

Public Document Pack  
SOUTHEND-ON-SEA BOROUGH COUNCIL

**Development Control Committee**

**Date: Wednesday, 9th December, 2015**

**Time: 2.00 pm**

**Place: Committee Room 4a - Civic Suite**

**Contact: Tim Row**

**Email: [committeesection@southend.gov.uk](mailto:committeesection@southend.gov.uk)**

**A G E N D A**

- 1 Apologies for Absence**
  
- 2 Declarations of Interest**
  
- 3 Reports on Planning Applications**  
Reports of Corporate Director for Place
  - (a) Contents List
  - (b) Pre-meeting Site Visits
  - (c) Main Plans List
  
- 4 Enforcement of Planning Control**  
Report of Corporate Director for Place

**TO: The Chairman & Members of the Development Control Committee:**  
Councillor Crystall (Chair)  
Councillors Assenheim (Vice-Chair), Ayling, Borton, Butler, Byford, Callaghan, Evans, Folkard, D Garston, Hadley, McGlone, McMahon, Robinson, Van Looy, Velmurugan and Walker

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

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**DEVELOPMENT CONTROL COMMITTEE**

**AGENDA: 09<sup>th</sup> December 2015**

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| <b>Chalkwell</b>             | 15/01125/FULM | St Hilda's School<br>13 - 15 Imperial Avenue       | 36 |

| <b>Main Plans Report</b> |               |   |    |
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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 Enterprise, Tourism & the Environment, 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

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# Southend-on-Sea Borough Council

Agenda  
Item

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

## Report(s) on Pre-Meeting Site Visits

### A Part 1 Agenda Item

| WARD & TIME              | APP/REF NO.   | ADDRESS  | PAGE      |
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| <b>Prittlewell Chase</b> | 15/01189/FULM | Southend High School For Boys<br>Prittlewell Chase | <b>3</b>  |
| <b>Chalkwell</b>         | 15/01125/FULM | St Hilda's School<br>13 - 15 Imperial Avenue       | <b>36</b> |

**Depart Civic Centre at: 11.15**

## **DEVELOPMENT CONTROL COMMITTEE**

### **SITE VISIT PROTOCOL**

#### **Purpose of Visits**

- (i)** The purpose of the site visits is to enable Members to inspect sites of proposed developments or development which has already been carried out and to enable Members to better understand the impact of that development.
- (ii)** It is not the function of the visit to receive representations or debate issues.
- (iii)** There will be an annual site visit to review a variety of types and scales of development already carried out to assess the quality of previous decisions.

#### **Selecting Site Visits**

- (i)** Visits will normally be selected (a) by the Corporate Director of Enterprise, Tourism & the Environment and the reasons for selecting a visit will be set out in his written report or (b) by their duly nominated deputy; or (c) by a majority decision of Development Control Committee, whose reasons for making the visit should be clear.
- (ii)** Site visits will only be selected where there is a clear, substantial benefit to be gained.
- (iii)** Arrangements for visits will not normally be publicised or made known to applicants or agents except where permission is needed to go on land.
- (iv)** Members will be accompanied by at least one Planning Officer.

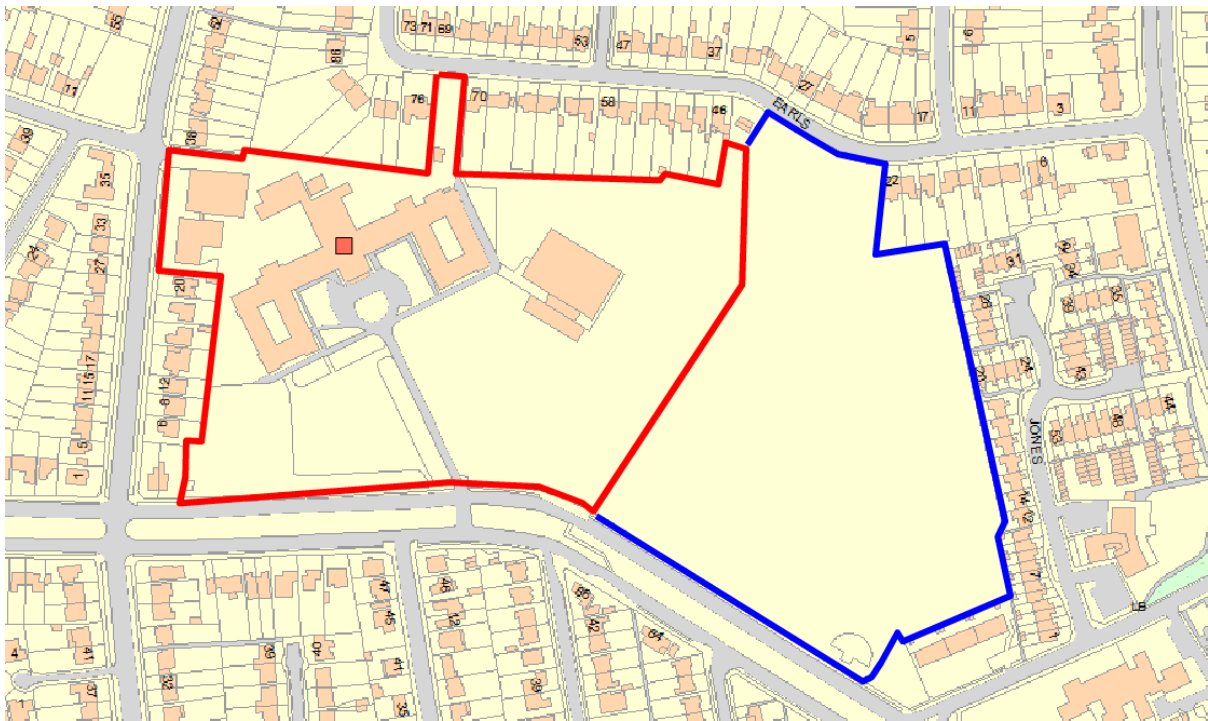
#### **Procedures on Site Visits**

- (i)** The site will be inspected from the viewpoint of both applicant(s) and other persons making representations and will normally be unaccompanied by applicant or other persons making representations.
- ii)** The site will normally be viewed from a public place, such as a road or footpath.
- (iii)** Where it is necessary to enter a building to carry out a visit, representatives of both the applicant(s) and any other persons making representations will normally be given the opportunity to be present. If either party is not present or declines to accept the presence of the other, Members will consider whether to proceed with the visit.
- (iv)** Where applicant(s) and/or other persons making representations are present, the Chairman may invite them to point out matters or features which are relevant to the matter being considered but will first advise them that it is not the function of the visit to receive representations or debate issues. After leaving the site, Members will make a reasoned recommendation to the Development Control Committee.

**Version: 6 March 2007**



|                             |   |
|-----------------------------|---|
| <b>Reference:</b>           | 15/01189/FULM   |
| <b>Ward:</b>                | Prittlewell   |
| <b>Proposal:</b>            | Erect two storey linked infill extension to North West corner, re-configure existing driveway and layout parking, re-position port-a-cabin erect new gates and form new access onto Prittlewell Chase   |
| <b>Address:</b>             | Southend High School for Boys, Prittlewell Chase, Westcliff-On-Sea, Essex, SS0 0RG  |
| <b>Agent</b>                | Southend High School For Boys   |
| <b>Applicant:</b>           | Rees Pryer Architects LLP   |
| <b>Consultation Expiry:</b> | 03.09.2015  |
| <b>Expiry Date:</b>         | 15.01.2016  |
| <b>Case Officer:</b>        | Janine Rowley   |
| <b>Plan No's:</b>           | 15-17819-01 Revision C Detail Plan of Portacabin; 14-1448 08 Proposed Exit Gates; 14 1448 LP1 Location Plan; LOC 1507-05 Front of School Planting Plan; 14 1448 04 Proposed Elevations; LOC 1507/04 Revision B Car Park Planting Plan; 14 1448 01 Revision B Proposed Site Plan; 14 1448 05 Proposed Site Section; 14 1448 03 Proposed First Floor Plan; 14 1448 02 Proposed Ground Floor Plan; 14 1448 07 Proposed 3D Images; XX-DR-D202 Revision P1 Library Drainage Layout; XX-DR-D230 Revision P1 Drainage Details Revision Sheet 1; XX-DR-D231 Revision P1 Drainage Details Sheet 2; 14 1448 01 Revision A; 14 1448 06 Revision B Proposed Roof Plan |
| <b>Recommendation:</b>      | <b>GRANT PLANNING PERMISSION</b>  |



### **Executive Summary**

- I. *This application was deferred from the Development Control Meeting of 11<sup>th</sup> November 2015 to allow further information in relation transport and parking and a site visit.*
- II. *The applicant has submitted additional information including an updated transport statement, transport and parking summary and a statement from the Head teacher in relation to student parking. The plans remain unaltered.*
- III. *The amended transport statement has been updated with the correct figures and confirms that the numbers of pupils will increase from 1203 to 1300 which equates to a 7.46% increase. The applicant states that whilst the additional sixth formers are unable to park on site, the school is already able to accept 400 sixth form students following the approval of a single storey extension earlier this year reference 15/00662/FULM. The statement goes on to state 5 parking spaces would be required for the increase number of students in years 7-11 (82 additional students) based on policy DM15 and 2 spaces for years 12-13 (15 additional students and 1 space for a full time equivalent member of staff. The school propose to increase the parking provision from 90-130 and 87 spaces will be allocated to members of staff and 43 spaces to visitors to the site.*

IV *A statement from the Head teacher Robin M Bevan of Southend High School for Boys has been received stating:*

*“As Head teacher of Southend High School for Boys, my first priority is to provide a safe and secure environment for all pupils.*

*Currently we do not allow students to drive onto the school site nor to park on site. Our existing driveway and parking spaces essentially ‘shared spaces’. All our driveways are additionally used by pedestrians and cyclists (whether staff or pupils). Novice and probationary drivers represent a very specific risk in such context. Whilst, of course, new drivers are also at greater risk of accidents on the public highway, the design of roads and junctions and the segregation of vehicles from pedestrians mitigates that risk. It is not appropriate to permit those same drivers into a densely crowded context where parking, playing space and pupil movements all coincide.*

*The planning proposal overcomes some of these concerns. During the school day the front of the school facing Prittlewell Chase will, at long last become free of motor vehicles creating an appropriate expanse of space for leisure and sport. We will, however, continue to have significant vehicular traffic (staff, deliveries and contractors) sharing the rear driveway with pupils, for example, moving between lessons. Again this represents an unreasonably high risk environment in which to permit Sixth Form drivers. In contrast, their use of neighbouring residential roads is both segregated from pedestrian movement and protected by the kerbside as a barrier.*

*It is currently the case that students driving on the school site are not covered by insurance.*

*Our position is comparable with all neighbouring schools.*

*There is no school in the immediate vicinity that allows student parking on site. In fact, the degree the emphasis in the responses collated from neighbouring schools is quite striking:*

*‘We definitely do not allow student parking...’ ‘I can’t imagine what local school offers student parking...’ Westcliff High School for Girls*

*‘We definitely don’t allow student parking on site...’ Westcliff High School for Boys*

*‘We also have friction with neighbours, but we do not allow students to park on site, except pedal bikes’ St Thomas More High School*

*We are aware of a very small number of 11-18 schools nationally that do not provide some student parking. As far as we can ascertain, this is only possible where access to the parking is fully separated from pedestrian entrances. There is no appropriate location on our school site that would facilitate such arrangements”.*

- V *In light of the above, the school have provided justification to why sixth form students cannot park on site due to health and safety reasons. This proposal will seek to increase the students in sixth from 385 to 400 resulting in 15 additional students requiring 1 parking space in accordance with policy DM15 of the Development Management Document DPD2. Whilst existing sixth form students are not able to park on site, on balance the proposal will not result in any greater harm in terms of parking within the streets than the existing situation.*
- VI *The proposed design, impact on surrounding properties, highways implications and other planning matters are discussed within the main report. The recommendation is to grant planning permission and the recommendation in full is set out within the main section of the report.*

## **1 The Proposal**

- 1.1 Planning permission is sought to erect a two storey linked infill extension to North West corner of the existing school building, re-configure the existing driveway and layout parking, re-position "port-a-cabin" to the north east corner of the site and erect new gates and form new access onto Prittlewell Chase.
- 1.2 The two storey linked infill extension to the North West corner of the existing school building is 34m wide x 21m deep x 7.5m high. The proposed internal floorspace would include a library, sixth form research, study and seminar area, careers office, toilets, office and store to the ground floor and a pastoral, ICT, government/politics and citizenship room to the first floor. The internal floorspace is approximately 1228sqm. The external appearance of the building is to be clad, include glazing and louvres to add interest. The building is flat roof.
- 1.3 The proposed "portacabin" to the north east corner of the site will be resited from the front of the building (granted permission under 15/00717/FULM to be removed 30<sup>th</sup> September 2016). The "portacabin" is 16.5m wide x 9.6m deep x 3.6m high; flat roof with an internal floorspace of 180sqm.
- 1.4 The proposal also includes alterations to the existing driveway accessed from Holeythick Lane to the east to increase the number of parking spaces from 90 to 130 together with the formation of a new vehicle access onto Prittlewell Chase. The vehicle access to the north in Earls Hall Avenue will be retained but this is only used for emergency vehicles. An existing building is to be repositioned to the north of the two storey sports hall and music facility to the south.
- 1.5 Landscaping is proposed to the northern boundary where the additional parking is proposed together with landscaping along the new driveway to Prittlewell Chase.

- 1.6 The planning statement accompanying this application states there are currently 1203 pupils on site (818 in years 7-11 and 385 in years 12-13) and 135 members of staff (with a further 9 cleaners working at the site although they are off site by the time the rest of the staff come onto site). This application has been submitted as there are a number of undersized rooms below building guidelines for mainstream schools. The applicant states that a funding application was made by the school to the Education Funding Agency, who have awarded a £3 million and the school are also taking a £200,000 loan to fund the proposed works.
- 1.7 This proposal will increase the number of students from 1203 to 1300 from school year 15/16 through to 18/19. Therefore, 97 extra students are to be enrolled at the school (82 students in years 7-11 and 15 students' years 12-13). The number of staff will also increase from 135 to 145 (increase by 10).
- 1.8 A planning statement, noise impact assessment, drainage strategy, landscaping plan, transport statement, tree survey, assessment of BREEAM, phase 1 Habitat Survey, Flood Risk Assessment, Archaeological Desk-Based Assessment have been submitted as supporting information for this development.

## **2 Site and Surroundings**

- 2.1 The school site is located along Prittlewell Chase. The existing school building fronting Prittlewell Chase is locally listed. The immediate south of the existing buildings is the school playgrounds. The site includes three main accesses including Prittlewell Chase to the south, Hopleythick Lane to the east and Earls Hall Avenue to the north. To the east of the site are playing fields and the site is bounded by residential properties two storey in nature.
- 2.2 The site does not fall within any environmentally sensitive areas.

## **3 Planning Considerations**

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

## 4 Appraisal

### Principle of Development

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

- 4.1 Policy CP6 of the Core Strategy advocates the need to improve educational facilities to ensure that the needs of the local community are met. The policy states that subject to the maintenance of satisfactory environmental conditions and residential amenities, the Borough Council will support the improvement or extension of existing public and private education establishments and will encourage the use of their facilities for community purposes where this would meet identified requirements. The proposed development will provide improvement of the facilities available at Southend High School for Boys, thus the proposal is in principle in accordance with Policy CP6 of the Core Strategy.
- 4.2 The proposed two storey infill extension to the northwest of the existing school building will be located on an existing playground. However, the main playground and playing fields to the south and west of the main school building will remain. Sport England have raised no objection to the proposal on this basis, given that the playground to the immediate west of the existing building is additional to the main playground and playing fields, thus no objection is raised to this element of the proposal.
- 4.3 The application involves a number of changes to facilitate the expansion that would affect the schools playing fields to the east of the main school building. A new access road would bisect the playing field while an additional car parking area and portacabin building would be sited on the playing field adjoining the sports hall. An area to the west of the site, which although not attached to the main playing fields would also be used as a construction compound on a temporary basis.
- 4.4 Policy CP7 of the Core Strategy states the Council will normally refuse permission for proposals involving the complete or partial loss of school playing fields.
- 4.5 Whilst the proposals would not directly affect any of the existing playing pitches that are currently marked out, they would affect areas that are capable of forming playing pitches. The proposed alignment of the new access road would also have the effect of prejudicing the use of the playing field area to the west of it as this area would be too small for allowing pitches to be marked out that are suitable for secondary school use. The use of the area to the west of the site as a construction compound would prevent this area from being used for formal sport for at least the period of the construction programme. Collectively, the proposals could have a significant impact on the playing field as several areas would be lost or prejudiced which could affect the ability of the school to meet its playing field needs.

4.6 The applicant has put forward a number of mitigation measures to enhance the sports development offered at Southend High School for Boys and to mitigate against the proposed works.

4.7 *Playing Field Enhancements*

As set out in the submitted agronomist's feasibility study prepared by Agrostis, the key deficiency of the main body of playing fields to the east of the site where pitches are marked out is the poor drainage conditions which affect the carrying capacity and surface quality of the pitches which in turn restricts the use of the pitches during the winter period. To address this constraint, the Agrostis study report proposes a piped drainage scheme to the majority of the remaining playing field to the east of the site together with works to improve the surfaces. The applicant has confirmed that this proposal will be fully implemented. The benefit to the school (and existing community users of the site such Leigh Dynamo FC) of implementing this scheme would be that significantly improved quality pitches would be provided which would have the carrying capacity to meet the needs of the school throughout the year which would help deliver the PE curriculum. This would reduce the potential for lessons and matches to be cancelled, surface conditions would be better and there may be the opportunity for increasing the use of the pitches. The community would also benefit as clubs that use the pitches at weekends would be at less risk of having matches cancelled due to pitch conditions plus there may be potential to offer additional use due to the increased capacity of the pitches.

4.8 *Throwing Cage:*

The existing throwing cage that is used for athletics (i.e. discus) to the north east of the playing field is in a poor state of repair and requires replacing to make it fit for purpose. It is proposed to provide a new throwing cage to replace it which would improve athletics opportunities for students.

4.9 *Community Use of Playing Fields:*

While a football club currently uses the school's playing fields at weekends, community use of the playing field is not formalised or secured at present as it is subject to informal arrangements. It is proposed to complete a community use agreement to secure community access to the playing field over a long term period. This would give existing and future community users greater security of access to the playing fields.

4.10 Sport England have raised no objection subject to conditions in relation to playing field enhancement works specification and phasing, throwing cage details, removal of construction compound and a community use agreement.

4.11 In light of the above, the impacts on the playing fields are considered to be outweighed by the improvement to open space on the site and therefore is considered acceptable subject to conditions and other material planning considerations discussed below.

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

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

- 4.12 Policy DM1 of the Development Management requires any new development to respect and enhance the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, layout, proportions, materials and overall townscape. The proposed development will enable a replacement of a dilapidated technology building with a contemporary building providing extra internal floorspace for pupils at the existing school and future expansion.
- 4.13 The main school building is considered to make a positive contribution to the historic character of Prittlewell Chase and has been designated a Locally Listed Building. The proposal seeks to build a new library/teaching block to the rear of this building, locate a temporary storage building to the eastern side of the rear car park and re-landscape the external area of the school including the creation of a new drive existing onto Prittlewell Chase.
- 4.14 *New Library/Teaching Block*  
The overall design and scale of the proposed two storey infill extension satisfactorily relates to the existing building appearing subservient. The extension is a simple modern boxed form with curtain glazing to most of the visible ground floor and cladding and more conventional glazing above. The entrance is defined by continuing the curtain glazing over the two floors and applying an external brise soleil detail with feature crest to the upper storey. The overall quality and detailing of the elevational treatment although simple, is well defined, has more cohesion between the floors and a positive relationship with the school architecture generally. The simple design reflects the proportions and spacing of the existing building and picks up on its colouring with the cladding choice but is restrained so that it does not compete with the historic building and this is considered to work well. The defining entrance feature and overhanging first floor helps to add interest to the main facades and identified the entrance as the main focal point. The extension will have very limited views only from Holeythick Lane to the east through gaps between properties.
- 4.15 Given the simplicity of the design the success of the proposal will depend on the quality of materials, the quality of which can be controlled by condition.



#### 4.16 *“Portacabin”*

The proposed building will be visible from Prittlewell Chase and Earls Hall Avenue it would impact on the public setting of the school. Whilst no objection is raised to the scale and form, there is a need for the proposal not to detract away from the existing character of the main school buildings. A landscape planting design statement including a plant schedule, specification and management plan and submitted drawings provides further details on how the school will achieve planting mature species and screening to mitigate against any potential harm. Nonetheless the building is not considered suitable for permanent retention and its removal within 3 years is considered appropriate.

#### 4.17 *Landscaping*

A number of changes to landscaping and access are proposed, some of which will impact on the front of the locally listed building. The proposal includes the replacement of the existing tree avenue to main entrance. The existing avenue of trees is an important part of the setting of the historic building and help to highlight the main entrance and compliment the symmetry and formality of its design. The report accompanying this application states that the trees are in decline and this has been verified by the Councils Arboriculturalist has raised no objections as the current trees are not worth of preservation. Subject to the landscaping details proposed no objection is raised. The applicant proposed to replace them with heavy standard Oak trees surrounded by Beach hedging, which are welcomed and will continue to enhance the overall setting of this historic building.

#### 4.18 *New road and associated tree planting*

It is also proposed to plant a new single less formal line of oaks on the frontage of the school to the South East of the buildings to define the route of the new exit drive. Although this will impact on side views of the building it is considered that the repetition of the tree planting will provide a consistent character for the frontage of the building and help to enhance the impact of the proposed additional drive in this area. There is no objection to the drive in principle or the proposed matching gates. Informal tree planting is proposed to the south west corner of the frontage, which is considered sufficient distance from the formal planting of the drives and will not interfere with its symmetry. It will add softening to the streetscene and is welcomed. Planting to rear within the new car park will provide a buffer zone to mitigate against the car park from the neighbours and is welcomed.

4.19 The resiting of the hammer throwing cage will not result in any material harm to the character and appearance of the area.

4.20 In light of the above, the proposed development subject to conditions is considered to relate satisfactorily to the character and appearance of the existing school buildings and will provide positive additions. The proposal is therefore considered in accordance with the NPPF, policies KP2 and CP4 of the Core Strategy, policy DM1 of the Development Management, and the Design and Townscape Guide.

## Traffic and transportation

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

- 4.21 The main access point to the school is from Prittlewell Chase, which runs along the southern boundary of the site, this access is used for pedestrians and cyclists and vehicle access for visitors. Prittlewell Chase is a main route running in an east to west direction through Southend-on-Sea, with the opposing flows split into two separate carriageways segregated by a wide verge.
- 4.22 Bus stops are located immediately east of the school access on the eastbound carriageway, with a zebra crossing provided just east of the eastbound carriageway, and bus stop on the westbound carriageway located just west of the zebra crossing of the westbound carriageway. The main school access is off Prittlewell Chase therefore also serves pupils and staff that use public transport as a means of travelling to school, although there is also a second pedestrian access point on the school boundary with Prittlewell Chase immediately adjacent to the bus stops.
- 4.23 Cycleways are also present along both carriageways of Prittlewell Chase between the junction with Highfield Gardens to the west and Fairfax Drive to the east, with wide footways also present along both sides of Prittlewell Chase. On street parking bays are also provided along large sections of the road along the school frontage, meaning that the majority of each carriageway is restricted to one running lane between the junctions with Highfield Gardens and Fairfax Drive.
- 4.24 A second access point to the school is located at the northwest corner of the site on Hopleythick Lane which provides vehicular access for staff as well as pedestrian and cyclist access. A bus stop is located on the southbound carriageway of Hopleythick Lane just south of the school access, and stop on the northbound carriageway about 100 metres south of the site.
- 4.25 A third access point to the north of the school buildings is taken from Earls Hall Avenue which is a small residential road, although the vehicular access is gate controlled with gates generally remaining locked, although a separate gate permitting pedestrian and cyclist access remains open.
- 4.26 Other access gates to the school playing field that occupies the eastern section of the school site are present to Earls Hall Avenue and Prittlewell Chase; however these are generally kept locked.
- 4.27 The majority of development surrounding the school is residential development, with the most roads being quiet residential roads, with the main road providing access to the wider area being Prittlewell Chase which runs east to the A127 (via Fairfax Drive) and west through a large area of residential development.

