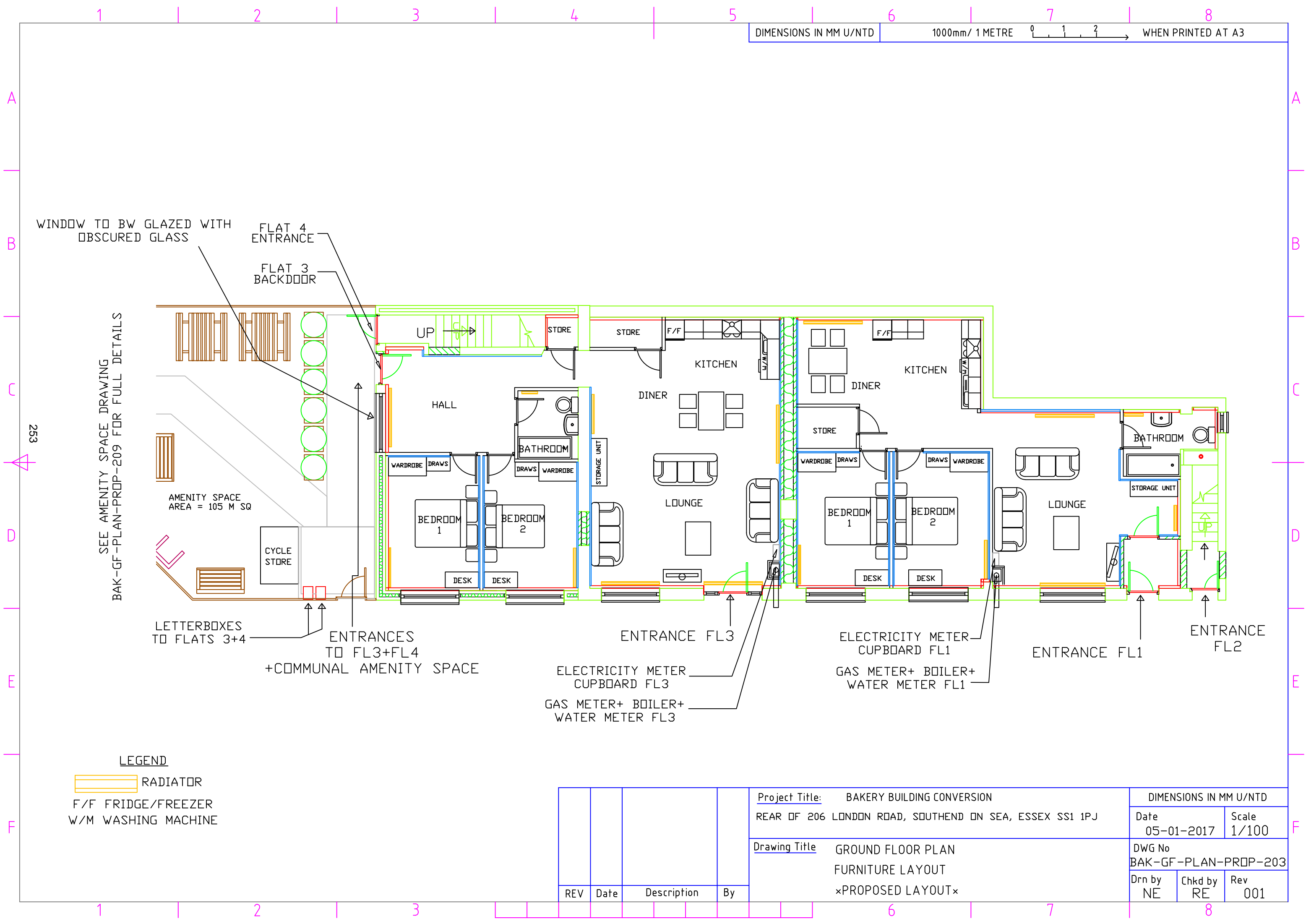
Reason: To protect the privacy and environment of people in the proposed and neighbouring residential properties, in accordance with the NPPF, DPD1 (Core Strategy) 2007 policy CP4, Development Management DPD Policy DM1 and SPD1 (Design and Townscape Guide).

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.

Informative

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

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WINDOW TO BW GLAZED WITH OBSCURED GLASS
 FLAT 4 ENTRANCE
 FLAT 3 BACKDOOR

SEE AMENITY SPACE DRAWING BAK-GF-PLAN-PROP-209 FOR FULL DETAILS

AMENITY SPACE AREA = 105 M SQ

LETTERBOXES TO FLATS 3+4
 ENTRANCES TO FL3+FL4 + COMMUNAL AMENITY SPACE

ENTRANCE FL3
 ELECTRICITY METER CUPBOARD FL3
 GAS METER+ BOILER+ WATER METER FL3

ELECTRICITY METER CUPBOARD FL1
 GAS METER+ BOILER+ WATER METER FL1

ENTRANCE FL1
 ENTRANCE FL2

LEGEND

-  RADIATOR
- F/F FRIDGE/FREEZER
- W/M WASHING MACHINE

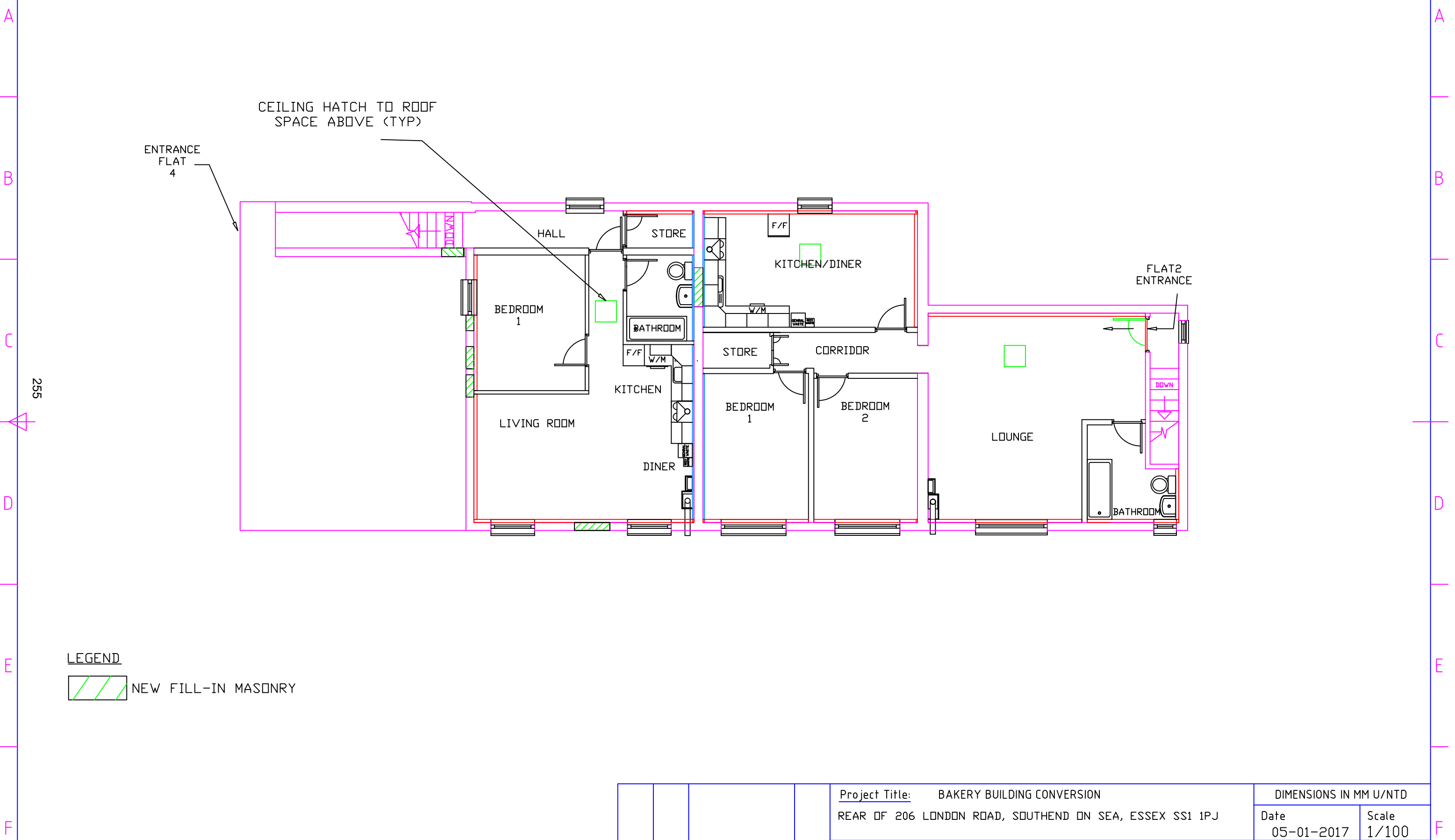
REV	Date	Description	By


Project Title: BAKERY BUILDING CONVERSION
 REAR OF 206 LONDON ROAD, SOUTHEND ON SEA, ESSEX SS1 1PJ

Drawing Title: GROUND FLOOR PLAN
 FURNITURE LAYOUT
 ×PROPOSED LAYOUT×

DIMENSIONS IN MM U/NTD		
Date	Scale	
05-01-2017	1/100	
DWG No		
BAK-GF-PLAN-PROP-203		
Drn by	Chkd by	Rev
NE	RE	001

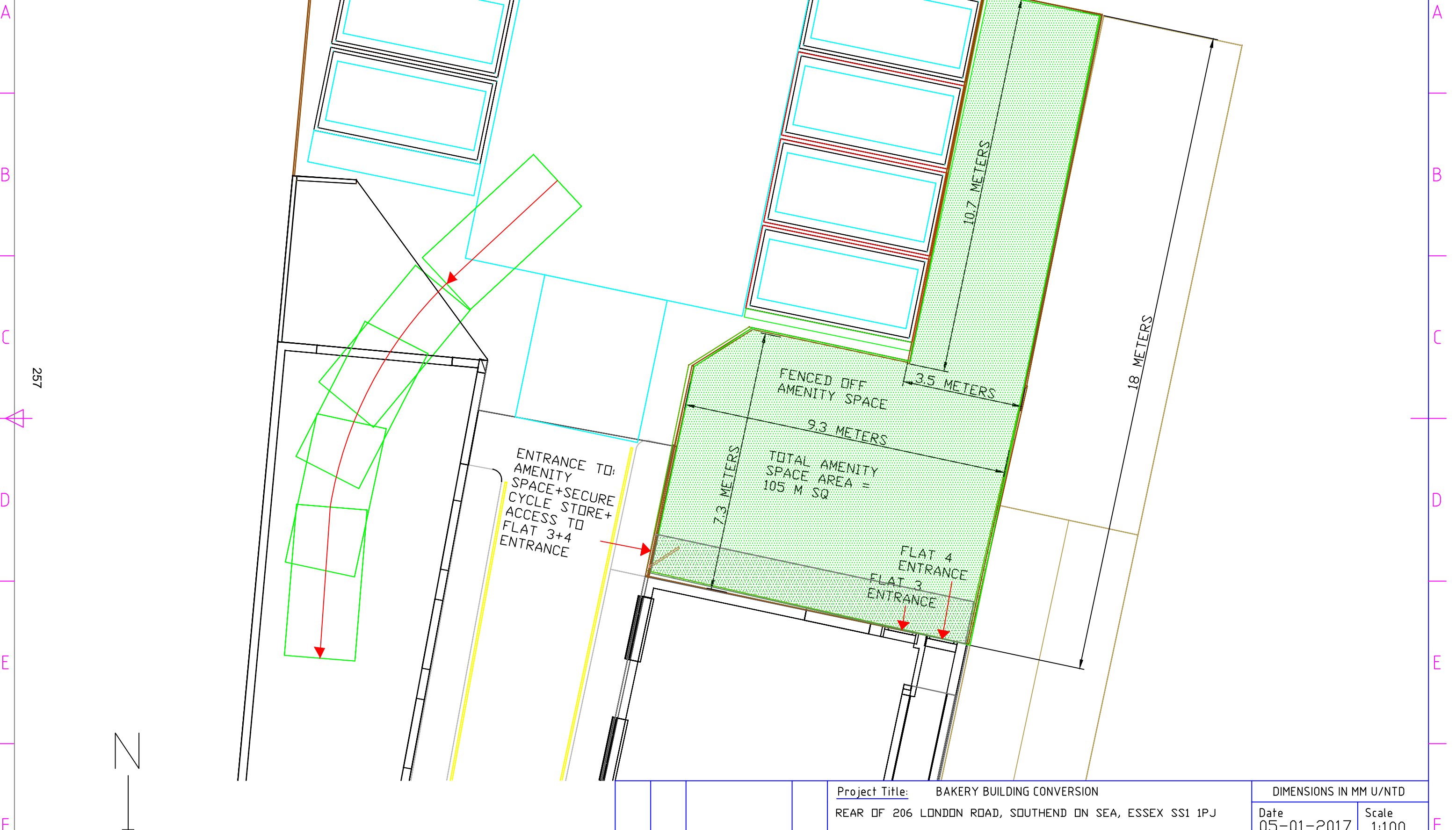
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LEGEND
 NEW FILL-IN MASONRY

REV	Date	Description	By	Project Title: BAKERY BUILDING CONVERSION		DIMENSIONS IN MM U/NTD	
				REAR OF 206 LONDON ROAD, SOUTHEND ON SEA, ESSEX SS1 1PJ		Date	Scale
				Drawing Title		05-01-2017	1/100
				FIRST FLOOR PLAN		DWG No BAK-FF-PLAN-PRDP-320	
×PROPOSED×				Drn by	Chkd by	Rev	
				NE	RE	001	

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FOR FULL DETAILS SEE AMENITY SPACE LAYOUT DRAWING

REV	Date	Description	By	Project Title: BAKERY BUILDING CONVERSION		DIMENSIONS IN MM U/NTD	
				REAR OF 206 LONDON ROAD, SOUTHEND ON SEA, ESSEX SS1 1PJ		Date	Scale
				Drawing Title		05-01-2017	1:100
				SITE LAYOUT PLAN AMENITY AREA		DWG No BAK-TSLPLAN-AMENITY-252	
				xxxPROPOSEDxxx		Drn by	Chkd by
						Rev	1

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SEE COLOURED ELEVATION FOR PAINT DETAILS.

NOTE:-NEW WINDOWS
WHITE UPVC
AS SHOWN
GLASS TO SOUNDTEST SPECIFICATION.
FOR FULL DETAILS SEE SPEC

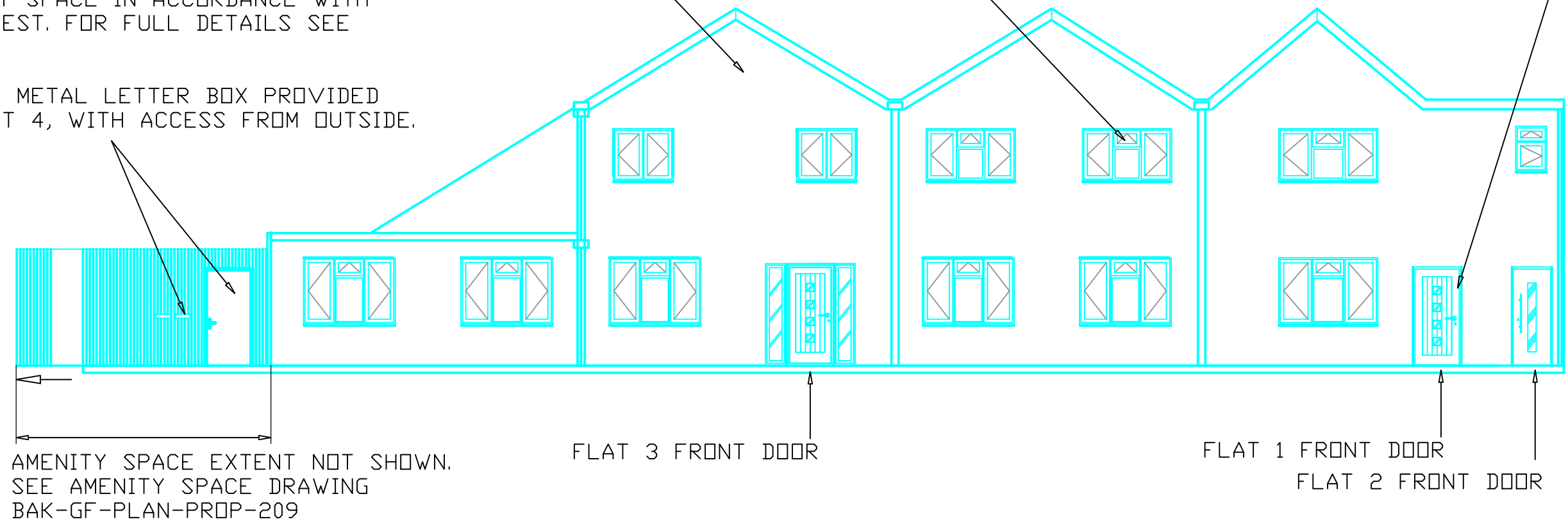
NOTE:- FRONT DOORS
OAK VENEER WOOD DOOR
FLAT 1 FRONT DOOR 914mm WIDE
FLAT 2 FRONT DOOR 820mm WIDE
FLAT 3 FRONT DOOR 914mm WIDE

LOCKED DOOR TO ACCESS:-

AMENITY SPACE
FLAT 4 ENTRANCE DOOR.
CYCLE STORE.

NEW FENCE TO FORM BOUNDARY OF
AMENITY SPACE IN ACCORDANCE WITH
SOUNDTEST. FOR FULL DETAILS SEE
SPEC.

259 SECURE METAL LETTER BOX PROVIDED
TO FLAT 4, WITH ACCESS FROM OUTSIDE.

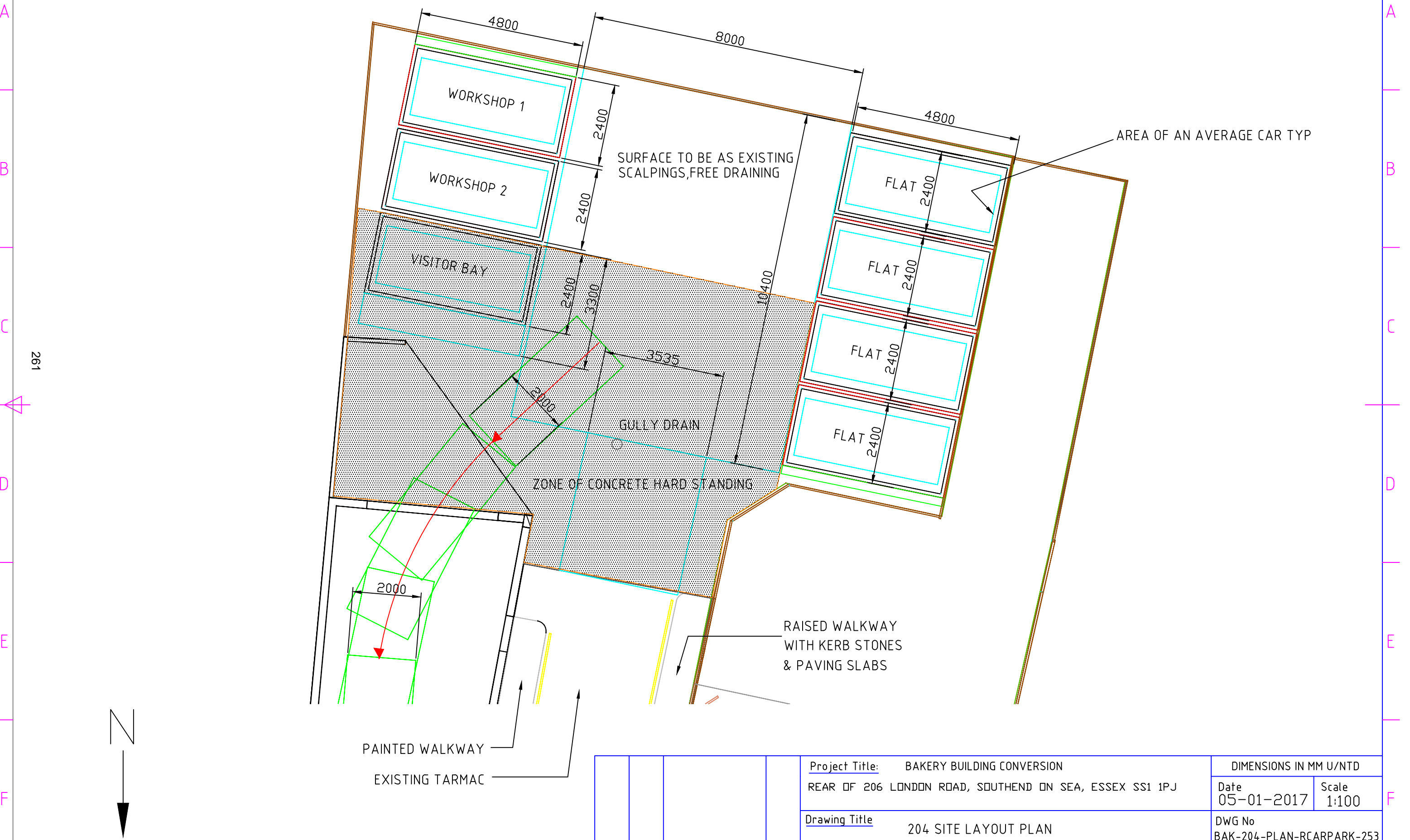


AMENITY SPACE EXTENT NOT SHOWN.
SEE AMENITY SPACE DRAWING
BAK-GF-PLAN-PROP-209

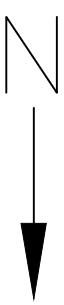
REV	Date	Description	By

Project Title: BAKERY BUILDING CONVERSION		DIMENSIONS IN MM U/NTD	
REAR OF 206 LONDON ROAD, SOUTHEND ON SEA, ESSEX SS1 1PJ		Date	Scale
Drawing Title: EAST ELEVATION 'FRONT'		05-01-2017	1/100
×PROPOSED×		DWG No	
		BAK-E-ELEV-PROP-100	
Drn by	Chkd by	Rev	
NE	RE	001	