- 4.28 Vehicle parking standards as required by policy DM15 of the Development Management Plan state as maximum standards 1 space per 15 students is required for years 7-11. For schools with further education as in this instance 1 space per 15 students for full time equivalent staff plus 1 space per 15 students for student parking are required. The existing site includes 90 informal parking spaces for 1203 students and 135 members of staff. In accordance with Policy DM15 of the Development Management Document, 107 car parking spaces should be provided (55 for years 7-11, 26 spaces for years 12-13 and 26 spaces for members of staff), so there is an existing shortfall of 17 parking spaces.
- 4.29 The proposed development will increase the number of students from 1203 to 1300 (82 students in years 7-11 and 15 students' years 12-13) and members of staff from 135 to 145 (increase in 10). Based on policy DM15 of the Development Management Document as stated above in paragraph 4.28, this would necessitate a further 5 spaces for years 7-11 and 2 spaces for years 12-13 (7 in total). The proposal seeks to provide additional car parking increasing the capacity from 90 to 130 parking spaces. This is considered in excess of the policy requirements given that a total of 114 parking spaces are required in accordance with policy DM15 of the Development Management Document.
- 4.30 The transport and parking summary dated November 2015 accompanying this application suggests that 18% of students arrive to the school by car including car sharing and lifts to and from the school including individuals driving themselves. 78% of staff currently arrives by car.
- 4.31 Whilst the school does not currently have a travel plan, one has been submitted for consideration with this application. The submitted details include a number of measures aimed at reducing reliance on the car to reach the school encouraging sustainable transport in the form of walking, cycling and use of public transport together with car sharing.
- 4.32 The current site has provision for 190 cycle spaces. The current proposal will allow for the provision of additional spaces to be provided. Policy DM15 of the Development Management Document requires 34 cycle spaces and this can be dealt with by condition to ensure the proposal is policy compliant in terms of cycle provision.
- 4.33 The application is also accompanied by a Stage 1 Road Safety Audit with reference to the formation of a new access road within the site creating a one way system entering from Hopleythick Lane to the west and exiting on Prittlewell Chase to the south. The vehicle access to the north exiting on Earls Hall Avenue is only used for emergency purposes. The proposal also includes the resiting of the existing bus stop on Prittlewell Chase that can be dealt with by condition. A number of issues have been identified by the safety audit in relation to visibility and conflict with pedestrian, internal road marking and the design splay of junction permits left turn into new access.

The applicant has confirmed all of the issues will be resolved at stage 2 of the safety audit, the Councils Highway Officer concurs with this view and no objection is raised on this basis.

- 4.34 Taking into account the parking is policy compliant with policy DM15 of the Development Management Document and subject to the stage 2 road safety audit of the new access road and number of actions encouraging sustainable transport in the form of walking, cycling and use of public transport together with car sharing that can be encouraged and monitored effectively by the travel plan the proposal is considered acceptable. The Councils Highway Officer has raised no objection to the proposal on parking or highway safety grounds.

#### **Impact on residential amenity**

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

- 4.35 The nearest residential property to the proposed two storey infill extension is 16.5m away from the rear boundary of no. 20 Hopleythick Lane. Whilst there are windows at first floor taking into account the orientation and separation distance the proposals will not result in overlooking or loss of privacy. Furthermore, the overall height of the extension will be set down from the existing main building not appearing overbearing to the residents of no. 20. There is in excess of 31m to the northern boundary abutting properties within Earls Hall Avenue, which is sufficient to mitigate any material harm on the existing residents in terms of overlooking, loss of privacy and the development being overbearing.
- 4.36 The existing vehicle access from Hopleythick Lane to the rear of the school buildings finishes at the emergence access from Earls Hall Avenue (i.e. does not go any further than no. 70 Earls Hall Avenue). This application seeks to extend the road and form new parking areas to the rear of nos. 46-70 Earls Hall Avenue. The applicant intends to plant a landscaping buffer area and seeks to retain existing trees established along the boundary. To the rear of the elevations of the aforementioned properties is 22m-29m separation distance.
- 4.37 In terms of noise and disturbance, there are no restrictions of the opening hours of the school. It should be noted no conditions were imposed on the school when originally constructed in terms of hours of use. The additional parking is proposed to be accessed from Hopleythick Lane entrance forming a one-way system. In order to mitigate against any potential harm from the increased noise and disturbance from vehicles entering and exiting the site a condition will be imposed for the installation of an acoustic fence. An acoustic fence of up to two metres would reduce any potential harm to the flank elevations of nos. 46-70 Earls Hall Avenue. Furthermore, the acoustic fence should also provide a barrier to any light omitted from vehicles in this location. Low level lighting is proposed to the paving area and this will be dealt with by condition for further information to ensure the amenities of nearby residents are preserved.

- 4.38 The proposed portacabin will be single storey with an overall height of 3.6m sited 31m away from the north boundary abutting no. 46 and 50 Earls Hall Avenue and 138m to the southern boundary with Prittlewell Chase. There is considered sufficient distance to mitigate against any potential harm in terms of being overbearing, loss of privacy and overlooking and will be removed within 3 years given that this element of the proposal is only acceptable on temporary basis. Additional screening and mature landscaping proposed will also help to protect amenities of existing occupiers.

## **Sustainability**

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

- 4.39 Paragraph 97 of the NPPF states that local authorities should promote energy from renewable sources. Policy KP2 of the Core Strategy states that all new development proposals should demonstrate how they will maximise the use of renewable and recycle energy, water and other resources. Policy DM2 of the Development Management Document advocates the need to ensure the delivery of sustainable development whereby all development proposals should contribute to minimising energy demand and carbon dioxide emissions in accordance with the energy hierarchy.
- 4.40 The existing school employs various renewable energy technologies that meet the 10% requirement of policy KP2 of the Core Strategy.
- 4.41 Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk.
- 4.42 The applicant has submitted a Drainage Strategy carried out by Peter Dann Consulting Engineers. The onsite surface water system proposed for the car park is designed to accommodate run-off during all events to and including the 100 year plus 30% to allow for increases in rainfall intensity due to climate change. The permitted surface water discharge from the site will be restricted to the green-field run off rate. It is intended to connect the on-site surface water system which outfalls from the site to the Anglian Water surface water system in Earls Hall Avenue. The existing surface water system was upgraded in 2014 to mitigate the re-occurrence of surface water flooding issues that have caused damage to existing buildings. The surface water network for the car park has an impermeable area of 0.200ha and will discharge to the offsite network via an existing manhole to the north of the school. Areas of soft landscaping have been incorporated in the design to help mitigate the surface water also. Foul drainage will discharge via a gravity system off site to the Anglian Water system in Earls Hall Avenue.
- 4.43 Subject to an appropriate condition and management strategies recommended within the submitted report and the detailed drawings, the applicant has demonstrated the proposal will not increase surface water runoff.

## **Community Infrastructure Levy Charging Schedule**

- 4.44 Although this application is CIL liable given the floorspace is 1228sqm for the sixth form block and 180sqm for the portacabin (overall 1408sqm), in this instance the chargeable amount has been calculated as a zero rate as applicable due to the school is registered with Local Education Authority and makes no profit relevant evidence has been submitted..

### **Other Matters**

#### *Noise Impact*

- 4.45 A Noise Impact Assessment carried out by Loven Acoustics has been submitted for consideration to assess the potential impact of the development on the nearest residential properties. Mitigation measures in accordance with British Standards BS 5228:2009 are suggested including restriction of construction hours Monday to Friday 0800-1800, Saturdays 0800-1300 and at no time on Sundays and Bank Holidays, which will be conditioned accordingly. In terms of impact of noise from the increased numbers of pupils the statement details the main school as existing has a noise level of 0.8dB and the increase in students from this proposed development will increase the noise by 1.1dB, overall 0.9dB. The difference is below human perception so would not result in a discernible increase to any noise-sensitive receptors. Any plant equipment to be installed will be dealt with by condition.

#### *Public Consultation from the school with local residents*

- 4.46 The school engaged with 62 neighbouring properties to those abutting the boundary in Earls Hall Avenue and Hobleythick Lane at a consultation event on the 16<sup>th</sup> June 2015. The main issues included concerns relating to the road, parking area, number of students, noise and disturbance, which have been discussed in detail above.

#### *Archaeology*

- 4.47 An archaeological desk based assessment prepared by ASE (reference 2015176) has been submitted and concludes that there are no designated heritage assets within the site itself or a 500m study area surrounding the development. Although the site is locally listed it does not fall within a conservation area. A condition will be imposed to ensure if any archaeology is discovered during the demolition and construction works, full details are submitted to the Council to be recorded.

### *Ecology/Bat Survey*

- 4.48 The NPPF (section 11) states that local authorities should aim to conserve and enhance biodiversity. Planning decisions must prevent harm to bio-diversity and impose adequate mitigation measures where appropriate. Officers have carried out an assessment of the application under the Habitats Regulations 2010 and in particular Regulation 61. The Habitats Regulations require a two-step process. Firstly consideration needs to be given as to whether the development is likely to have a significant effect and if it does, the next step is to make an appropriate assessment. A Phase 1 Habitat Survey, Ecology Survey carried out by Eight Associates dated 17.06.2015 has been submitted for consideration. Several recommendations are proposed including afforded bat roost potential to buildings, pre works to check for animal burrows, secure storage for liquids held on site, building works are recommended to be carried outside of breeding season or pre clearance of nests. A suitable condition will be imposed to ensure the development is carried out in accordance with the mitigation measures and recommendations set out in the report as stated above are adhered to.

### *Lighting*

- 4.49 The proposal will include the provision of external lighting to the main entrance, roadway, car park and cycle sheds in the form of low level bollard type lighting to minimise light pollution. A condition will be imposed to ensure full details are submitted for consideration to mitigate against any potential harm to surrounding residential properties.

### *Flood Risk Assessment*

- 4.50 The site is located within flood zone 1 and is therefore suitable for all types of development without the need to pass the sequential test of exception test. The site is not at a significant risk of flooding. The supporting information carried out by MTC Engineering confirms that the development will not increase discharge rates from any section that lies on currently permeable ground. The proposal is considered in accordance with the NPPF, whereby subject to conditions the proposed development will not result in any flood risk or drainage related issues.

### **Conclusion**

- 4.51 In light of the above, the impacts on the playing fields are considered to be outweighed by the improvement to open space on the site. The design and scale of the proposed development relates satisfactorily to the existing school buildings and will provide an improved education facility.

## **5 Planning Policy Summary**

5.1 National Planning Policy Framework

5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Traffic and Highways), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP7 (Sport, Recreation and Green Space)

5.3 Development Management Document: Development Management Document policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM15 (Sustainable Transport Management)

5.4 SPD1 Design & Townscape Guide 2009.

## **6 Representation Summary**

### **Design and Regeneration**

6.1 The main school building is considered to make a positive contribution to the historic character of Prittlewell Chase and has been designated a Locally Listed Building. The proposal seeks to build a new library/teaching block to the rear of this building, locate a temporary storage building to the eastern side of the rear car park and re-landscape the external area of the school including the creation of a new drive existing onto Prittlewell Chase. The design of these various elements is assessed below:

#### **New Library/teaching block**

There are no design objections in principle of a new two building in this location provided that the proposal does not detrimentally inhibit the outlook or light to the surrounding building which seems very close in places. The planning statement outlines the uses in the existing building surrounding the site and it is accepted that there will be a minimal impact on daylighting to the existing teaching spaces.

The site itself has no clear public views so the proposal will have no impact on the streetscene but as a public building it is important that the design is well resolved and uses high quality materials.

The scale and the height of the proposal is similar to the surrounding buildings and considered to be generally acceptable. The extension itself is a simple modern boxed form with curtain glazing to most of the visible ground floor and cladding and more conventional glazing above. The entrance is defined by continuing the curtain glazing over the two floors and applying an external brise soleil detail with feature crest to the upper storey.



It is pleasing to see that the quality and detailing of the elevational treatment has improved during the pre app process and now the proposal, although simple, is well defined, has more cohesion between the floors and a positive relationship with the school architecture generally. The simple design reflects the proportions and spacing of the existing building and picks up on its colouring with the cladding choice but is restrained so that it does not compete with the historic building and this is considered to work well. The defining entrance feature and overhanging first floor helps to add interest to the main facades and identified the entrance as the main focal point.

Given the simplicity of the design the success of the proposal will depend on the quality of materials which are proposed as:

- Trespa cladding panels papyrus white to match the stone window surrounds of the main building – there is no objection to this which seems broadly acceptable although the exact product is undefined and should therefore be clarified.
- Curtain walling technical aluminium beaded glazing ral 7016 – no objections
- Brise soleil - timber frame and aluminium louvers – this appears to be acceptable although further details would be preferable. It would also be helpful to know the materials for the crest to be mounted on the louvers and any proposed lighting.
- Multi buff stock plinth and brick to single storey section – this is undefined and should be clarified. The existing building and other extensions in the vicinity appear to be red brick and it would therefore be preferred for this to match.
- Roof bauer single ply roofing system light grey – no objections although the detailing of the fascia capping should be clarified as this will be the visible element. It appears to be grey metal on the visuals.
- Natural buff tarmac to footpaths and playground – this should match the existing.

#### Storage Barn

The site and landscaping plan notes that a new storage barn is to be located to the eastern side of the rear car park and this seems to be referred to in the description as 're position portacabin.' It is unclear where this is being re-positioned from but as proposed the building will be visible from Prittlewell Chase and Earls Hall Avenue it would impact on the public setting of the school which is regrettable. Although this may be ok for a transitional period a properly designed more permanent solution should be sought in the medium term or it should be located away from public view.

#### Landscaping proposals

A number of changes to landscaping and access are proposed, some of which will impact on the front of the locally listed building. These are discussed in turn.

#### Replacement of tree avenue to main entrance

The existing avenue of trees are an important part of the setting of the historic building and help to highlight the main entrance and compliment the symmetry and formality of its design although it is noted that a number have been lost over the years. The report states that these are in decline and it is proposed to replace them with heavy standard oak trees surrounded by beach hedging. If the condition of the trees can be verified then there would be no objection to this proposal as it would maintain the existing structure of the entrance in due course.

#### Planting to rear

This should help to mitigate the car park from the neighbours and is welcomed.

#### Sustainability

It is proposed to install pvs on the new teaching block and, if necessary on the existing building, to meet the requirement for 10% renewables. This is considered acceptable in principle but although the technical report notes the forecasted energy generated there is no information to show that this meets the 10% policy requirement. The following information should be sought:

- Predicted energy usage of the building without renewables
- Predicted energy useable of the building with renewables
- Demonstrate a 10% saving is achieved

#### Archaeology

The desk based archaeological assessment seems comprehensive and it seems likely that the probability of finds on the site would be low, however, Southend museum (Luisa Haegle) should be consulted to confirm whether an archaeological condition should be sought.

### **Children and Learning**

6.2 No comments.

### **Traffic and Transportation**

6.3 *Highway works*

The applicant is providing 130 car parking spaces for the proposed school expansion. The number of car parking spaces that are required for the expansion using the current DM15 policy is 114. Therefore the parking provision for the proposal exceeds car parking standards for the proposed school expansion. Cycle parking for the proposal will be policy compliant.

The proposed development will require an additional exit onto Prittlewell Chase, this has been independently safety audited which has recommended the relocation of the bus stop to increase the visibility splay for vehicles that are exiting the school. The relocation of the bus stop will require an amendment to the existing traffic regulation order. The costs for these works are £4000. The applicant will be required to enter the appropriate legal agreement to carry out any alterations to the highway.

A travel plan is requested as part of the proposal and should be conditioned.

Given the above information no highway objections are raised as all aspects of the parking provision are policy compliant. It is not considered that the proposal will have a detrimental impact on the public highway.

#### *Travel Plan*

- No current Travel Plan or monitoring of mode of travel.
- It is not clear to how well the existing car parking is used.
- It is not clear whether the existing site already gives rise to congestion on the highway
- The Travel Plan should be to increase the awareness of all school users and not just pupils of the advantages and potential for travel by environmentally friendly means and associated health benefit
- It is important that the Travel Plan survey is able to confirm the distance that people are prepared to walk
- Looking at the admission policy for the school in 2016-2017 priority is given to those candidates whose parents' primary residence lies within the postcode areas of SS0, SS1, SS2, SS3, SS4, SS5, SS6, SS7, SS8 and SS9. SS8 is Canvey Island – this is about 14 miles from the school and SS5 is Hockley which is 5 miles away from the school.
- Current levels of cycle parking should be monitored
- There is no discussion of train services. Prittlewell Station is about a 20 minute walk away
- An analysis of the availability of buses for after school activities has been provided
- There is no reference to the Prittlebrook Cycle path which is largely off road.
- It is recommended that the Travel Plan is included in the School Improvement Plan to ensure that it is reviewed by the relevant staff at appropriate intervals.
- It is recommended that travel options and benefits be promoted at school open days. The travel plan that is presented here does not provide obvious and helpful advice regarding travel options to the school. The school website does provide a link to Google maps through which it is possible to find out travel options. However, it does not promote the opportunities and benefits to staff and students. Knowing and experiencing different travel options is an important life skill.
- The contents of the information pack should focus on an information leaflet that provides the information for people to easily find out what travel options are available to them. Southend on Sea Borough Council's (SBC) Travel Plan Co-ordinator will be able to advise on contacts with the various companies/organisations at the time the pack is put together. In addition, SBC's sustainable travel branding is 'Ideas in Motion'. There is a website that provides information on all sustainable modes available in Southend - [www.ideasinmotionsouthend.co.uk](http://www.ideasinmotionsouthend.co.uk). This website will be able to provide the relevant links to the key websites that provide advice on how to find out the sustainable travel options and local active travel events. The leaflet should provide key links and contact information for the following:

## Sport England

### 6.4 Summary:

No objection is made as a statutory consultee subject to 5 planning conditions being imposed on any planning permission relating to the playing field enhancement works specification and phasing, throwing cage details, removal of construction compound and a community use agreement.

The application involves a number of proposals to facilitate the expansion of Southend High School for Boys that would affect the school's playing field. A new access road would bisect the playing field while an additional car parking area and a small barn building would be sited on the playing field adjoining the sports hall. An area to the west of the site which is divorced from the main body of playing fields would also be used as a construction compound on a temporary basis.

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

#### Sports Development Benefits

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

□ **Playing Field Enhancements:** As set out in the submitted agronomist's feasibility study prepared by Agrostis, the key deficiency of the main body of playing fields to the east of the site where pitches are marked out is the poor drainage conditions which affect the carrying capacity and surface quality of the pitches which in turn restricts the use of the pitches during the winter period by the school and places limitations on community use. To address this constraint, the Agrostis study report proposes a piped drainage scheme to the majority of the remaining playing field to the east of the site together with works to improve the surfaces. The applicant has confirmed that this proposal will be fully implemented. The benefit to the school (and existing community users of the site such as Leigh Dynamo FC) of implementing this scheme would be that significantly improved quality pitches would be provided which would have the carrying capacity to meet the needs of the school throughout the year which would help deliver the PE curriculum. This would reduce the potential for lessons and matches to be cancelled, surface conditions would be better and there may be the opportunity for increasing the use of the pitches. The community would also benefit as clubs that use the pitches at weekends would be at less risk of having matches cancelled due to pitch conditions plus there may be potential to offer additional use due to the increased capacity of the pitches.

- Throwing Cage: The existing throwing cage that is used for athletics to the north east of the playing field is in a poor state of repair and requires replacing to make it fit for purpose. It is proposed to provide a new throwing cage to replace it which would improve athletics opportunities for students;
- Community Use of Playing Fields: While a football club currently uses the school's playing fields at weekends, community use of the playing field is not formalised or secured at present as it is subject to informal arrangements. It is proposed to complete a community use agreement to secure community access to the playing field over a long term period. This would give existing and future community users greater security of access to the playing fields.

#### *Impact on Playing Field*

In relation to the impact on the playing field, while the proposals would not directly affect any of the existing playing pitches that are currently marked out on the playing field, they would affect areas that are capable of forming playing pitches (or parts of) and some of these areas have been used for pitches in the past. The proposed alignment of the new access road would also have the effect of prejudicing the use of the playing field area to the west of it as this area would be too small for allowing pitches to be marked out that are suitable for secondary school use. The use of the area to the west of the site as a construction compound would prevent this area from being used for formal sport for at least the period of the construction programme. Collectively, the proposals would be considered to have a significant impact on the playing field as several areas would be lost or prejudiced which could affect the ability of the school to meet its playing field needs.

#### *Conclusion*

In view of the playing field mitigation measures that have been proposed, I am satisfied that the potential sports development benefits of the proposals would outweigh the detriment caused by the impact on the playing field. The proposed development is therefore considered to accord with exception E5 of Sport England's playing fields policy. This being the case, Sport England does not wish to raise an objection to this application, subject to conditions being imposed as set out below.

## Public Consultation

6.5 Four site notices displayed on the 13<sup>th</sup> August 2015 and 87 neighbours notified of the proposal. 19 letters of representation have been received stating:

- Earls Hall Avenue suffers already from parking problems associated with the school
- The school will be increasing its students wishing to park and this will encroach on surrounding roads
- The Council should insist that when the building is completed there must be provision made for adequate parking on site for the sixth formers who wish to travel to the school by car
- No objection subject to parking restrictions on Earls Hall Avenue during school hours
- Strongly object to the plans for additional extensions due to parking
- The road construction and increased parking concentrated in the adjacent area to the rear of gardens in Earls Hall Avenue is of concern
- A one way road serving 130 vehicles at the foot of the garden will be most intrusive, causing noise and disturbance from starting, stopping, reversing, turning and parking **[Officer Comment: A condition will be imposed to ensure an acoustic fence is installed to the northern boundary abutting the new access road and parking area to the rear of nos. 46-70 Earls Hall Avenue].**
- Lights will penetrate through the gardens and living areas **[Officer Comment: A condition will be imposed to ensure an acoustic fence is installed to the northern boundary abutting the new access road and parking area to the rear of nos. 46-70 Earls Hall Avenue].**
- Landscaping proposals and low level bollards are insufficient to eliminate disturbance and there is no confirmation that the existing mature trees and tall shrubs along the boundary will be untouched preserving privacy **[Officer Comment: A landscaping strategy has been submitted for consideration, which will provide a buffer zone between the properties and the car parking area. A number of trees are to be retained along this boundary. This will be dealt with by condition].**
- There have been on-going drainage issues since the Sports Hall, Maths Block and demountable classrooms have been erected and gardens are frequently waterlogged and this proposal will exacerbate the drainage **[Officer Comment: The drainage strategy accompanying this application carried out by Peter Dann Consulting Engineers demonstrates that the onsite surface water system is designed to accommodate run-off during all events to and including the 100 year plus 30% to allow for increases in rainfall intensity due to climate change, which is considered acceptable in accordance with policy KP2 of the Core Strategy].**
- This application seeks to greatly reduce the green zone between properties in Earls Hall Avenue and the school and replace with a roadway to the detriment of the occupants of these properties

- Permission was originally refused for the sports hall and music facility and only allowed when a green zone of trees were planted between the residential areas and new buildings **[Officer Comment: A landscaping strategy has been submitted for consideration, which will provide a buffer zone between the properties and the car parking area. This will be dealt with by condition].**
- Earls Hall Avenue is often used as an overflow car park for sixth form pupils and this will inevitably increase the danger and parking problems in the surrounding streets including Earls Hall Avenue
- Students and parents park on the double yellow lines, across driveways and on blind bends, leaving only a road as a single track with no passing places and is impossible for emergency services
- We do not need a fatality before the school takes responsibility and provides adequate parking for students and parents.
- The school should allow parking on their own grounds for students.
- The transport statement is incorrect regarding the geographic residential location of their pupils and to the distance of the school.
- Parking has moved slightly from Earls Hall Estate but the school is still a serious issue in terms of parking.
- Introduction of parking restrictions would just move residents elsewhere and there is normally space somewhere on the Earls Hall Estate
- The school already admits there is an issue caused by students particularly sixth form from the head teacher to residents in July 2015
- A survey was sent to residents over five years ago regarding measures to improve the situation i.e. permit parking, using speed humps and converting the road into a one way operation but not solution was implemented. Since this the number of students has increased parking restrictions around the hospital has resulted in more people parking in local roads and people cut through to avoid the new arrangement on Cuckoo Corner.
- Permits should be implemented or prevent vehicle access to Earls Hall Avenue from Victoria Avenue or introducing speed humps **[Officer Comment: Proposals for permits or traffic calming are considered against established criteria and decisions are made by the Council's Traffic and Parking Working Party and Cabinet Committee. This is distinct from the Consideration of this application which will be dealt with on its planning merits].**
- Plans are incorrect as longpit no longer exists and existing gate onto Earls Hall Avenue not shown correctly. An alternative parking arrangement could be found from Earls Hall Avenue.
- Parking restrictions 0800-0930 to 1500-1630 Monday to Saturday to reduce parking from the school and Southend United**[Officer Comment: Proposals for permits or traffic calming are considered against established criteria and decisions are made by the Council's Traffic and Parking Working Party and Cabinet Committee. This is distinct from the Consideration of this application which will be dealt with on its planning merits].**
- The parking has always caused problems and councillors have been informed caused by cars, large lorries, refuse trucks passing freely through the road and damage has occurred to vehicles

- Section 4.8 of the planning statement refers to a neighbour consultation between the school and residents, it should be noted only a selected number of residents were contacted **[Officer Comment: All residents have been notified that about the boundary of the site for a period of 21 days together with the display of various site notices surrounding the site]**
- The school only chooses selected groups to notify
- The school does not have a travel plan or way to monitor it **[Officer Comment: A condition below will ensure the applicant has to submit a fully detailed travel plan with continuing monitoring targets]**
- The proposals identifies a large proportion of students live within 2km of the school and virtually all within 5km, this is factually incorrect
- The information submitted with the travel plan is incorrect i.e. TRICS data **[Officer Comment: A transport and parking summary has been received updating the new numbers of students and staff attending the school, clarifying the number of vehicle and cycle spaces required for the proposed development]**
- Lack of sufficient information to determine this planning application, this application should require a full Environmental Impact Assessment **[Officer Comment: The proposal does not meet the criteria set out for Schedule 1 Development, thus it is not considered a Schedule 1 development under the Town & Country Planning (Environmental Impact Assessment) Regulations 1999 (as amended). The proposed development could be classed as a Schedule 2 Development as an Urban Development Project. As such the proposal has been assessed against the criteria for Schedule 2 development. It is necessary to examine whether the proposals will have significant effects on the environment. Regard has also been had to Schedule 3 of the Regulations and Circular 02/99 (Environmental Impact Assessment). It is not considered to have significant environmental impacts taking into account, the modest size of the development; the cumulative impact with other development; the use of natural resources; the production of waste; pollution and nuisances and the risk of accidents. The site does not fall within an environmentally sensitive area likewise it is not in a National Parks, the Broads, Areas of Outstanding Natural Beauty, World Heritage Sites or scheduled monument). The development is not considered to result in a significant increase in the use of natural resources or production of waste. The development is not likely to result in a significant increase in the risk of accident].**



## 6.6 Councillor Davidson comments in relation to the proposal:

- The concerns of local residents living in the vicinity of the school are focussed on the proposed reconfiguration of the vehicle access arrangements to the school site, the planned level of parking provision and the location of the car park.
- The impact of a proposed development on the surrounding area is a valid consideration in any planning decision. In the case of SHSB, its expansion and development over recent years has already had a negative impact on surrounding residential streets.
- Current problems caused by insufficient on-site parking provision-The existing parking provision at the school has long been insufficient to accommodate staff, visitors and delivery vehicles. There is no provision at all for the growing number of 6<sup>th</sup> form students who drive to school: they park in neighbouring residential streets. This is aggravating the chronic parking congestion in the streets just outside the hospital parking scheme zone.

Earls Hall Avenue is the worst affected and seems to have become the overflow car park for the school. Problems reported by residents include:

- Regular difficulty getting in and out of their driveways
- Frequent occasions when refuse lorries and delivery vehicles can't get through and have to reverse long distances or undertake difficult turning manoeuvres
- Altercations and gridlock incidents, especially at end of school day
- A recent incident when a fire engine answering an emergency call had to turn back because it could not get through.
- The marked decrease in the number of parked cars in Earls Hall Avenue in school holidays is evidence of the impact of school related parking. If SHSB were to provide sufficient parking spaces for all its users, including its 6<sup>th</sup> form students, it would help ease the parking congestion. If SHSB maintain their policy of not allowing 6<sup>th</sup> form students to park on site, the congestion problems in neighbouring residential streets will worsen as the number of 6<sup>th</sup> form students increases.

### Proposed car parking provision

Whilst the plan by SHSB to have a purpose built car park for the first time is welcome news, Earls Hall Avenue residents whose properties back on to the proposed car park area have expressed concern about potential noise and light disturbance.

According to the information supplied in the planning application documents, the number of on-site parking spaces is to be increased from 90 to 123. This is claimed to be sufficient for the future needs of the expanded school. The calculations on which this claim is based are fundamentally flawed (see comments on Transport Statement below). **[Officer Comment: The applicant has submitted an updated transport and parking summary dated October 2015 clarifying the numbers students, staff and parking spaces as referred to in paragraphs 4.18-4.20 above].**

Parking provision for 6<sup>th</sup> form students is not envisaged in the plans as they currently stand. This is despite the fact that the school has been well aware of the school related parking congestion problems on Earls Hall Avenue. Residents again voiced their concerns at the school's consultation meeting with local residents held in June 2015.

The school has acknowledged the level of concern but their only response is to propose supporting a bid for a residents' parking permit scheme to be introduced. Some residents have viewed this as somewhat presumptuous on the school's part. It is not necessarily the wish of the residents to have such a scheme and it would merely shift the 6<sup>th</sup> form students' cars to adjacent streets.

#### Transport Statement

The Transport Statement forms a key part of the planning application: it is an essential means of demonstrating whether the proposals for vehicle access and the planned level of parking provision are feasible and appropriate.

Unfortunately, the assessment of transport need contained in this document is fatally flawed in several respects:

- SHSB has no School Travel Plan and did not supply any current information on modes of travel to and from the school or numbers of vehicle movements
- The authors of the Travel Statement seemed to be unaware that SHSB as a selective grammar school has a much wider catchment area than a similar sized non-selective school. The entire assessment of transport need and proposed Travel Plan is based on the faulty assumption that "*a large proportion of students live within 2 km of the school (considered walking distance) and virtually all within 5 km (considered cycling distance)*". This invalidates nearly everything that follows.
- The calculations contained in the assessment are based on TRICS data which is very dated (2001 and 2002) and refers to five schools, none of which is sufficiently comparable to SHSB. They did not all have 6<sup>th</sup> forms and they all had much smaller catchment areas.
- A major part of the Transport Statement is made up of what is referred to as a "Travel Plan" for SHSB. This is not an actual travel plan; rather it is a plan for drawing up a travel plan.

**[Officer Comment: The applicant has submitted an updated transport and parking summary dated October 2015 clarifying the numbers students, staff and parking spaces as referred to in paragraphs 4.18-4.20 above].**

#### Conclusion

It seems illogical to propose to obtain the information on modes of travel, parking demand etc. and draw up a School Travel Plan after the vehicle access and car park plans have been finalised. Surely the facts need to be established first. In particular, accurate forecasts are needed re number of vehicle movements in and out of the school site in order to assess whether Hoblethick Lane is feasible as the sole vehicle entrance for the school.

The Transport Statement needs to be completely rewritten, this time based on SHSB's actual data on current modes of travel. If comparative data is needed from other schools, these should be selective schools with similar sized catchment areas. **[Officer Comment: The applicant has submitted an updated transport and parking summary dated October 2015 clarifying the numbers students, staff and parking spaces as referred to in paragraphs 4.18-4.20 above].**

## **7 Relevant Planning History**

*There is an extensive planning history relating to this site. The most recent applications include:*

- 7.1 Erect temporary library building to playground area- Granted (15/00717/FULM).
- 7.2 Erect single storey extension to existing sixth form block- Granted (15/00622/FULM).
- 7.3 Demolish existing pitched roof in central roof terrace and install new flat roof to form additional storey and create new floorspace- Granted (13/00902/FUL).

## **8 Recommendation**

**Members are recommended to:**

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

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

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

- 2 The development hereby permitted shall be carried out in accordance with the approved plans 15-17819-01 Revision C Detail Plan of Portacabin; 14-1448 08 Proposed Exit Gates; 14 1448 LP1 Location Plan; LOC 1507-05 Front of School Planting Plan; 14 1448 04 Proposed Elevations; LOC 1507/04 Revision B Car Park Planting Plan; 14 1448 01 Revision B Proposed Site Plan; 14 1448 05 Proposed Site Section; 14 1448 03 Proposed First Floor Plan; 14 1448 02 Proposed Ground Floor Plan; 14 1448 07 Proposed 3D Images; XX-DR-D202 Revision P1 Library Drainage Layout; XX-DR-D230 Revision P1 Drainage Details Revision Sheet 1; XX-DR-D231 Revision P1 Drainage Details Sheet 2; 14 1448 01 Revision A; 14 1448 06 Revision B Proposed Roof Plan.**

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

- 3 The portacabin shall be removed 3 years from the date of this permission.**

**Reason: The siting of the portacabin would be unacceptable on a permanent basis.**

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

**Reason: In the interests of visual amenity and 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)**

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

**Reason: To ensure provision of adequate improvements to the quality of the playing field and to accord with the Borough Local Plan Policy CP7 of the Core Strategy DPD1.**

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

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

- 7 No development shall commence until a detailed playing field specification, and an implementation programme, prepared in consultation with Sport England, has been submitted to and approved in writing by the Local Planning Authority. The approved specification shall be complied with in full prior to the completion of the development unless otherwise agreed with the Local Planning Authority.**

**Reason: To ensure provision of adequate improvements to the quality of the playing field and to accord with Development Plan Policy CP7 of Core Strategy DPD1.**

- 8 The playing field enhancement works of the development hereby permitted shall be completed prior to commencement of the access road hereby permitted.**

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

- 9 No development shall commence until details of the replacement throwing cage as shown on drawing 14.189/08 Revision D including an implementation programme have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The throwing cage shall not be constructed other than substantially in accordance with the approved details.**

**Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy CP7 of the Core Strategy.**

- 10 The temporary construction compound to be removed and for the area affected to be subsequently reinstated to playing field use within 3 months of completion of the development, unless otherwise agreed in writing with the local planning authority. Such a condition is justified to ensure that the compound is removed in practice at the end of the construction period and the affected playing field area is reinstated to playing field use.**

**Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy CP7 of the Core Strategy.**

- 11 Prior to commencement of the development hereby permitted details of a community use agreement for the school's playing field shall be submitted and approved by the local planning authority (in consultation with Sport England) prior to construction of the new access road in order to ensure that community access to the playing field is secured in practice. A community use agreement sets out a school's policy and arrangements for community use of its facilities and covers matters such as hours of use, pricing policy, types of bookings accepted, restrictions on community use, facility management arrangements etc. The agreement is usually between a school and the relevant local authority or leisure trust (e.g. Southend-on-Sea Borough Council) but may involve additional bodies and shall remain in perpetuity for the lifetime of the development.**

**Reason: To ensure the development is available for the community and is fit for purpose and sustainable and to accord with Development Plan Policy CP7 of the Core Strategy.**

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

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

- 13 Prior to the commencement of works on site, a plan/programme for the management of construction traffic shall be submitted to and agreed in writing by the Local Planning Authority. The plan/programme shall include details of measures to limit construction traffic, and the development shall be carried out in accordance with the approved details unless the local planning authority gives written approval to any variation.**

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

- 14 The development hereby permitted shall not be occupied until the highways works identified on drawings 14 148801 Revision B have been completed.**

**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).**

- 15 The 130 car parking spaces shall be implemented prior to occupation of the school building in accordance with drawing 14 1448 01 Revision B 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).**

- 16** Prior to first occupation of the development hereby approved, a Travel Plan including a comprehensive survey of all users, targets to reduce car journeys to school, details of local resident involvement in the adoption and implementation of the travel plan, identifying sustainable transport modes including cycling and modes of public transport shall be submitted to and agreed in writing by the local planning authority, prior to the first use of the approved parking area. At the end of each academic year the Schools Travel Plan monitoring the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified problems must be submitted to and approved in writing by the local planning authority. The Travel Plan must be implemented in accordance with the approved details unless otherwise agreed in writing with the local planning authority.

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

- 17** Prior to use of the additional car parking spaces as shown on drawing 14.1448-.01 Revision B, details of an acoustic fence to be installed on the northern boundary between nos. 46 to 70 Earls Hall Avenue shall be submitted to and agreed in writing by the local planning authority. The fence shall be installed in accordance with the approved details and be permanently retained thereafter, unless otherwise agreed in writing by the local planning authority.

**Reason:** To protect residential amenity and general environment quality in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and policy DM1 of the Development Management Document DPD2.

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

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

- 19 The development hereby approved shall be carried out in accordance with the Drainage Strategy carried out by Peter Dann Consulting Engineers and drawings 10-6127\_XX-DR-D202 Revision P1, 6127\_XX-DR-D230 Revision P1, 6127\_XX-DR-D231 Revision P1. The sustainable drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

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

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

**Reason:** To protect residential amenity and general environment quality in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and policy DM1 of the Development Management Document DPD2.

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

**Reason:** To protect residential amenity and general environment quality in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and policy DM1 of the Development Management Document policy DPD2.

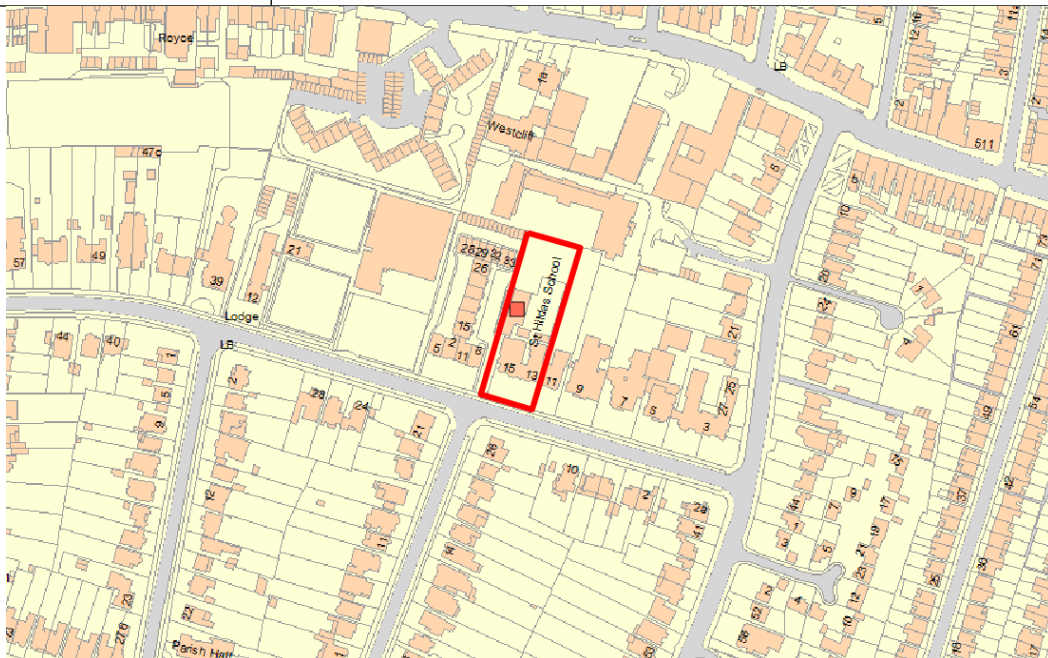
#### **Informatives**

- 1 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.
- 2 In relation to Condition 14, you are advised to contact Highways Engineer – Martin Warren (Tel: 01702 534328 Email: martinwarren@southend.gov.uk) to discuss the requisite Highways Licence and approved contractors. You are advised that a Highways Licence needs to be in place before any works are carried out to the public highway and you will need to employ a Council approved contractor to carry out any works to the public transport infrastructure, namely bus stops in this instance.
- 3 You are advised that the development hereby approved is likely to require approval under Building Regulations. Our Building Control Service can be contacted on 01702 215004 or alternatively visit our website [http://www.southend.gov.uk/info/200011/building\\_control](http://www.southend.gov.uk/info/200011/building_control) for further information.



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

|                             |  |
|-----------------------------|--|
| <b>Reference:</b>           | 15/01125/FULM  |
| <b>Ward:</b>                | Chalkwell  |
| <b>Proposal:</b>            | Demolish ancillary buildings to existing school and convert and extend main building to form 14 self-contained flats and erect 4 three storey terraced dwelling houses with associated amenity space, hard and soft landscaping, layout 24 parking spaces, cycle and bin store and extend existing vehicle crossover |
| <b>Address:</b>             | Former St Hilda's School, 13 - 15 Imperial Avenue, Westcliff-On-Sea, SS0 8NE   |
| <b>Applicant:</b>           | CDC Limited  |
| <b>Agent:</b>               | Pomery Planning Consultants LTD  |
| <b>Consultation Expiry:</b> | 27.08.15   |
| <b>Expiry Date:</b>         | 29.12.15   |
| <b>Case Officer:</b>        | Louise Cook  |
| <b>Plan numbers:</b>        | 6271-1110-B, 6271-1320-A, 6271-1230-A, 6271-1501-A, 6271-1601-A, 6271-1330A, 6271-1300-, 6271-1102-, 6271-1321, 6271-1331, 6271-1105, 6271-1200, 6271-1210, 6271-12220-Rev A   |
| <b>Recommendation:</b>      | <b>Delegate to the Group Manager of Planning and Building Control or Head of Planning &amp; Transport to GRANT PLANNING PERMISSION subject to completion of S.106 Agreement</b>  |



## **1 The Proposal**

- 1.1 Planning permission is sought to demolish the ancillary buildings at the existing school and convert and extend the main building to form 14 self-contained flats and erect 4no. three storey terraced dwelling houses with associated amenity space, hard and soft landscaping, layout 24 parking spaces, cycle and bin store and extend existing vehicle crossover.
- 1.2 The existing main building will be extended by continuing the roof ridge across the building in a westerly direction to the edge of the existing building, forming dormer windows to the front and rear elevations and extending over existing side and rear projections to form three storeys of accommodation. Balconies and terraces will be provided to the front and rear of the building at second floor level. Solar panels are proposed to be installed on the front (south facing roof slope) and roof lights into the front and rear roof slopes.
- 1.3 14no. flats are proposed in the main building comprising of 5no. one bedroom units, 8no. two bed units and 1no. three bedroom flats. The flats vary from 59sq.m to 98sq.m in size.
- 1.4 A paved terrace is proposed to provide private amenity space to the two ground floor flats which will extend approximately 4.3m from the front of the building. A 1.8m high timber fence with planter boxes in front are proposed to enclose the terrace.
- 1.5 In terms of the proposed materials to be used, the main building will retain the existing brickwork and the existing render will be re-coated and painted off-white. Some existing timber windows on the building will be reglazed and repainted and others replaced. At the rear and towards the rear on the western side elevation, some new timber/aluminium hybrid windows will be provided along with bi-fold doors.
- 1.6 4no. five bedroom dwellinghouses are proposed to the rear of the site which each measure 189sq.m in size and have private rear gardens varying from 75sq.m to 110sq.m. The dwellinghouses will have solar panels on the front (south facing) roof slope and roof lights in both front and rear elevations.
- 1.7 The proposed dwellinghouses will be finished in buff brickwork and off-white render, slate roofs and have timber/aluminium hybrid windows and doors. The front door will be timber and have a glazed screen.
- 1.8 The site will utilise the existing access and 24 car parking spaces are proposed to the rear of the site together with cycle parking for 14 cycles. A vehicle passing place is proposed to the front of the building.

## **2 Site and Surroundings**

- 2.1 The site is located on the northern side of Imperial Avenue opposite its junction with Drake Road. The site is broadly rectangular in shape measuring approximately 30m wide x 94m deep. Vehicular access runs along the western boundary of the site off Imperial Avenue.

- 2.2 The site comprises of two storey and single storey buildings which were formerly occupied by St. Hilda's School before closure in July 2014. The existing buildings were originally Edwardian houses. The main building on the frontage is attached to 11 Imperial Avenue which comprises of flats. To the rear of the site are single storey buildings which are proposed to be demolished.
- 2.3 The surrounding area is predominantly residential in character. However, Imperial Avenue has a mix of styles in terms of the buildings it comprises. The local area is predominantly characterised by residential dwellinghouses on large plots, some of which have been converted into flats or supported residential accommodation.
- 2.4 Immediately to the west of the site is Winton Lodge, a three storey block of flats with two storey terrace houses to the rear forming a 'T-shape'.
- 2.5 The rear of the site backs onto Alston Court which has a maximum height of five storeys and comprises of 54no. retirement flats.
- 2.6 A large Oak tree to the front of the site is subject to a Tree Preservation Order and is to be retained within the scheme.

### **3 Planning Considerations**

- 3.1 The main considerations in the determination of this application are in relation to the principle of the development, design and impact on the streetscene and impact on neighbouring occupiers, standard of accommodation for future occupiers, traffic and highways, sustainable development and developer contributions.

### **4 Appraisal**

#### **Principle of Development**

**National Planning Policy Framework; DPD1 (Core Strategy) Policies KP1, KP2, CP4, CP6, CP8; Development Management Document Policies DM1, DM3, DM7, DM8 and the Design and Townscape Guide SPD1 (2009)**

- 4.1 One of the Core Planning Principles of the NPPF is to "*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value*". The proposed development meets this requirement.
- 4.2 Policy CP6 of the Core Strategy seeks to support improvements and the provision of new education facilities across the Borough in order to ensure that development will not jeopardise the Borough's ability to improve the education attainment of local residents and visitors to Southend.

- 4.3 The site was formerly used as an independent school (St Hilda's) from 1947 until it and closed in July in 2014. The site has since been vacant. Therefore, whilst the site has a lawful use as a school (Class D1), as an independent school the Council had no control over its closure and therefore cannot reasonably insist on a replacement school or education use on site. It is believed that students attending the school before its closure were accommodated by other schools locally.
- 4.4 Policy CP8 of the Core Strategy identifies that 6500 dwellings will be provided within the Borough over the plan period and that 2550 of those dwellings should be provided through the intensification of the use of land. The policy also identifies that 80% of residential development should occur on previously developed land, such as the application site. The effective and efficient use of the land is also encouraged by Policy DM3 of the Development Management Document.
- 4.5 Policy DM3 (section 2) of the Development Management Document states:
- “All development on land that constitutes backland and infill development will be considered on a site-by-site basis. Development within these locations will be resisted where the proposals:*
- (i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or*
  - (ii) Conflict with the character and grain of the local area; or*
  - (iii) Result in 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.”*
- 4.6 Paragraph 194 of the Design and Townscape Guide states, *“Whether a backland site is suitable for development will be decided on a site by site basis. In some cases the site may be too constrained or the principle of development may be out of character.”*
- 4.7 There is a precedent for backland development along the street (for example at the neighbouring development – Winton Lodge) and given the size and distance from neighbouring properties there is no objection in principle to the proposed dwellinghouses at the rear of the site.