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261

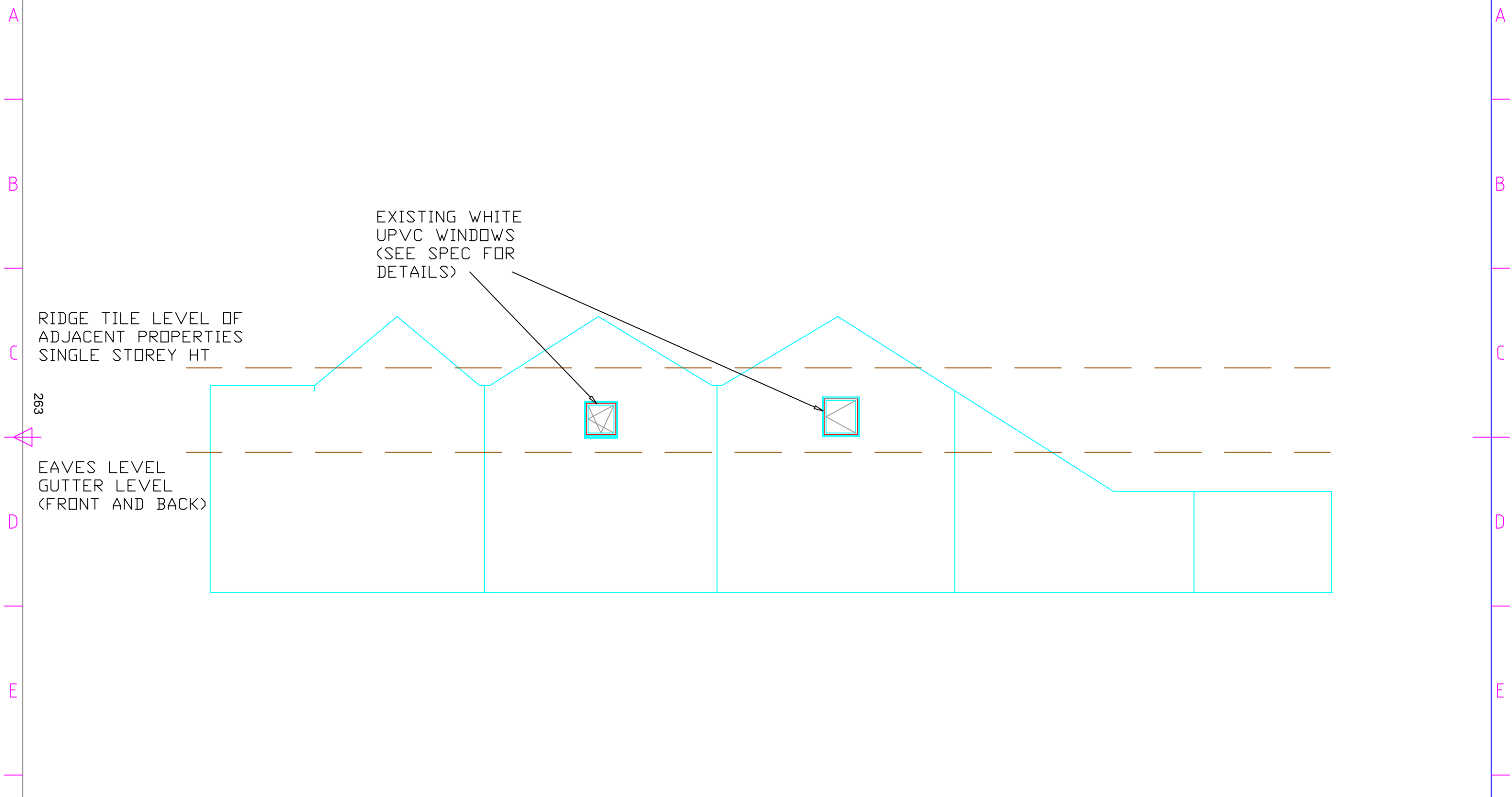


				Project Title: BAKERY BUILDING CONVERSION		DIMENSIONS IN MM U/NTD	
				REAR OF 206 LONDON ROAD, SOUTHEND ON SEA, ESSEX SS1 1PJ		Date	Scale
				Drawing Title		05-01-2017	1:100
				204 SITE LAYOUT PLAN		DWG No	
				204-BAK-REAR CAR PARK LAYOUT		BAK-204-PLAN-RCARPARK-253	
				xxxPROPOSEDxxx		Drn by	Chkd by
REV	Date	Description	By			Rev	1

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1 2 3 4 5 6 7 8

DIMENSIONS IN MM U/NTD 1000mm/ 1 METRE 0 1 2 WHEN PRINTED AT A3



RIDGE TILE LEVEL OF ADJACENT PROPERTIES SINGLE STOREY HT

263

EAVES LEVEL GUTTER LEVEL (FRONT AND BACK)

EXISTING WHITE UPVC WINDOWS (SEE SPEC FOR DETAILS)

REV	Date	Description	By

Project Title: BAKERY BUILDING CONVERSION
 REAR OF 206 LONDON ROAD, SOUTHEND ON SEA, ESSEX SS1 1PJ

Drawing Title WEST ELEVATION 'REAR'

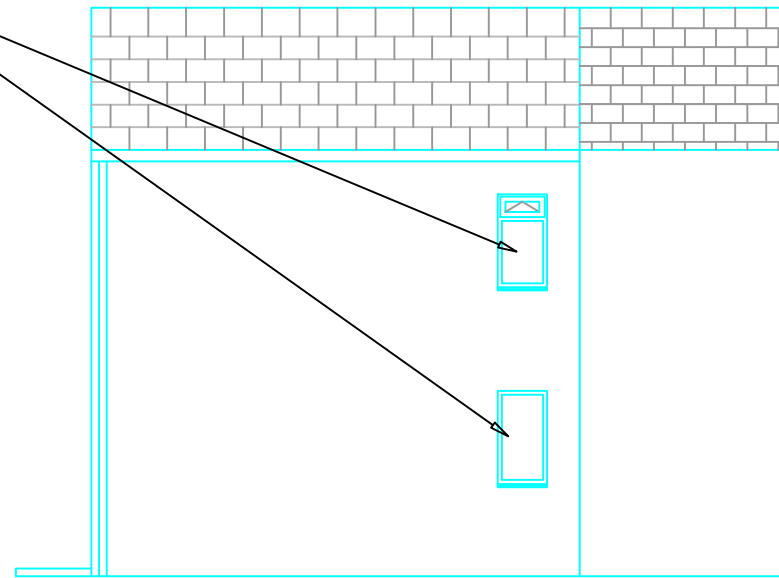
×PROPOSED×

DIMENSIONS IN MM U/NTD		
Date	Scale	
05-01-2017	1/100	
DWG No		
BAK-W-ELEV-PROP-101		
Drn by	Chkd by	Rev
NE	RE	001

1 2 3 4 5 6 7 8

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EXISTING WHITE UPVC WINDOWS
(SEE SPEC FOR DETAILS)



265

Project Title: BAKERY BUILDING CONVERSION
REAR OF 206 LONDON ROAD, SOUTHEND ON SEA, ESSEX SS1 1PJ

DIMENSIONS IN MM U/NTD

Date: 05-01-2017
Scale: 1/100

Drawing Title: NORTH ELEVATION

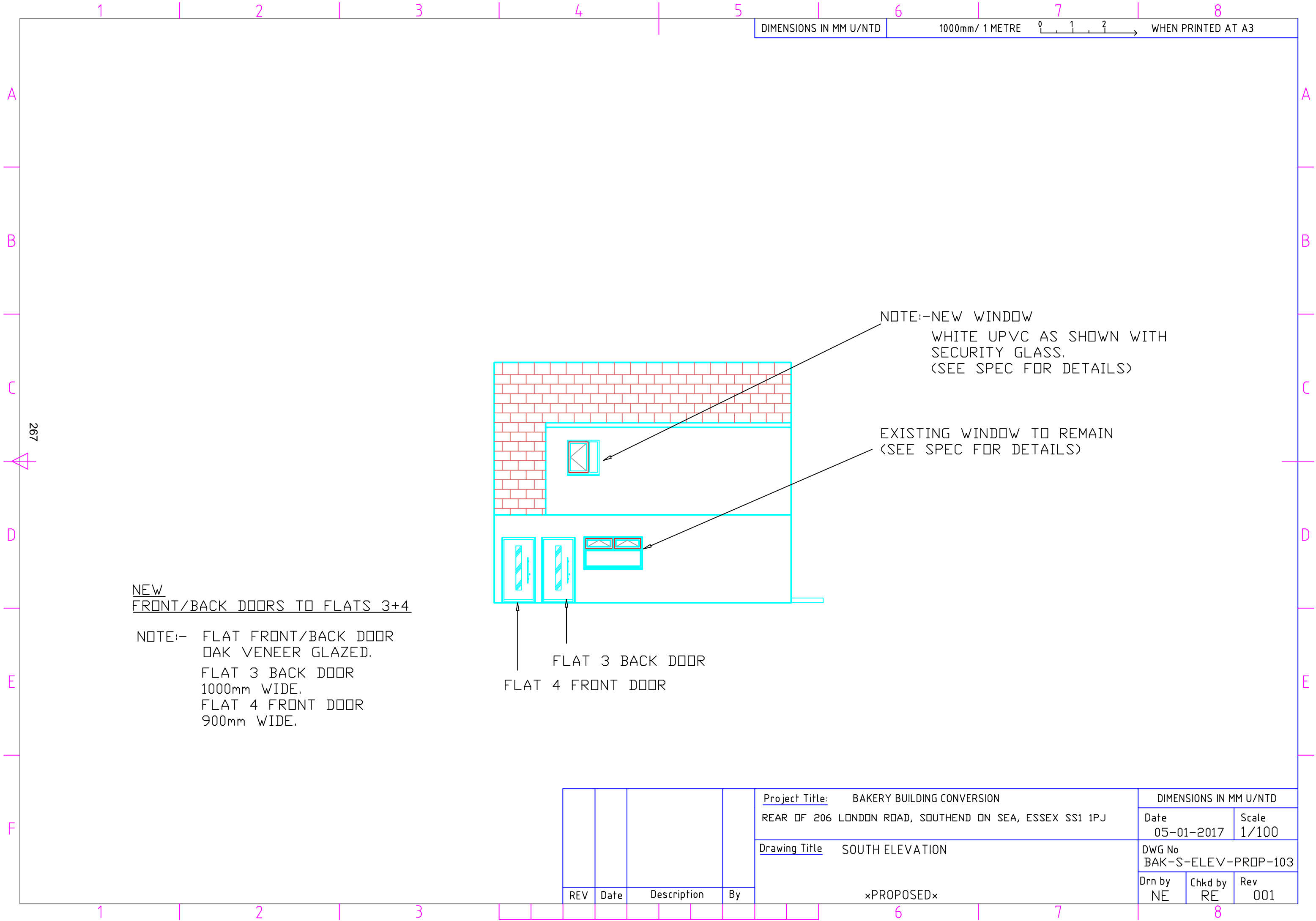
DWG No: BAK-N-ELEV-PROP-102

REV	Date	Description	By

×PROPOSED×

Drn by: NE
Chkd by: RE
Rev: 001

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NEW
FRONT/BACK DOORS TO FLATS 3+4

NOTE:- FLAT FRONT/BACK DOOR
OAK VENEER GLAZED.
FLAT 3 BACK DOOR
1000mm WIDE.
FLAT 4 FRONT DOOR
900mm WIDE.

NOTE:-NEW WINDOW
WHITE UPVC AS SHOWN WITH
SECURITY GLASS.
(SEE SPEC FOR DETAILS)

EXISTING WINDOW TO REMAIN
(SEE SPEC FOR DETAILS)

FLAT 3 BACK DOOR
FLAT 4 FRONT DOOR

REV	Date	Description	By

Project Title: BAKERY BUILDING CONVERSION
REAR OF 206 LONDON ROAD, SOUTHEND ON SEA, ESSEX SS1 1PJ

Drawing Title SOUTH ELEVATION

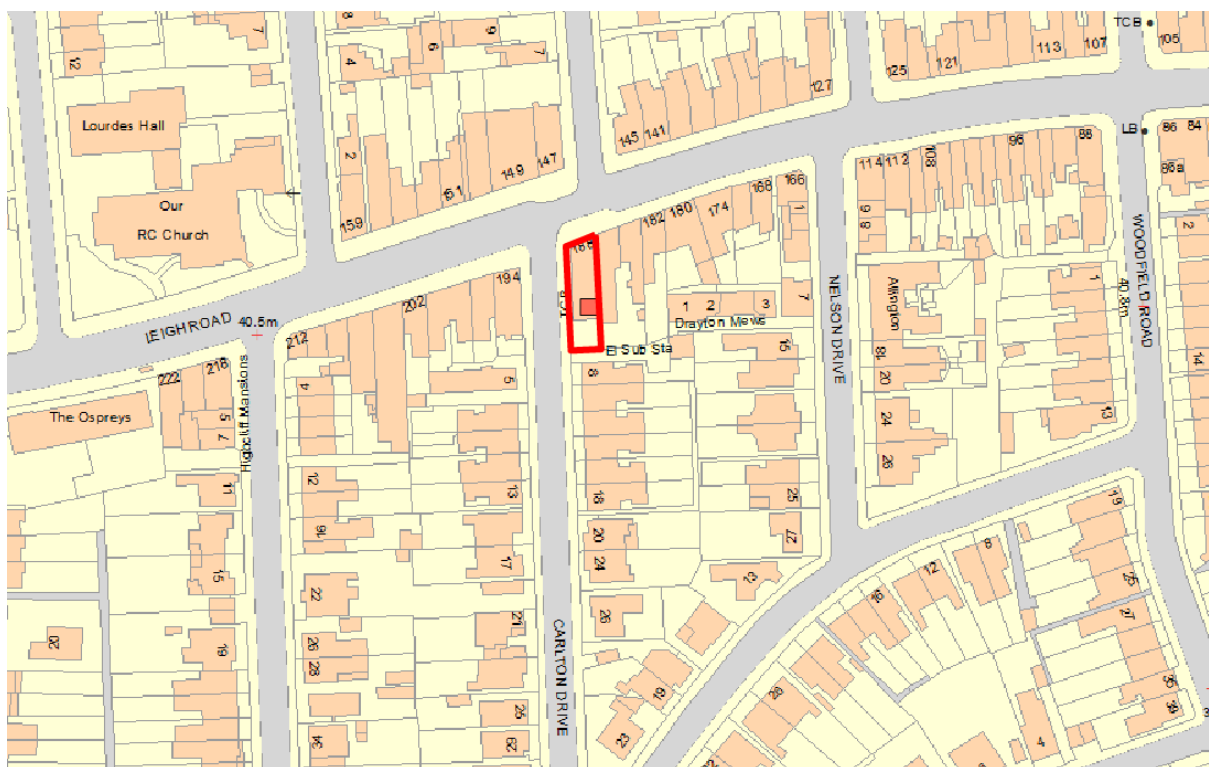
xPROPOSEDx

DIMENSIONS IN MM U/NTD		
Date	Scale	
05-01-2017	1/100	
DWG No		
BAK-S-ELEV-PROP-103		
Drn by	Chkd by	Rev
NE	RE	001

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Reference:	17/00181/FUL
Ward:	Leigh
Proposal:	Change of use of from shop (Use Class A1) to restaurant (Use Class A3), erect single storey rear extension, alterations to front and side elevations, creation of external staircase, installation of flue and air conditioning unit and formation of refuse enclosure
Address:	188 Leigh Road, Leigh-On-Sea, Essex, SS9 1BT
Applicant:	Mr Rocco Dileone
Agent:	Mr C. Stone (Stone Me Ltd)
Consultation Expiry:	21/04/17
Expiry Date:	28/04/17
Case Officer:	Ian Harrison
Plan No's:	1665 01, 1665 02 and 1665 3E
Recommendation:	GRANT PLANNING PERMISSION

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1 The Proposal

- 1.1 The application seeks planning permission for the change of use of an existing ground floor shop to a restaurant with associated extensions and external alterations. Prior approval has previously been granted for the change of use of the existing building under the terms of application 16/01709/PA3COU.
- 1.2 The existing building at the application site measures a maximum of 20.5 metres deep and 5.9 metres wide and was most recently used as a greengrocers shop at ground floor with flats at first and second floor. An external staircase exists at the rear elevation of the building and an open storage area exists at the rear of the site. The front elevation of the shop faces Leigh Road with only a small window and a door to a storage area facing Carlton Drive.
- 1.3 The proposed extensions to the building would see a 7 metre deep and 5.9 metre wide extension at the rear of the building. The extension would feature a flat roof built to a height of 3.3 metres. The roof of the extension would be used to provide an access from the existing staircase to the public highway of Carlton Drive via a new staircase that would be provided at the rear of the extension. 1.95 metre tall walls (measured above street level) would be provided at the west side of the extension to define accesses to the proposed kitchen and the upper floor flats as well as providing a bin store.
- 1.4 The alterations to the existing building would see a set of bi-fold doors and a lobby provided at the Leigh Road frontage and two sets of bi-folding doors provided at the Carlton Drive frontage to the north of the entrance door that exists on that elevation. New doors would be provided to the Leigh Road frontage to match the appearance of the doors that are proposed to the side elevation.
- 1.5 The application shows that the ground floor restaurant would have a capacity of 55 people within the building and no outdoor dining areas.
- 1.6 The submitted plans show the provision of an extraction system within the building that would protrude from the proposed flat roof at the rear of the building, continue along the flat roof and extend along the rear of the building to a height of 1 metre above the flat roof of the building.

2 Site and Surroundings

- 2.1 The application site is located to the south of Leigh Road and to the east of Carlton Drive. The site measures 27.5 metres by 6.8 metres and contains a three storey building that is described above.
- 2.2 The site is allocated as part of a secondary shopping frontage in the Council's Development Management Document.

3 Planning Considerations

- 3.1 The main considerations of this application are the principle of the development, design and the impact on the street-scene, any impact on neighbouring properties and highway impacts.

4 Appraisal

Principle of Development

National Planning Policy Framework 2012, Core Strategy Policies KP2, CP2, CP2 and CP4, Development Management DPD Policies DM1, DM3 and DM13 and SPD1

- 4.1 The site is located within a Secondary Shopping Frontage and it is therefore relevant to note the content of policy DM13 of the Development Management DPD which states that *“Primary and secondary shopping frontages within Southend will be managed to reinforce their attractiveness, vitality and viability within the daytime and night-time economies. The character and function of both types of frontage will be protected and enhanced.”* It also states that *“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.”*
- 4.2 Policy DM13 does not include restrictions relating to the loss of retail units or require a percentage of the frontage to be retained in retail use and as such, noting that a restaurant would provide a suitably active frontage to Leigh Road. On this basis, subject to the following detailed considerations, it is considered that no objection should be raised to the principle of converting the existing retail use to a restaurant use. Prior approval has been granted for the use of the existing building at the site as a restaurant under the terms of application 16/01709/PA3COU and it is therefore considered that no objection should be raised to the principle of the proposed development.

Design

National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Development Management DPD Policies DM1 and DM3 and SPD1

- 4.3 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policy DM1 of the Development Management DPD and in the Policies KP2 and CP4 of the Core Strategy. The Design and Townscape Guide (SPD1) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 4.4 In the NPPF it is stated that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*

- 4.5 In the Council's Development Management DPD, policy DM1 states that development should "add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features."
- 4.6 Policy KP2 of Core Strategy (CS) states that new development should "*respect the character and scale of the existing neighbourhood where appropriate*". Policy CP4 of CS requires that development proposals should "*maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development*".
- 4.7 The proposed extension at the rear of the site would fill the currently undeveloped part of the application site and therefore result in built form dominating the Carlton Drive frontage. It is noted that this part of the application site is currently used as an informal storage area, with an access to the existing staircase, which is accessible from Carlton Drive through a gap that has been formed in place of former walls, with little finesse shown in creating that gap. The proposed extension has a simple flat roof form and in this instance, partially due to the limited contribution that the existing service yard makes to the character of the area, it is considered that the single storey rear extension would not cause material harm to the character or appearance of the site or the surrounding area.
- 4.8 Given that external staircases are an established feature of the application site and the neighbouring properties to the east and the fact that the first floor railings would be set back from the Carlton Drive frontage, it is considered that the impact of these elements would not be harmful to an extent that would justify the refusal of the application. The proposed walls at the Carlton Drive frontage would project forward to the same extent as the existing walls at the application site and therefore it is considered that the proposed walls would not be out-of-keeping with the established character of the streetscene.
- 4.9 The proposed alterations to the ground floor of the existing building would not be harmful to the character or appearance of the existing building. The provision of doors and a lobby at the frontage of the site would be in-keeping with other properties of the surrounding area and would result in an active frontage being provided to both Leigh Road and Carlton Drive. It is considered that this would represent the enhancement of the appearance of the existing building which currently features a large retractable awning at the north elevation and a relatively blank and uninteresting frontage to the east elevation. Likewise, it is considered that the bi-folding doors at the side elevation of the building would break up what is currently a blank and uninspiring elevation at ground floor level and therefore these works represent the visual enhancement of the site.
- 4.10 The proposed flue at the rear of the site would be partly masked from the public domain by the railings and external staircase. The visual impact of the higher parts of the flue would be comparable with the extraction system that has been granted at the site under the terms of application 16/01709/PA3COU and therefore no objection should be raised to this aspect of the proposal on visual grounds.

In the assessment of the previous application it was noted that the property on the opposite side of Carlton Drive features prominent air conditioning units and it is noted that a number of properties of Leigh Road have rear service areas which are visible and prominent within the roads that lead from Leigh Road. The use of a number of these service areas results in storage, extraction, vents and other such items being visible in the public domain. It is therefore considered that the mechanical installations at the rear of the site should be found acceptable.

Impact on Neighbouring Properties

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

- 4.11 Policy DM1 of the Development Management DPD also states that development should “Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”
- 4.12 The site is located within an area of mixed residential and commercial uses, with residential uses above the existing shop at the application site and a mixture of flats and offices above the adjacent Leigh Road shops. Carlton Drive, to the south of the site, features two storey dwellings and an art studio to the south west. Leigh Road is an intensively used road and it is known that the secondary shopping area has an active evening economy with restaurants and bars which represent an existing noise source.
- 4.13 The objections that have been raised by neighbouring residents are noted and it is acknowledged that the character and use of properties within Leigh Road and Carlton Drive is materially different and as such, whereas the Leigh Road does have a vibrant evening economy, Carlton Drive is of materially different character. The background noise level of the area is therefore lower and occurrences of disturbance and commotion would be fewer. It is noted that The Vine and Tigerlily have been the subject of complaints from nearby residents and that both of these properties were approved as restaurants. However, the activities occurring at those premises are not considered to provide grounds to assume that all restaurants would be operated in the same way and as such it does not follow that noise and disturbance generated at the application site would necessarily be comparable to any noise that is caused at these nearby properties. As this represents a new use it is considered that it would be possible to impose various conditions to limit the hours of use of the premises, require the bi-folding doors to be kept shut at certain times, prevent al-fresco dining, limit the playing of amplified music, limit the times when the bin store can be accessed and require details of internal sound insulation to be submitted and agreed. From this basis, it is considered that, subject to the imposition of conditions, a restaurant could be operated at this site without causing material harm to the amenities of nearby residential properties.

- 4.14 The proposed change of use would be dependent on the creation of a commercial kitchen with associated equipment, plant and extraction systems being required. Details have been provided of the installation of extraction, ventilation and air conditioning equipment that would be provided at the site and it is considered that conditions can be imposed to ensure that the operation of this equipment at the site can occur without harm to residential amenity in line with the specialist advice that has been received from the Council's Environmental Health Officers..
- 4.15 The submitted plans indicate that the area used on the roof of the kitchen for the proposed fire escape would be a small area that would only be sufficient for pedestrian access and not the gathering of people. A condition can be imposed on any permission to prevent the flat roof from being used as an amenity area. Noting the presence of existing fire escapes and upper floor windows and the blank side elevation of 8 Carlton Drive, it is considered that the proposal would not cause a loss of privacy within neighbouring properties to an extent that would justify the refusal of the application.

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.