4.8 Policy DM7 of the emerging Development states that all residential development is expected to provide a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing on appropriate sites, to reflect the Borough's housing need and housing demand. The Council seek to promote a mix of dwellings types and sizes as detailed below:

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

4.9 Whilst the proposed development does not strictly comply with Policy DM7 as there are a greater number of two bedroom units than three bedroom units proposed, the proposed development will however, provide 4no. five bedroom dwellinghouses which is favorable. Given the constraints of the existing building it is pleasing to see that a three bedroom unit has been accommodated within the main building with a private terrace area to the rear. Therefore no objection is raised in this instance to Policy DM7.

4.10 With regards to viability, the applicant has submitted a viability appraisal which has been independently assessed by the District Valuer Service (DVS). This has demonstrated that the scheme is not viable and will go into further detail in the 'Developer Contributions' section of this report set out below.

4.11 The above points with regards to Policy DM8 (Residential Standards) will be addressed in more detail set out in the report below.

4.12 The site is located in a residential area and therefore, the principle of residential development on the site is considered to be acceptable, subject to the considerations detailed below being satisfactorily addressed.

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

#### **National Planning Policy Framework; DPD1 (Core Strategy) Policies KP2, CP4; Development Management Document Policies DM1 and DM3 and the Design and Townscape Guide SPD1 (2009)**

4.13 The proposal is considered in the context of the Borough Council policies relating to design including Core Strategy DPD Policy KP2 and CP4, Development Management Document Policies DM1 (Design Quality) and DM3 (The Efficient and Effective Use of Land) and the Design and Townscape Guide. These policies require that new development respects the existing character and appearance of the building and the townscape and reinforce local distinctiveness.

4.14 A core planning principle set out in Paragraph 17 of the NPPF is to seek to secure high quality design and good standards of amenity for future occupiers.

4.15 The NPPF also states at paragraph 56:

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

4.16 Policy CP4 of the Core Strategy seeks development which contributes to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend through maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the nature and scale of that development.

4.17 A critique of the proposed development has been undertaken by the Council’s Design and Regeneration Officer and is included in the consultation section below. No objection has been raised to the scale and design of the proposed additions to the main building. Further details of the gable profile, curtain walling, brise soleil and balcony detailing can be dealt with by condition should permission be granted to ensure that they are of a quality appropriate to the building.

4.18 The materials to be used on the main building are appropriate and would not be detrimental to the streetscene.

4.19 The proposed car park is located to the rear of the building and is considered to be an appropriate location in terms of design in order to reduce the impact on the streetscene and to retain the attractive soft landscaped frontage, including preserved tree. Full details of both soft and hard landscaping together with boundary treatments can be dealt with by condition should permission be granted.

4.20 The location of the proposed terrace block of dwellinghouses to the rear of the site corresponds to the rear block of Winton Lodge, and the height of these houses is also similar to that of the neighbour which will provide a degree of cohesion between the two sites. The proposed dwellinghouses are of modern design. Whilst concern has been raised by the Design Officer regarding the use of buff bricks, amended plans have been received which have altered the bricks to be used on the dwellinghouses to red bricks. The design of the dwellinghouses are considered to be acceptable and will be located a significant distance from the streetscene.

4.21 It is considered that the proposed alterations and extensions to the building would not be detrimental to its character and appearance. The current building will benefit from regeneration in terms of its appearance.

4.22 Therefore, in light of the above, the proposed development satisfies the policies detailed above.

## Impact on Neighbouring Occupiers

### **National Planning Policy Framework; DPD1 (Core Strategy) Policies KP2 and CP4; Development Management Document Policies DM1 and DM3, and the Design and Townscape Guide SPD1**

- 4.23 The proposal is considered in the context of Policy CP4 of the Core Strategy (DPD1) which requires all development within residential streets to be appropriate in its setting by respecting neighbouring development, existing residential amenities and overall character of the locality.
- 4.24 Policy DM1 of the Development Management Document states that *“in order to reinforce local distinctiveness all 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...”*
- 4.25 The site is surrounded by residential development – Winton Lodge to the west of the site, flats at 11 Imperial Avenue to the east of the site and Alston Court (Flats 1-54) Crowstone Road to the rear (north) of the site.
- 4.26 With regard to the impact upon Winton Lodge, this is a three storey block of flats facing Imperial Avenue with two storey dwellings to the rear which form a ‘T-shape’ within the site. A minimum separation distance of 8.7m will be retained between the three storey block (flats 1-12 Winton Lodge) which increases to 18.8m at the rear. Whilst there are windows in the south facing elevation of Winton Lodge, these windows serve bathrooms (which are non-habitable rooms) and secondary bedroom windows serving bedroom 1. These bedrooms have the main window on the southern (front) flank.
- 4.27 The existing building is proposed to be extended on the western side by extending the main roof across and extending above an existing two storey flat roof projection towards the side/rear. Whilst the bulk of the building will be increased, it is not considered that the proposed development would be overbearing upon neighbouring properties in Winton Lodge given its design, siting and separation distance.
- 4.28 Whilst there are a number of habitable room windows proposed in the western flank facing Winton Lodge, there are currently windows in this position on the existing building. New windows are proposed to serve second floor flats however, these are small windows and given the prevalence of windows on the first floor of the existing building, it is not considered that they would be detrimental to the amenities of neighbouring occupiers considering the historic relationship.



- 4.29 With regard to the impact on no. 11 Imperial Avenue, this building is attached to the application building and comprises self-contained flats. The alterations proposed to the front of the building will have no material impact upon the amenities of these neighbouring occupiers. To the rear of the building, there is an existing two storey rear projection which is sited 2.3m from the adjoining boundary with no. 11 and has existing first floor side windows facing no. 11. It is proposed to extend above this projection by increasing the roof pitch, altering the hipped end into a gable to form accommodation in the roofspace. It is not considered that the increase in roof height and pitch of the existing two storey projection at the rear would result in material harm to the amenities of no. 11. There are two east facing side windows proposed in the first floor flat to serve an en-suite and second bedroom which can be required to be obscure glazed should permission be granted. Whilst obscure glazing the only window to the second bedroom in this room is not ideal, it is considered necessary to prevent direct overlooking of no. 11 and buyers will be aware of this when purchasing this unit.
- 4.30 There is no east facing windows in the second floor of the proposed development facing no. 11.
- 4.31 Whilst there are two first floor windows on the northern elevation of the main building adjacent to the boundary with no. 11 serving the second bedroom of this proposed unit, it should be noted that these windows will replace existing clear glazed windows in this position on the building and therefore, will have no material harm on neighbours at no. 11. A new dormer window is proposed to be sited in the roofspace above these windows and this can be required to be obscure glazed and will serve a bathroom and en-suite to a second floor flat.
- 4.32 With regard to the impact upon the occupiers of Alston Court (Flats 1-54), Crowstone Road to the rear (north) of the site, the main building of the proposed development will have a separation distance of 57m to the rear boundary of the site and therefore, sufficient to have no material harm upon the amenities of these occupiers.
- 4.33 The proposed dwellinghouses will be sited 9.7m from the rear boundary to the site and have a minimum separation distance of 16m to Alston Court, increasing to 36m where the neighbouring building is at its highest (five storeys in height). The proposed dwellinghouses will be three storeys in height but read as two storeys with rooms in the roof. Given the scale of Alston Court together with the scale of the proposed development and reasonable separation distances, it is not considered that the proposed dwellinghouses would be overbearing upon or give rise to overlooking of the neighbours of Alston Court.
- 4.34 There is a minimum separation distance of 30m to the nearest boundary of neighbouring properties opposite the application site (21 and 26 Drake Road, and 10 Imperial Avenue). This is a satisfactory level of separation distance to prevent overlooking and loss of privacy to these neighbours and to ensure that the proposed development will not be overbearing upon these occupiers.

- 4.35 There are no other neighbouring occupiers that could potentially be affected by the proposed development.
- 4.36 It is considered that the use of the site for the scale of the proposed residential development would be compatible with the amenities of the local area and neighbouring residential development.
- 4.37 Therefore, it is not considered that the proposed development would be detrimental to the amenities of neighbouring occupiers and satisfies the policies detailed above.

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

#### **National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy, Policy DM8 of the Development Management Document and the Design and Townscape Guide SPD1**

- 4.38 Policy DM8 of the Development Management Document states:

*“The internal environment of all new dwellings must be high quality and flexible to meet the changing needs of residents. To achieve this all new dwellings should:*

- (i) Provide convenient, useable and effective room layouts; and*
- (ii) Meet, if not exceed, the residential space standards set out in Policy Table 4 and meet the requirements of residential bedroom and amenity standards set out in Policy Table 5; and*
- (iii) Meet the Lifetime Homes Standards, unless it can be clearly demonstrated that it is not viable and feasible to do so; and*
- (iv) Ensure that at least 10% of new dwellings on major\* development sites are wheelchair accessible, or easily adaptable for residents who are wheelchair users; and*
- (v) Make provision for usable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space. Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances, the reasons for which will need to be fully justified and clearly demonstrated.”*

As detailed in the principle of development section above, the Lifetime Homes Standards referred to above, have been recently superseded by The Building Regulations 2015 Volume 1: Dwellings, M4(2): Accessible and Adaptable Dwellings. Further information has been requested and will be detailed on the Supplementary Report.

4.39 The internal floorspace standards set out in Policy DM8 of the Development Management Document have been superseded by the National Technical Housing Standards introduced in October 2015. These set out the following minimum internal space standards:

*Flats*

*1 bedroom (2 bed spaces) 50sq.m & built in storage 1.5sq.m.*

*2 bedroom (4 bed spaces) 70sq.m & built in storage 2sq.m.*

*3 bedroom (6 bed spaces) 95sq.m & built in storage 2.5sq.m.*

*Three storey dwellinghouses*

*5 bedroom (8 bed spaces) 134sq.m & built in storage 3.5sq.m.*

The following is also prescribed by the national standard:

- The dwelling provides at least the gross internal floor area and built-in storage area set out in by the nationally describe space standards, Table above
- A dwelling with two or more bed spaces has at least one double (or twin) bedroom
- In order to provide one bedspace, a single bedroom has a floor area of at least 7.5sq.m and is at least 2.15m wide
- In order to provide two bed spaces, a double (or twin bedroom) has a floor area of at least 11.5sq.m
- One double (or twin bedroom) is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide
- Any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage (if the area under the stairs is to be used for storage, assume a general floor area of 1sq.m within the Gross Internal Area)
- Any other area that is used solely for storage and has a headroom of 900-1500mm (such as under eaves) is counted at 50% of its floor area, and any area lower than 900mm is not counted at all
- A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements, but should not reduce the effective width of the room below the minimum widths set out above. The built-in area in excess of 0.72sq.m in a double bedroom and 0.36sq.m in a single bedroom counts towards the built-in storage requirement
- The minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area.

4.40 Whilst some of the proposed stores to the proposed flats are slightly under the required standard, it is recognised that nearly all of the proposed flats are larger than the minimum internal space standards prescribed above and will provide a satisfactory standard of accommodation in line with the standards set out in the bullet point list above. Therefore, it is not considered reasonable to raise an objection on the basis of insufficient internal storage facilities in those flats concerned.

- 4.41 The proposed development will provide convenient, useable and effective room layouts with satisfactorily outlook and levels of natural light.
- 4.42 Adequate waste storage facilities, cycle parking and domestic storage facilities are proposed within the development.
- 4.43 Whilst the Council has no set standard for amenity space, it is recognised that private outdoor space is an important amenity asset and all new residential units will be expected to have direct access to an area of private amenity space. This is recognised in Policy DM8 of the Development Management (DM) Document. Paragraph 4.43 of the DM states, “...*In the case of flats, balconies may take the place of a garden, although easily accessible semi-private communal areas will also be beneficial.*”
- 4.44 The proposed dwellinghouses will each have private rear gardens ranging from 75sq.m to 110sq.m in size which are considered acceptable.
- 4.45 The two ground floor flats located to the front of the building will each have access to a private terrace measuring 35sq. and 55sq.m. The remainder of the proposed ground floor flats will have private amenity areas directly accessible from each flat to the rear which are 38sq.m, 39sq.m and 82sq.m in size.
- 4.46 The following balconies/terrace areas are proposed to the proposed second floor units:
- Flat no.*  
201 = 20sq.m.  
202 = 5sq.m.  
203 = 9sq.m.  
204 = 4.2sq.m.
- 4.47 Whilst none of the first floor flats have private amenity space, a communal front garden measuring 293sq.m will be provided. Whilst it is noted that this area is located to the front of the site, enhanced boundary planting can be provided to the boundaries to provide a sense of enclosure and privacy to ensure that this area is a useable amenity space. Further details can be required by condition should permission be granted.
- 4.48 Whilst the proposed amenity space for the upper floor units is rather limited, it is considered that the front garden, subject to the imposed conditions can be suitably used as an amenity space and given the constraints of the site and the need to require a prescriptive level of parking, a balance must be had between meeting these prescriptive requirements and providing an acceptable standard of accommodation. Taking into account each of these factors, that all the larger units will have private amenity spaces, that the site is located within a few minutes' walk of Chalkwell Park, it is considered that the proposed development makes best use of the site and will provide an acceptable standard of accommodation, in accordance with Policy DM8 of the Development Management Document.

## **Traffic and Transportation**

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

- 4.49 Policy DM15 (Appendix 6) of the Development Management Document requires vehicle parking standards of a minimum of one space per flat and two spaces per dwellinghouse. A total of 24 car parking spaces are proposed (2 per dwellinghouse and 16 to serve the flats. Therefore, the proposed development exceeds these requirements.
- 4.50 Appendix 6 of DM15 also requires one secure covered cycle parking space per dwelling. A cycle parking area is shown to the rear of the main building in the car park area which will accommodate 14 cycles (one per flat). The proposed dwellinghouses will have secure rear gardens where cycle parking can be provided and therefore, no further information would be required and this is considered to be satisfactory in accordance with policy. In respect of the cycle parking for the flats, further details can be required by condition should permission be granted.
- 4.51 Access to the site remains the same as existing off Imperial Avenue and via the existing driveway to the rear of the site. No objection has been raised to this by the Highways Department. The applicant should provide signage for future residents stating that the vehicles entering the site have priority over vehicles existing. A passing place could be accommodated within the front garden and this can be dealt with by condition should permission be granted. Specific materials can be used and agreed for the passing place to ensure that the tree roots are not affected.
- 4.52 The applicant has instructed an independent consultancy to review the traffic generated by the proposed development in comparison to the former independent school use of the site and TRICs data has been provided. It has been demonstrated that the proposed development would produce significantly less traffic during the former school use during the weekday school peak hours and over the course of a 12 hour day. Furthermore, an increase of only one vehicle movement would be likely during the typical road network PM peak hour which would not be detrimental to the amenities of local residents. Additionally, the proposed development would have a far lower demand for on street car parking than the former school use, particularly during the busy school hours. No objection has been raised to the proposed development on the basis of traffic movement by the Council's Highways Officer.
- 4.53 The location of the refuse store is outside of the current collection guidance and therefore, an alternative refuse provision will be required. The applicant has confirmed that a private agreement will be reached for waste collection which is acceptable.

- 4.54 Therefore, in light of the above, no objection is raised on highways grounds and the proposed development satisfies the policies detailed above.

### **Sustainable Construction**

#### **National Planning Policy Framework; DPD1 (Core Strategy) Policy KP2; Policy DM2 of the Development Management Document and the Design and Townscape Guide SPD1**

- 4.55 Paragraph 97 of the NPPF states that Local Authorities should promote energy from renewable sources. Policy KP2 of the Core Strategy states that all new development proposals should demonstrate how they will maximise the use of renewable and recycle energy, water and other resources.
- 4.56 Policy DM2 of the Development Management Document requires new development to be energy and resource efficient.
- 4.57 Photovoltaic panels are proposed to be installed onto the roof of the main building and the dwellinghouses. Whilst no further details have been provided, should permission be granted, a condition can be imposed to ensure full details are submitted and agreed with the Local Planning Authority if this application is deemed acceptable to ensure the proposal complies with the National Planning Policy Framework 2012, Development Management Policy DM2, Core Strategy Policy KP2, and advice contained within the Design & Townscape Guide SPD1.
- 4.58 Details of Sustainable Urban Drainage systems will also be required by condition to ensure suitable drainage is provided and permeable paving to mitigate surface water run-off.

### **Developer Contributions**

#### **National Planning Policy Framework; DPD1 (Core Strategy) policies KP3, CP4 and CP8; SPD2 (Planning Obligations), Community Infrastructure Levy Charging Schedule**

- 4.59 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.
- 4.60 The site is located within Zone 1 and a CIL rate of £20 per square metre is required for the proposed development. A CIL of £17,680 is thereafter payable.
- 4.61 Policy CP8 of the Core Strategy requires 20% affordable housing to be provided within the development. However, the applicant has submitted a Financial Viability Assessment for the scheme on the basis the development is unviable with affordable housing included. This has been independently assessed by the District Valuer Service (DVS) who have produced a draft report. This suggests the scheme cannot provide affordable housing and the

applicant has offered a £10,000 off-site affordable housing contribution.

4.62 Paragraph 173 of the National Planning Policy Framework states:

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

4.63 The inputs are currently being reviewed by officers and the acceptability of the applicant’s offer will be reported within the supplemental report.

### **Conclusion**

4.64 In light of the above, the principle of residential development on the site is considered to be acceptable and in keeping with the local area which is predominantly residential in character. The design of the proposed development is considered to be acceptable and would not have a detrimental impact upon the character and appearance of the streetscene or upon the amenities of neighbouring occupiers.

4.65 The proposed development will provide a satisfactory standard of accommodation and off-street parking in accordance with policy. Further details of SUDs and ensuring that the proposed development meets The Building Regulations 2015 Volume 1: Dwellings, M4 (2) in respect of accessibility and adaptability have been requested and will be reported on the supplementary report. The applicant considers the scheme is not viable with affordable housing included but a contribution of £10,000 has been offered. Subject to a review of DVS findings, the proposal is considered acceptable.

## **5 Development Plan**

5.1 National Planning Policy Framework, 2012.

5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure) and CP8 (Dwelling Provision).

5.3 Development Management Document DPD Policies DM1 (Design Quality), DM2 (Low Carbon and Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management).

- 5.4 Design and Townscape Guide Supplementary Planning Document 1 (2009) (SPD1).
- 5.5 The Community Infrastructure Levy Charging Schedule, 2015.
- 5.6 Planning Obligations: A Guide to Developer Contributions (SPD2).
- 5.7 Waste Storage, Collection and Management Guide for New Developments (October 2014).

## 6 Relevant Planning History

- 6.1 None.

## 7 Representation Summary

### Highways

#### 7.1 *Parking*

The proposed car parking provision is accessed via the existing driveway. This is considered acceptable. The applicant should provide signage for future residents to indicate that vehicles entering the site have priority over vehicles exiting. A passing place could be accommodated within the front garden however, consideration would need to be given to the existing preserved tree in the front garden. Parking provision for all the dwellings meet current parking standards. The layout of the parking area is suitable to allow effective vehicle manoeuvring within the site. 14 cycle parking spaces have been provided which is acceptable. **[Officer comment: Amended plans have been received which have incorporated a passing place within the access road.]**

#### 7.2 *Refuse*

The location of the refuse store for the proposed flats is outside of current collection guidance therefore, alternative refuse provision is required. The applicant has confirmed that a private agreement will be reached for waste collection which is acceptable.

#### 7.3 *Traffic Generation*

The site was previously St Hilda's School which had approximately 90 students together with teaching and administrative support. Consideration has to be given to this previous use and the traffic generation associated with it. The proposal will represent a traffic reduction in terms of vehicle trips to and from the site. The site benefits from being in a sustainable location with regard to public transport with good links in close proximity, including bus services and Westcliff Station.



## Design and Regeneration

- 7.4 The proposal seeks to alter the roof line so that a single roof spans across the footprint of the building to the front and insert a number of roof extensions at this level. The size of the additions is considered appropriate to the building and satisfactorily relates to the features on the lower floors. These additions are modern in their detailing and will therefore provide a contrast to the character below but it is considered that this could achieve an interesting and valid addition to the streetscene, provided that they are well detailed. It will be particularly important to ensure that the gable profile, curtain walling, brise soleil and balcony detailing are of a quality and dimension appropriate to the building and therefore these details, including cross sections, design details and materials should be conditioned should planning permission be granted. Details of the proposed glass porch would also be welcomed.
- 7.5 The roof extension to the side is much more significant in its bulk than those to the front but it is noted that this elevation is not prominent in the streetscene. It is also a requirement to protect the amenity of the adjacent Wilton Lodge which prevents this element from having more glazing. The impact of this element could be mitigated to some extent with good detailing to the roof overhang and windows and details of this should be conditioned. To the rear the additions are again significant with areas of flat roof but this elevation does include extensive glazing which enhances the design and prevents the additions from appearing too overly dominant.
- 7.6 Concern is raised regarding the proposed 1.8m high timber fence located to the front of the building. It is considered that this would appear inappropriate in this setting and obscure the front of the building and would generally be detrimental to the character of the building and that of the wider streetscene. It is recommended that the boundary treatment should be revised and upgraded to a higher quality material such as a railing or low wall with railing (up to 1.5m max) which will allow glimpses of the building behind. This could be supplemented by planting in the ground in the communal garden to soften and add further natural screening. **[Officer comment: Revised plans have been received which have addressed this issue.]**
- 7.7 Pleasing to see car parking located to the rear of the site rather than on the street frontage. No objection to the modern design of the proposed dwellinghouses. Questions raised asking whether the materials on the proposed dwellinghouses (buff bricks) can be altered and additional tree planting can be accommodated in the car parking area. **[Officer comment: Amended plans have been received which have accommodated these changes.]**
- 7.8 The proposed solar panels should meet the 10% requirement for renewable energy. **[Officer comment: This can be dealt with by condition should permission be granted.]**

## **Strategic Housing (Affordable Housing)**

- 7.9 The Department for People reaffirms the need for Affordable Housing within the borough and is disappointed to see that a viability exercise has been requested at an early stage in the proceedings. Within the Planning Statement (point 5.24) the developer has indicated that they intend to submit a Viability Assessment to support the removal of the affordable housing requirement, until this assessment has been formally submitted and assessed by the relevant planning officer The Department for People would not support this application. **[Officer comment: The report has since been independently assessed.]**

## **Parks**

- 7.10 No comments received.

## **Environmental Protection**

- 7.11 No comments received.

## **Property and Regeneration**

- 7.12 No comments received.

## **Waste Management and Streetscene**

- 7.13 Queries raised regarding access to the proposed bin store. **[Officer comment: The developer has confirmed that the refuse collection will be by private developer and therefore, the Council cannot impose its access standards normally sought.]**
- 7.14 Further detail regarding the proposed bin store and recycling. **[Officer comment: This can be dealt with by condition should permission be granted.]**

## **Essex and Suffolk Water**

- 7.15 No objection.

## **Anglian Water**

- 7.16 No objections raised.

## **Police Architectural Liaison Officer**

- 7.17 No comments received.

## Public Consultation

7.18 Neighbours notified and a site notice displayed. 22 letters of representation have been received; one which raises no objection to the application and the others which object to the proposed development on the following grounds:

- Increase in demand for school and nursery provision and the current site should be retained to cover that need. Loss of a community facility.
- Concern regarding noise during construction work. **[Officer comment: Hours of work can be conditioned.]**
- Access could be detrimental to highways and pedestrian safety. Only one entrance and exit for vehicles would not be satisfactory. The entrance to the building would not be safe for pedestrians.
- Loss of a view. **[Officer comment: This is not a material planning consideration.]**
- Inadequate drainage and flooding of the site.
- Possible subsidence by an oak tree which has been removed. **[Officer comment: This is not a material planning consideration.]**
- Out of keeping with the local area.
- Overdevelopment and overshadowing.
- Loss of privacy.
- Increased noise and disturbance.
- Questions how the neighbouring refuse shed will be protected during development should permission be granted and that the developer should provide adequate insurance to compensate for full structural damage. **[Officer comment: This is not a material planning consideration.]**
- Questions what precautions will be taken during the construction phases of the project with regard to the electrical substation on the boundary. **[Officer Comment: This is not a material planning consideration.]**
- Queries raised regarding the Party Wall Act. **[Officer Comment: This is not a material planning consideration.]**
- Insufficient parking and increased parking problems along Imperial Avenue.
- Questions asked if the proposed properties will be owner occupied or rented. **[Officer Comment: This is not a material planning consideration.]**
- Dust pollution.
- Concern raised regarding the protection of the existing boundaries and accesses to Winton Lodge.
- The 'opening up' of the site would create a security problem to Alston Court at the rear.
- The proposed use will introduce a more intense activity than the former school use.
- No affordable housing being provided.
- Set a precedent for similar development elsewhere.

7.19 Cllr Folkard has called the application in to the Development Control Committee.

## **8 Recommendation**

**Subject to the review of the viability assessment, Members are recommended to:**

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

**1. £10,000 Off-Site Affordable Housing contribution.**

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

**01. The development hereby permitted shall begin no later than 3 (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 approved plans: 6271-1110-B, 6271-1320-A, 6271-1230-A, 6271-1501-A, 6271-1601-A, 6271-1330A, 6271-1300-, 6271-1102-, 6271-1321, 6271-1331, 6271-1105, 6271-1200, 6271-1210, 6271-12220-Rev A.**

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

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

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

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

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

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

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

**06. Notwithstanding conditions 04 and 05 above, details of landscaping and enclosure to the proposed communal front garden area shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The proposed development shall be carried out and permanently retained in accordance with the agreed details, unless otherwise first agreed in writing by the Local Planning Authority.**

**Reason: To ensure that an acceptable, private and useable amenity space is provided for the amenities of future residents, pursuant to Policies KP2 and CP4 of the Core Strategy, Policy DM8 of the Development Management Document and the Design and Townscape Guide, 2009.**

**07. 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 first occupation of the development. This provision shall be made for the lifetime of the development.**

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

**08. Prior to the first occupation of the development, all of the proposed car parking spaces including a suitable vehicular access shall be provided and permanently retained in accordance with the approved plans. The car parking spaces shall be permanently retained for occupants and visitors of the former St Hilda's School site (13-15 Imperial Avenue) and for no other purpose unless otherwise agreed in writing by the Local Planning Authority.**

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

**09. Prior to the first occupation of the development, details of the proposed cycle and bin stores shall be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development.**

**Reason: To provide satisfactory cycle and refuse storage for future occupiers in accordance with Policies KP2 and CP4 of the Core Strategy, Policies DM14 and DM15 of the Development Management Document and the Design and Townscape Guide, 2009.**

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

**Reason: To ensure that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy DPD1 and Policy DM14 of the Development Management Document.**

**11. Any external lighting within the development shall be directed, sited and screened so as not to cause detrimental intrusion of light into the proposed and existing residential properties.**

**Reason: To protect the amenities of existing and surrounding occupiers in accordance with Core Strategy Policies KP2 and CP4 and Policies DM1 and DM7 of the Development Management Document.**

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

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

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

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

**14. No development hereby permitted shall commence until full details of surface water attenuation for the site, based on SUDS principles, have been submitted to and approved by the Local Planning Authority. The works agreed shall be carried out in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority. The agreed details shall be permanently retained.**

**Reason: To ensure satisfactory drainage of the site in accordance with Policies KP2 and CP4 of the Core Strategy.**

**15. The proposed windows in the eastern elevation of Flat 105 (serving bedroom 2 and the en-suite) and the north facing dormer windows of Flat 203 (serving a bathroom and en-suite), shall only be glazed with obscure glass (the glass to be obscure glazed to at least Level 4 on the Pilkington Levels of privacy, or such equivalents as may be agreed in writing with the local planning authority). These windows shall be fixed shut and unopenable apart from any top hung lights which shall be a minimum of 1.7m above the internal floor area. In the case of multiple glazed units, at least one layer of glass in the relevant units shall be glazed in obscure glass.**

**Reason: To prevent overlooking of and loss of privacy to neighbouring occupiers at the east of the site, in accordance with Policy DM1 of the Development Management Document.**

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

**Reason: To safeguard the design and appearance of the dwellinghouses, in the interest of the standard of accommodation and to ensure that satisfactory amenity space remains for the amenities of future occupiers, in accordance with Policies KP2 and CP4 of the Core Strategy, Development Management Document Policies DM1, DM3 and DM8 and the Design and Townscape Guide, 2009 (SPD1).**

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

#### **Informatives**

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

**02. This permission is governed by a legal agreement between the applicant and the Borough Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to Affordable Housing.**



# Southend-on-Sea Borough Council

Agenda  
Item

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

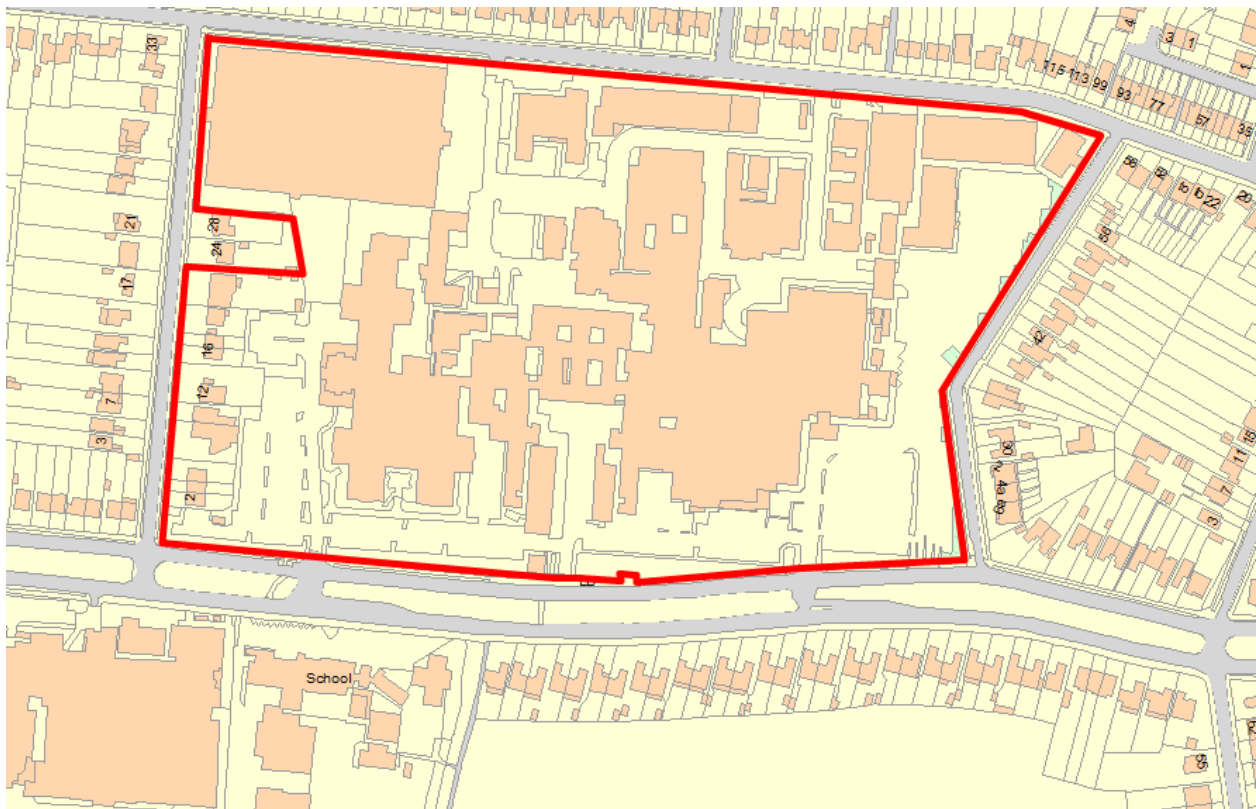
## Report(s) on Planning Applications

### A Part 1 Agenda Item

| WARD | APP/REF NO. | ADDRESS | PAGE |
|------|-------------|---------|------|
|------|-------------|---------|------|

| Main Plans Report   |               |   |    |
|---------------------|---------------|---|----|
| <b>Prittlewell</b>  | 15/01449/FULM | Southend University Hospital<br>Prittlewell Chase | 2  |
| <b>Kursaal</b>      | 15/01390/LBC  | The Kursaal<br>Eastern Esplanade                  | 10 |
| <b>Shoeburyness</b> | 15/01531/AMDT | Hinguar Primary School<br>Hinguar Street          | 22 |
| <b>Kursaal</b>      | 15/01512/FUL  | 10 Beresford Road<br>Southend-On-Sea              | 41 |
| <b>Chalkwell</b>    | 15/01591/FUL  | 658 London Road<br>Westcliff-On-Sea               | 51 |

|                             |   |
|-----------------------------|---|
| <b>Reference:</b>           | 15/01449/FULM   |
| <b>Ward:</b>                | Prittlewell   |
| <b>Proposal:</b>            | Erect second floor extension to existing tower block to form cardiac care unit    |
| <b>Address:</b>             | Southend University Hospital, Prittlewell Chase, Westcliff-On-Sea, Essex, SS0 0RY |
| <b>Applicant:</b>           | Southend University Hospital NHS Foundation Trust                                 |
| <b>Agent:</b>               | LSI Architects LLP  |
| <b>Consultation Expiry:</b> | 27.10.2015  |
| <b>Expiry Date:</b>         | 21.12.2015  |
| <b>Case Officer:</b>        | Janine Rowley   |
| <b>Plan Nos:</b>            | 140018-104; 140018-102; 140018-106; 140018-107; 140018-100; 140018-109            |
| <b>Recommendation:</b>      | <b>GRANT PLANNING PERMISSION</b>  |



## **1 The Proposal**

- 1.1 Planning permission is sought to erect a second floor extension to the existing tower block to form a cardiac care unit.
- 1.2 The proposed extension would be 12.1m wide x 12.9sqm deep x 2.7m high and 13.3m above ground level. The extension would be flat roofed to be clad in dark blue metal panels to match the existing tower block on the south elevation.
- 1.3 The extension will have an internal floorspace of 114sqm and will enable the remodelling of the existing wards to create a new Cardiac Care unit to comply with current standards. The existing two, second floor, wards have 30 bed spaces and the new combined cardiac care unit will have 28 bed spaces. Although resulting in reduced capacity this will enable the hospital to provide larger bed bay sizes and additional support accommodation.
- 1.4 Patients and staffing levels will not increase and the proposal will not result in the loss of any car parking provision.

## **2 Site and Surroundings**

- 2.1 Southend University Hospital main vehicular and pedestrian access points are located on Prittlewell Chase to the south, Cardigan Avenue to the west, Carlingford Drive to the north and Hillborough Road to the east. There are six main vehicular access points to the site, four off Prittlewell Chase and two off Carlingford Drive. A & E access is off Prittlewell Chase and the hospital is easily accessed by public transport given proximity to bus stops and railway stations.
- 2.2 The streetscene surrounding the site is characterised by two storey semi-detached and detached properties. Chase High School is to the south west of the site.

## **3 Planning Considerations**

- 3.1 The main considerations of this application are; the principle of the development, design and impact on the character of the area, traffic and transportation issues, impact on residential amenity and CIL. The planning history of the site is also a material consideration.

## 4 Appraisal

### Principle of the Development

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

- 4.1 Policy CP6 of the Core Strategy supports improvement and expansion plans of Southend Hospital in principle. The proposal is to erect a second floor extension to the existing tower block and will be visible from Prittlewell Chase.
- 4.2 The principle of an extension to the existing hospital facilities is acceptable subject to the other material planning considerations discussed in detail below.

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

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

- 4.4 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 KP2 and CP4 of the Core Strategy DPD1, policy DM1 of the Development Management Document DPD2 and 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.
- 4.5 The proposed extension would be sited on the existing tower block visible from the south elevation. The proposal is a simple box form with no windows to the front in an attempt to create a sculptural form which will not compete with the architecture of the tower block. The extension will be constructed from a lightweight steel frame construction with colour coated metal panels to the external walls. Windows proposed to the flank elevation will be clear glazed colour coated aluminum frames to match the cladding. Although no windows are proposed to the front elevation of the extension it is not considered the omission of windows would harm the overall appearance of the tower block. The applicant confirms that this has been discussed with the Trust and the lack of windows is appropriate for the room uses and will not affect potential future users. Roof lights will serve the doctors room and officer and windows to the flank elevation will serve the staff rest room and clean preparation room. The roof of the extension will be constructed from dark grey profiled metal roof cladding with colour coated steel roof edge protection hand railing. It is considered that the success of the extension will rely on the quality of materials and the concealment of fixings, guttering and roof profile, these details will be required to be submitted by a suitable condition. The overall design and scale of the extension appears subservient to the existing building and will not harm the overall character and appearance of the tower block or the wider hospital buildings.

### **Traffic and Transportation Issues:**

#### **The NPPF; DPD1 (Core Strategy) policies KP2, CP3; Development Management Document policy DM15**

- 4.6 Policy DM15 of the Development Management Document 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. Policy DM15 of the Development Management Document required that all development should meet parking standards.
- 4.7 Appendix 6 of the Development Management Document in relation to parking standards state that hospitals are to be 'treated on its merits'. The proposed development will result in 114sqm of additional floorspace at the hospital. Given that the proposal is a remodelling of existing facilities and will not result in any increase of additional staffing or patient numbers it is not considered the proposal will result in any increase in parking provision. The site benefits from 1519 off street parking spaces, 52 motorbike spaces and cycle provision for staff and members of the public. Furthermore, the Councils Highway Officer has raised no objections to this proposal as no additional staffing or patient requirements are needed for the extension in this instance. Therefore it is considered that no additional parking provision is required.

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

#### **The NPPF; DPD1 (Core Strategy) policies KP2 and CP4; DPD2 (Development Management Document) policy DM1 and the Design and Townscape Guide (2009).**

- 4.8 Given that the development will not be sited in close proximity to any residential occupiers, it is not considered the development will result in any harm in terms of being overbearing nor result in any overlooking it is therefore considered to be in accordance with policy DM1 of the Development Management Document.

### **Community Infrastructure Levy (CIL) Charging Schedule.**

- 4.8 Although this application is CIL liable given the floorspace is 114sqm, Southend Hospital is registered as a charity. The chargeable amount has therefore been calculated as a zero rate as applicable.

## **Conclusion**

- 4.9 The Council, through the Core Strategy and the Development Management Document, seeks to promote and support community infrastructure within the borough. However, this is also balanced against the requirement of creating high quality urban environment with well-designed buildings that are appropriate in design terms and enhance their setting. The proposal is considered acceptable in accordance with the NPPF, policies KP2 and CP4 of the Core Strategy, policy DM1 of the Development Management Document and the Design and Townscape Guide SPD1.

## **6 Planning Policy Summary**

- 6.1 The National Planning Policy Framework (NPPF).
- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance) and CP6 (Community Infrastructure).
- 6.3 Development Plan Document 2: Development Management emerging policies DM1 (Design Quality), DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide (2009).

## **7 Representation Summary**

### **Highway Authority**

- 7.1 There are no highway objections to this proposal as no additional staffing requirements are needed for the extension.

## Design and Regeneration

- 7.2 It is proposed to erect a flat roofed meal clad extension on the flat roof adjacent to the snake mosaic above the main entrance to the hospital to provide an extension to the cardiac unit. The proposal is a simple box form with no windows to the front in an attempt to create a more sculptural form which will not compete with the architecture of the tower block. It is considered that the success of this intervention will rely on the quality of materials. There is some concern that metallic panels may not achieve the finish necessary in this location. A modern fibre cement cladding such as <https://www.marleyeternit.co.uk/Facades/EQUITONE/Pictura.aspx> (colour regency blue) or similar may work better in achieving this look. This needs to be installed as a simple box with concealed fixings, no visible guttering and a no visible flat roof or handrail if this is to successfully integrate into the hospital development. **[Officer Comment: The applicant has confirmed that the material to be used will include Kingspan Benchmark architectural flat metal panel system with fine horizontal joints and concealed fixings. The applicant has also confirmed there is no objection to using equitone panels (regency blue) system and this could be dealt with by condition].**

Internally there is some concern that a number of rooms will have no outlook or daylight although the exact uses of the rooms are unclear (- it may be that some rest rooms work better without windows?) Consideration should be given to ensuring the internal arrangement enables the rooms facing to the west and onto the lightwell to be those which would most benefit from outlook and natural daylight. Rooflights may also be an option. **[Officer Comment: The applicant contends the provision of windows has been discussed with the trust and believes that the window provision is appropriate for the room uses. Rooflights are shown on the drawing to the doctor's room and the office. Windows are provided to the staff rest room and clean preparation room. The applicant further states that the provision of windows to the locker room and associated sanitary facilities is not considered appropriate].**

## Public Consultation

- 7.3 Two site notices displayed on the 6<sup>th</sup> October 2015 and no letters of representation have been received.

## 8 Relevant Planning History

- 8.1 Whilst there is an extensive planning history for the site none of the history is considered relevant to this application.

## **9 Recommendation**

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

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

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

- 2 The development hereby permitted shall be carried out in accordance with the approved plans 140018-104; 140018-102; 140018-106; 140018-107; 140018-100; 140018-109.**

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

- 3 No development shall take place until details including samples of the materials and colour to be used on the external elevations including the cladding, handrail, windows, roofing, have been submitted to and approved by the Local Planning Authority. The development shall only be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.**

**Reason: In interests of visual amenity to ensure that the appearance of the building makes a positive contribution to the character and appearance of the and surrounding area in accordance with the NPPF, policies KP2 and CP4 of the Core Strategy and policy DM1 of the Development Management Document and the Design and Townscape Guide.**

### **Informatives**

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



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

|                             |  |
|-----------------------------|--|
| <b>Reference:</b>           | 15/01390/LBC   |
| <b>Ward:</b>                | Kursaal  |
| <b>Proposal:</b>            | Internal Alterations and Refurbishment (Listed Building Consent) |
| <b>Address:</b>             | The Kursaal, Eastern Esplanade, Southend-on-Sea, Essex           |
| <b>Applicant:</b>           | MFA Bowl   |
| <b>Agent:</b>               | Giarti Ltd   |
| <b>Consultation Expiry:</b> | 2 <sup>nd</sup> December 2015                                    |
| <b>Expiry Date:</b>         | 23 <sup>rd</sup> December 2015                                   |
| <b>Case Officer:</b>        | Abbie Greenwood  |
| <b>Plan Nos:</b>            | 04F, 05D, 07E, 009, 17B, 18A, 19, 21A, 22O, 30, 31               |
| <b>Recommendation:</b>      | <b>GRANT LISTED BUILDING CONSENT</b>                             |



## **1 The Proposal**

- 1.1 Listed Building Consent is sought in relation to a proposal to accommodate additional leisure facilities within the Kursaal building comprising a Quasar Centre, a new children's play area, additional arcade machines including an adult gaming area, a new toilet arrangement and a coffee shop. The proposals involve alterations to the internal layout and finishes of the listed building which are outlined below

### *Quasar Centre*

- 1.2 The quasar centre will be located in the area to the south east of the lobby in what was formerly Macdonald's. This includes the single storey extension to the Kursaal which now links to the Bourgee Restaurant. The following alterations are proposed in this area:

- The installation of partitions to create a small vesting room and briefing room off the lobby entrance.
- The installation of energiser bases, partitions, vesting racks and built in desk
- The installation of suspended ceiling
- The installation of black film on the inside of the shopfront windows
- The installation of a number of air conditioning units on the rear exterior wall

### *Children's Play Area*

- 1.3 The children's play centre will be located on the northern side of the lobby within the vacant shopfront area adjacent to the existing Tesco's store. The following alterations are proposed:

- Install partitions to create two party rooms
- Install a suspended ceiling
- Free standing play equipment

### *Arcade Area*

- 1.4 It is proposed to install some 13 arcade machines in the lobby area and a screened adult gaming area comprising 10 additional machines behind the lobby to the east. The following alterations are proposed:

- The installation of 1.8m high partitions to the rear of the machines to screen the backs and provide separation to the proposed costa coffee also planned in this area – see below
- The installation of 1.1m screens to the adult gaming area

### *Coffee Shop*

- 1.5 It is proposed to install a Coffee shop in the vacant shop unit to the south west of the central lobby area with associated customer seating under the dome. This will require the following alterations:
- The installation of a serving counter area within the lobby
  - The installation of associated kitchen facilities such as sink, dishwasher etc. within the shopfront area
  - the installation of a suspended ceiling within the shopfront area
  - the installation of vinyl on the shopfront windows

### *New Toilet Facilities*

- 1.6 It is proposed to install additional toilets in the former sweet shop area behind the stairs to the south east of the lobby. This will require the following changes:
- Demolition of the sweet shop frontage in the lobby to reveal the original archway arrangement and installation of a new partition to screen the toilets
  - Alterations to the existing sub divisions in this area to create new public toilets
  - Associated sanitary ware, plumbing and suspended ceiling

### *Other Alterations*

- 1.7 It is also proposed to install a new bar within the bowling alley area on the raised section which currently contains the pool tables.
- 1.8 The submission also mentions new signage but no details have been supplied. This, however, will need separate advertisement consent.

## **2 Site and Surroundings**

- 2.1 The Kursaal was constructed in 1898 as the grand entrance pavilion to the 'Marine Park and Gardens', Southend's first amusement park. It was the most important building on the site and is the only surviving reminder of the former amusement park which was demolished many years ago. It is an attractive red brick building with stone dressings, a colonnade of shops to the west elevation and a feature domed entrance. It is the principal architectural monument to Southend's Edwardian boom period and an important local landmark. The list description identifies the octagonal area beneath the dome and its internal dome glazing and decoration as being of particular significance.
- 2.2 The building currently contains a bowling alley and Tesco Metro store but there are two significant areas of vacant floorspace at ground level to which this application relates.

- 2.3 The Kursaal is located at the eastern end of the central seafront area within the boundary of the Kursaal Conservation Area. The adjacent building, formerly the Minerva PH (now Bourgee Restaurant) is locally listed as is the Britannia PH close by to the east. These are the principle historic buildings in the small conservation area.
- 2.4 The central seafront area is a key destination for visitors to the town and the Kursaal forms part of the leisure offer in this area.

### **3 Planning Considerations**

- 3.1 Planning permission is not required for the above works and uses (with the exception of the air conditioning units). The sole consideration in relation to this application is the impact of the work on the character and appearance of the listed building

### **4 Appraisal**

#### **Design and Impact on the Character of the Listed Building:**

#### **NPPF; DPD1 (Core Strategy) policies KP2 and CP4; DM DPD Policies DM1, DM5 and DM6**

- 4.1 Paragraph 129 of the NPPF states that: 'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.'
- 4.2 Core Strategy Policy KP2 seeks to '....respect, conserve and enhance ...the historic environment..'
- 4.3 Core Strategy Policy CP4 seeks to '....safeguard and enhance the historic environment, heritage and archaeological assets including listed buildings..'
- 4.4 Policy DM5 of the DM DPD states that: 'Any alterations and additions to a heritage asset will need be evidenced. They should be informed by a heritage statement explaining the significance of the building, including any contribution made by its setting, giving a justification for the works, and clearly identifying their impact on the building's fabric and character in a manner appropriate to the significance of the heritage asset.'
- 4.5 There are a number of elements to this proposal which have been outlined above. These will be assessed in turn to evaluate whether the impact on the listed building is considered to be acceptable.