- 4.16 Policy DM15 states that A1 (Food), A1 (Non-Food) and A3 uses should be served by parking at a maximum rate of 1 space per 14, 20 or 5 square metres respectively. The former use of the building for retail purposes would have created some parking demand that would not have been met at the site. The 94 square metres of existing ground floor floorspace would have led to a parking demand of up to 7 spaces and the proposed use of the extended building would lead to a parking demand of up to 26 spaces.
- 4.17 No parking exists at the site to serve either the existing or proposed use, it is however noted that these are maximum standards and therefore the provision of no parking can be considered compliant with the policies of the Development Plan. Whilst the intensity of on-street parking within the surrounding area is noted it is considered that the sustainable, location and the parking restrictions that exist within the surrounding area ensures that the site can be used for the purposes set out above without causing a reduction of highway safety.

Other Matters

- 4.18 An open waste storage area is shown on the submitted plans at the Carlton Drive elevation. It is considered that conditions could be imposed to require further details of this refuse store to be submitted and agreed prior to the commencement of development. The refuse store should be secure and fully enclosed.

Community Infrastructure Levy

- 4.19 As the development creates less than 100 square metres of new floorspace at the application site, the development is not CIL liable.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework 2012.
- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance).
- 5.3 Development Plan Document 2: Development Management Policies DM1 (Design Quality) DM3 (Efficient and Effective Use of Land), DM13 (Shopping Frontage Management outside the Town Centre) and DM15 (Sustainable Transport Management)
- 5.4 Community Infrastructure Levy Charging Schedule.
- 5.5 Supplementary Planning Document 1: Design & Townscape Guide, 2009.

6 Representation Summary

Environmental Health Officer

- 6.1 It has been highlighted that comments were recently provided in relation to application 16/01709/PA3COU which addressed the provision of cooking equipment and extraction equipment at the site and raised no objection to the works subject to the imposition of conditions. Additional comments have been made in relation to this application which state that:
- The conditions imposed previously should be repeated.
 - It may be the case that additional plant will need to be installed at the site and in that case the plant should comply with the requirements of the conditions (when considered alone and cumulatively).
 - The plans that have been provided create confusion about the arrangement and provision of bi-folding doors at the site.
 - Outdoor seating could be provided at the Carlton Drive elevation provided that it is used by smokers only during the evenings. The use of this area during the day could be found acceptable.

Leigh Town Council

- 6.2 No objection.

Public Consultation

6.3 18 neighbouring properties were notified of the proposal and a site notice was posted at the site. 6 letters of objection have been received which object to the application on the following grounds:

- Noise and disturbance from the proposed use impacting on residential amenity, directly from the use and also from people talking and smoking on the way to/from the premises.
- Lack of parking for local residents would be heightened by this proposal. More parking attendants should patrol the area.
- The proposed fire escape would be unsafe as it would be above the kitchen.
- Insufficient waste disposal facilities are proposed.
- No measures are proposed to control odours generated within the commercial kitchens.
- The flat roof should not become a roof terrace.

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 This application has been called-in to the Council's Development Control Committee by Cllr Mulroney.

7 Relevant Planning History

7.1 A similar application (16/01324/FUL) was withdrawn and subsequent prior approval application 16/01709/PA3COU for the change of use of the existing building to a restaurant was approved.

7.2 The erection of two advertising panels on the side elevation was approved in 1990.

8 Recommendation

It is recommended that planning permission be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 1665 01, 1665 02 and 1665 3E

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

- 03** The rating level of noise for all plant installed at this site in associated with the approved development (including but not exclusively the ventilation, refrigeration and air conditioning equipment) determined by the procedures in BS:4142:2014, shall be at least 5dB(A) below the background noise with no tonal elements. The LA90 shall be determined according to the guidance in BS:4142 at 3.5m from ground floor facades and 1m from all facades above ground floor level to residential premises. The assessment shall be carried out by a suitably qualified and experienced acoustic consultant who would normally be a member of the Institute of Acoustics. Details of this assessment and confirmation of all plant equipment that shall be installed at the site shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby approved. All approved plant equipment shall be installed prior to the first use of the premises as a restaurant and the equipment shall be maintained in good working order thereafter. The plant installed must not have distinctive tonal or impulsive characteristics.

Reason: To protect the amenities of neighbouring residents in accordance with the National Planning Policy Framework and policy DM1 of DPD2 (Development Management)

- 04** Activities at the site hereby approved shall not give rise to structure borne noise to any noise sensitive premises including those integral to the building.

Reason: To protect the amenities of neighbouring residents in accordance with the National Planning Policy Framework and policy DM1 of DPD2 (Development Management)

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

Reason: To protect the amenities of neighbouring residents in accordance with the National Planning Policy Framework and policy DM1 of DPD2 (Development Management)

- 06** All deliveries and collections to the use hereby permitted shall be between 07:00 and 19:00 hours Monday to Friday and 08:00 and 13:00 hours on Saturday; with no deliveries taking place on Sundays or Bank Holidays.

Reason: To protect the amenities of neighbouring residents in accordance with the National Planning Policy Framework and policy DM1 of DPD2 (Development Management)

07 The use hereby permitted shall not be open to the public between the hours of 23:00 and 09:00 the following day, on any day.

Reason: To protect the amenities of neighbouring residents in accordance with the National Planning Policy Framework and policy DM1 of DPD2 (Development Management)

08 Prior to the commencement of the development hereby approved, details of the materials used in the construction of the vent and the ‘filter housing’ shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the development shall be undertaken in full accordance with the approved details prior to the commencement of the use hereby approved.

Reason: To protect the amenities of neighbouring residents in accordance with the National Planning Policy Framework and policy DM1 of DPD2 (Development Management)

09 Other than within the demarked walkway shown on the plans hereby approved, the roof of the extension hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless otherwise agreed in writing by the local planning authority. The roof can however be used for the purposes of maintenance or to escape in an emergency.

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

10 The bi-folding doors hereby approved at the Carlton Drive frontage of the building shall be kept shut at all times between the hours of 21:00 and 09:00 the following day, on any day.

Reason: To protect the amenities of neighbouring residents in accordance with the National Planning Policy Framework and policy DM1 of DPD2 (Development Management)

11 Any seating/tables provided within the application site, to the west flank elevation of the building at the site (fronting Carlton Drive), shall be vacated between 21:00 and 09:00 hours.

Reason: To protect the amenities of neighbouring residents in accordance with the National Planning Policy Framework and policy DM1 of DPD2 (Development Management)

12 Except for ingress and egress, the external door to the ground floor flank elevation that serves the kitchen and the fire exit door on the same elevation shown on plan 1665 3E shall remain closed at all times and, except in cases of emergency, shall not be available for use by customers.

Reason: To protect the amenities of neighbouring residents in accordance with the National Planning Policy Framework and policy DM1 of DPD2 (Development Management)

- 13 Prior to the use of the building for the purposes hereby approved, details shall be submitted of the provision of fully enclosed and secure refuse storage at the site. The approved refuse storage shall be provided in full and made available for use prior to the first occupation of the use hereby approved and be retained as such in perpetuity.**

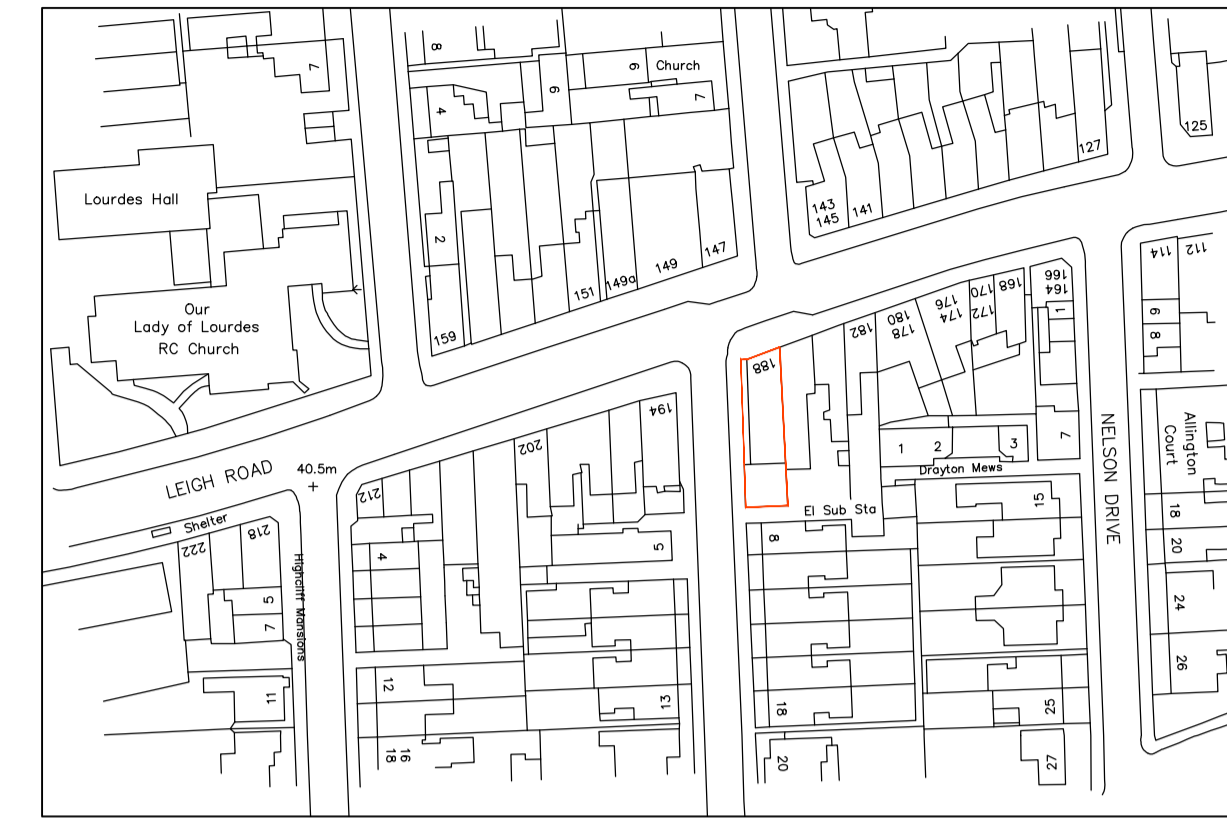
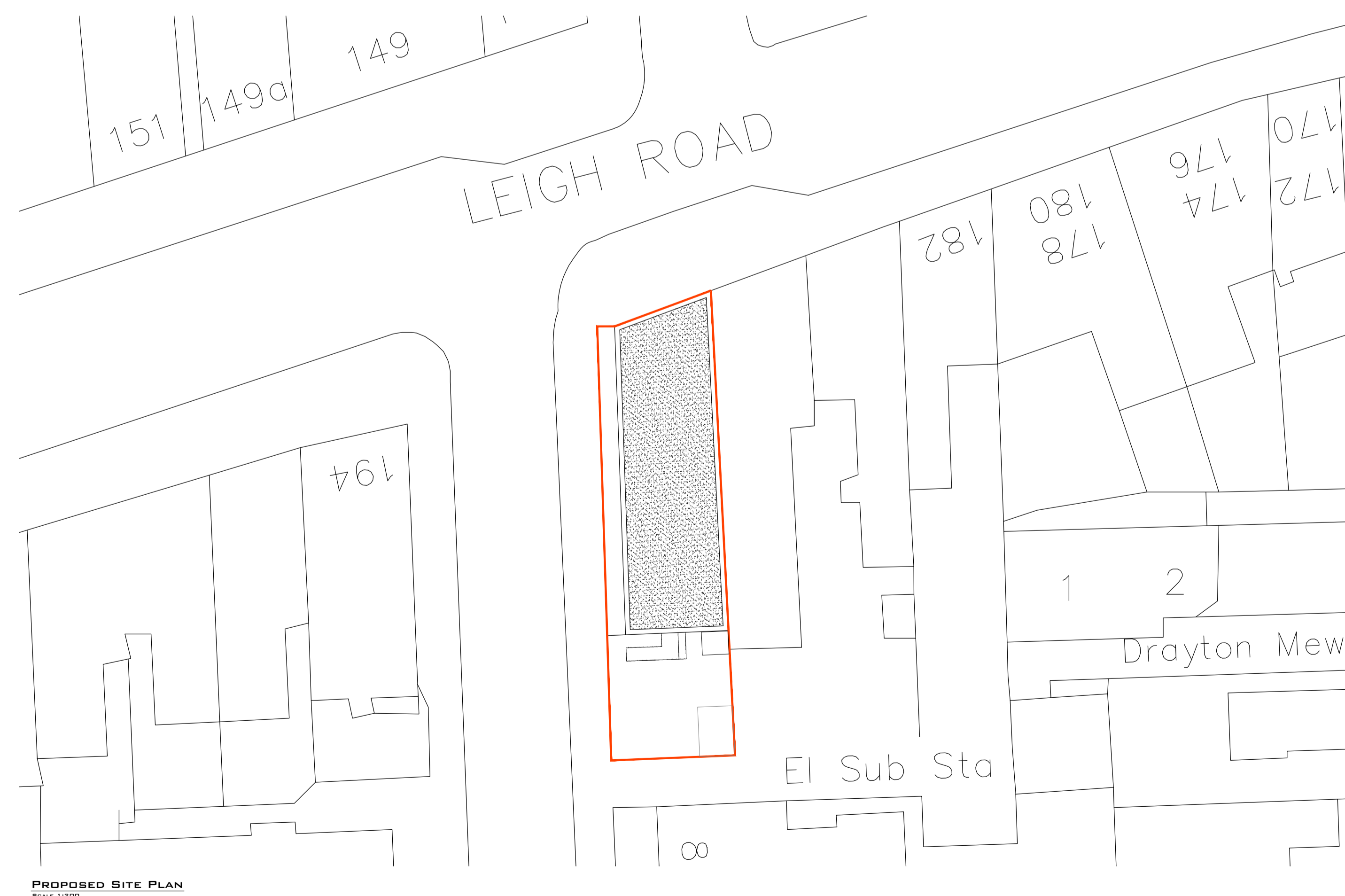
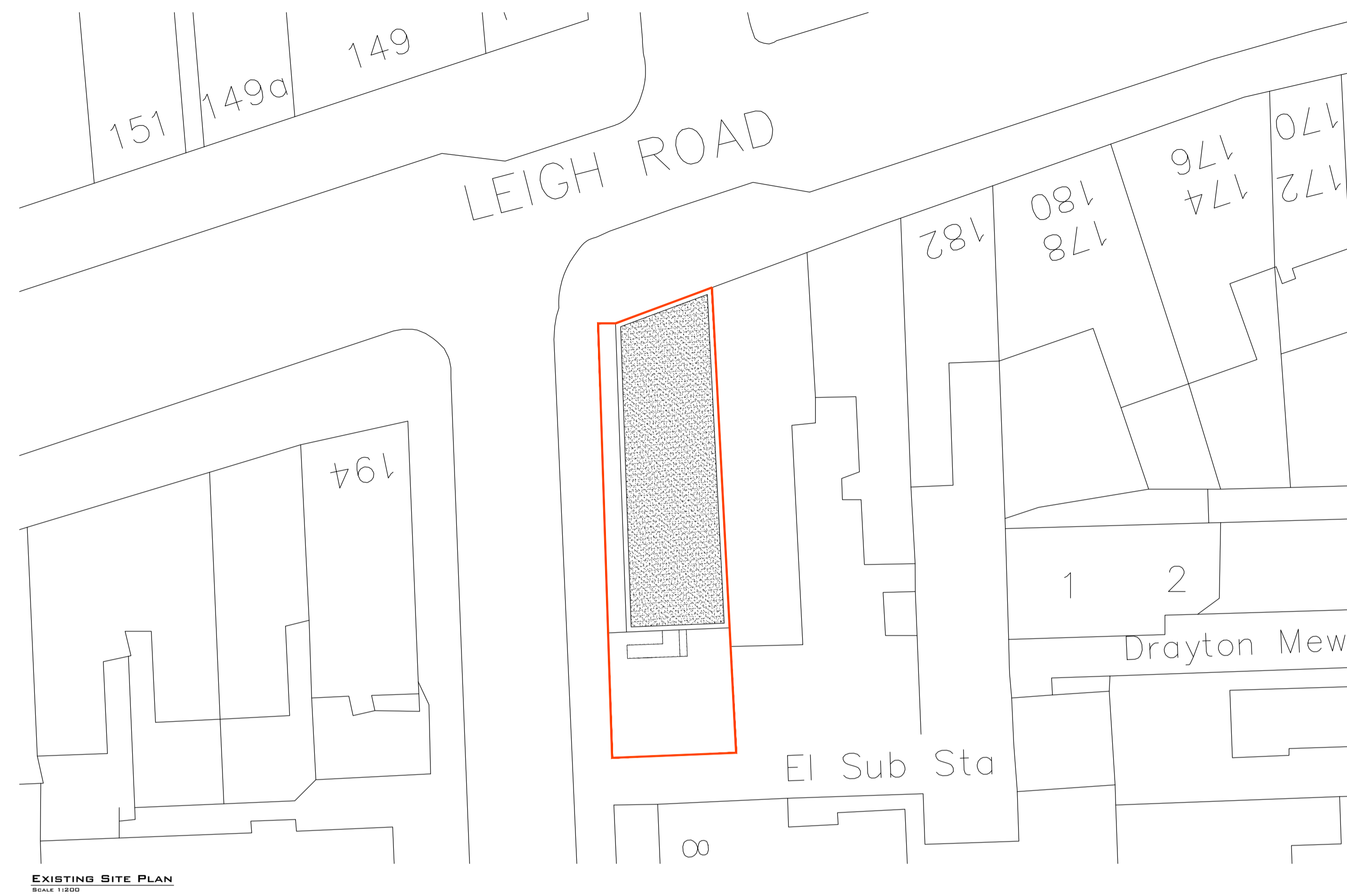
Reason: To ensure the provision of adequate refuse storage in accordance with policies DM8 and DM15 of DPD2 (Development Management)

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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architectural & interior design

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

Client: **MR ROCCO DILEONE**

Project: **188 LEIGH ROAD
LEIGH ON SEA
SS9 1BT**

Drawing: **SITE PLANS**

Date: **02.06.2015** Scale: **1:200 @ A1**

Project No.: **1665** Drawing No.: **02**

1:50 0m 1 2 5.0m
1:100 0m 1 2 3 4 10.0m

188 LEIGH ROAD

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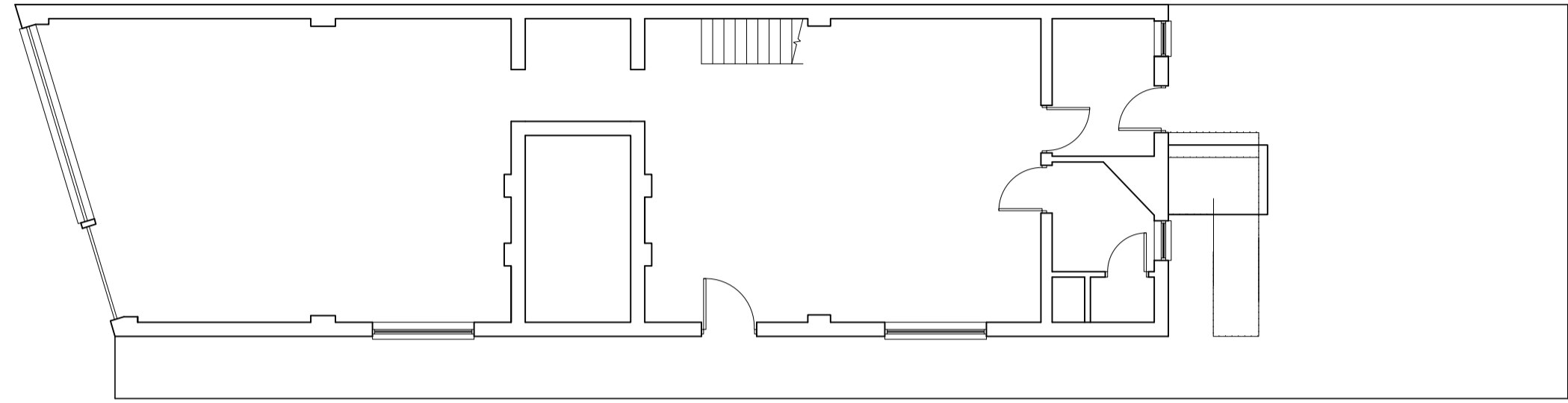
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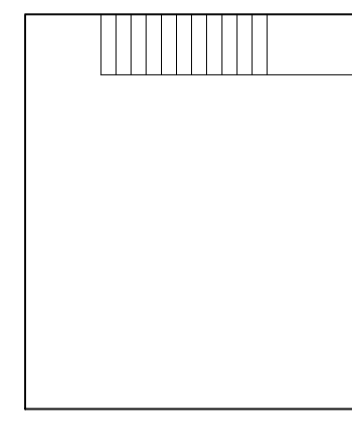
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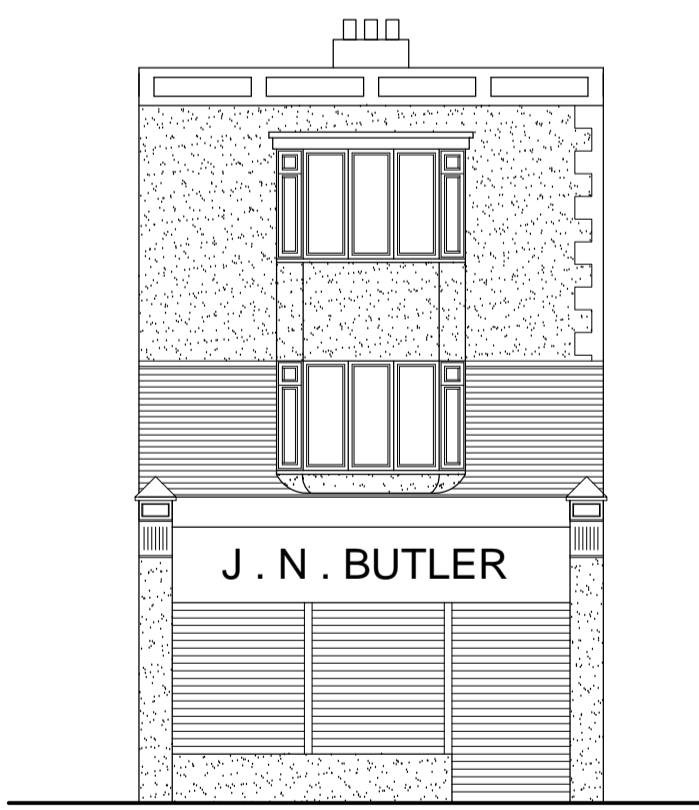


PROPOSED FLOOR PLAN
SCALE 1:50



BASEMENT PLAN
SCALE 1:50

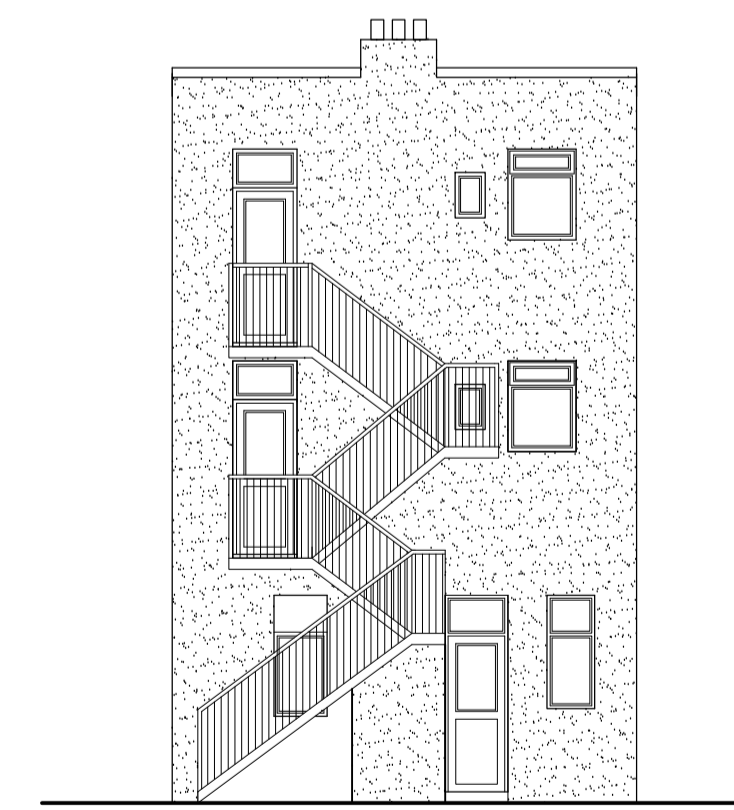
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FRONT ELEV
SCALE 1:100



SIDE ELEV
SCALE 1:100



REAR ELEV
SCALE 1:100

Rev: | Date: | Amendment:



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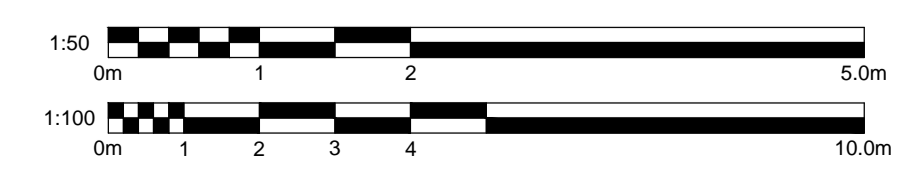
Client: **MR ROCCO DILEONE**

Project: **188 LEIGH ROAD
LEIGH ON SEA
SS9 1BT**

Drawing: **EXISTING**

Date: **02.06.2015** Scale: **1:100 1:50 @ A1**

Project No.: **1665** Drawing No.: **01**



188 LEIGH ROAD

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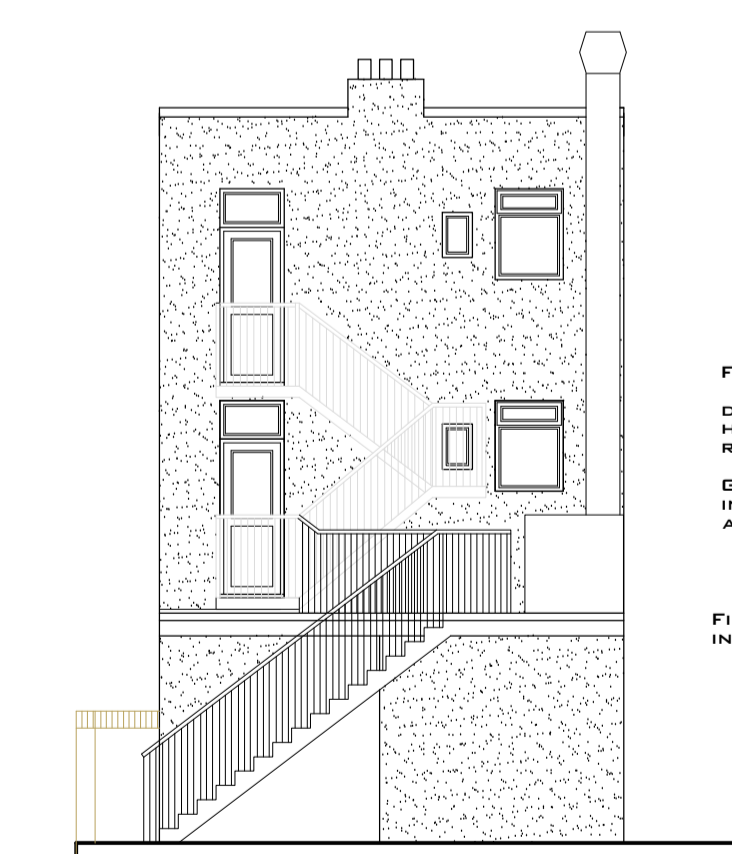
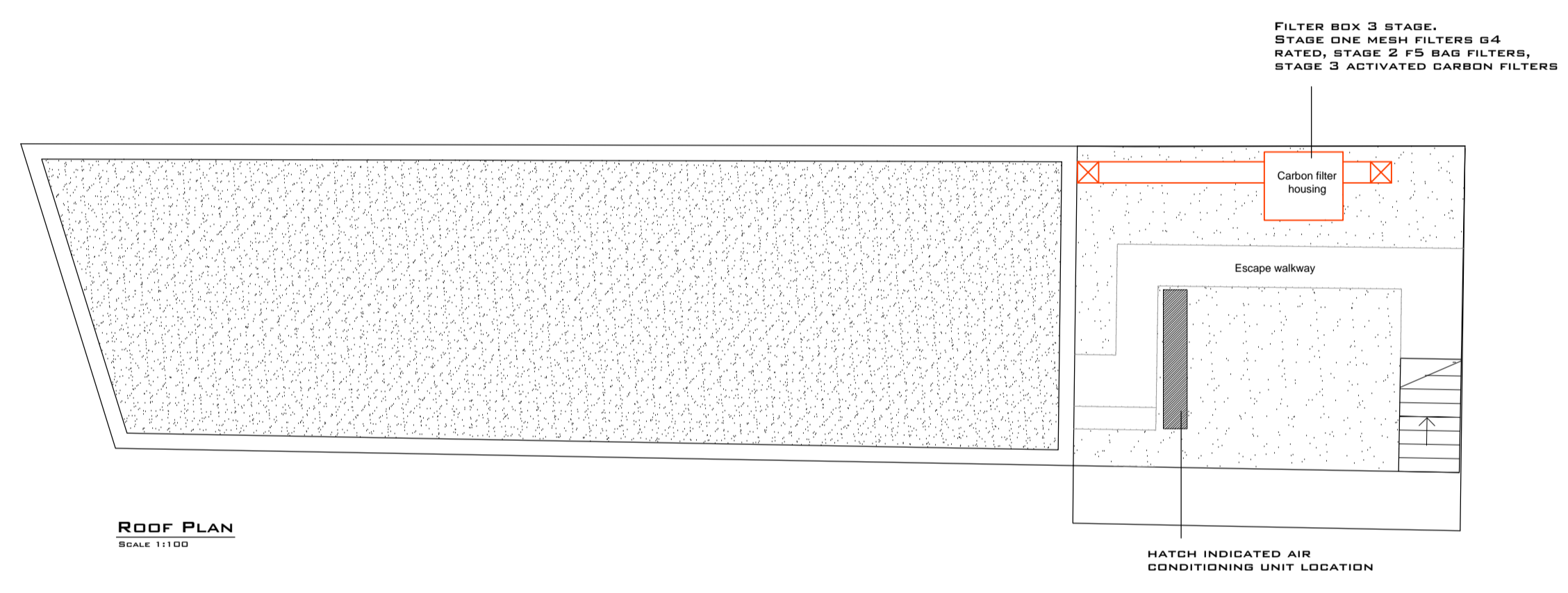
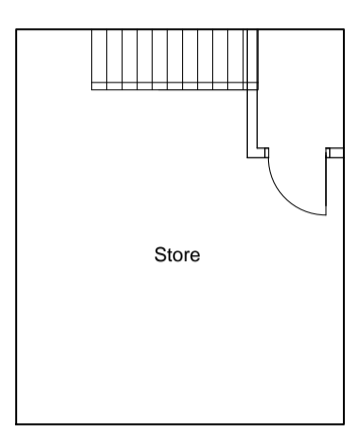
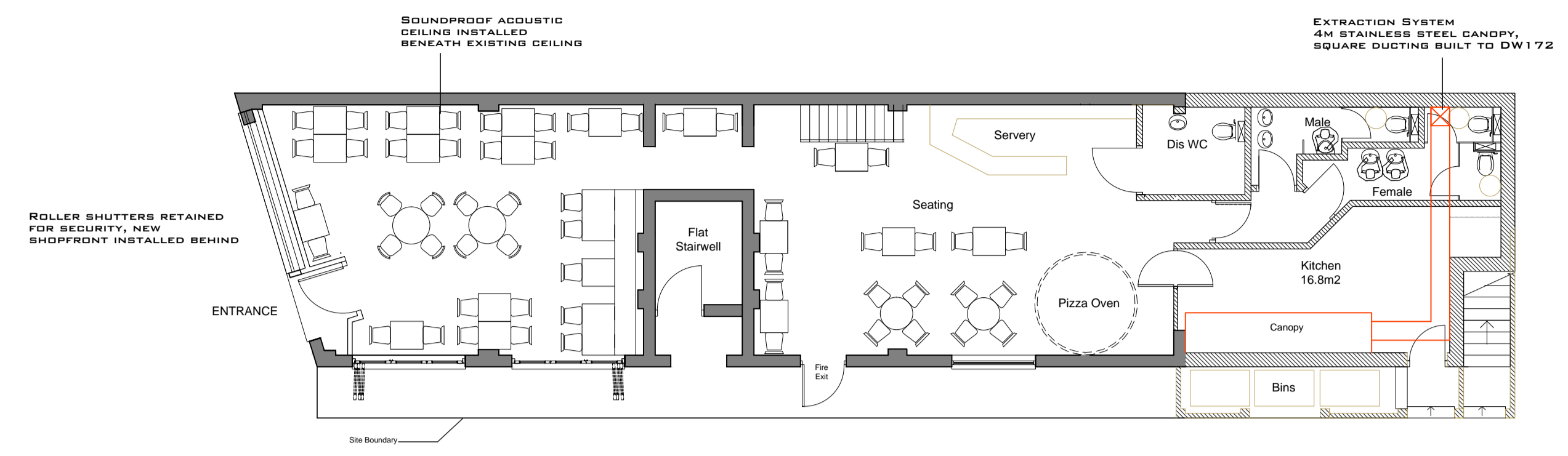
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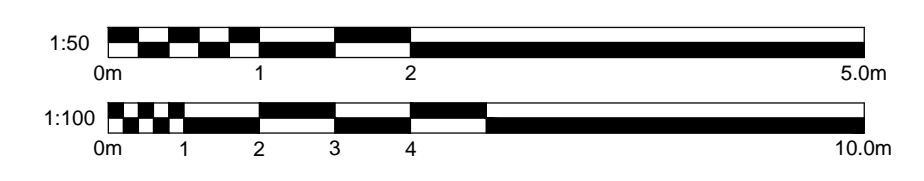
Client: MR ROCCO DILEONE

Project: 188 LEIGH ROAD
LEIGH ON SEA
SS9 1BT

Drawing: PROPOSED

Date: 02.02.2017 Scale: 1:100 @ A1

Project No.: 1665 Drawing No.: 3E



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Reference:	17/00398/FUL	<h1>16</h1>
Ward:	Milton	
Proposal:	Demolish existing servicing enclosure to rear, form new servicing enclosure and layout loading layby on to Chichester Road	
Address:	British Home Stores, 36 - 44 High Street, Southend-on-Sea, Essex, SS1 1JG	
Applicant:	Glanville Consultants	
Agent:	Glanville Consultants	
Consultation Expiry:	03/04/17	
Expiry Date:	01/05/17	
Case Officer:	Ian Harrison	
Plan No's:	55232-T-01 (Rev A), 8161075/6100 C, 8161075/6201 A, Dra TTG UKPL23 AR 101 1.1 8161075/6002 and 8161075/6001.	
Recommendation:	REFUSE PLANNING PERMISSION	



1 The Proposal

- 1.1 The application seeks planning permission for works to the existing building at the application site comprising of the demolition of an existing, enclosed service bay at the east elevation of the site and the erection of a replacement service enclosure with a new loading bay at the site and associated alterations to the public highway.
- 1.2 The existing service enclosure measures approximately 34 square metres, projects from the rear elevation of the existing building by 2.8 metres and measures a maximum of 13.5 metres wide. The projection features flat roof built to a height of 3.3 metres.
- 1.3 The replacement service enclosure would project from the rear of the building by 1.6 metres with a maximum width of 6.9 metres and a minimum width of 3.7 metres. The enclosure would be built to flat roof height of 3.3 metres and would feature a security shutter to the north east elevation.
- 1.4 The other works proposed by this application would see the modification of the public highway to enable the provision of a new delivery layby. At present dropped kerbs exist directly to the south of the service enclosure and to the north east of the service enclosure. All land surrounding the service bay, between the existing buildings and the adjacent carriageways is used as public footpath with a minimum width of 2.6 metres. All land to the east of the main part of the building, including the service areas is part of the public highway.
- 1.5 The proposed layby would be served by a new access to the east of the proposed service enclosure and a new access to the north of the site. The total length of the layby would measure 32.8 metres and would include land a maximum of 6 metres from the existing carriageway. The public footpath would be reduced to a width of 2 metres for a length of 19.2 metres, aligned with the east elevation of the building, but would increase to a maximum width of 5 metres on the land to the east of the service enclosure. The proposed layby would be operated as a one-way system, entered from the south and existed to the north. A traffic island would be located between part of the layby and the highway.
- 1.6 The applicant's submissions state that the building was previously serviced by one rigid lorry per day with up to five other servicing vehicles using the layby per week, giving an average of two vehicle visits per day. It is proposed to service the site by up to three, 12 metre long rigid delivery lorries (26 ton) per day which will take between 30 minutes and 45 minutes to unload, with additional deliveries potentially occurring at peak times (Christmas for example). In addition, the layby would be used for refuse collection and 'sanitary collection' once a day. It is therefore assumed that the total number of vehicle visits will average five per day.

2 Site and Surroundings

- 2.1 The application site is located to the north of Heygate Avenue, to the west of Southend Travel centre and to the rear of the existing retail premises that was formerly occupied by British Home Stores. The existing content of the application site is discussed in detail above.
- 2.2 The site is allocated as part of the Southend Town Centre and is within the Southend Central Area.
- 2.3 The Council's emerging Southend Central Area Action Plan Document (SCAAP) includes the application site within a 'Visually Active Frontage.' The carriageway to the east of the application site is also designated as an area for 'New/Improved Pedestrian Links.'

3 Planning Considerations

- 3.1 The main considerations of this application are the principle of the development, the impact of the proposals on the character and appearance of the site and the surrounding area, parking and highway safety and any impact on neighbouring properties.

4 Appraisal

Principle of Development

National Planning Policy Framework 2012, Core Strategy Policies KP1, KP2, CP1, CP2, CP3 and CP4, Development Management DPD Policies DM1, DM3 and DM15 and Emerging Southend Central Area Action Plan policy DS5.

- 4.1 The proposed development is ancillary to the use of a building that has established a use falling within Use Class A1 within the Southend Town Centre. Policy CP2 makes it clear that the town centre is the preferred location for retail development and therefore it is considered that developments ancillary to retail uses within the town centre can be supported in principle.
- 4.2 The National Planning Policy Framework also sets out that planning should support the vitality and viability of the town centre as well as encourage economic growth. It is stated that *"Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing."*
- 4.3 In this regard it is noted that the site currently contains a vacant retail unit and the applicant's submissions indicate that the proposals are connected to the potential occupation of the building by a different company which has increased requirements. As opposed to a large vacant building, the reinstated use of the building would be likely to generate economic activity and employment within Southend Town Centre.

These factors can be given weight in favour of the proposals for ancillary development that will make occupation of the building more attractive.

- 4.4 In this case it is considered that the proposals will have impacts in a number of other regards which are assessed in turn below.

Design

National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Development Management DPD Policies DM1 and DM3, SPD1, Emerging Southend Central Area Action Plan policy DS5.

- 4.5 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policy DM1 of the Development Management DPD and in the Policies KP2 and CP4 of the Core Strategy. The Design and Townscape Guide (SPD1) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 4.6 The emerging SCAAP policy document has been submitted to the Planning Inspectorate and is due to be examined and can therefore be afforded some weight in the assessment of this application. As set out above, the site is designated as part of a Visually Active Frontage and it is therefore relevant to note that emerging policy DS5 states that the Council will *“Encourage visually active frontages through the installation of public art, green walls, well detailed signage, and appropriately placed windows and entranceways to enliven blank frontages, as defined on the Policies Map.”* The policy also states that the Council will, *“In order to promote and reinforce local distinctiveness, ensure all public realm improvement works seek to provide a coordinated palette of materials, facilitate a reduction in street clutter, consider the needs of all users, including vulnerable and disabled users, the provision of additional seating where appropriate to provide resting places.”*
- 4.7 The proposed demolition and extension of the existing service enclosure would result in a smaller single storey projection being provided at the rear of the building. The rear elevation of the existing building is a blank elevation with a service area that is required for functional purposes, but does not contribute positively to the character or appearance of the site and the surrounding area. The removal of the structure and its replacement with a smaller structure of comparable appearance is therefore considered to cause no additional harm to the character and appearance of the site and the surrounding area.
- 4.8 The proposals would result in highways and the layby having a more dominant visual impact on the general character of the area. At present footpaths, highways and the surrounding buildings dominate the character of the area and it is considered that the layby would become a feature of visual significance. Noting that the rear of the existing site has a functional appearance and that there would be no external storage at the site, on balance, it is considered that the visual impact of providing a layby at the site can be found acceptable.

Therefore, on balance and notwithstanding the content of the emerging SCAAP policies, it is considered that the visual harm of the proposed development would not be materially worse than the visual impact of the existing situation or comparable service areas along Chichester Road and therefore the application should not be refused on visual grounds. Design as it relates to highway safety is assessed in subsequent sections of this report.

Impact on Neighbouring Properties

NPPF; DPD 1 (Core Strategy) Policies KP1, KP2 and CP4; Development Management DPD Policy DM1 and DM3 and SPD 1 (Design & Townscape Guide (2009))

- 4.9 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.”
- 4.10 The site is located within an area of commercial uses with the nearest residential properties 45 metres to the east of the site. The proposals would therefore have no impact on the light, privacy or outlook of those properties and it is considered that any noise from deliveries would not be materially worse or different to the comparable noises that occur within the area as a result of the use of other service areas, the public highways and the bus station. No objection should therefore be raised to the application on the grounds of amenity.

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, the Design and Townscape Guide and Emerging Southend Central Area Action Plan policy DS5.

- 4.11 Core Strategy policy KP2 states that development should “secure improvements to transport networks, infrastructure and facilities and promote improved and sustainable modes of travel” and policy CP3 states that development should “provide for the development of high quality transport interchanges at Southend Travel centre” and “improve road safety, quality of life and equality of access for all.”
- 4.12 Development Management DPD Policy DM15 states that “development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.” It also states that “access to the proposed development and any traffic generated must not unreasonably harm the surroundings, including the amenity of neighbouring properties and/or the public rights of way.” Moreover development should be required “to prioritise and promote viable alternatives to private vehicle use development proposals must prioritise the needs of pedestrians, including disabled persons and those with impaired mobility.”

- 4.13 Similarly, paragraph 35 of the NPPF states the developments should be designed to:
- *“accommodate the efficient delivery of goods and supplies;*
 - *give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;*
 - *create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter*
 - *consider the needs of people with disabilities by all modes of transport.”*
- 4.14 Emerging SCAAP policy DS5 is discussed at paragraph 4.6 above which highlights the importance of improving the public domain. In addition the policy also states that the Council will:
- *“Seek to better manage demand on the road network leading to, from and within the SCAAP area safely, and balance this with the needs of other modes, particularly where this would give greater reliability to road users and priority to pedestrians, cyclists, public transport users and other vulnerable road users*
 - *“Improve the quality of existing and promote the creation of new pedestrian and cycle priority routes to improve access to the SCAAP area, considering the potential for mixed-mode or segregated priority routes where appropriate”*
 - *“Encourage businesses to provide appropriate service and delivery arrangements and minimise their environmental impact; working with the freight industry and logistics to implement more efficient use of vehicles in terms of guidance, zoning and delivery timetables and this can be set out in a freight management plan”*
- 4.15 The submitted plans propose a layby that would enable deliveries to occur without interfering with the freeflow of traffic within the carriageways of Heygate Avenue and Chichester Road. Delivery vehicles would be able to serve the site without having to use parts of the highway that are the subject of parking restrictions or the adjacent taxi rank which would be the only alternative options that currently exist. The applicant makes it clear that the building could be lawfully occupied, used and the take deliveries without any specific provisions being made for deliveries and as such the provision of a designated service layby would be of benefit in line with the first bullet point at paragraph 4.13 above and the third bullet point at paragraph 4.14.
- 4.16 It is noted that the applicant has provided a Road Safety Audit which concludes that the proposed access can be safely used provided that an extended and refreshed north bound cycle lane is provided and an existing lamp column is relocated.

4.17 Conversely, the Local Planning Authority has received a third party objection which has been accompanied with an objection from a recognised Highway and Transport Consultant which should be given weight. This raises concerns on the following grounds:

- Even allowing for the extension of the cycle lane, the visibility of north-bound cyclists will still be restricted which will pose a threat to cyclist safety.
- A travel count they have undertaken demonstrates that an average of three cyclists an hour use the adjacent highway during the daytime period, reaching a peak of nine cyclists. This relatively low cycle count makes it likely that drivers will look for cyclists less.
- The proposal will cause the significant reduction of the width of the footway and detract from pedestrian amenity.
- A travel count they have undertaken demonstrates that an average of 561 two-way pedestrian movements occur during the daytime period and therefore the reduction of pedestrian amenity would have a significant impact.
- Deliveries from the service area into the building would be likely to affect pedestrian safety.
- The applicant would not be able to guarantee that the service bay would not be used by other local retailers. This could lead to queuing and vehicles waiting for others to leave the service area.

4.18 The Officer of the Highway Authority has raised concerns in relation to the potential for conflict with pedestrians from servicing vehicles and the loading/unloading activities, the close proximity of the development to a puffin crossing and the adequacy of guard railing. It is therefore considered that the safety audit is insufficient and lacking in detail. Concerns are also raised about the potential for other vehicles to use the layby which could prevent the layby being accessible and cause obstruction to the free-flow of traffic within the surrounding area and prevent free use of the puffin crossing.

4.19 It is considered that Heygate Avenue and Chichester Road are the subject of a high level of pedestrian footfall due to the location of the site between the retail areas to the north, south and west of the site and the Southend Travel Centre to the east. In line with the abovementioned policies, it is considered that the safety of pedestrians is of paramount importance and that the priority of pedestrians throughout the area is also very important. In this regard it is noted that the existing pedestrian crossings would be retained and footpaths would be provided so that it would remain possible for pedestrians to continue to use the area and it is noted that movements to the Southend Travel Centre along Heygate Avenue would not be materially affected.