### *Quasar Centre*

- 4.6 As noted above the quasar centre will be located in one of the two large vacant areas that was formerly the Macdonald's restaurant. This area is partly within the old building and partly within a more modern extension. At present it has a concrete floor and plastered walls and a modern metal roof. There are no historic features in this area.
- 4.7 The proposal involves the installation of various partitions, suspended ceiling and other installations required for a quasar laser tag gaming centre. The suspended ceilings will be Armstrong Ultima 600x600x23mm in exposed grid system with white tiles. The frame will be supported on wire hangers which are screwed into the existing ceiling. The suspended ceiling will conceal the services required for this area. The existing doors to the lobby are to be retained and there is no demolition proposed. Given that this area is partly modern and has no historic fabric of note it is considered that the proposed internal works will not have a detrimental impact on the significance of the building.
- 4.8 In addition to the internal works a number of air conditioning units are also proposed to be located on the rear wall of the single storey extension. This area has no public views and therefore this element of the proposal is also accepted subject to planning permission being granted.
- 4.9 The only impact on the public realm will be the proposed installation of black vinyl film on the shopfront windows. This will prevent the opportunity for an active shopfront to the street which is regrettable, however, this has to be balanced against the vacancy of this section of the building for many years and that this is actually a modern extension. On balance it is considered that vinyl on the windows is accepted as it will facilitate the regeneration of the building although the applicant may wish to consider a more artistic approach which adds value to the streetscene.
- 4.10 It is therefore considered that the proposed alterations required for the quasar centre will have a minimal impact on the historic significance of the building and are considered to be acceptable.

### *Children's Play Centre*

#### *Parking*

- 4.11 The other large vacant area at ground floor, which is the shop unit adjacent to Tesco Metro is proposed for use as a children's play centre. This will contain an area of essentially free standing large play equipment such as slides, maze, soft play, ball pool etc. Surrounding this will be an area for parent seating and partitions are proposed to create two party rooms to the rear of the unit. The same suspended ceiling is proposed here as for the quasar centre and black film is proposed on the existing shopfront windows.

### *Cycle parking*

- 4.12 At present this area is just a vacant shell. It has a concrete floor and ceiling and plastered walls. There are no features of historical interest here and no demolition is proposed. The existing doors to the lobby are to be retained.
- 4.13 As with the quasar centre it is considered that the changes proposed here will not have a significant impact on the historic character of the listed building. It is regrettable that black film is proposed to the shopfronts rather than something more interesting but the need for screening is noted. The changes proposed are potentially reversible and therefore this element of the proposal is considered to be acceptable.
- 4.14 A Costa Coffee Shop and arcade machines are proposed to be installed in the lobby area. The 'back of house' for the coffee shop will be in the small vacant shopfront area to the west of the lobby which wraps around the stairs and has a section of shop windows to the street. A servery and the customer seating for Costa will be located on the western side of the lobby. A 1.8m partition is proposed within the centre to divide the coffee shop from the area proposed for free standing arcade machines. These will be located within the central area only maintaining a clear path for visitors around the outside of the existing decorative columns. 1.8m partitions are proposed to screen the back of the machines. These will be 100x50mm timber studwork lined with plasterboard. The soleplate to the studwork will require minimal fixings into the existing modern vinyl floor. A separate adult gaming centre is proposed next to the lobby area in the linking section between the lobby and the bowling alley entrance. This will be enclosed with similar but shorter partitions.
- 4.15 The central lobby area is one of the most decorative sections of the building. It is an octagonal space with 4 decorative columns supporting a circular wrought iron balcony feature which runs around the space and the coloured glass inner dome as its top, protected from the elements by the outer lead dome. At the lower level the octagon shape is further defined by a run of simple masonry arches around the space, some of which have been infilled with timber double doors. At present there is no use for this area other as an open lobby and route to the bowling alley. The floor and lower section of the columns have been overlaid with modern materials and a sweet shop canopy, has been fixed over one of the arches on the eastern side, protrudes into the space. Overall this is an impressive space, especially views looking up toward the top of the columns, the balcony, decorative ceilings and the roof and is specifically mentioned in the list description as being of significance.

- 4.16 The proposal here would provide a use for this area other than as an open lobby. Whilst this will have an impact on its character it is considered that at present it is rather under used and has become more of a transient area rather than one to enjoy. The proposal for a coffee shop in this area seems entirely appropriate and would enable customers to better appreciate its special character. The servery would intrude into the area on the west side but is proposed as a modest designed timber counter which will not detract from the historic significance of this area. The back of house area is proposed in the small vacant shopfront to the west. This area is too constrained to be used as a customer area and the new sinks within this area will connect to the existing drain located behind the stairwell. This arrangement seems to work well. There is some concern regarding the proposal to have black film on the existing shopfront windows which will result in a dead street frontage for this retail unit however it is noted that at present a silver film has been applied to this area so this would not be materially different although there would be an opportunity for something more interesting. The proposed coffee shop arrangement is therefore considered to have an acceptable impact on the listed building.
- 4.17 The proposal to install free standing arcade machines in the rest of the central area is likely to have a more significant impact on the character and atmosphere of this area however, the applicant has amended the plans to reduce the number of machines in this area so that views of the columns and a clear passage for pedestrians is maintained around the edge of the space. The machines will require a power source but it is noted that this is available from the existing 4 columns and can then be routed inside the partitions and will have no impact on the historic fabric. The screens themselves will need to be secured to the floor but this is a modern covering and therefore not objected to. Given that the machines and screens are removable features it is considered that on balance a small element of leisure use in this area would be an acceptable impact on this area.
- 4.18 The proposal to remove the sweet shop frontage is particularly welcomed as this will enable the original arched profile of the wall behind to be revealed and this will provide continuity to the ground floor and enhance the space. The applicant has agreed also to re-site the adult gaming area which was originally planned in this area to a space just to the east of the octagon where it will not disrupt the symmetry of the lobby area and this is considered to be an enhancement to the original proposal.
- 4.19 It is also proposed to remove two sets of double doors on the eastern side of the lobby leading to the bowling club entrance. One set of doors will be reused within the arch belonging to the bowling reception, the other pair will be stored so that they can be reused at a later date if required. Matching doors can be found in a number of the arches including the entrances to what is proposed as the children's play area and quasar centre however it is noted that these seem to be of a modern design (but no inappropriate in style) and therefore not part of the original historic fabric. It is also noted that there are instances where the archways are open without any enclosure therefore the removal of these doors is not objected to.



4.20 On balance therefore, subject to the proposed screens not being used for advertising purposes, which would add visual clutter and detract from the historic character of this area, it is considered that the impact of the proposals on the character and fabric of the lobby is acceptable.

#### *New Toilet Facilities*

4.21 In order to support the projected increase in visitors using the proposed new attractions it is proposed to install an additional set of toilet facilities in the building. These are proposed in to the north of the proposed quasar centre and to the east of the lobby in an area which currently contains the vacant sweet shop, first aid room and staff room. The proposal will provide for ladies, gents and a disabled/baby change unit. It will involve the removal of the former sweet shop frontage, the infilling of the sweet shop hatch, the insertion of a new door to the area between the lobby and the bowling alley and minor rearrangement of internal partitions in this area. There is no demolition of load bearing walls proposed.

4.22 As noted above the removal of the sweet shop frontage which protrudes into the lobby is seen as an enhancement to the building as it will enable the original arch, currently obscured, to be revealed. The partition arrangement in this area has been amended to ensure that this feature is reinstated and respected.

4.23 It is noted that this area already contains 2 staff toilets and therefore plumbing for this use already exists. The agent has confirmed that the new facilities will integrate with the existing facilities negating the need for new drainage to be installed in this area. New sanitary ware and a suspended ceiling are also proposed but in this instance this is justified and the changes to this area are accepted.

#### *Other Alterations*

4.24 It is also proposed to rearrange the bowling alley by swapping the location of the pool tables, which are currently situated on a raised floor area, with the bar area. The only impact on the fabric here is the replacement of the existing modern bar at the lower level with a larger bar on at the upper level. It is considered that this will not have an impact on the character or historic fabric and is considered to be acceptable.

#### *Conclusion*

4.25 The proposals, in principle, will bring vacant areas of the building back into use and will increase the leisure offer at the Kursaal. This is compatible with the buildings history as a 'pleasure palace'. On balance it is considered that the proposed alterations to the listed building are reasonable and will not detrimentally impact on the special historic or architectural significance of the listed building.

- 5 Planning Policy Summary:
  - 5.1 National Planning Policy Framework
  - 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles), CP4 (The Environment and Urban Renaissance).
  - 5.3 Supplementary Planning Document 1: Design & Townscape Guide.
  - 5.4 DPD Policies DM1 (Design Quality), DM5 (Southend's Historic Environment) and DM6 (The Seafront)

## **6 Representation Summary**

### **Environmental Protection**

- 6.1 The following conditions are suggested:

*'The rating level of noise for all external plant including air conditioning units should be at least 5dB(A) below the background noise with no tonal elements. The LA90 to be determined according to the guidance in BS:4142 at 3.5m from ground floor facades and 1m from all facades above ground floor level to residential premises.'*

*The equipment shall not be installed before an acoustic assessment has been undertaken and the proposed installation is designed to be capable of meeting the above criteria. The assessment should be carried out by a suitably qualified and experienced acoustic consultant who would normally be a member of the Institute of Acoustics. The equipment shall be maintained in good working order thereafter. The plan must not have a distinctive tonal or impulsive characteristics.'*

#### **Construction**

*'Demolition or construction works shall not take place outside 07.30 hours to 1800 hours Monday to Fridays and 08.00 hours to 13.00 hours Saturday and at no time on Sundays and Bank Holidays.'*

**[Officer Comment: The Council's Environmental Protection Officer has provided the following suggested conditions in relation to the external plant proposed for the Quasar Centre however it should be noted that this is a Listed Building Application and all conditions must be restricted to ensuring the protection of the historic character and fabric of the building. Therefore, where appropriate, these conditions will be added to the planning application which is required for this element of the proposal only.]**

### **The Southend Society**

- 6.2 No response received.

## **Public Consultation**

35 individual letters were sent to neighbours and a site notice was posted – no representations have been received at the time of writing.

## **Councillors**

6.8 This application was called in by Cllr McMahon.

## **7 Relevant Planning History**

7.1 The site has extensive planning history. That which relates to the sections of the building affected by this application are:

7.2 08/00534/LBC – strip out building (Listed Building Consent) (in relation to former MacDonald’s) – granted 2008

7.3 05/01498/LBC – remove internal wc block and internal walls, form new entrance, doors and separating wall to bowling centre (Listed Building Consent) – granted 2005

7.4 00/00721/LBC - Remove internal entrance stair, install lift shaft and alter section of roof, extend existing canopy with new cladding, form new windows at second floor level and various other internal alterations all in connection with SOS/00/00720/FUL – granted 2000

7.5 00/00720/FUL | Install lift shaft and alter section of roof; install new cladding to entrance canopy, new sign arch to vehicular entrance and new windows at second floor level to west elevation – granted 2000

## **8 Recommendation**

**Members are recommended to GRANT LISTED BUILDING CONSENT subject to the following conditions;**

**01 The development must be begun not later than the expiration of two years beginning with the date of this consent.**

**Reason: To enable the circumstances to be reviewed at the expiration of the period if the consent has not been implemented, in accordance with the National Planning Policy Framework (NPPF), DPD 1 (Core Strategy) Policy KP2 and CP4, Development Management Policy DM1 and SPD1 (Design and Townscape Guide).**

**02 The development hereby permitted shall be carried out in accordance with the approved plans 04F, 05D, 07E,009, 17B, 18A, 19, 21A, 22O, 30, 31**

**Reason: To protect the special architectural or historic interest of the listed building and to ensure that the development makes a positive contribution to the character and appearance of The Kursaal Conservation Area. This is set out in DPD1 (Core Strategy) 2007 policy KP2 and CP4, DM DPD Policy DM1 and DM5 and SPD1 (Design and Townscape Guide).**

- 03 The archway behind the former sweet shop lobby frontage shall be retained and the new partition in this location shall be installed behind the archway.**

**Reason: To ensure that this feature is preserved and makes a positive contribution to the historic character of the main lobby area and to protect the special architectural or historic interest of the listed building and to ensure that the development makes a positive contribution to the character and appearance of The Kursaal Conservation Area. This is set out in DPD1 (Core Strategy) 2007 policy KP2 and CP4, DM DPD Policy DM1 and DM5 and SPD1 (Design and Townscape Guide).**

- 04 Notwithstanding the provision within the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 the partitions within the main lobby area shall not contain advertising unless otherwise agreed in writing with the Local Planning Authority.**

**Reason: To protect the special architectural or historic interest of the listed building and to ensure that the development makes a positive contribution to the character and appearance of The Kursaal Conservation Area. This is set out in DPD1 (Core Strategy) 2007 policy KP2 and CP4, DM DPD Policy DM1 and DM5 and SPD1 (Design and Townscape Guide).**

- 05 The existing doors to the lobby area shall be retained except where they are shown as removed on the approved plans.**

**Reason: To protect the special architectural or historic interest of the listed building and to ensure that the development makes a positive contribution to the character and appearance of The Kursaal Conservation Area. This is set out in DPD1 (Core Strategy) 2007 policy KP2 and CP4, DM DPD Policy DM1 and DM5 and SPD1 (Design and Townscape Guide).**

- 06 The archways to the lobby leading to the bowling centre where it is proposed to remove the doors shall be made good to match the existing. The adult gaming partition on this side shall be sited so that the profile of the arch is maintained to ground level.**

**Reason: To protect the special architectural or historic interest of the listed building and to ensure that the development makes a positive contribution to the character and appearance of The Kursaal Conservation Area. This is set out in DPD1 (Core Strategy) 2007 policy KP2 and CP4, DM DPD Policy DM1 and DM5 and SPD1 (Design and Townscape Guide).**

- 07 Notwithstanding the details noted on the approved plans, prior to completion of the works, details of the proposed vinyl's for all shopfront windows should be submitted and approved by the Local Planning Authority.**

**Reason: To protect the special architectural or historic interest of the listed building and to ensure that the development makes a positive contribution to the character and appearance of The Kursaal Conservation Area. This is set out in DPD1 (Core Strategy) 2007 policy KP2 and CP4, DM DPD Policy DM1 and DM5 and SPD1 (Design and Townscape Guide).**

#### **Informatives**

- 01 The advertisements for the proposal as a whole and for the individual elements will require a separate Listed Building Consent (inside and out) and Advertisement Consent (outside only) which you are advised to submit to the Local Planning Authority before commencement of the works.**
- 02 It is suggested that the applicant should consider an alternative more artistic approach to the shopfront windows as the proposed black vinyl's would give rise to a dead frontage to the street which would be detrimental to the character of the listed building and the wider conservation area. The desire to screen/black out these areas is noted, however, it is considered that a more decorative artistic solution would be a more appropriate response and would be to the benefit of the listed building, the streetscene and to the proposal itself. Please note this should contain no advertising. Details of this would need to be agreed with the Council by discharging condition 07 above. It maybe that the Council's Cultural Development Officer can assist with developing an appropriate solution.**
- 03 The applicant is reminded that the proposed air conditioning units to the rear of the quasar centre will require Planning Permission in addition to Listed Building Consent and this must be obtained prior to installation.**

|                             |   |
|-----------------------------|---|
| <b>Reference:</b>           | <b>15/01531/AMDT</b>  |
| <b>Ward:</b>                | <b>Shoeburyness</b>   |
| <b>Proposal:</b>            | <b>Amend fenestration details and positions and install additional rooflights, revise internal layout (Application to vary condition 02 (approved plans) of planning permission 14/01672/BC4M dated 23rd April 2015)</b>  |
| <b>Address:</b>             | <b>Hinguar Primary School, Hinguar Street,<br/>Shoeburyness, Southend-On-Sea</b>  |
| <b>Applicant:</b>           | <b>Mr Karl Pickering, Tern Development</b>  |
| <b>Agent:</b>               | <b>Robert Hutson Architects</b>   |
| <b>Consultation Expiry:</b> | <b>22<sup>nd</sup> October 2015</b>   |
| <b>Expiry Date:</b>         | <b>10<sup>th</sup> December 2015</b>  |
| <b>Case Officer:</b>        | <b>Charlotte Galforg</b>  |
| <b>Plan Nos:</b>            | <b>801-PL- 001 A3, 801-PL- 002A, 801-PL- 003B, 801-PL- 004B, 801-PL- 005, 801-PL- 006, 801-PL- 007B, 801-PL- 008B, 801-PL-009A, 801-PL- 0010A, 801-PL- 011B, 801-PL- 012B, 801-PL-013B, 801-PL- 014B, 801-PL- 019, 801-PL- 020A, 801-PL- 021B, 801-PL- 022, 801-PL- 023, 801-PL- 024A</b> |
| <b>Recommendation:</b>      | <b>DELEGATE to the Head of Planning and Transport or Group Manager of Planning &amp; Building Control to GRANT PLANNING PERMISSION subject to completion of a subject to completion of a S.106 Agreement.</b>   |



## 1 The Proposal

### 1.1 Permission was granted in April 2015 for development of the site as follows:

Demolish several outbuildings and existing extensions to the school building, to convert the building into 13 self-contained apartments (a mix of single level and duplex units) and to erect 18 houses within the curtilage of the site as follows:

Former School Building:

3 x 1 bed flats

5 x 2 bed flats

5 x 3 bed flats

Site Curtilage

12 x 3 bed houses

5 x 2 bed houses

1 x 1 bed house

### 1.2 This current application seeks to amend fenestration details and positions within the original school buildings and to install additional rooflights and in addition to carry out changes to the internal layout of the school building. It is an application to vary condition 02 (approved plans) of planning permission 14/01672/BC4M.

### 1.3 The details are as follows:

- Front elevation - existing cill heights retained (previously lowered)
- Rear elevation – door replace by window, additional velux installed to roof
- East side elevation – new rooflight installed, new window installed, original window openings reinstated to create full height windows.
- West side elevation – position of proposed window and door swapped and additional window added.
- Internal side elevations - original window and door openings uncovered and window and door reinstated. One rooflight removed, one rooflight added. opened up to create full height windows
- Alter internal layout of units within the school. These alterations changes the unit breakdown as follows:
  - 3 x 1 bed
  - 2 x 2 bed
  - 8 x 3 bed

1.4 The matters for consideration relate solely to the changes that are now proposed.

## 2 Site and Surroundings

2.1 The site was previously used as a school. The existing building is Victorian, having been constructed in 1886. The frontage of the building is locally listed. The building survives in a good condition with its original layout and fabric maintained due to the continuity of function over time. The school is considered to be a local landmark, making an important contribution to the character of the local streetscene. Design characteristics of the building include, multiple gables, tall windows positioned high off the floor, a crowning cupola and the use of red brick. The side and rear of the site is mainly laid to hard surface and was used as playground space. The site contains several small outbuildings. Vehicular accesses to the site are currently located at the eastern and western ends of the site, with pedestrian accesses located along the frontage.

2.2 The immediate area is characterised by small scale, two storey residential development, mainly in the form of terraces of pitched roof houses. There are also some low rise flats (Sycamore Court) along the northern part of the western site boundary. Immediately to the north of the site lies the London to Fenchurch Street Railway line, including railway sidings and Shoeburyness station. The rear gardens of properties in High Street abut the site boundary to the east. The Shoebury Garrison development and associated Conservation Area lies to the south of the site.

2.3 Hinguar Street a relatively narrow one way street connecting Smith Street to the South to High Street to the east. It is subject to a 30mph speed limit.



2.4 The site has no specific allocation within the Core Strategy or DMDPD.

### **3 Planning Considerations**

3.1 The principle of redevelopment of this has previously been accepted and planning permission granted. The proposed changes do not have any impact on, trees, archaeology, biodiversity, flood risk, or contamination. The planning considerations in relation to this application are therefore the impact of the proposed amendments on: the character of the area, detailed design, traffic and parking, impact on surrounding occupiers, living conditions for future occupiers, sustainability and developer contributions.

### **4 Appraisal**

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

#### **Planning Policies: NPPF, DPD1 (Core Strategy) policies KP1, KP2, KP3, CP4, Development Management DPD 2015 Policies DM1 and DM5, 1SPD1 Design and Townscape Guide.**

4.1 A core planning principle set out in Paragraph 17 of the NPPF is to seek to secure high quality design and good standards of amenity for existing and future occupants.

4.2 The NPPF also states at paragraph 56:

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” The NPPF refers specifically to consideration of applications which impact upon “non designated heritage assets” (which includes Locally Listed buildings) at para 135 and states:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

- 4.3 The school building is Locally Listed (it should be noted that the Victorian elements of the Hinguar Street frontage only are covered by the Local Listing). Policy CP4 of the Core Strategy requires that development proposals should safeguard the character of Locally Listed Buildings.

Policy DM5 of the DMDPD refers to the Historic Environment and states inter alia:

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

- 4.4 The need for good design is reiterated in policies, DM1 and DM5 of the DMDPD and the Design and Townscape Guide
- 4.5 The development is relatively minor in nature, the changes to the locally listed frontage would see the windows that are affected retained in their original configuration, other changes see windows that had previously been covered also reinstated and would therefore enhance the character of the original building. The changes to the west and internal elevations are relatively minor and not open to wider public view. They are considered to be in keeping with the character of the school building and therefore acceptable.
- 4.6 The design of the development is therefore considered to be acceptable and in accordance with policy CP4 of the Core Strategy and policies DM5 and DM1 of the Development Management DPD and the Design and Townscape Guide.

### **Traffic, Transport and Parking**

**Planning Policies: NPPF; DPD1 (Core Strategy) policies: KP1, KP2, KP3, CP3; DM Policy: DM15**

- 4.7 The reconfiguration of the layout of the units within the school results in 3 additional bedrooms and therefore, although the impact on traffic generation and servicing will be marginal, it does have potential implications for parking demand.

- 4.8 The development includes 52 car parking spaces. The units that are being increased to 3 bedrooms each have 2 car parking spaces which complies with the current parking standards for 3 bed units as set out on Policy DM15. Thus no objections are raised on parking grounds and the development continues to comply with policy CP3 of the Core Strategy and complies with policy DM15 of the DMDPD.

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

**Planning Policies: NPPF, DMDPD policies DM1. Design and Townscape Guide SPD1.**

- 4.9 Policy DM1 of DM DPD refers to the impact of development on surrounding occupiers. The installation of new windows and doors has the potential to increase overlook of neighbouring dwellings and therefore could impact on amenity.
- 4.10 The proposed changes to the windows within the front and rear elevations of the building will not result in increased overlooking.
- 4.11 The east elevation of the development where is lies adjacent to No 4 Hinguar Street is sited some 14m away from the side elevation of that dwelling, which does contain habitable windows. Given that it is only the ground floor windows that will serve habitable accommodation, the separation distance is considered to be sufficient when taken together with existing boundary treatment, to protect the occupiers of No 4 Hinguar street from undue overlooking.
- 4.12 The full length windows within the east elevation, serve only roof voids at upper levels and therefore would not result in overlooking.
- 4.12 With regard to the windows in the west elevation facing 6 Hinguar Street, it is considered that the changes to the windows in the main elevation would result in no greater overlooking than the approved scheme. Additional doors and a window are proposed within the rearward most part of the school building, but given this is sited some 13m from the boundary and cycle store will lay between it and the boundary, it will not give rise to unacceptable overlooking.

*Impact on future occupiers*

- 4.13 The proposed alterations result in bedrooms being relocated at first floor, leaving an open void above the internal kitchen and breakfast areas, with roof lights giving daylight to the accommodation. This, although unusual, taking into account that this is conversion of an existing building is considered acceptable.

- 4.14 The unit sizes as amended meet the National Technical Standards, with the exception of unit 4, the layout of which has not changed from the original permission. Taking this into account (and the fact it could be built as now proposed under the existing permission) no objection is raised to the amended unit layouts or sizes.
- 4.15 The proposed layout changes would continue to provide acceptable living conditions for occupiers.