- 4.20 However, the proposal would result in the reduction of the width of the footpath to 2 metres. The Highway Authority have advised that guard rails would be required at the edge of the footpath, which would be expected to be set in by 0.5 metres, thereby reducing the width of the footpath along Chichester Road to 1.5 metres. The 'vehicle tracking' plans that have been provided demonstrate that large delivery vehicles would pass in very close proximity to the edge of the footpath and therefore it is considered that the erection of guard rails would be a necessary and reasonable requirement of the Highway Authority. This is confirmed by the applicant's Road Safety Audit.
- 4.21 The applicant states that five vehicles would use the site per day, three of which would be 26 ton delivery vehicles. The applicant states that the contents of each of these lorries, presumably roll cages, would take up to 45 minutes to unload and therefore for approximately two hours a day, such cages and other delivery items would have to be moved across the public footpath into the proposed service enclosure. For this time, there would be a chance of conflict between pedestrians and the delivery process and pedestrians would not be likely to be the priority for this time. This would be true for any former delivery arrangements that were required to utilise the public footpath, but given the reduction of the width of the pedestrian footpath at that point it is considered that the proposal would represent a reduction of the pedestrian environment.
- 4.22 It is noted that the applicant has provided details of a lease that exists at the site which sets out that the occupant of the building at the site has the ability to make deliveries to the service enclosure at the rear of the site. It is however considered that this is of limited relevance to this proposal which is for a materially different access arrangement. It appears that the delivery arrangements shown within that document have not been used for an extensive period of time and may not now be possible given changes that have occurred to the arrangement of the public highways around the site.
- 4.23 As set out above, there are positives and negatives caused by the proposed development. Overall, it is considered that the concerns that have been raised by the Highway Authority and the implications for the pedestrian environment cannot be outweighed by the positive aspects that have been set out within the appellant's submissions and above.

Community Infrastructure Levy

- 4.24 As the development represents a reduction of floorspace at the application site, the development is not CIL liable.

5 Conclusion

- 5.1 On balance, notwithstanding the benefits of supporting the proposals that have been set out above, it is considered that the impacts of the proposals on highway safety and the reduction of the environment and priority of pedestrians is unacceptable and contrary to the abovementioned policies of the Development Plan.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework 2012.
- 6.2 Southend-on-Sea Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance).
- 6.3 Southend-on-Sea Development Management Document (2015) Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management)
- 6.4 Community Infrastructure Levy Charging Schedule.
- 6.5 Supplementary Planning Document 1: Design & Townscape Guide, 2009.

7 Representation Summary

Highway Authority

- 7.1 A new loading lay-by is to be created for vehicles to unload which incorporates a reduced pedestrian footway.

Within the transport statement provided by the applicant it states that 5 servicing vehicles per day typically will visit the site per day. This includes up to 3, 12m long, rigid up to 26 ton vehicles which take 30-45mins to unload.

A safety audit has been provided by the applicant which has only identified 2 issues, concerns relating to potential cycle conflict with serving vehicles and a relocation of a lamp column. I am quite surprised that reference has not been made to the obvious pedestrian conflict in an area of high pedestrian movement from servicing vehicles and the close proximity to a puffin crossing, reduced footway width with no guard rail to protect pedestrians of any potential over sailing of the highway from delivery vehicles and no reference of conflict with pedestrians whilst unloading is being undertaken for 30-45 minutes across the reduced footway. It is not considered that the safety audit provided is sufficient and is lacking in a number of areas as mentioned above.

Concerns are also raised that the proposed lay-by could also attract other service vehicles from commercial premises within the local area this could potentially increase the number of service vehicles using the lay-by. Should the service lay-by become blocked this could potentially obstruct the free flow of traffic in a very traffic sensitive area not to mention blocking the existing puffin crossing preventing pedestrian from using the crossing safely.

A highway objection is raised due in the intensification of service deliveries in an area of high pedestrian and vehicular movement, reduction in footway width which reduces the priority of pedestrians which could have a detrimental impact upon the public highway.

Concerns relating to pedestrian and vehicle conflict which have not been addressed satisfactorily.

Public Notification

- 7.2 Nine neighbouring properties were notified of the proposal and a site notice was posted at the site.
- 7.3 One letter has been received which states that the access and pedestrian arrangements appear to have been considered and asks who the tenant of the unit will be and if they will take action in relation to vermin and animal waste at the site.
- 7.4 One letter of objection has been submitted on behalf of the owners of The Royals Shopping Centre which has been accompanied with a report from a third party highway consultant that is discussed above. The letter of objection includes the following grounds of objection:
- The proposal would be detrimental to highway safety, pedestrian facilities and pedestrian amenity as set out at paragraph 4.17 above.
 - The existing bay at the rear of the site encloses the operations at the site and ensures that they have no visual impact, which is in-keeping with most other service areas of the surrounding area that are screened from the public domain. However, the proposed development would lead to cluttering and operations occurring in the open area to the detriment of visual amenity.
 - The blank façade of the existing building should be improved in line with the emerging SCAAP policies and not harmed by the proposed service area which is not respectful of the townscape.
 - The Highway Authority should have been served notice of the application. [Officer Note – Officers asked the applicant to ensure that notice was correctly served and we have no reason to dispute the submissions of the applicant. The Highway Authority have had opportunity to comment on the application and therefore, even if they should have had a notice served on them, it has not prejudiced their ability to be involved in the application process.]

The application was called-in to the Council's Development Control Committee by Councillor Assenheim.

8 Relevant Planning History

- 8.1 No planning history at the site is considered to be of relevance to this proposal.

9 Recommendation

9.1 REFUSE PLANNING PERMISSION for the following reason:

- 01 The proposed development would create a vehicle access that would be likely to cause a reduction of highway safety, prejudice the free flow of traffic and result in the reduction of the quality of the pedestrian environment. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, polices KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007), policies DM1 and DM15 of the Southend-on-Sea Development Management Document (2015), Emerging Southend Central Area Action Plan (2017) policy DS5 and the advice contained within the Council's Design and Townscape Guidance (2007).**

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

Informative

You are advised that as the proposed extensions to the 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

1. This drawing is to be read in conjunction with all relevant documents and specifications.
2. Dimensions are not to be scaled.

Source: Malcolm Hollis drawing number 55232-T-01.

KEY



12m Rigid vehicle - forward gear

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301

A	Issued for Comment	03/01/17 T.Hart	MF
Rev.	Description	Date	Chkd



Glanville
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 Oxon, OX11 7AD
 Tel: (01235) 515550 Fax: (01235) 817799
 postbox@glanvillegroup.com www.glanvillegroup.com

Client :
 Malcolm Hollis

Project :
 Former BHS Southend

Title :
 Swept Path Analysis
 12m Rigid Vehicle

Project Engineer : T. Hart Scale : 1:250 @ A3
 Project Director : T. Foxall Date : December 2016
 Status : PRELIMINARY

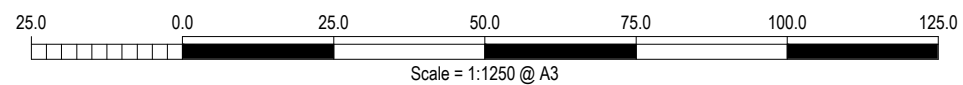
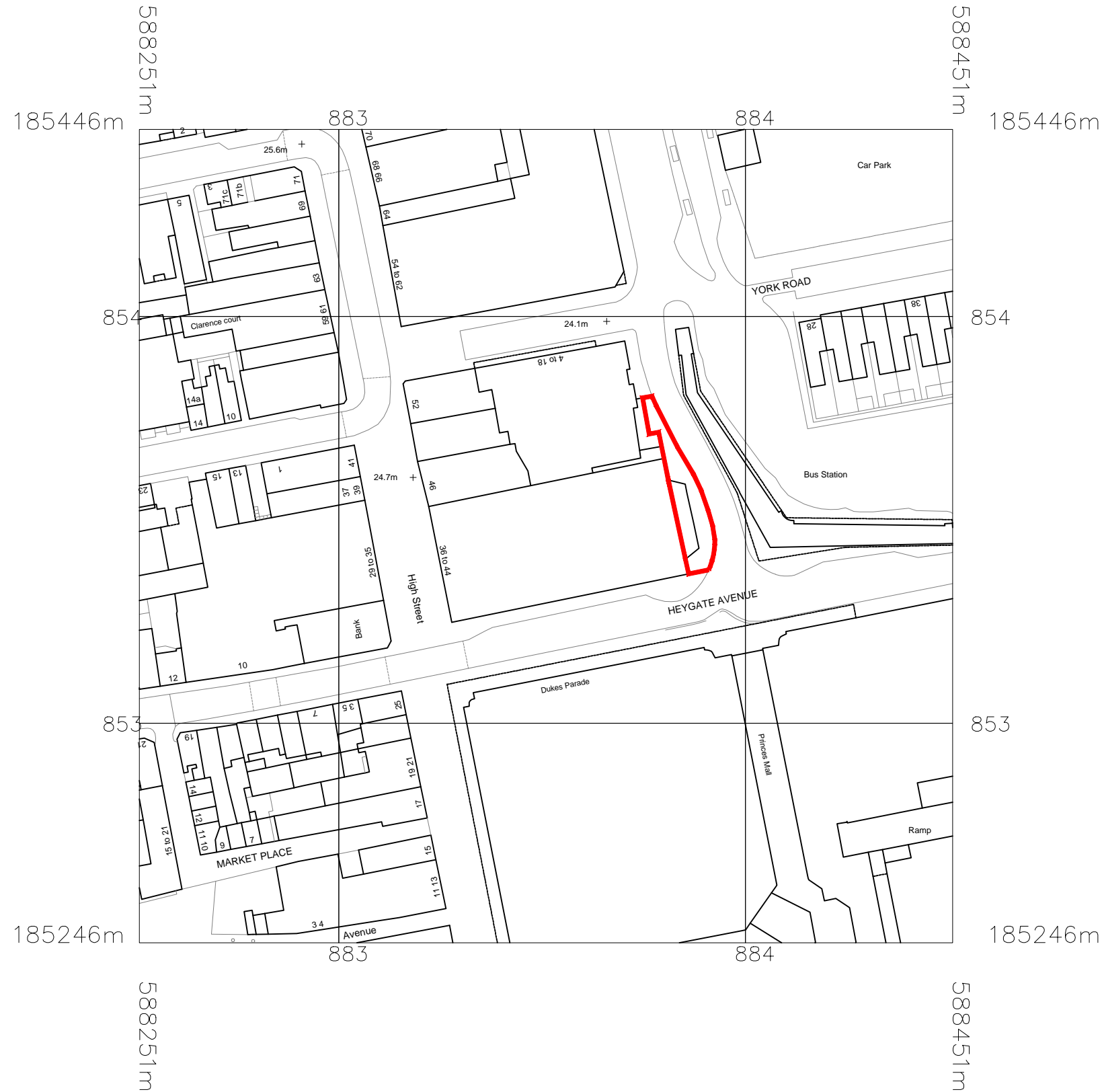
Drawing No. 8161075/6201 Rev A

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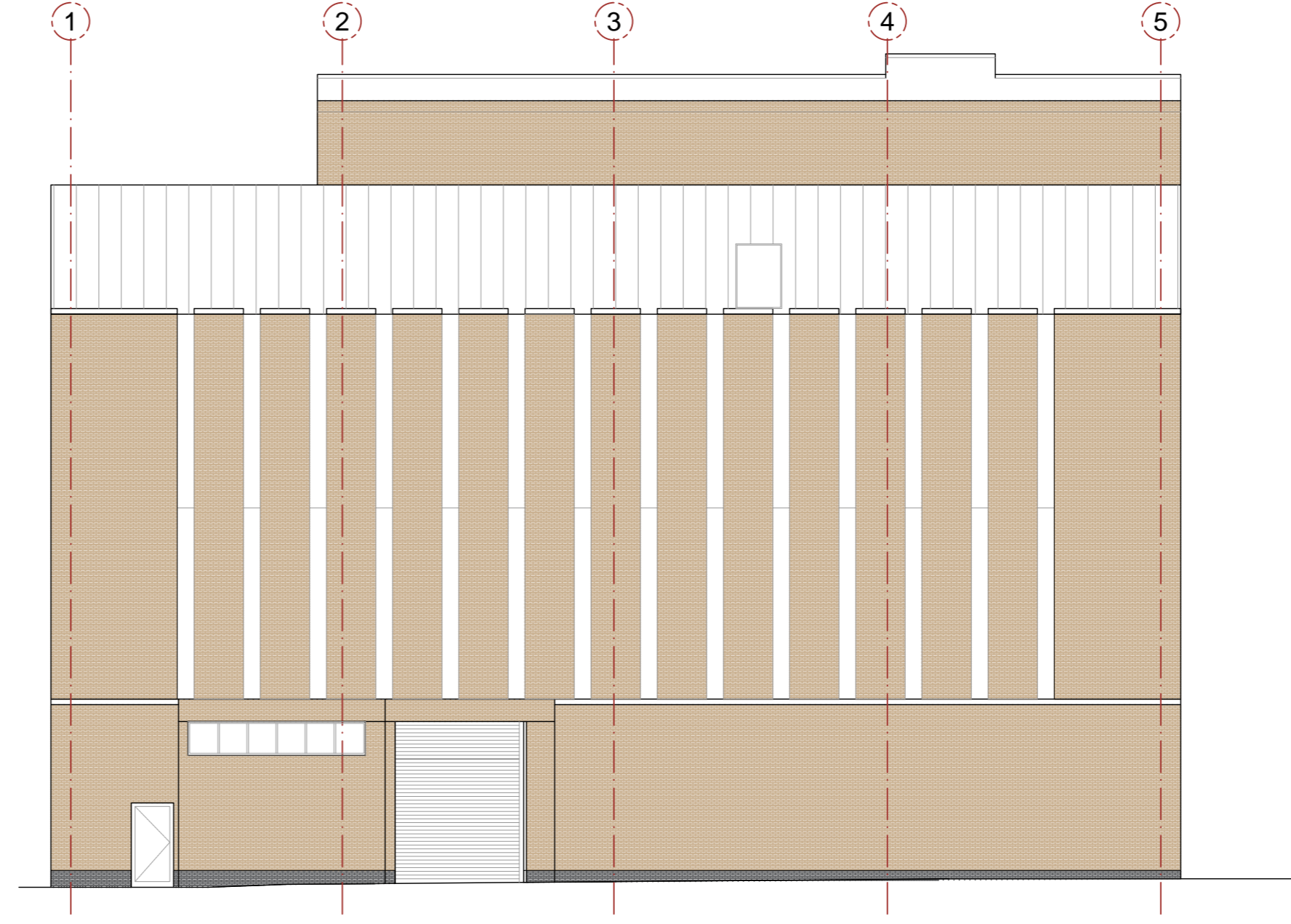
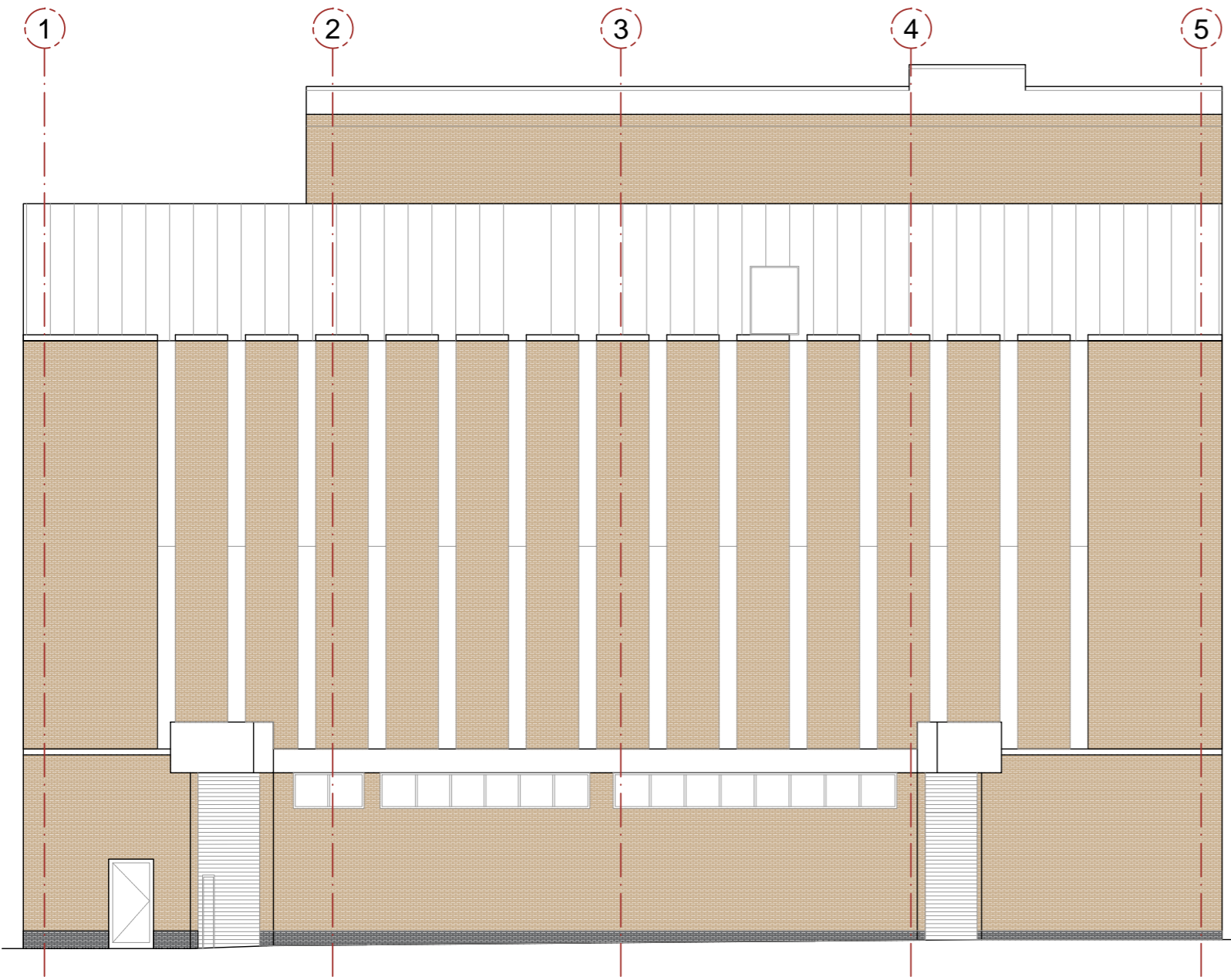
KEY
 Site location



Rev.	Description	Date	Chkd
Glanville Cornerstone House 62 Foxhall Road, Didcot Oxon, OX11 7AD Tel: (01235) 515550 Fax: (01235) 817799 postbox@glanvillegroup.com www.glanvillegroup.com			
Client :		Malcolm Hollis	
Project :		Former BHS Southend	
Title :		Site Location Plan	
Project Engineer :		M. Ford	Scale : 1:1250 @ A3
Project Director :		T. Foxall	Date : March 2017
Status :		PRELIMINARY	
Drawing No.		8161075/6002	Rev

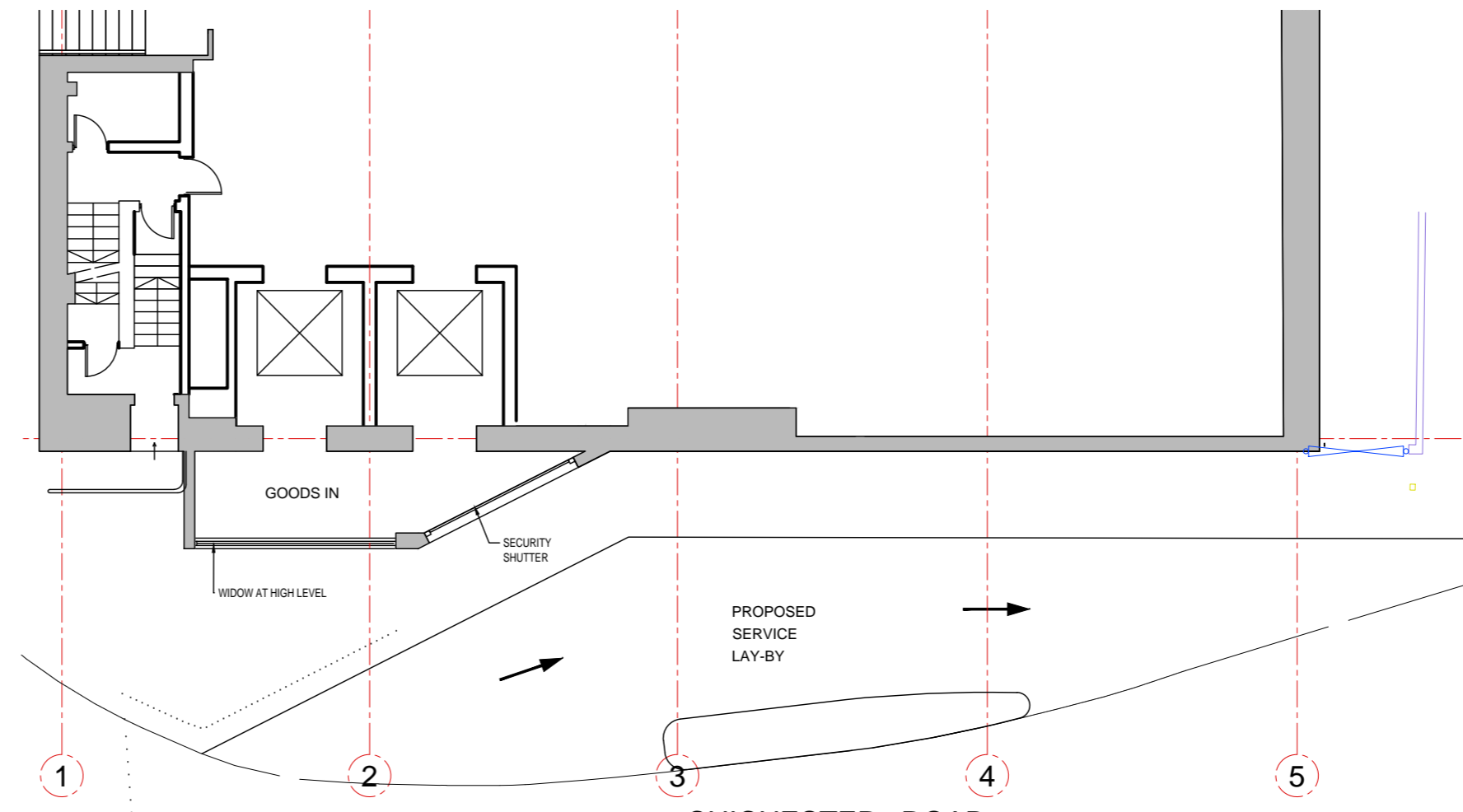
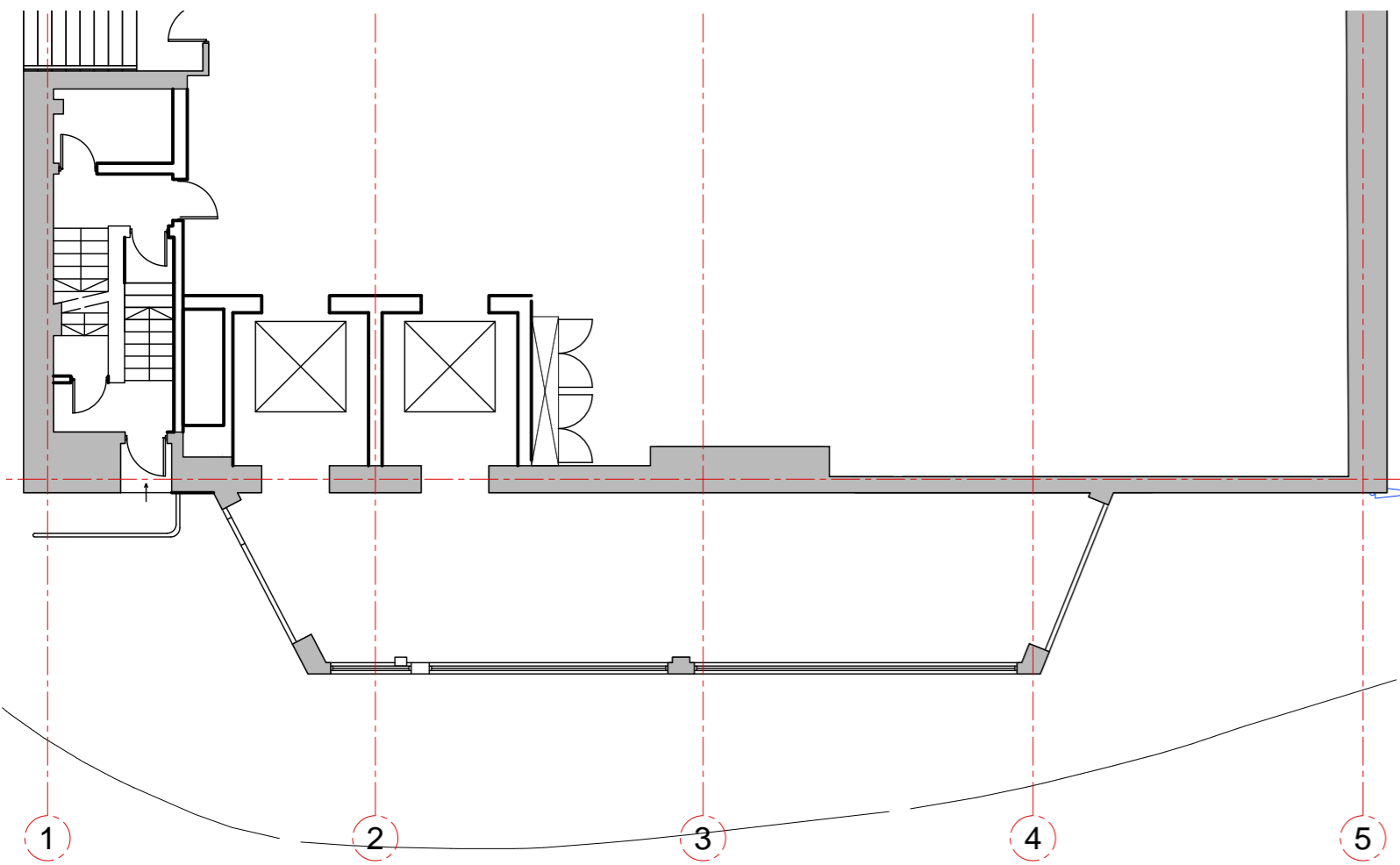
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EXISTING CHICHESTER ROAD ELEVATION
SCALE 1:100

PROPOSED CHICHESTER ROAD ELEVATION
SCALE 1:100



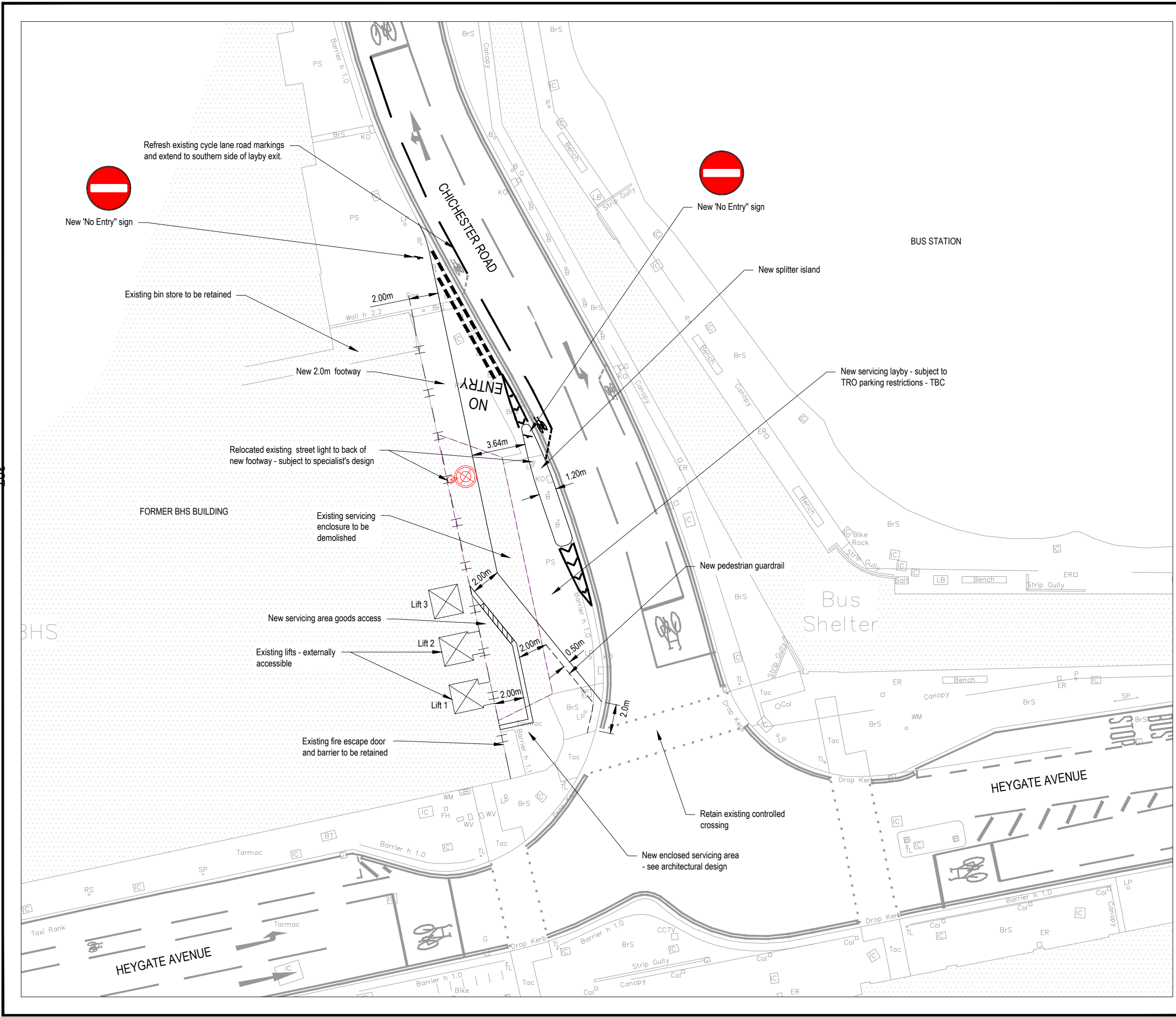
EXISTING PLAN OF REAR MASS AT CHICHESTER ROAD
SCALE 1:100

PROPOSED PLAN OF AMENDED REAR MASS AT CHICHESTER ROAD
SCALE 1:100

T.O. 03.02.2017 Planning application issue.		PK	DB
REV	DATE	DESCRIPTION	CHECKED
		Primark Stores PO Box 644 47 Mary Street Dublin 1 Ireland Tel: 00353 1 8880500	
PROJECT			
PRIMARK STORES LTD 36-44 HIGH STREET SOUTHEND			
DRAWING			
PROPOSED ALTERATION TO REAR ENTRANCE			
CONSULTANT			
			
CONSULTANT No	SCALE	DATE	CHECKED
3923	1:100@A1	03.02.2017PK	DB
PROJECT No	REV		
Dra TTG Southend AR 101	1.0		

305

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NOTES

1. This drawing is to be read in conjunction with all relevant documents and specifications.
2. Dimensions are not to be scaled.

Source: Malcolm Hollis drawing number 55232-T-01.
Jones Lang Lasalle drawing number 1536.02

KEY

- H — Existing highway boundary TBC
- - - - - New pedestrian guardrail
- - - - - Land subject to lease dated 5/5/1975



Rev.	Description	Date	Chkd
C	On-carriageway cycle lane extended and street light repositioned in accordance with Stage 1 Road Safety Audit.	03/03/17	J.Blenkinsop MF
B	Indicative lift locations revised as per Jones Lang Lasalle drawing	10/01/17	T.Hart MF
A	Issued for Comment	03/01/17	T.Hart MF

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Client : **Malcolm Hollis**

Project : **Former BHS Southend**

Title : **New Servicing Layby General Arrangement**

Project Engineer : M. Ford Scale : 1:250 @ A3
 Project Director : T. Foxall Date : January 2017
 Status : **PRELIMINARY**

Drawing No. 8161075/6100 Rev **C**

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Reference:	17/00444/FUL
Ward:	St Laurence
Proposal:	Erect detached dwellinghouse on land rear of 79 Orchard Grove layout amenity space and parking and form vehicular access onto Orchard Grove
Address:	79 Orchard Grove, Eastwood, Essex, SS9 5TP
Applicant:	Mrs P. Young
Agent:	N/A
Consultation Expiry:	28/04/17
Expiry Date:	15/05/17
Case Officer:	Ian Harrison
Plan Nos:	79A/001/2017, Site Location Plan and Block/Site Plan
Recommendation:	GRANT PLANNING PERMISSION

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1 The Proposal

- 1.1 The application seeks planning permission for the erection of a detached bungalow on land between 79 Orchard Grove and 85 Orchard Grove.
- 1.2 The application site, as coloured red on the Site Location Plan, includes the existing bungalow of 79 Orchard Grove and the land to the north of that bungalow that has been used as garden land in association with the occupation of that dwelling.
- 1.3 The application proposes the sub-division of the plot to enable the creation of a residential development site that would measure 12.5 metres deep and 12.5 metres wide. On the created plot it is proposed to erect an 'L' shaped single storey dwelling that would measure 4.8 metres wide at the front elevation, 8.2 metres wide at the rear elevation and a maximum of 9.9 metres deep. The proposed dwelling would feature a pitched roof built to an eaves height of 2.6 metres and a ridge height of 5.2 metres.
- 1.4 One parking space would be provided for the proposed dwelling. A 41 square metre garden area would be provided for the proposed dwelling, leaving the existing dwelling with a 88 square metre garden. The proposed dwelling would have an internal floor area of 53 square metres and one bedroom which would measure 13.7 square metres in area.

2 Site and Surroundings

- 2.1 The application site measures 39 metres deep and 13.9 metres wide. The site contains a single storey dwelling that faces the south frontage of the site, with gardens to the rear and a partitioned area of the site to the rear.
- 2.2 The character of the area is residential typified by two storey dwellings to the north and west and bungalows to the south and east.

3 Planning Considerations

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

4 Appraisal

Principle of Development

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

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

“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”
Paragraph 56 of the NPPF states; *“the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* Paragraph 64 of the NPPF states; *“that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*

- 4.2 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development. Policy CP8 requires that development proposals contribute to local housing needs.
- 4.3 Policy CP8 of the Core Strategy identifies that the intensification of the use of land should play a significant role in meeting the housing needs of the Southend Borough, providing approximately 40% of the additional housing that is required to meet the needs of the Borough.
- 4.4 As part of its Strategic Housing Land Availability Assessment (SHLAA) update, the Council has published information on its potential housing supply (5 year supply of housing plus an additional 5% buffer as required by the NPPF). This demonstrates that the Council has a 6 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be unacceptable. Notwithstanding this the principle of providing a new dwelling at the site is considered to be acceptable subject to the considerations set out below.

Design and Impact on the Character of the Area

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

- 4.5 In the Council’s Development Management DPD, policy DM1 states that development should “add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”

- 4.6 Policy DM3 states that *“all development on land that constitutes backland and infill development will be considered on a site-by-site basis. Development within these locations will be resisted where the proposals:*
- (i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or*
 - (ii) Conflict with the character and grain of the local area; or*
 - (iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or*
 - (iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees.”*
- 4.7 Paragraph 201 of SPD1 states that *“Infill sites are development sites on the street frontage between existing buildings. These areas are usually spaces left over after earlier development or the redevelopment of small industrial units or garages. 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 usable 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. In these circumstances, unless an exceptional design solution can be found, infill development will be considered unacceptable.”*
- 4.8 The proposed dwelling would replicate the scale of the existing dwelling at the south and the other bungalows to the north of Orchard Grove. It is therefore considered that the dwelling would be suitably in-keeping with the scale and appearance of the dwellings of the surrounding area.
- 4.9 The forward projection of the proposed dwelling would extend beyond the building line of the buildings to the north, but would align with the side elevation of the dwelling to the south. Given the staggered building line of the dwellings it is considered that the positioning of the dwelling would not be harmful to the character of the streetscene.
- 4.10 The proposed dwelling would be positioned close to the north and west boundaries of the site, with 1 metre and 0.8 metre gaps between the dwelling and the respective boundaries. However, a gap of 3.3 metres would be provided to the south side of the dwelling and the dwelling would be set well back from the site frontage. It is therefore considered that the proposal would not have a cramped appearance. Moreover, due to the turn in the highway which enables the proposed dwelling to have a frontage onto the public domain, it is considered that the development does not cause harm to the established grain of development within the vicinity of the site.
- 4.11 For these reasons it is considered that the visual impact of the proposed dwelling would not be harmful at odds with the character or appearance of the site or the streetscene of Orchard Grove. The proposal is therefore considered to be in accordance with those aspects of the abovementioned policies that relate to design.

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.

- 4.12 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.”
- 4.13 The neighbouring dwelling to the north (85 Orchard Grove) features three ground floor windows in the ground floor, one which aligns with the rear of the proposed dwelling, one which aligns with the rear boundary and one which faces the shed at the rear of the property of 77 Orchard Grove. The impact of the development on the outlook from the neighbouring property would reduce in relation to each of these windows respectively due to the positioning of the dwelling. The proposed dwelling would be visible from within the ground floor windows, but due to the height of the dwelling and the changing ground levels it is considered that only the roof of the dwelling would be significantly visible above the boundary fence. The proposed dwelling would have some impact on the light, sense of enclosure and outlook within the neighbouring property, but as the dwelling would be single storey, set at slightly lower ground level and have a pitched roof that rakes away from the neighbouring dwelling, it is considered that the impact would not be harmful to an extent that would justify the refusal of the application, particularly given that the affected windows are side facing windows that already have a restricted outlook due to the presence of the boundary fence.
- 4.14 The neighbouring property to the south is within the applicant’s control and therefore any impacts of the proposed development would be self-imposed. The south elevation of the proposed dwelling would be 10.6 metres from the rear elevation of the neighbouring property and would be of a low height due to the proposed dwelling being a bungalow. It is therefore considered that the proposal would not have an unduly imposing impact on the outlook of the neighbouring property or cause a sense of enclosure to an extent that would justify the refusal of the application on those grounds. The property to the south is also found to retain an adequate area of amenity space under the proposal.
- 4.15 Although the rear elevation of the proposed dwelling and the roof would be visible from within the neighbouring property to the east, the proposed bungalow would be 10.3 metres from the rear elevation of 77 Orchard Grove. Due to this separation distance and the single storey form of the proposed dwelling, despite its proximity to the boundary, it is considered that the dwelling would not cause a loss of light or outlook or cause an increased sense of enclosure that would justify the refusal of the application.
- 4.16 No other properties would be materially affected by the proposed development to an extent that would justify the refusal of the application on those grounds.

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.

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

- Minimum property size for a 1 bedroom (2 person bed space) dwelling shall be 50 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.

Weight should also be given to the content of policy DM8 which states the following standards in addition to the national standards.

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bed space.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.

Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

- 4.18 The proposed residential unit is shown to have one bedroom, with two bed spaces and would measure 53 square metres, which would comply with the abovementioned standards. Furthermore, the bedroom would be of adequate size and the amenity space provision for the proposed and existing dwellings is considered to be adequate
- 4.19 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. The applicant's submissions include a statement to demonstrate that the proposal would comply with these standards. As it appears that the dwelling would be able to accord with the standards of Part M4(2) of the Building Regulations it is considered that the proposed development should not be refused on those grounds and a condition should be imposed to require that the development accords with Part M4(2) of the Building Regulations.

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.

- 4.20 Policy DM15 states that the proposed dwelling should be served by one parking space. The proposal does comply with these requirements it is therefore considered that adequate parking is provided at the site to comply with the requirements of the development plan. It is noted that an on-street parking space would be lost to enable the provision of a dropped kerb, but it is considered that this is not an area of significant parking stress and it would remain possible for a number of cars to continue to park within the public highway. No objection should be raised to the application on the grounds of the impact on parking availability.
- 4.21 Subject to the imposition of a condition to limit the width of the proposed dropped kerb to 4.8 metres to accord with the expectations of the Highway Authority, the proposal would not cause a reduction of highway safety at the site or within the surrounding area and it is therefore considered that no objection should be raised to the application on those grounds.

Sustainability

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

- 4.22 Policy KP2 of the DPD1 and the SPD1 require that 10% of the energy needs of a new development should come from on-site renewable resources, and also promotes the minimisation of consumption of resources.

Although the applicant has provided details to show that the dwelling would be of significantly enhanced energy efficiency, no details have been submitted to demonstrate this proposal would provide 10% of the energy needs through on site renewable energy. It is considered this could be required by condition if permission is granted.

- 4.23 It is also required that water efficient design measures should be incorporated into development. Changes to legislation means that these standards have now been incorporated into Building Regulations and as such it is considered that it is reasonable and necessary to impose conditions to any permission granted at this site to require development to achieve the 'enhanced standard' of building regulations.

Community Infrastructure Levy

- 4.24 This application is CIL liable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. The proposed development will result in the erection of a building that measures 53 square metres in internal area. The proposed development would therefore require a CIL payment of £1,166.00.

Conclusion

- 4.25 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 provide adequate amenities for future occupiers, have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, the street scene and the locality more widely. The highways impacts of the proposal are not considered to be such that a refusal of planning permission would be justified. This application is therefore recommended for approval subject to conditions.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework
- 5.2 DPD1 Core Strategy Policies CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance) and KP2 (Development Principles), CP8 (Dwelling Provision)
- 5.3 Development Management DPD Policies DM1, DM2, DM3, DM7, DM8 and DM15
- 5.4 Community Infrastructure Levy Charging Schedule
- 5.5 Design & Townscape Guide 2009 (SPD1).

6 Representation Summary

Traffic & Highways Network

- 6.1 There are no highway objections to this proposal 1 car parking space has been provided for the 1 bedroom dwelling which is considered acceptable and would not be detrimental to the public highway within the local area.

Public Consultation

- 6.2 12 neighbours were notified of the application and a site notice was posted at the site. 3 letters of objection have been received which object on the following grounds:

- The plans are incorrect as they do not show a tree and an extension.
- The dwelling is too tall.
- The proposal will have sewerage implications.
- It is questioned if building on gardens is allowed.
- The proposal represents overdevelopment.
- Parking (on site and surrounding area)
- The proposal would result in the loss of two on-street parking spaces.
- Narrow (restricted) width of the road.
- The proposal would affect the ability of a resident to access their driveway.

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.

The application has been called-in to the Council's Development Control Committee by Cllr Flewitt.

7 Relevant Planning History

- 7.1 The conversion of the garage and the alteration of the elevations of the existing dwelling was granted a Lawful Development Certificate under the terms of application 16/00886/CLP.

8 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans: 79A/001/2017, Site Location Plan and Block/Site Plan**

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

- 03 The development shall be implemented only using the materials listed within the Materials Palette submitted with the application unless otherwise agreed in writing by the Local Planning Authority, before it is occupied.**

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management) policy DM1, and SPD1 (Design and Townscape Guide).

- 04 A scheme detailing how at least 10% of the total energy needs of the dwelling 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 dwelling. 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).

- 05 Prior to the first occupation of the dwelling hereby approved the car parking area shown on the plans hereby approved shall be provided and made available for use by the occupants of the proposed dwelling and be retained as such in perpetuity.**

Reason: To ensure the provision of adequate car parking in accordance with policies DM8 and DM15 of DPD2 (Development Management)

- 06 Prior to occupation of the dwelling 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 to be included in the scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be undertaken in accordance with the approved details before it is occupied and retained in perpetuity.**

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

- 07** Prior to the first occupation of the dwelling approved, details shall be submitted of the provision of cycle parking and refuse storage at the site. The approved cycle parking and refuse storage shall be provided in full and made available for use by the occupants of the proposed dwelling prior to the first occupation of the dwelling hereby approved and be retained as such in perpetuity.

Reason: To ensure the provision of adequate cycle parking and refuse storage in accordance with policies DM8 and DM15 of DPD2 (Development Management)

- 08** The development hereby approved shall be carried out in a manner to ensure the dwelling complies fully with Building Regulation M4 (2) 'accessible and adaptable dwellings' 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).

- 09** Notwithstanding the provisions of Classes A, B, D and E of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 2015 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no extensions or outbuildings shall be erected at the site unless otherwise agreed in writing by the local planning authority.

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

- 10** Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the vehicle crossover installed at the site shall not measure more than 4.8 metres wide.

Reason: In the interests of highway safety in accordance with Policy CP3 of the Core Strategy, Policies DM1, DM3 and DM15 of the Development Management Document and the Design and Townscape Guide, 2009.

- 11** Prior to the first occupation of the dwelling approved, details shall be submitted of the means of enclosing the application site/boundary treatments. The approved means of enclosure/boundary treatments shall be installed in accordance with the approved details prior to the first occupation of the dwelling hereby approved and be retained as such in perpetuity.

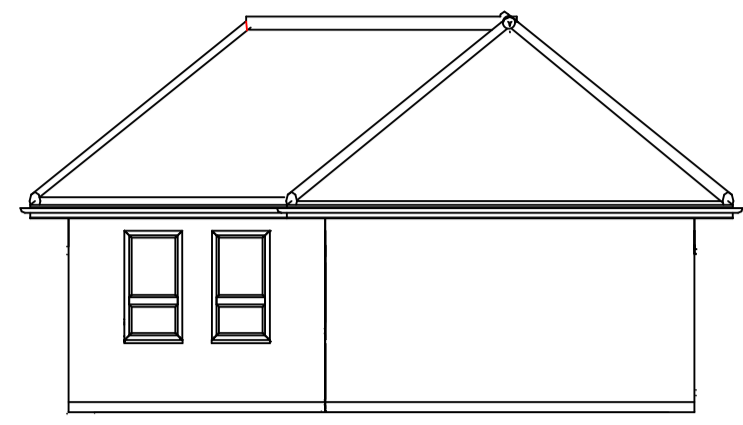
Reason: To ensure the provision of appropriate means of enclosure at the site in accordance with policies DM1 and DM3 of DPD2 (Development Management)

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

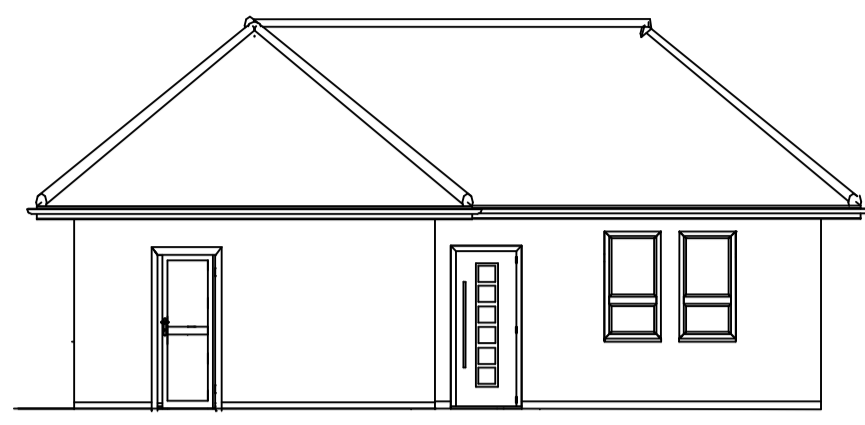
Informative

Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a Community Infrastructure Levy (CIL) Liability Notice for the attention of the applicant and any person who has an interest in the land. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.