### **Developer contributions.**

#### **Planning Policies: NPPF; DPD1 (Core Strategy) policies KP3.**

- 4.16 The Core Strategy Policy KP3 requires that:  
*“In order to help the delivery of the Plan’s provisions the Borough Council will:*  
*2. Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed”.*
- 4.17 As the application is made under S73 of the Town and Country Planning Act and does not result in the creation of any additional floorspace, although it is CIL Liable, it is not CIL chargeable. Thus a CIL contribution is not required
- 4.18 *Affordable Housing* – It was previously agreed that the affordable housing for this development would be provided on the Saxon Lodge site (application 14/01744/FULM). 9 affordable units were proposed which are intended to be shared ownership. The 9 units equate to the required 20% AH provision for both sites in line with Policy CP8. This arrangement will remain and is acceptable.
- 4.19 *Highways works* – The works that are required (the highway inside the site should be adopted and yellow lined as required to prevent any obstruction). The required TRO would cost £4500 to implement. This will be required as part of the S106 Agreement and remains as previously agreed.
- 4.20 *Education* - This application falls within the Hinguar Primary School and Shoeburyness High School Catchment areas. Education colleagues have been consulted and confirm that the education contribution sought remains the same for the amended scheme as for the original submission (£156,639).
- 4.21 *Highways improvements* – Travel Packs are required. This remains as previously agreed.
- 4.22 *Public Art* - A public art contribution of £12823.02 was agreed as part of the original permission and this does not change.

### *Other matters*

- 4.23 The S106 Agreement in relation to this application will need to be linked to that for the application at Saxon Lodge in order to link the affordable housing provision.
- 4.24 The contributions proposed are considered to meet the tests set out in the CIL Regulations 2010. Without the contributions that are set out above the development could not be considered acceptable. Therefore if the S106 agreement is not completed within the relevant timescale the application should be refused. An option to this effect is included within the recommendation in section 11.

### **Other Considerations**

#### **NPPF, DPD1 (Core Strategy) policies KP1, KP2, KP3, CP4, CP6; SPD1 Design and Townscape Guide**

- 4.25 *Flood risk* - The site is not within an area prone to flood risk.
- 4.26 *Decontamination* – A desktop screening report has been submitted with the application. This identifies that there is a risk of contamination within the site because of the presence of an existing tank and because of industrial and similar activities which have taken place in close proximity to the site. It is therefore recommended that further screening is undertaken and any necessary mitigation measures undertaken. Such works can be required and controlled by the use of an appropriate condition.
- 4.27 *Ecology* – An ecological assessment has been submitted with the application. This concludes that if roof works are proposed to the existing building (which they are) further bat surveys are recommended. This will be required by condition. The reports also identifies potential for harm to nesting birds and suggests mitigation measures be put in place. Again this will be controlled by condition. The report goes on to suggest enhancements to the site by the addition of bird nesting boxes. These have been included within the submitted landscaping plan. This issue is not affected by the amendments to the application and remains acceptable.

## **5.0 Community Infrastructure Levy Regulations**

5.1 The Community Infrastructure Levy Regulations 2010 came into force on 6 April 2010. The planning obligation discussed above and as outlined in the recommendation below has been fully considered in the context of Part 11 Section 122 (2) of the Regulations, namely that planning obligations are:

- a) necessary to make the development acceptable in planning terms; and
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development

The conclusion is that the planning obligation outlined in this report meets all the tests and so constitutes a reason for granting planning permission in respect of application 15/01531/AMDT

## **6.0 Conclusion**

6.1 The principle of this development has already been assessed and accepted, the only matters for consideration now relate to the amendments that are proposed and their impact on the development as outlined above. The external changes have an acceptable impact on the character of the building. The external alterations will not cause harm to the amenities of surrounding occupiers and the size and the accommodation proposed will meet the needs of future occupiers. Notwithstanding the minimal increase in bedroom numbers parking provision on site remains acceptable and meets policy requirements. The development will contribute to affordable housing to meet the needs of the borough and the applicant has agreed to make suitable contributions to address the impact on education facilities within the area and to provide public art.

The proposed development is therefore considered to meet the relevant policies of the NPPF, the Core Strategy and the DM DPD.

## **7.0 Planning Policy Summary**

7.1 NPPF - National Planning Policy Framework: Achieving sustainable development, Core Planning Principles, Policies: 1. Building a strong, competitive economy; 2. Ensuring the vitality of town centres; 4. Promoting sustainable transport, 6. Delivering a wide choice of high quality homes; 7. Requiring good design; 8. Promoting healthy communities; 10. Meeting the challenge of climate change, flooding and coastal change; 12. Conserving and enhancing the historic environment.

7.2 DPD1 (Core Strategy) Policies: KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure); CP8 (Dwelling Provision).

7.3 Development Management DPD1: DM1 (Design Quality); DM2 (Low Carbon Development and Efficient Use of Resources; Policy DM3 – Efficient and Effective Use of Land; Policy DM5 – Southend-on-Sea’s Historic Environment; Policy DM7 – Dwelling Mix, Size and Type; Policy DM8 – Residential Standards; Policy DM15 – Sustainable Transport Management.

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

7.5 Supplementary Planning Document 2: Planning Obligations (2010)

## **8.0 Representation Summary**

8.1 **Anglian Water** – no comments received.

8.2 **British Gas** – no comments received.

8.3 **Essex and Suffolk Water** – no comments received.

8.4 **Essex Police** - no comments received.

8.5 **C2C rail** - no comments received.

8.6 **Fire Brigade** - no comments received.

8.7 **Parks** – no comments received.

8.8 **Asset Management** – no comments received.

8.9 **Structural Engineer** – no comments received.

8.10 **Design** –No objections to the proposed changes subject to matching window details.

8.11 **Education** - Seek education contribution of £156,639.

8.12 **Highways** – no comments received

8.13 **Waste Management** – no comments received.

8.14 **Housing** – no comments received.

8.13 **Environmental Health** – no comments received.

## **9.0 Public Consultation**

- 9.1 Site notice posted and 73 Neighbours have been consulted – no comments received.

## **10.0 Relevant Planning History**

### *Application site*

- 10.1 Permission granted April 2015 - 14/01672/BC4M - Demolish outbuilding and associated extensions to Hinguar School, covert building in to 13 self-contained flats, erect 19 dwellinghouses, layout parking, bin store, form hard and soft landscaping. Hinguar Primary School, Hinguar Street, Shoeburyness.
- 10.2 Current Application - Application for approval of details pursuant to conditions 16 and 17 (Noise Impact Assessment ) and condition 19 (External Lighting Assessment) of planning permission 14/01672/BC4M dated 23/04/2015
- 10.3 Current application - Application for approval of details pursuant to conditions 3 (Material Samples), 4 (Windows), 5 (Landscaping Plan), 6 (Landscape Management Plan), 7 (Renewable Energy), 8 (Bat Survey), 9 (Parking) 10 (Visibility splays), 11 (Cycle and Bin Stores), 12 (Waste Management Plan), 15 (SUDS), 18 (Site Investigation Report), 20 (Surface Water Management Strategy), 21 (Obscure Glazing) and 24 (Car Park Management Scheme) of planning permission 14/01672/BC4M dated 23/04/2015 (15/01494/AD)

### *Saxon Lodge*

- 10.4 Saxon Lodge - Permission granted April 2015 - 14/01744/BC4M - Saxon Lodge, 20 Smith Street, Shoeburyness Demolish buildings at Saxon Lodge and erect three storey building and two storey building comprising 15 self-contained flats, layout parking, bin store and soft and hard landscaping.
- 10.5 Current application - Saxon Lodge Application for approval of details pursuant to condition 3 (Material Samples), 4 (Details of external finishes), 8 (Landscaping), 14 (SUDS) and 16 (Traffic Management Plan) of planning permission 14/01744/BC4M dated 23/04/2015 (15/01204/AD)
- 10.6 Current application - Application for approval of details pursuant to condition 5 (details of parking spaces), 6 (bin stores), 7 (details of cycle parking spaces), 9 (landscape management plan), 10 (10% renewables), 11 (waste management plan), 14 (SUD's) and 15 (Windows) of planning permission 14/01744/BC4M dated 23/04/2015 (15/01288/AD)



## 11.0 Recommendation

Members are recommended to:

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

- 9 units of affordable housing (shared ownership)
- Education contribution (£156,639)
- Public art contribution/provision equivalent of £12823.02.
- Highways works – including funding a TRO (£4,500) to facilitate adoption and yellow lining of the site.
- Provision of Travel Packs for residents.

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

**01** The development hereby permitted shall be begun not later than 24<sup>th</sup> April 2018.

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

**02** Unless otherwise agreed in writing with the local planning authority, the development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan numbers: 80-PL-001C, 80-PL-002, 80-PL-003A, 80-PL-004A, 80-PL-005, 80-PL-006, 80-PL-007B, 80-PL-008B, 80-PL-009A, 80-PL-0010A, 80-PL-011B, 80-PL-012B, 80-PL-013B, 80-PL-014B, 80-PL-019, 80-PL-020A, 80-PL-021B, 80-PL-022, 80-PL-023, 80-PL-024A.

**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, window and doors (including those of the school building), on any screen/boundary walls and fences, refuse and cycle and on any driveway, forecourt, path 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 and the locally listed building in accordance with Policies DM1 and DM5 of the Development Management 2015 DPD and KP2 of the Core Strategy DPD1**

**04. No development shall commence until details of new and replacement windows, doors, new doorways and rooflights, to the school, at a scale of at least 1:20 and including profile details, have been submitted to and approved by the Local Plan Authority The development shall only be carried out in accordance with the approved details.**

**Reason: To safeguard character and appearance of surrounding area and the locally listed building in accordance with Policies DM1 and DM5 of the and Development Management 2015 DPD, KP2 and CP4 of the BLP**

**05. Notwithstanding the submitted landscaping plan, no development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping. This shall include details of all the existing trees and hedgerows on the land and within the rear of Sycamore Court and details of any to be retained, together with measures for their protection in the course of development; details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established; details of measures to enhance biodiversity within the site and details of the treatment of all hard and soft surfaces (including any earthworks to be carried out) and boundary treatment. The approved details shall be implemented within the first planting season following first occupation of the development.**

**Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy DM1of the Development Management DPD 2015 and Policy CP4 of the Core Strategy DPD1**

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

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

**07. The measures to ensure at least 10% of the energy needs of the development will come from on-site renewable options (and/or decentralised renewable or low carbon energy sources) for each stage of the development shall be implemented as detailed in the submitted Energy and Sustainability Statement by AES Southern dated February 2015 and brought into use on first occupation of each phase of the development.**

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

**08. Prior to the commencement of development two dusk emergence and/or dawn re-entry surveys shall be undertaken to determine the presence or absence of roosting bats in the roof, together with mitigation measures as necessary. The bat surveys should follow Natural England and Bat conservation Trust Guidelines and be conducted between May and September during suitable weather conditions by experienced bat surveyors. Any necessary mitigation measures shall be carried out in accordance with the approved details unless otherwise agreed in writing with the local planning authority.**

**Reason: To make sure the conservation status of a protected species is maintained, and so protect the biodiversity of the environment, in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4 and Policy DM2 of the Development Management DPD 2015.**

**09 The development shall not be occupied until 52 parking spaces have been provided on hardstandings within the curtilage of the site, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently retained thereafter for the parking of occupiers 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 and Policy DM15 of the Development Management DPD 2015.**

**10 Prior to first occupation of the development visibility splays to the site entrances shall be implemented in accordance with plans 801 – PL – 001 – A3 and shall be permanently retained thereafter.**

To ensure safe and efficient vehicular access to the development in the interests of accessibility, highways efficiency and safety in accordance with DPD1 (Core Strategy) 2007 policy KP2, Development Management DPD 2015, and SPD1 (Design and Townscape Guide).

11 Prior to first occupation of the proposed refuse and cycle stores shown on plan 801 – PL – 001 – A3 shall be provided. These stores must be clearly marked and made available at all times to everyone using the school development. Waste and cycles must be stored inside the appropriate stores and waste only put outside just before it is to be collected. The stores must not be used for any other purpose.

Reason: To protect the environment and provide suitable storage for cycles and waste and materials for recycling in accordance with DPD1 (Core Strategy) 2007 policy KP2, Development Management DPD Policies DM1 and DM15.

12. Prior to first occupation of the development a Waste Management Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail how the development will provide for the collection of general refuse and re-usable and recyclable waste and what strategies will be in place to reduce the amount of general refuse over time. Waste management at the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the Local Planning Authority.

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.

13. The permitted hours for construction and demolition site works including loading and unloading are Monday to Friday 7.30 a.m. to 6.00 p.m. and Saturday 8.00 a.m. to 1.00 p.m. and not at all on Sundays or Bank Holidays.

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

14. During demolition and construction there shall be no burning of waste on site.

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

**15. Prior to commencement of the development details of SUDs and a surface water management strategy to serve the development shall be submitted to and approved by the Local Planning Authority and thereafter implemented unless otherwise agreed in writing by the Local Planning Authority.**

**Reason:** In order to ensure a satisfactory standard of sustainable drainage and to prevent environmental and amenity problems arising from flooding in accordance with Policies KP2 and CP4 of the Core Strategy DPD1 and Development Management DPD 2015 policy DM2.

**16. To protect residential amenity from transport noise the following criteria shall be achieved.**

**Criteria:**

**A) Where habitable rooms will be exposed to noise levels that are in excess of NEC A of the adopted Noise Exposure Categories', mitigation should include a scheme of acoustic protection, submitted to and approved by the Council, sufficient to ensure internal noise levels no greater than 30LAeq,T dB in bedrooms and living rooms with windows closed at any time. Where the internal noise levels will exceed 35LAeq,T dB in bedrooms (night-time) and 45LAeq,T in living rooms (daytime) with windows open, the scheme of acoustic protection should incorporate appropriate acoustically screened mechanical ventilation.**

**B) Within gardens and amenity areas the daytime 07:00 – 23:00 hours level of noise should not exceed 55 dB LAeq,T free field. This excludes front gardens.**

**To protect the environment of future occupiers in accordance DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Development Management DPD 2015 policy DM1.**

**17. Any mechanical ventilation or plant associated with the new residential development are assessed and mitigated so as not to be a nuisance to new habitants or existing dwellings. The following criteria would need to be achieved:**

**With reference to BS4142, the noise rating level arising from the proposed plant should be at least 5dB(A) below the prevailing background at 3.5 metres from the ground floor façades and 1m from all other facades of the nearest property. There shall be no tonal or impulsive characteristics.**

**To protect the environment of future occupiers in accordance DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Development Management DPD 2015 policy DM1.**

**18. 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 to Controlled Waters in accordance with DPD1 (Core Strategy) 2007 policy KP2 and Development Management DPD 2015 policy DM14.**

**19. Prior to installation of any 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 LPA. External lighting shall be directed, sited and screened so as not to cause detrimental intrusion of light into residential properties.**

**Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Development Management DPD 2015 policy DM1.**

**20. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To prevent environmental and amenity problems arising from flooding in accordance with Policy KP2 and CP4 of the Core Strategy 2007 and Policy DM2 of the Development Management DPD 2015**

**21. All windows shown as being obscure glazed on the approved plans 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, Development Management DPD Policy DM2 and SPD1 (Design and Townscape Guide).**

**22. Notwithstanding the provisions of Classes A, B, C, and D of Part 1 and Classes A and C of Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no extension or alterations to the new houses shall be undertaken unless otherwise agreed in writing by the local planning authority.**

**Reason: In the interests of residential amenity and general environmental quality and in accordance with DPD1 (Core Strategy) 2007 policy CP4, Borough Local Plan 1994 policy DM1 and SPD1 (Design and Townscape Guide).**

**23. Notwithstanding the provisions of Class A of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 1995 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no windows or other openings (other than those shown on the plans) shall be formed in the outside walls of the buildings unless otherwise agreed in writing by the local planning authority.**

**Reason: In the interests of residential amenity and general environmental quality in accordance DPD1 (Core Strategy) 2007 policy CP4, Development Management DPD policy DM1 and SPD1 (Design and Townscape Guide).**

## Informatives

01. 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). Contact 01702 215005 for more information.

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

c) In the event that the planning obligation referred to in part (a) above has not been completed by 10<sup>th</sup> December 2015 the Head of planning and Transport or Group Manager (Planning & Building Control) be authorised to refuse planning permission for the application on the grounds that the development fails to:- i) provide adoption of highway within the site to provide for a satisfactory method of servicing the development. ii) provide an effective means of delivering Travel packs iii) provide for a satisfactory provision of public art and iv) provide for education facilities to serve the development, v) provide affordable housing to meet the needs of the Borough. As such would result in service vehicles blocking the highway within the site to the detriment of highway and other safety and is likely to place increased pressure on public services and infrastructure to the detriment of the general amenities of the area, contrary to Policies KP2, KP3, CP3, CP4, CP6 and CP8 of the Core Strategy, Policies DM1, DM3, DM7, DM15 and the Design and Townscape Guide (2009).

|                             |  |
|-----------------------------|--|
| <b>Reference:</b>           | 15/01512/FUL   |
| <b>Ward:</b>                | Kursaal  |
| <b>Proposal:</b>            | Convert dwelling house (Class C3) into two self-contained flats (Class C3) |
| <b>Address:</b>             | 10 Beresford Road, Southend-on-Sea, Essex, SS1 2TW                         |
| <b>Applicant:</b>           | Mr Jazz Walia  |
| <b>Agent:</b>               | Marcus Bennett Associates  |
| <b>Consultation Expiry:</b> | 25.11.2015   |
| <b>Expiry Date:</b>         | 24.12.2015   |
| <b>Case Officer:</b>        | Janine Rowley  |
| <b>Plan Nos:</b>            | 10BRSOS/01   |



**Recommendation:**

**REFUSE PLANNING PERMISSION**



## **1 The Proposal**

- 1.1 Permission is sought to convert dwelling house into two self-contained flats (Class C3).
- 1.2 No external alterations are proposed to the front elevation. To the rear elevation a window to the first floor rearward gable projection will be increased in size and the omission of two small windows from the ground floor rear elevation. An existing sash window to the ground floor will also be replaced with a door. To the west elevation the sash window to the first floor is to be omitted and two additional window to the ground floor.
- 1.3 The internal floorspace of the ground floor one bedroom flat is 40.9sqm (excluding the communal hallway) and the two bedroom first floor flat is 48.8sqm (excluding stairwell).
- 1.4 The site does not benefit from off street parking currently and no off street parking is proposed. Bin storage is proposed to the front of the building and the amenity space to the rear equates to 30.3sqm. Cycle storage is proposed within the garden area.

## **2 Site and Surroundings**

- 2.1 The application site relates to a two storey terraced property located on the south side of Beresford Road. The streetscene is characterised by two storey terraced properties to the east and west of the site. The Kursaal estate is located to the north of the site.
- 2.2 The site is located within the Southend Central Area as designated by the Development Management Document.

## **3 Planning Considerations**

- 3.1 The main considerations in the determination of this application are the principle of conversion, design, impact on the character of the area, impact on residential amenity of neighbouring residents, the standard of accommodation for future occupiers, parking and waste.

## 4 Appraisal

### Principle of Development

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

- 4.1 This proposal is considered in the context of the National Planning Policy Framework, Core Strategy DPD1 and Development Management Document DPD2 policies relating to design.
- 4.2 The National Planning Policy Framework advocates the need for a mix of housing both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas.
- 4.3 Policy DM3 paragraph 2.41 of the Development Management Document states

*“The conversion of existing single dwellings into self-contained flats (in combination with a rise in provision of new build flats) over the last 20 years has led to a higher proportion of 1-bed and 2-bed dwellings in Southend. Indeed, the Thames Gateway South Essex (TGSE) Strategic Housing Market Assessment (SHMA) 2013 identifies that Southend has a higher proportion of flats/maisonettes (36%) relative to the English average and other authorities within the TGSE housing market area (ranging from 9% in Castle Point to 23% in Thurrock). Furthermore, Southend has a housing stock comprised of a greater proportion of 1-bed units (20% in Southend in contrast to an average of 11% across the other TGSE local authority areas) and a higher level of smaller properties (less than 50sqm), a consequence of which is that there is a lower percentage of accommodation of a suitable size for families in Southend, (52% 3+bed dwellings compared to an average of 61% 3+bed dwellings across the other TGSE local authority areas)”.*

- 4.4 Paragraph 2.42 of Policy DM3 of DPD2 goes on to state:

*“The conversion of existing dwellings can, where appropriately justified, be an effective way of meeting local housing demand and offer opportunities for enhanced sustainability through retrofitting, as set out within Policy DM2. Nonetheless, conversions of single dwellings to more than one self-contained unit can also give rise to a number of problems within an area. These include contributing to pressure on on-street parking capacity, changes in the social and physical character and function of an area. It is also important that conversions do not result in a poor quality internal environment that detrimentally impacts upon the intended occupiers’ quality of life”.*

4.5 Paragraph 2.43 of Policy DM3 of DPD2 finally states:

*“The cumulative impact from multiple conversions in an area through population growth can also put pressure on local services and infrastructure that is not immediately recognised as part of an individual planning application and may lead to development which is not sustainable for that locality. Applicants wishing to convert an existing property will therefore be required to demonstrate how the proposals will create a high quality internal layout and will not, on its own and in association with other conversion schemes, impact detrimentally upon the surrounding area. In determining whether a conversion has led to a detrimental change of a street’s function the Council will consider, amongst other things, the proportion of single dwelling houses that have already been converted, both existing and committed , within a street block”.*

4.6 Policy DM3 of the Development Management Document states that “The conversion of existing single dwellings into two or more dwellings will only be permitted where the proposed development:

- (i) Does not adversely impact upon the living conditions and amenity of the intended occupants and neighbouring residents and uses; and
- (ii) Will not harm the character and appearance of the existing building or wider area; and
- (iii) Will not lead to a detrimental change of a street’s function; and
- (iv) Meets the residential standards set out in DM8 and the vehicle parking standards set out in Policy DM15”.

The detailed design considerations will be discussed in detail below; however it is not considered the proposal will lead to a detrimental change of the streets function given that the street appears to be predominantly houses.

4.7 There is a shortage of family housing and there is an above average supply of 1 and 2 bedroom houses as identified by Policy DM7 of the Development Management Document. Policy supports the more efficient use of land, however it is considered detailed consideration as per policy DM13 will determine the acceptability.

**Design and Impact on the Character of the Area  
National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy, Policy DM1 of the Development Management Document and Design and Townscape Guide.**

4.8 The proposed external alterations include changes to the fenestration to the rear elevation as detailed in paragraph 1.2 above. The window to the first floor rear elevation in terms of its design and proportions fails to relate satisfactorily to the existing building, however given that it will not be visible from any public vantage point no objection is raised. The other external changes to the rear elevation will not harm the character and appearance of the existing dwelling.

- 4.9 The proposed siting of the bin stores to the front of the building will affect the overall character and appearance of the building to the detriment of the character and appearance of the streetscene contrary to policy DM3 of the Development Management Document.

**Standard of Accommodation:**

**National Planning Policy Framework, Policy DM8 of the Development Management Document and The National Technical Housing Standards DCLG 2015**

- 4.10 The National Technical Housing Standards as set out by DCLG 2015 were adopted 1<sup>st</sup> October 2015. These set out minimum space standards for dwellings. The standards state 50sqm is required for a one bedroom (2 persons) 1 storey dwelling and 61sqm for a 2 bedroom (3 persons) 1 storey dwelling. The proposed conversion will provide 40.9sqm to the ground floor one bedroom flat and 48.8sqm to the first floor two bedrooms flat. Both flats would therefore fall short of the National Housing Standards and this will result in an unacceptable living environment for future occupiers given their limited sizes, contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policy DM8 of the Development Management Document, National Housing Standards and the Design and Townscape Guide SPD1. There is also concern in relation to the outlook for the bedroom to the ground floor flat; whilst it is acknowledged there are windows to the flank elevation and a door to the rear elevation. The outlook and daylight entering this room will be limited.
- 4.11 Policy DM8 (iii) states that all new dwellings should meet the Lifetime Home Standards, unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Home Standards has now been superseded by the National Technical Housing Standards adopted from October 2015 and all new dwellings are required to meet building regulation M4 (2)- 'accessible and adaptable dwellings'. The applicant has not submitted information demonstrating that the two flats meets the building regulation M4(2) requirements and therefore, an objection is raised in relation to the submission of insufficient information which demonstrates that the two flats can be accessible and adaptable for older people or wheelchair users.
- 4.12 Policy DM8 of the Development Management Document DPD2 states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this can take the form of a balcony or semi-private communal amenity space.