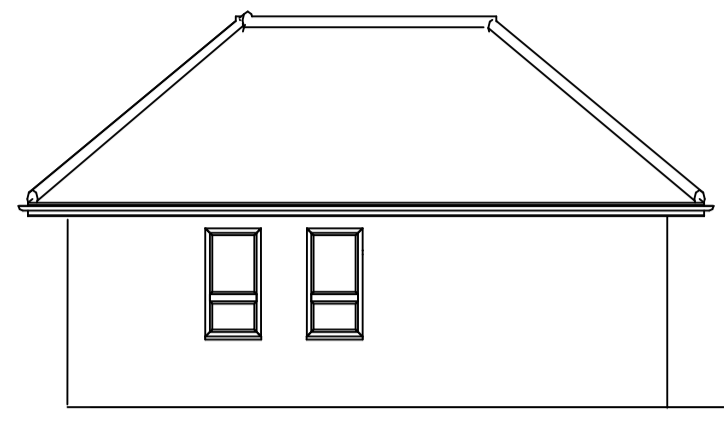
*NOTE: Internal headroom floor to ceiling height minimum of 2.5m



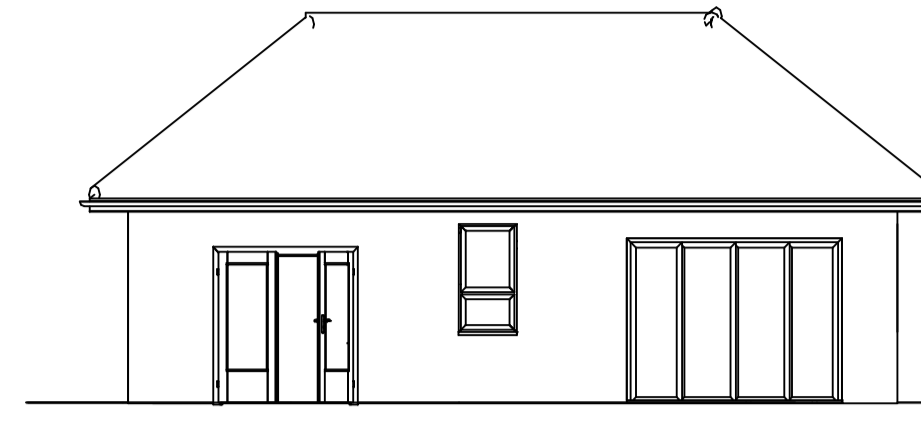
Front Elevation West facing



Side Elevation - North facing



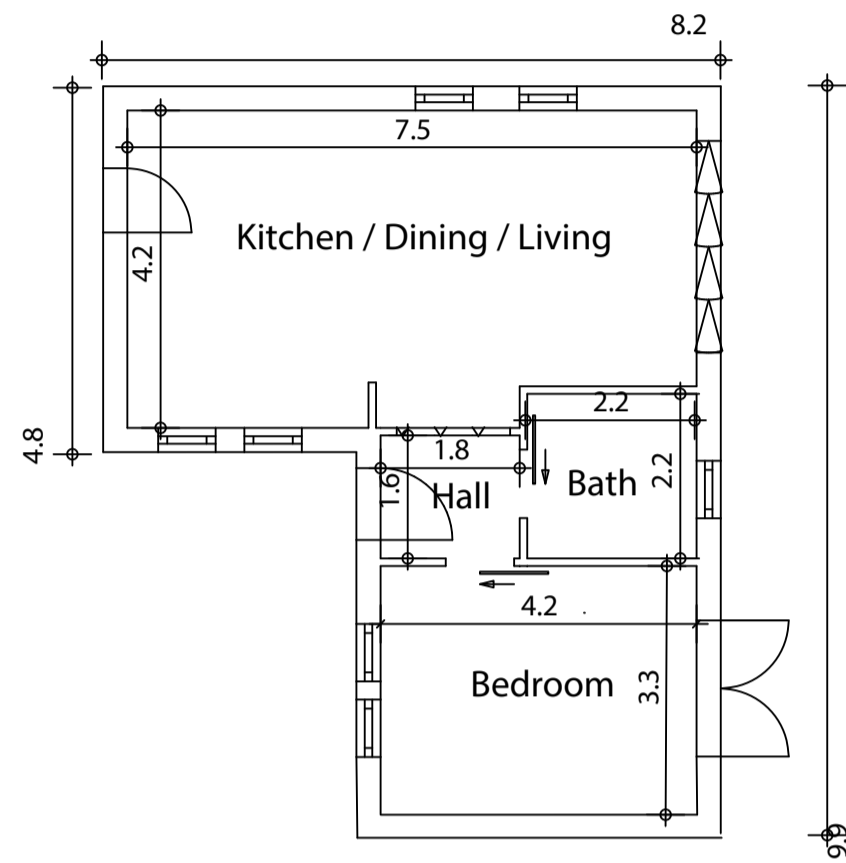
Rear Elevation East facing



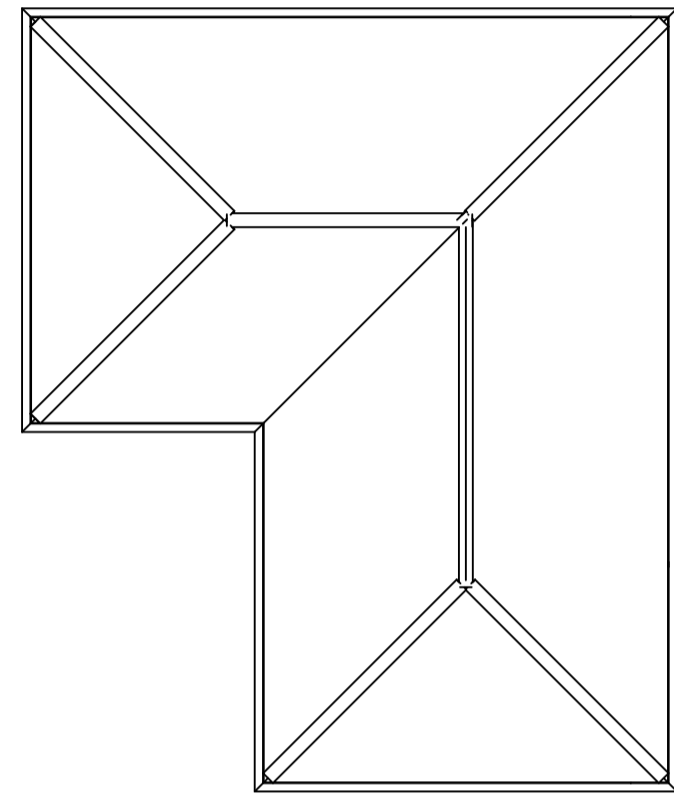
Side Elevation South Facing



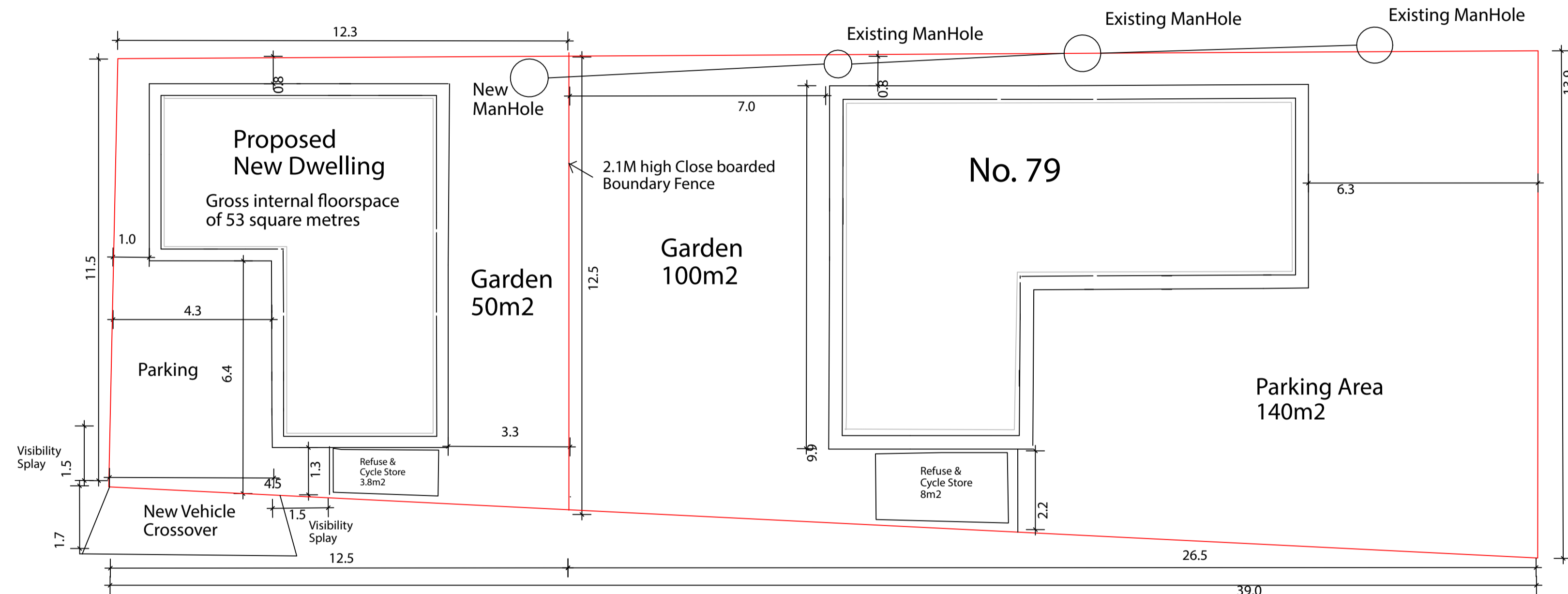
Illustrative 3D Image of New Dwelling as proposed



Ground Floor Plan

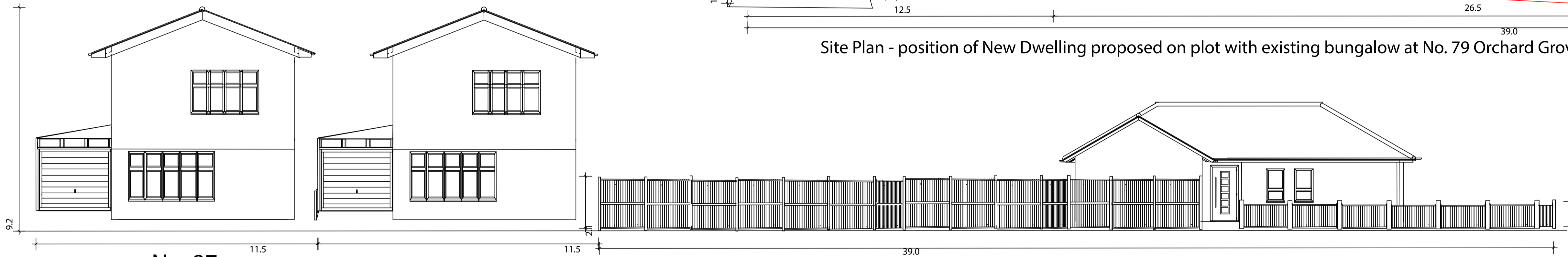


Roof Plan



Site Plan - position of New Dwelling proposed on plot with existing bungalow at No. 79 Orchard Grove

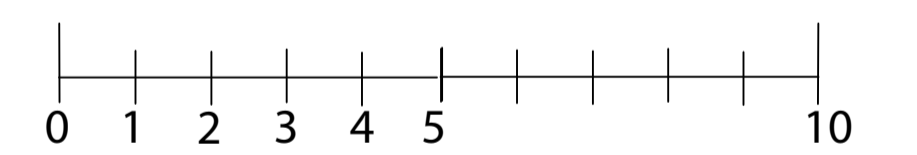
Existing Streetscene



Proposed Streetscene



SCALE 1:100



Proposal:

Subdivide Plot and construct 1No. One Bedroom Detached Bungalow, layout amenity space and Parking, new Vehicle Crossover onto Orchard Grove.

PROPOSED PLAN

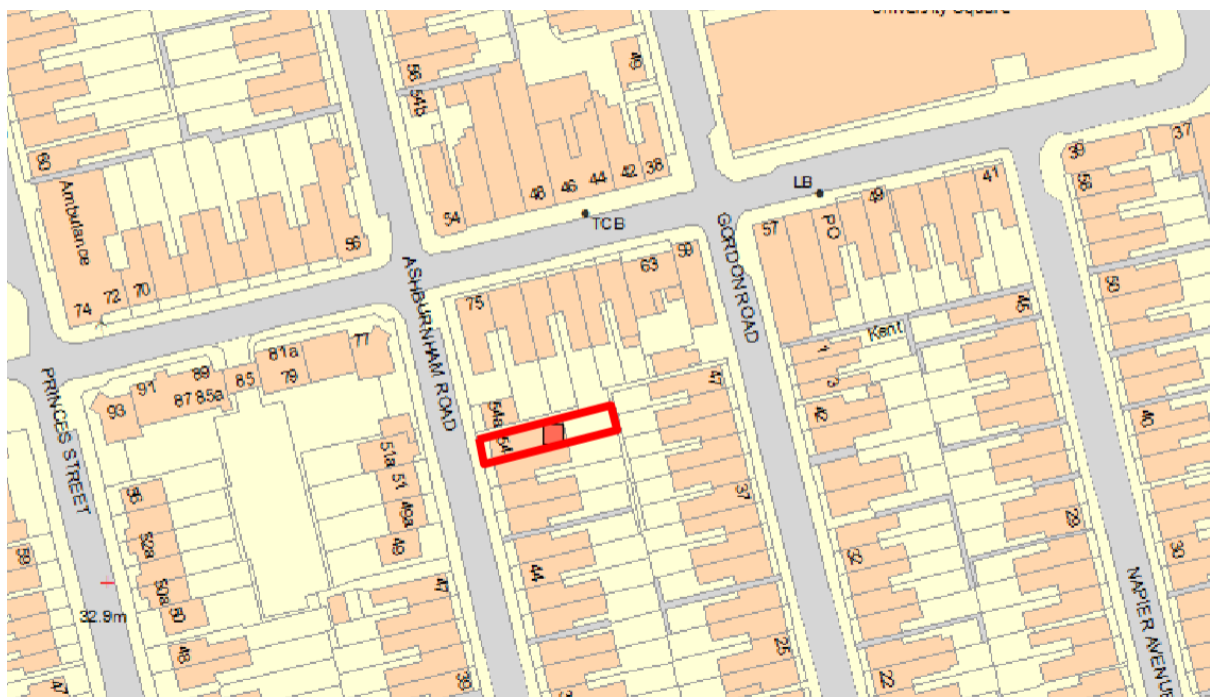
Location: Land rear of 79 Orchard Grove, Leigh-on-sea, SS9 5TP

Applicants: Mr & Mrs Young

Drawing Number: 79a/001/2017

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Reference:	17/00589/FUL
Ward:	Milton
Proposal:	Convert existing five bedroom HMO (Class C4) to a seven bedroom HMO (Sui Generis) and install cycle racks
Address:	54 Ashburnham Road, Southend-On-Sea, Essex, SS1 1QD
Applicant:	Mr Martin Saunders
Agent:	N/A
Consultation Expiry:	02/05/17
Expiry Date:	30/05/17
Case Officer:	Ian Harrison
Plan Nos:	001, Location Plan and Site Plan/Block Plan.
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought for the conversion and adaptation of the existing five bedroom HMO (Use Class C4) to enable the formation of a seven bedroom House in Multiple Occupation (HMO) falling outside of the defined use classes (Sui Generis use).
- 1.2 The application site measures 5.2 metres by 27.5 metres and includes a two storey building. The main part of the existing building measures 5.2 metres by 7.8 metres with a two storey rear outrigger that projects by 7.5 metres and measures 3.4 metres wide. Ground floor projections extend 3 metres further to the rear and 1.8 metres to the side of the outrigger.
- 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 seven bedrooms measuring between 8.5 and 14 square metres, a kitchen and seven bathrooms/en-suites.
- 1.4 The applicant has stated that parking for seven bicycles will be provided at the rear of the site within a 53 square metre amenity area. No off-street car parking would be provided.
- 1.5 This application follows the refusal of similar application 17/00025/FUL for the following reason:
 1. The proposed residential accommodation would not be of adequate design, internal size or layout to provide an adequate standard of accommodation for future occupants to the detriment of their amenities and would be contrary to the National Planning Policy Framework (2012) and policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

2 Site and Surroundings

- 2.1 The application site is located to the east of Ashbunham Road. 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 with the closest being 20 Westcliff Avenue, approximately 100 metres (as the crow flies) to the west 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 Indicative details of the proposed cycle store state that it will measure 1.8 metres wide, 1 metre deep and 0.7 metres high. The cycle store would be provided at the rear of the site (accessed from the alleyway at the side of the existing building) and would therefore be masked from the public domain by the existing buildings and boundary treatments of the site and the surrounding area. Further details of the cycle storage facilities can be sought and agreed through the imposition of a condition, but on the basis of what has been submitted it can be assessed that the cycle parking will have no harmful visual impacts.

4.9 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 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 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.

4.10 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.

4.11 The application site is located within the Southend Central Area, within walking distance of sustainable transport connections (rail stations and bus stops of London Road), Southend town centre, schools, medical, leisure and community facilities and services. It is therefore considered that the site is in a reasonably sustainable location.

- 4.12 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 for residential use would have generated parking. 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.
- 4.13 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 a seven bedroom HMO would not give reasonable grounds to refuse the application.
- 4.14 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.
- 4.15 A location for cycle parking is shown on the submitted plans which meet the requirements of policy DM15. Although not immediately adjacent to the units that would be served by the cycle parking, it is considered that the cycle parking facilities would be adequately accessible to enable use.

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.

- 4.16 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.
- 4.17 No extensions or alterations are proposed to the existing dwelling and the cycle store 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.
- 4.18 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.

- 4.19 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.

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.

- 4.20 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.”*
- 4.21 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. The previous application at this site was accompanied with inaccurate plans that did not meet these standards.
- 4.22 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. An en-suite is provided for all but one of the rooms and an additional bathroom is provided. These would be of adequate size and therefore the previous concern about the inadequacy of the sanitary conditions has been addressed.
- 4.23 The abovementioned standards set out that a HMO with between six and ten occupants should be served by two kitchens or one kitchen of at least 18 square metres. The proposed kitchen would measure 12 square metres and would therefore be below the indicated standard. However, as this is the only shortcoming of the proposed accommodation and given that the abovementioned standards are not planning standards and should be given weight accordingly, it is considered that the application should not be found unacceptable solely due to the size of the kitchen.

- 4.24 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 in most respects and therefore the development can, on balance, be found acceptable.
- 4.25 It is noted that the side facing window of Bedroom 5 has a limited outlook that is restricted by the neighbouring dwelling. However, as this is no different to the existing situation it is considered that the poor outlook for the occupant of that room should not represent a reason for the refusal of the application. Similarly, the outlook for bedrooms 6 and 7 would be restricted by the fencing to the north of the site. Although the living conditions for those occupants would be restricted, it is considered that the impact would not be such to justify the refusal of an application on that ground.
- 4.26 It is considered that there is scope for a refuse storage area to be provided at the site under the terms of a condition.
- 4.27 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.

Community Infrastructure Levy

- 4.28 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 in most respects and therefore the application should not be refused.

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 No comments have been received at the time of writing.

Public Consultation

- 7.3 18 neighbouring properties were notified of the application. No letters of objection have been received.
- 7.4 The application has been called in to the Development Control Committee by Cllr J. Garston.

8 Relevant Planning History

- 8.1 Application 17/00025/FUL proposed a similar development and was refused for the reason set out above.

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: 001, Location Plan and Site Plan/Block Plan.

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 7 bedrooms and shall not be occupied by more than 8 people 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.

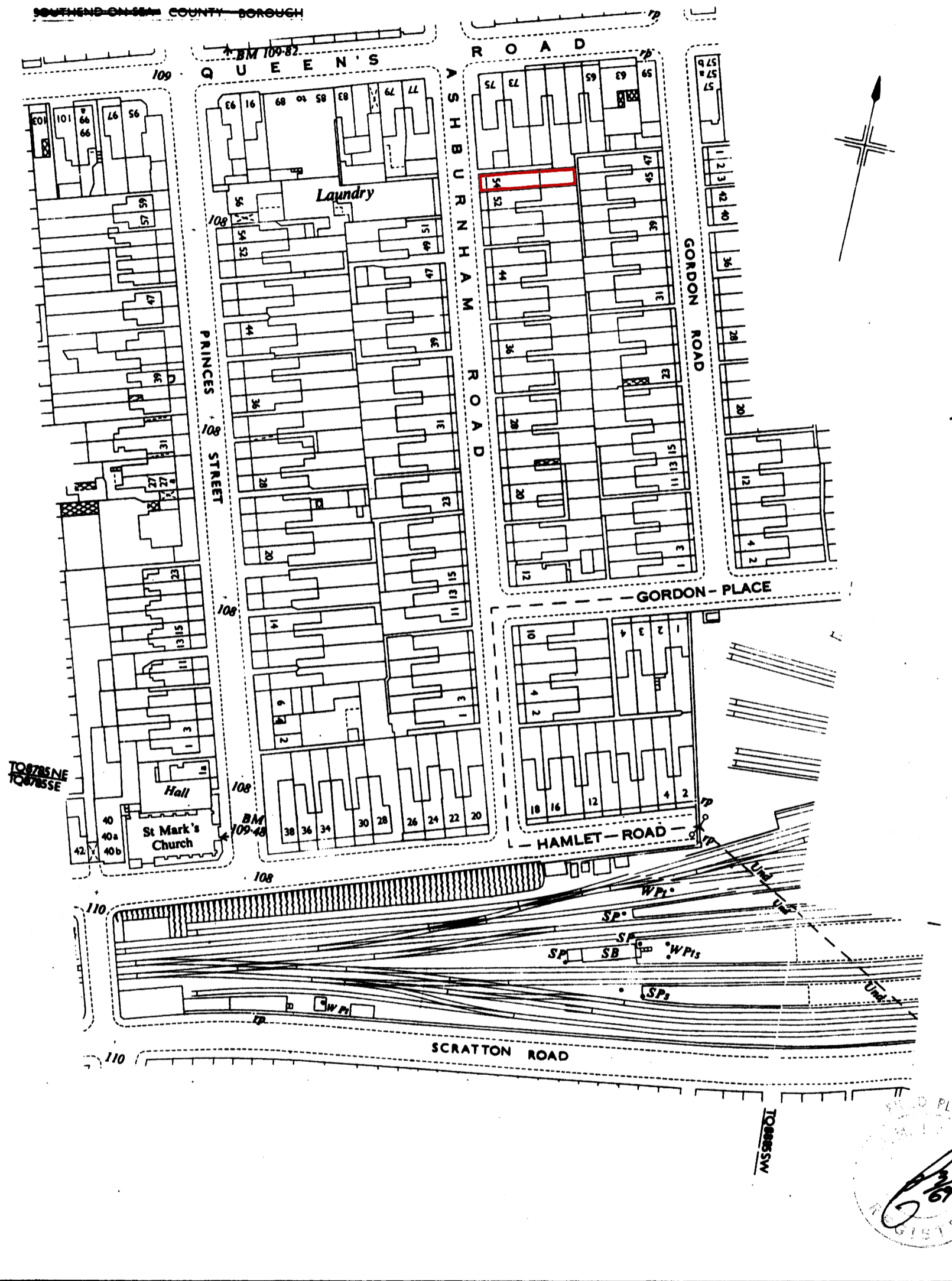
Informatives

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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H.M. LAND REGISTRY		TITLE NUMBER	
		EX 125413	
ORDNANCE SURVEY PLAN REFERENCE	COUNTY	SHEET	NATIONAL GRID
	ESSEX	ADMINISTRATIVE AREA SOUTHEND-ON-SEA	TQ 8785
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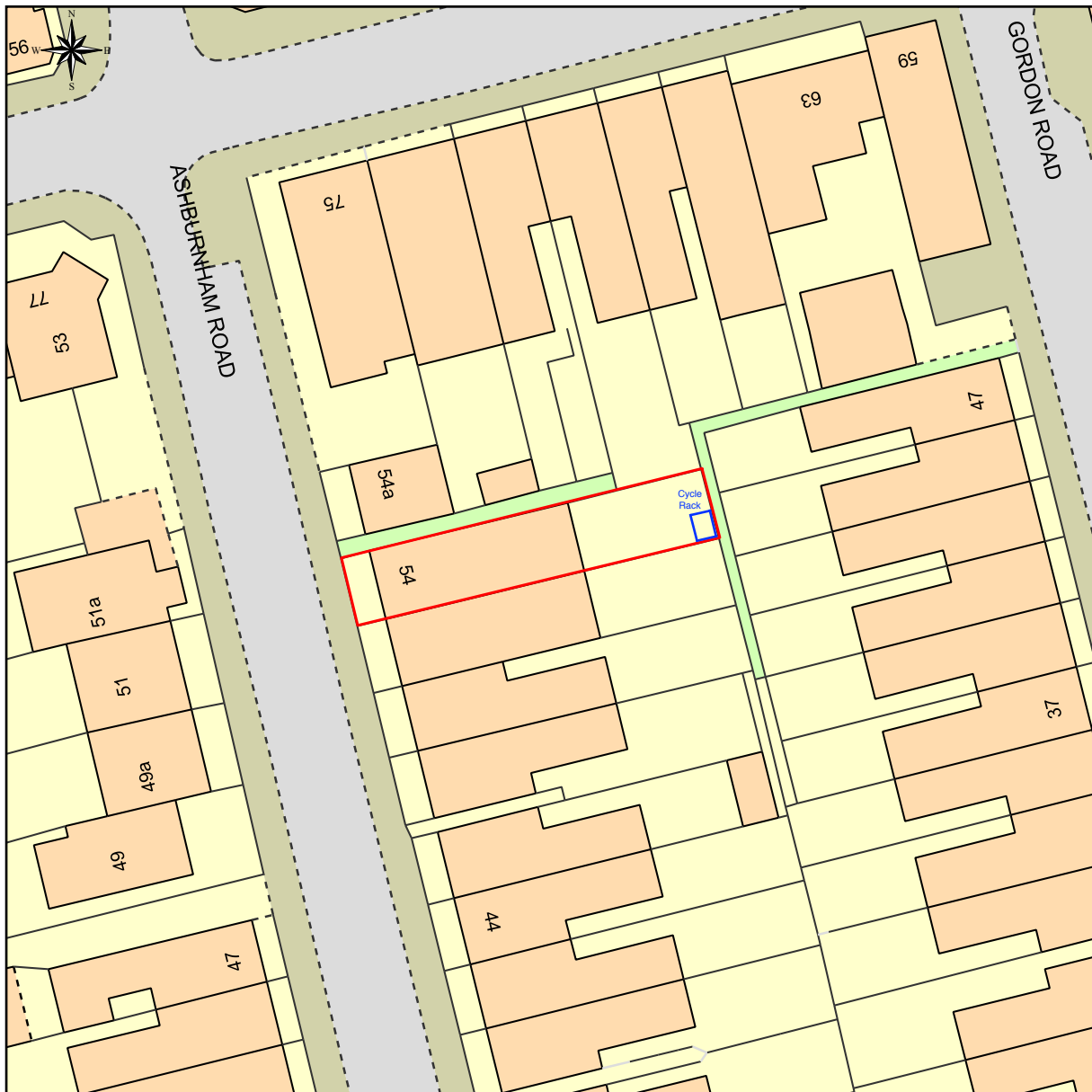
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Site Plan/Block Plan of ss1 1qd



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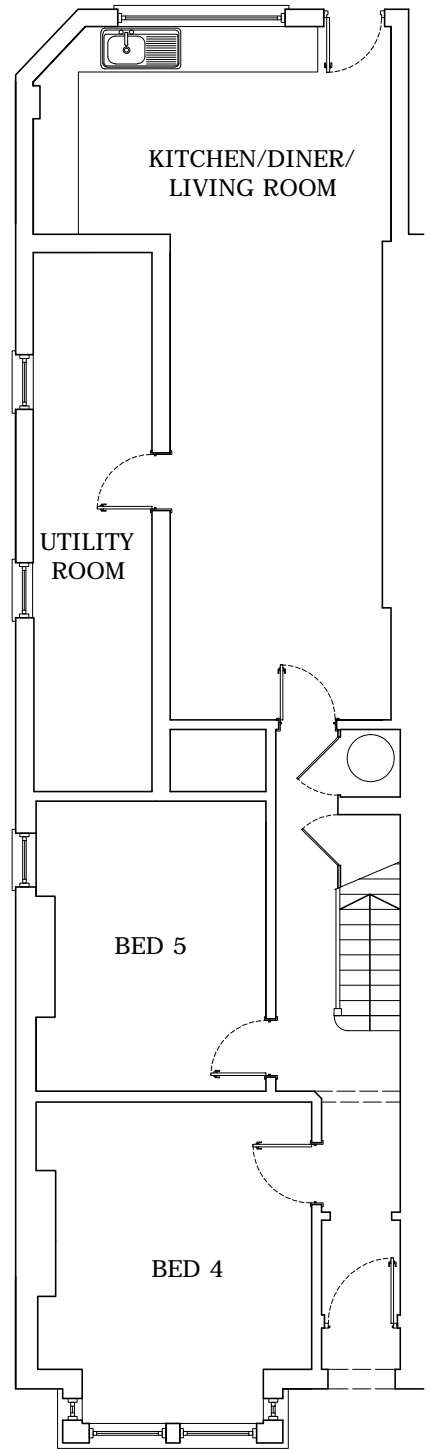
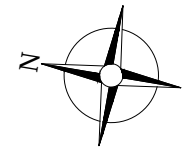
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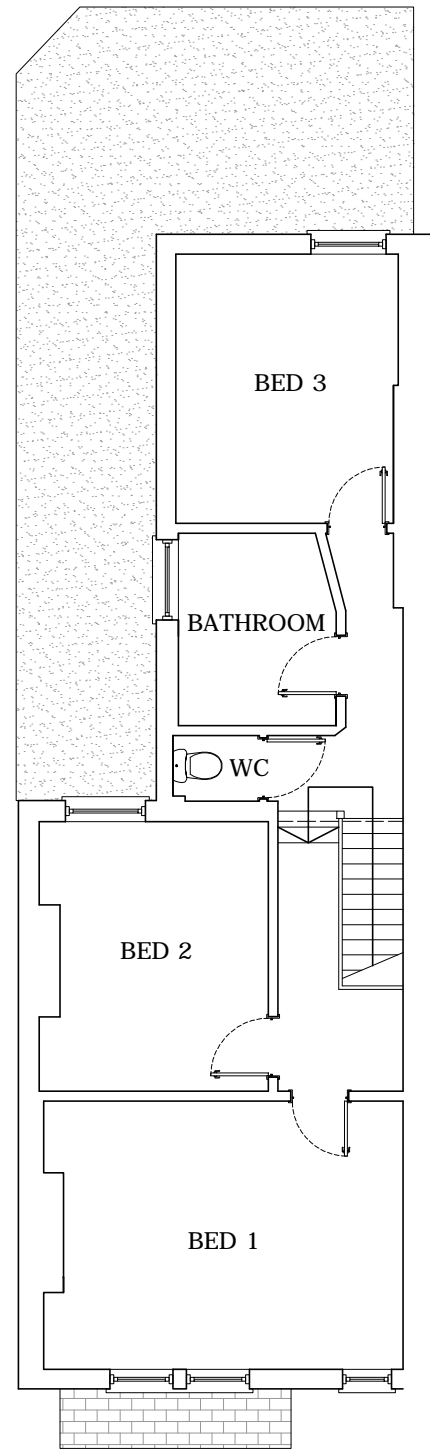
54 Ashburnham Road

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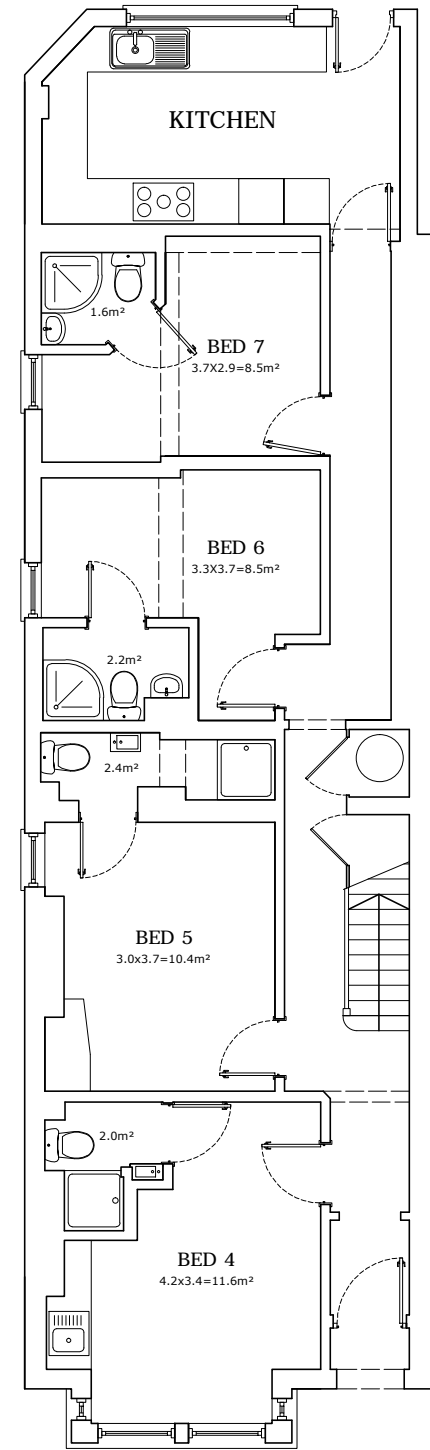
NOTES:
Do not scale this drawing. Work to figured dimensions only. Check all dimensions on site. Confirm any discrepancies prior to commencement of work.



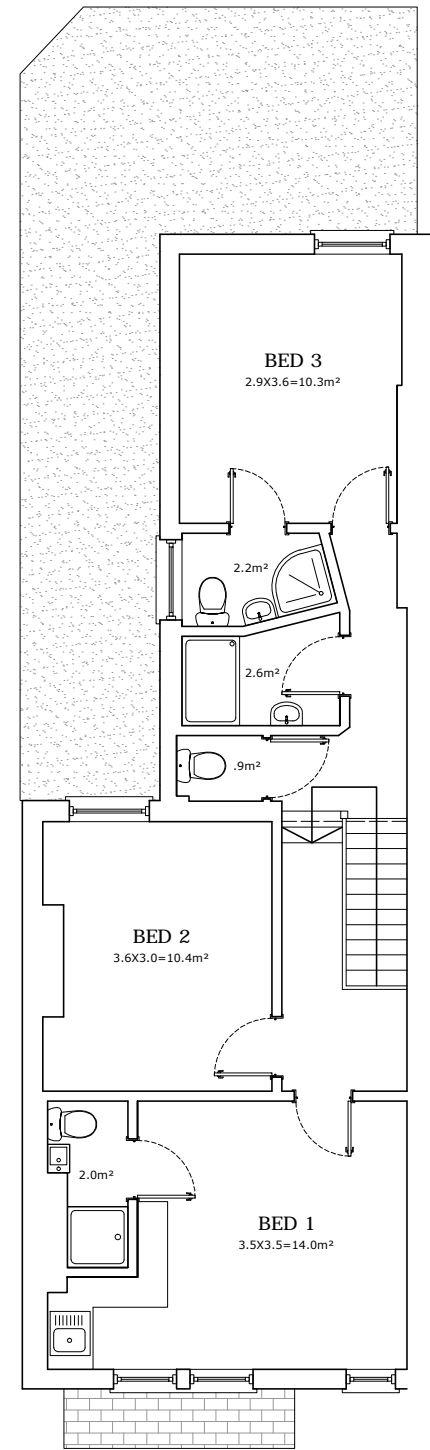
EXISTING GROUND FLOOR PLAN
SCALE 1: 100



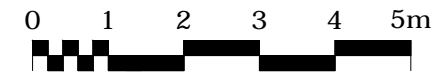
EXISTING FIRST FLOOR PLAN
SCALE 1: 100



PROPOSED GROUND FLOOR PLAN
SCALE 1: 100



PROPOSED FIRST FLOOR PLAN
SCALE 1: 100

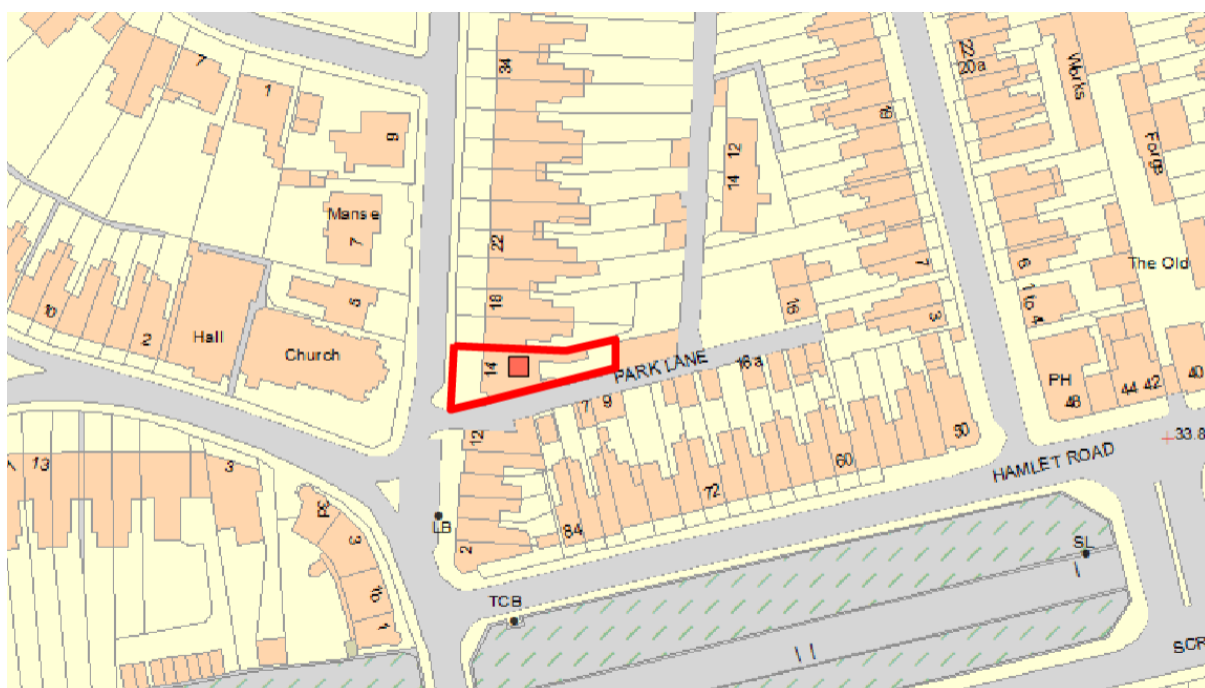


Rev: 01	03/17	Planning Drawing
Rev: 00	03/17	Planning Drawing
Project Details: 54 Ashburnham Road Southend-on-Sea SS1 1QD		
Drawing Title: Existing & Proposed Floor Plans		
Drawing Number: 001		
Client Name: Martin Saunders		
Date	Scale	Drawn
26.03.17	1:100@A3	WN

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Reference:	EN/16/00001/UNAU-B
Ward:	Milton
Breaches of Control	Without planning permission, the replacement of the existing window frames at ground floor level in the front elevation with windows having Upvc frames.
Address:	Flat 1, 14 Park Road, Westcliff-on-Sea, Essex SS0 7PE
Case Opened:	4 th January 2016
Case Officer:	Philip Kelly, Neil Auger
Recommendation:	AUTHORISE ENFORCEMENT ACTION



1 Site and Surroundings

- 1.1 Ground floor front flat located within the two storey end-of-terrace property lying to the east side of Avenue Road directly to the north of its junction with Park Lane. The property comprises a number of self-contained flats and lies within the Milton Conservation Area.

2 Lawful Planning Use

- 2.1 The lawful planning use is as a self-contained flat within Class C3 of the Town and Country Planning Use Classes (Amendment) Order 2005

3 Present Position

- 3.1 A complaint was received on 4th January 2016 concerning the alleged installation of replacement windows having Upvc frames.
- 3.2 A site inspection was carried out on 18th February 2016 which confirmed that Upvc framed replacement windows had been installed to the front elevation of the property at ground floor level.
- 3.3 On 2nd March 2016, a letter was sent to the leaseholder advising that the Upvc framed windows were unacceptable in planning terms and that they should be replaced with wooden windows of a traditional design.
- 3.4 A response was received on behalf of the leaseholder on 4th March 2016 stating that the matter would be dealt with as a matter of urgency.
- 3.5 The site was revisited by the current case officer on 13th January 2017 when it was observed that the Upvc framed windows remained in situ.
- 3.6 On 18th January 2016, an email was sent to the leaseholder reiterating that the Upvc framed windows should be removed.
- 3.7 A reply was received from the freeholder's Assistant Lettings Manager on 26th January explaining why the matter had been overlooked and stating that "I will follow this up and come back to you with confirmation of a start date for the replacement windows".
- 3.8 Despite further exchanges of emails between the case officer and the Assistant Lettings Manager, no progress has been made in the matter and the Upvc framed windows have not been removed.

4 Appraisal

- 4.1 Planning permission is required for this development because (a) the property lies within the Milton Conservation Area and is subject to an Article 4 Direction, confirmed in 1989, which restricts certain permitted development rights including the replacement of windows in the front elevation and (b) the lawful planning use of the property is as a self-contained flat so it does not benefit from the same permitted development rights which would generally apply to single dwellinghouses.

- 4.2 Records show that no planning permission has been applied for or granted in respect of the installation of Upvc framed replacement windows at this property.
- 4.3 The area is characterised by older two storey houses which, originally, would have been fitted with timber framed windows of the sliding sash style. Some of the houses retain this style of window although others have also been replaced over time. The previous windows in this property, although not sliding sash, were timber framed similar to a number of other properties in this part of Avenue Road.
- 4.4 Successful enforcement action has been taken in respect of several cases of unauthorised replacement Upvc framed windows in the area. Some Enforcement Notices have been challenged at appeal but, to date, these have been dismissed by the Planning Inspectorate and the Notices upheld.
- 4.5 It is conceded that there is a small number of window installations in the area which were carried out many years ago and are now immune from enforcement by virtue of the time constraints imposed by Section 171B of the Town and Country Planning Act 1990 (as amended). As these gradually become due for replacement, the Council will, of course, seek to ensure that appropriate frame styles and materials are used. In any event, the presence of other, unsuitable replacement windows does not justify the insertion of additional harmful examples which can only serve to further dilute the character of the area.
- 4.6 Policy CP4 of the Core Strategy requires development to safeguard and enhance the historic environment, including Conservation Areas. Policy DM5 of the Development Management Document also requires that all new development within a Conservation Area is required to preserve or enhance its character.
- 4.7 Whilst the previous window frames installed to the front elevation of this property were not of the traditional sliding sash construction, they did use traditional materials (i.e. timber). As such, their replacement with Upvc framed windows cannot be considered to preserve or enhance the character of the area.
- 4.8 It is considered that the unauthorised replacement Upvc framed windows detract from the appearance of the property by reason of the unsympathetic frame material, inappropriate style of opening and the discordant frame thickness.
- 4.9 The unauthorised development does not respect or enhance the appearance of the property in particular or the terrace in general and, as such, is considered to be detrimental to the character and appearance of the Milton Conservation Area.
- 4.10 It is therefore considered expedient to pursue enforcement action to secure their removal.
- 4.11 Taking enforcement action in this case may amount to an interference with the owner/occupiers Human Rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control land within its area. In this particular case it is considered reasonable, expedient and proportionate and in the public interest to pursue enforcement action to require the removal of the unauthorised windows.

5 Planning History

5.1 There is no relevant planning history

6 Planning Policy Summary

6.1 The National Planning Policy Framework (NPPF) 2012.

6.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).

6.3 Development Plan Document 2: Development Management Document Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land) and DM5 (Southend-on-Sea's Historic Environment) .

6.4 Design and Townscape Guide 2009 (SPD1)

6.5 Community Infrastructure Levy Charging Schedule.

7 Recommendation

7.1 **Members are recommended to AUTHORISE ENFORCEMENT ACTION** to secure the removal of the unauthorised Upvc framed windows installed to the front elevation of this property on the grounds that they harm the appearance of the property and of the streetscene by reason of their unsympathetic materials, inappropriate style of opening and discordant frame thickness to the extent that they are detrimental to the character and appearance of the Milton Conservation area contrary to the National Planning Policy Framework (NPPF), Policies CP4 and KP2 of the Southend-on-Sea Core Strategy, Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document and the advice contained within the Council's Design and Townscape Guide.

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

7.3 When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case, the services of a specialist installer will be required which will, most likely, entail research and the acquisition of quotations prior to the manufacture and subsequent installation of the wooden frames. A compliance period of 3 months is therefore deemed reasonable.



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