4.13 Paragraph 143 of the Design and Townscape Guide, 2009 (SPD1) states:

*“There is no fixed quantitative requirement for the amount of amenity space as each site is assessed on a site by site basis according to local character and constraints. However, all residential schemes will normally be required to provide useable amenity space for the enjoyment of occupiers in some form...”*

Communal amenity space should be a useable size and shape.

4.14 The existing garden to the rear is 30.3sqm for a 3 bedroom dwellinghouse. The ground floor flat will have access to the amenity to the area, however the two bedroom flat to the first floor will not have access. Given the type of family accommodation proposed at first floor this is not considered an acceptable.

4.15 Refuse storage is proposed to the front of the building, this would be detrimental to the amenities of existing and future occupiers in terms of its siting and impact on the living room serving the ground floor flat. Whilst it is acknowledged the refuse will be covered the siting will affect not only the potential future occupiers of the site and surrounding residents and the visual amenities of the wider area given that is not characteristic of the area, and is therefore contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policy DM1 of the Development Management Document and SPD1 (Design and Townscape Guide).

4.16 Taking into account the limited living standards, lack of amenity space available for all users of the flats, siting of the refuse storage results in a contrived development to the detriment of future occupiers contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policies DM1, DM3 and DM8 of the Development Management Documents, the National Technical Housing Standards DCLG.

**Impact on Residential Amenity:**

**National Planning Policy Framework, Policy CP4 of the Core Strategy, DPD2 (Development Management Document) policy DM1 and Design and Townscape Guide.**

4.17 It is not considered the proposed conversion by reason will harm the amenities of existing occupiers in terms of overlooking, loss of light or noise and disturbance.

**Parking and Access:**

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

- 4.18 The existing dwelling does not benefit from off street parking. Parking along Beresford Road is restricted by permits. The site is located within the Southend Central Area as designated by the Development Management Document and greater flexibility is given to sites within sustainable locations. The Design and Access Statement accompanying this application states the site is within walking distance of the bus interchange as well as stations for both mainline railway lines. However, the site is not located in the High Street and access to public transport would not be readily available for all potential future occupiers. In accordance with Policy DM15 of the Development Management Document the existing the dwellinghouse should therefore have access to one parking space. The proposal is to convert the dwelling into two flats (1 x 1 bedroom and 1 x 2 bedroom), in light of this, in accordance with policy DM15 of the Development Management Document two parking spaces would be required.
- 4.19 The proposed development would therefore result in a shortfall of one space and will cause additional on street parking in an area of parking stress to the detriment highway safety and the local highway network contrary to guidance contained within the NPPF, Policy CP3 of the DPD1 (Core Strategy), Policy DM15 of the Development Management DPD2, and the Design and Townscape Guide (SPD1).
- 4.20 Cycle storage is proposed to be accommodated within the building for the first floor flat at ground floor within an area of 1.3m wide x 3.7m deep next to the stairwell and to the rear garden area for the ground floor flat. In accordance with policy DM15 of the Development Management Document one cycle space is required per flat. If the application is deemed acceptable a suitable condition can be imposed to have further details.

**Community Infrastructure Levy (CIL)  
Charging Schedule.**

- 4.21 The existing dwellinghouse has an internal floorspace of 96.6sqm and the proposed conversion to two dwellings will not result in any increase of internal floorspace. The proposal is therefore exempt from CIL under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

## **Planning Policy Summary**

- 5.1 National Planning Policy Framework
- 5.2 DPD1 Core Strategy Policies CP3 (Accessibility and Transport) CP4 (Environment & Urban Renaissance) and KP2 (Development Principles), CP8 (Dwelling Provision)
- 5.3 DPD2 Development Management Document Policies DM1 (Design Quality), DM3 (Efficient and effective use of land), DM7 (Dwelling Mix), DM8 (Residential Standards), DM15 (Sustainable Transport Management).
- 5.4 Design & Townscape Guide 2009 (SPD 1).

## **6 Representation Summary**

### **Design & Regeneration**

- 6.1 No comments.

### **Traffic & Highways Network**

- 6.2 There is a highway objection to this proposal. no parking has been provided for either of the dwellings, whilst it is noted that there is currently no parking for the dwelling it is considered that the proposal with no associated off street parking will have detrimental impact on the surrounding highway network which already suffers from considerable parking stress.

### **Private Housing**

- 6.3 Fire separation  
No requirement for additional fire resistance, but walls and floors should be of sound, conventional construction. Doors should be of sound, solid construction.

#### Fire detection and alarm system

The following fire detection is required in the property:

BS 5839 Part 1 Grade D, LD3 system comprising interlinked mains wired smoke alarms with integral battery back-up located in the escape route at all floor levels and hallways and an additional interlinked mains wired heat alarm located in kitchen.

#### Fire fighting equipment

It is recommended a fire blankets are provided in each kitchen.

#### Natural light and ventilation

All habitable rooms to have an openable window area equivalent to at least one-twentieth of the floor area of the room.



## **Public Consultation**

- 6.4 A site notice displayed on the 4<sup>th</sup> November 2015 and 9 neighbours notified of the proposal. One letter of representation has been received stating that no. 7 Northumberland Avenue was refused planning permission to convert a dwelling into 2 flats, which is very similar to this proposal.

## **Ward Councillor**

- 6.5 Councillor McMahon has requested the application be dealt with by Development Control Committee.

## **7 Relevant Planning History**

- 7.1 None.

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

- 01 The proposal, by reason of the limited internal size of the units, the lack of information to demonstrate accessibility and adaptability of the units, and lack of outdoor amenity space, would not result in a high quality living environment and is indicative of overdevelopment. This would be contrary to the NPPF, policies KP2 and CP4 of the Core Strategy, policy DM3 and DM8 of the Development Management DPD2 and National Technical Housing Standards 2015 DCLG 2015.**
- 02 The proposed conversion by reason of unsatisfactory level of parking will cause additional on street parking in an area of parking stress to the detriment highway safety and the local highway network contrary to guidance contained within the NPPF, Policy CP3 of the DPD1 (Core Strategy), Policy DM15 of the Development Management DPD2, and the Design and Townscape Guide (SPD1).**
- 03 The poor siting of the refuse store to the front of the building would result in visual harm to detriment of the character and appearance of the building and the wider area contrary to guidance contained within the NPPF, Policy CP3 of the DPD1 (Core Strategy), Policy DM15 of the Development Management DPD2, and the Design and Townscape Guide (SPD1)..**

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

## Informative

- 1 You are advised that as the proposal does not create any new floorspace therefore the Community Infrastructure Levy Regulations 2010 (as amended) is not applicable and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.

|                             |   |
|-----------------------------|---|
| <b>Reference:</b>           | 15/01591/FUL  |
| <b>Ward:</b>                | Chalkwell   |
| <b>Proposal:</b>            | Demolish existing buildings at 658-664 London Road, erect four storey block with retail use at ground floor and nine self-contained flats at first, second and third floors with associated parking and refuse/cycle stores |
| <b>Address:</b>             | 658 London Road, Westcliff-on-Sea, Essex, SS0 9HQ   |
| <b>Applicant:</b>           | Leslie B. Holmes (Securities) Ltd.  |
| <b>Agent:</b>               | Knight Gratrix Architects   |
| <b>Consultation Expiry:</b> | 27.11.2015  |
| <b>Expiry Date:</b>         | 18.11.2015  |
| <b>Case Officer:</b>        | Janine Rowley   |
| <b>Plan No's:</b>           | 010 Revision F, 012 Revision E, 013 Revision C  |
| <b>Recommendation:</b>      | <b>GRANT PLANNING PERMISSION</b>  |



## 1 The Proposal

- 1.1 Planning permission is sought to demolish the existing buildings at 658-664 London Road and erect a three storey block with retail use at ground floor and nine self-contained flats at first, second and third floors with associated parking and refuse/cycle stores
- 1.2 The proposed new building would be 17.7m wide x 12.4m high (15.5m high including lift shaft) x 18.6m deep; flat roofed.
- 1.3 The building will include two ground floor commercial units a mix A1, A2 and B1 uses 51sqm and 95sqm. The nine flats:

| Flat   | Bedroom/Bed spaces   | Internal Floorspace | Balcony |
|--------|----------------------|---------------------|---------|
| Flat 1 | 1 bed (2 bed spaces) | 54sqm               | 7.3sqm  |
| Flat 2 | 2 bed (3 bed spaces) | 69sqm               | 5.6sqm  |
| Flat 3 | 2 bed (3 bed spaces) | 76sqm               | None    |
| Flat 4 | 1 bed (2 bed spaces) | 54sqm               | 7.3sqm  |
| Flat 5 | 2 bed (3 bed spaces) | 69sqm               | 5.6sqm  |
| Flat 6 | 2 bed (3 bed spaces) | 76sqm               | None    |
| Flat 7 | 1 bed (2 bed spaces) | 54sqm               | 4sqm    |
| Flat 8 | 2 bed (3 bed spaces) | 63sqm               | None    |
| Flat 9 | 2 bed (3 bed spaces) | 76sqm               | 5.4sqm  |

- 1.4 The proposed roof garden will include an area of 66sqm is useable for potential future occupiers. Twelve car parking spaces are proposed to the rear of the site including 12 cycle spaces. Separate commercial and residential refuse stores are proposed.

## 2 Site and Surroundings

- 2.1 The application site is located on the southern side of London Road. The streetscene in this part of London Road is made up of a variety of different styles and designs. The existing site is a two storey building with roof accommodation including offices, a retail unit and café/restaurant. Parking is to the rear of the site access with a number of garages also.
- 2.2 The site is not the subject of any site-specific policy designations.

## 3 Planning Considerations

- 3.1 The main considerations in relation to this application are the principle of the development, design (including the impact of the proposed works on the character and appearance of the building), impact on neighbouring properties, living conditions for existing/future occupiers, planning contributions and traffic and parking issues.

## 4 Appraisal

### **National Planning Policy Framework; DPD1 (Core Strategy) policies KP1, KP2, CP4, CP8; DPD2 (Development Management) policies DM1, DM3, DM7, DM14 and the Design and Townscape Guide SPD1 (2009)**

4.1 Policy CP1 of the Core Strategy states that permission will not be granted for proposals involving the loss of business use. Part 5 of policy DM11 of the Development Management Document DPD2 states that outside of employment areas, 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.

4.2 The proposed development proposes two commercial units to the ground floor equating to 146sqm with a flexible uses of A1/A2/B1. The existing office Class B1 floorspace equates to 181sqm. In order to preserve the employment use of B1a offices in accordance with policy DM11 of the Development Management Document a suitable condition will be imposed to ensure the ground floor units will be used solely for 146sqm of employment uses, which is only a 34sqm reduction from the existing office floorspace on site. There are no planning policies are in place to safeguard the current A1 and A3 uses.

4.3 On balance, no objection is raised to the reduction in employment floorspace and a condition will be imposed to ensure the two commercial units to the ground floor are retained as Class B1a uses to safeguard such employment uses in accordance with policy CP1 of the Core Strategy and policy DM11 of the Development Management Document.

4.4 There is no objection in principle to residential development at upper floors.

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

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

4.5 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”.*

4.6 Paragraph 60 of the NPPF states:

*“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles”.*

4.7 Policy KP2 of the Core Strategy requires all new developments to respect the character and scale of the existing neighbourhood where appropriate. Policy CP4 of the Core Strategy states that development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend.

4.8 Policy DM1 and DM3 and the Design and Townscape Guide advocate the need for any new development to respect the character of the area and complement the local character.

4.9 The proposed development in relation to scale will not appear at odds with the streetscene given the four storey building to the east of the site and three storeys to the west. The building line relates to the existing properties to the east and west following the slope of the site. The overall width of the building will match existing and the depth into the site to the rear will also increase.

4.10 The overall design and appearance of the building is of a simple form with stacked boxes, stepped to provide a positive relationship to the sloped building line and the scale of the adjacent offices to the east and west, which are four and three storeys in height. The proportions and shaping provides a positive relationship to the streetscene. The detailing of the development has simplified form with articulation from the change of materials for the projecting element, which will provide greater interest in the streetscene. The overall scale and design will not appear out of keeping with the existing urban grain and provide a positive relationship to the adjacent buildings.

- 4.11 In relation to the layout of the building, the gates proposed will ensure there is no creation of a void in the frontage created by the vehicular access. The vehicular access will increase in width creating a shared access for potential occupiers of the development. The parking to the rear of the building will be sited in the same position as existing and additional landscaping is proposed to the borders of the car park to enhance the overall appearance.
- 4.12 The proposed materials in terms of render and brickwork will match with the existing streetscene and adjoining buildings, respecting the existing character and appearance of the area.

### **Living Conditions for Future Occupiers**

#### **National Planning Policy Framework, Development Management Document policy DM8, The National Technical Housing Standards DCLG 2015 and Design and Townscape Guide (SPD1)**

- 4.13 It should be noted from the 1<sup>st</sup> October 2015 the National Housing Standards have been adopted and state 50sqm floorspace per one bedroom flat (2 bed spaces) and 61sqm per two bedroom flat (3 bed spaces) is required to ensure the development is in line with building control. The proposed internal sizes of the flats are given at paragraph 1.3 above. All of the flats would be in excess of the required standards and therefore no objection is raised. Furthermore, all flats will have sufficient outlook and daylight for future occupiers.

Policy DM8 of the Development Management Document DPD2 states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this can take the form of a balcony or semi-private communal amenity space.

- 4.14 Paragraph 143 of the Design and Townscape Guide, 2009 (SPD1) states:

*“There is no fixed quantitative requirement for the amount of amenity space as each site is assessed on a site by site basis according to local character and constraints. However, all residential schemes will normally be required to provide useable amenity space for the enjoyment of occupiers in some form...”*

Communal amenity space should be a useable size and shape.

- 4.15 Six of the nine flats will have access to private balconies and a communal terrace to the roof via a lift to an area of 66sqm. On balance, taking into account the location of the site and provision of balconies and a roof terrace and easy access to Chalkwell Park to the west of the site no objection is raised.

- 4.16 Part M4(2) of the Building Regulations adopted by the National Technical Housing Standards 1<sup>st</sup> October 2015 requires the need to provide accessible and adaptable dwellings. The applicant has submitted drawing 015 to include a step free access to the flats and associated parking space, private outdoor space and accessible accommodation and sanitary facilities for older people or wheelchair users and sockets outlets and other controls reasonably accessible to people with reduced reach. It is considered the proposed flatted development would be accessible and adaptable dwellings for older people or wheelchair users. A suitable condition will be imposed to ensure the development is carried out in accordance with Part M4(2) of the Building Regulations.

### **Impact on Neighbouring Properties**

#### **National Planning Policy Framework, Core Strategy Policy CP4, Development Management Document policy DM1, and Design and Townscape Guide (SPD1)**

- 4.17 Policy DM1 of the Development Management Document states that any new development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.
- 4.18 It is not considered the proposed development will result in any harm to adjoining properties in terms of being overbearing or resulting in overshadowing. Whilst the depth of the development is greater than existing building taking into account the commercial premises to the east of the site at Chalkwell Lawns and west of the site at Aldi, of which both buildings have blank flank elevations the proposal will not result in any material harm.

The overall height of the building will not be overbearing to adjoining buildings nor to the amenities of properties to the north of the site located 25m given the existing three storey and four storey buildings to the east and west of the existing height and this development will be no higher.

- 4.19 In terms of overlooking whilst balconies are proposed to the rear elevation, given the separation distance from the nearest residential properties to the south of the site is mitigated against by the tennis courts directly behind the site no objection is raised.
- 4.20 The proposed roof terrace will be surrounded by a 1.8m screen and is sited in excess of 29m to the nearest residential properties to the north and 78m to the nearest residential boundary to the south of the site, which are sufficient distances to mitigate against any overlooking or loss of privacy.



## Traffic and Parking

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

- 4.21 The site is located along London Road with access to a number of bus routes. The existing vehicle access is 2.7m wide and serves 12 parking and garage spaces to the rear of the site. The proposed development will result in an increase width of the access road to 4.2m creating a shared vehicle access for both pedestrians and vehicles to use including pavement areas that will be constructed from different surfaces.
- 4.22 The existing site includes 12 parking spaces for the A1, A5, B1 and C3 uses. Policy DM15 of the Development Management Document requires one parking space per flat to be provided on site. The applicant has applied for a mix of A1, A2 and B1, the parking requirement varies from 1 space per 14sqm for A1, 1 space per 20sqm for A2 and 1 space per 30sqm for B1.
- 4.23 The application form and associated drawings indicate that 12 parking spaces can be accommodated on site. Since the formal submission of this application the applicant has confirmed 9 parking spaces will be allocated for the residential flats and 3 parking spaces for the commercial premises. On balance, taking into account the sustainable location of the site with access to a number of bus services and walking distance to a number of amenities and given a number of premises along London Road that do not have off street parking provision. Material planning consideration has to be given to a recent appeal dismissed at 845-849 London Road (Reference: 3001906) in relation to parking whereby the inspector concluded that whilst the commercial premises would not meet the parking requirements of policy DM15 of the Development Management Document there is time controlled on-street parking bays, which would enable visitors or vehicles to unload without inhibiting the free flow of traffic.

### *Refuse*

- 4.24 Refuse storage has been provided to the rear and separated between commercial and residential. The site of the refuse falls outside the scope of the waste management guide collection area. In light of this a condition would be required if this application is deemed acceptable with full details to be submitted and agreed.

## **Renewable Energy**

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

- 4.25 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. Solar panels have been shown on the roof however, no details have been submitted to demonstrate the proposal will meet the 10% requirement however it could be dealt with by condition.
- 4.26 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. Whilst details have not been submitted for consideration at this time, this can be dealt with by condition.

### **Community Infrastructure Levy (CIL) Charging Schedule.**

- 4.27 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. CIL is payable on net additional gross internal floorspace. The existing floorspace of the site calculates to approximately 409sqm. The proposed development will result in 156.4sqm for the commercial floorspace (£10 per sqm) and 701.7sqm for the residential floorspace (£20 per sqm zone 1). The proposed development will therefore, result in a CIL liability of approximately £8272.51.

## **5 Planning policies**

- 5.1 National Planning Policy Framework 2012.
- 5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources) CP3 (Transport and Accessibility) CP4 (The Environment and Urban Renaissance), and CP8 (Housing).

- 5.3 Development Plan Document 2: Development Management policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, size and type), DM8 (Residential Standards), DM11 (Employment Areas), (DM14 (Environmental Management), DM15 (Sustainable Transport Management)
- 5.4 Supplementary Planning Document 1: Design & Townscape Guide, 2009.
- 5.5 Waste Management Guide

## **6 Representation Summary**

### **Design and Regeneration**

- 6.1 There is no objection to the redevelopment of this site and the proposed 4 storeys seem reasonable in this location given the context of surrounding buildings. The design of the proposal, which is essentially a series of stacked boxes the western one of which has been skewed and stepped out slightly, has enabled the proposal to provide an appropriate response to the sloped building line and a positive transition between the scale of the 4 storey flatted block to the east and the adjacent new offices to the west which are only 2 tall storeys. It is pleasing to see that the materials have been amended to include some feature brickwork which will add texture to the development and help to break up the massing. The increase in transparency at the upper level is also welcomed and will make this section appear more lightweight and now better relates to the detailing of the feature core and this too has enhanced the scheme.

At ground level the residential entrance seems a little tight but this is a constrained site and the proposal to glaze the side of the lobby will help to make it more welcoming. It is pleasing to see that the position of the vehicular gates has been moved forward and this will provide better enclosure to the streetscene provided they are well detailed. The design of this element should not be utilitarian but instead should provide a positive contribution to the streetscene.

The success of this development in the streetscene will depend on the quality of materials and the detailing of key elements including the entrance canopy and gates, feature stair tower, timber panel detail and feature shopfront signage the and these elements should therefore be conditioned.

To the rear it is a shame that the single windows detail have not picked up on the glazing pattern of the front as this would give rise to a more complete scheme but it is noted that this elevation has no public impact.

Internally the properties seem to be of a reasonable size and layout and it is pleasing to see useable balconies and a terrace.

## Sustainability

It is noted that pvs are proposed on the roof. This would seem acceptable in principle although the 10% energy will need to be demonstrated.

## Traffic and Highways

- 6.2 To access the rear of the site currently vehicles drive through an existing service road which measures approximately 2.5m in width. There are no current restrictions when entering the site from the east or west. To the rear consists of 12 garages, 6 to the north and 6 to the south with a small turning area to allow vehicles to manoeuvre and exit the site in a forward gear.

The proposal comprises of 2 commercial units with 3 parking spaces and 9 dwellings with 9 car parking spaces and 12 cycle spaces. Refuse collection points for the commercial and residential elements have been provided however these are located outside current collection distance, therefore alternative collection arrangements will need to be made on the day of collection. The commercial element provides three parking spaces and consideration has been given to the sustainable location of the site with regard to public transport which has good public transport links in close proximity, therefore no objections are raised in relation to parking provision for the commercial premises.

In terms of traffic generation there are 12 existing garages currently in use, the proposal provides 12 car parking spaces for the residential and commercial properties, therefore the number of vehicle movements will remain the same and will utilise the same access point but with a greater width of up to 4.2m, improving the existing situation. The vehicles using the car parking spaces also have the required 6m turning distance to ensure vehicles leave the site in a forward gear. The applicant will be required to remove some of the road markings within the central reserve (hatched area) within London Road to enable vehicles to turn right into and out of the site.

With regard to visibility, the proposal will improve the existing situation due to the access width increasing thereby increasing visibility both for pedestrians and vehicles. The applicant should also provide traffic calming features within the access road to further reduce speed of vehicles existing. The applicant should also provide signage to ensure vehicles entering the site have priority over vehicles exiting. Diagram 615 & Diagram 615.1 from the traffic signs regulation and general directions 2002 should be used to ensure the free flow of traffic on the London Road.

Given the above information a highway objection is not raised as the existing site has the potential to generate the same amount of traffic volume as the proposal. The proposal does improve the current situation with the increase of the access width and the aforementioned traffic calming and road marking improvements.

## Public Consultation

6.3 A site notice displayed on the 6<sup>th</sup> November and 50 neighbours notified of the proposal 7 letters of representation have been received stating:

- Increase in traffic would be disastrous for bus times
- Safety issue relating to children going to Chalkwell Hall Junior School
- Disruption with the building of a new complex that would be huge along London Road and it is an intensely busy area; also there have been a few accidents on the pavement already. Chalkwell Lawns has the same proposed entrance as the new complex, which also creates danger to school children
- Offices across the road (The Reach) already remain empty and it does not make sense to destroy thriving local businesses to create more office spaces
- Overdevelopment of the area- there are 15 examples of flatted developments within the area
- Impact on overcrowded doctors in Westborough
- Impact on schools in the area
- Impact on parking and servicing
- Design and impact of the development on the wider environment

A petition has also be received with 391 names and objections on the following grounds:

- Inadequate parking and access- the proposed development does not provide sufficient parking spaces in an area of already intense on street parking pressures on London Road. The proposal will result in harm to the highway safety and residential amenity **[Officer Comment: The Council Highway Officer states in terms of traffic generation there are 12 existing garages currently in use, the proposal provides 9 car parking spaces for the residential properties and 3 spaces for the commercial premises in accordance with policy DM15 of the Development Management Document].**
- Road safety issues- The road width and markings in the London Road do not permit safe vehicular access and egress, especially for motor vehicles turning right from the public highway into the proposed development and traffic turning right from the proposed development into the public highway. There is not roundabout nearby for motor vehicles to turn around to effect a safe entrance and exit. The vehicular access and egress is wholly inadequate and insufficient **[Officer Comment: The Council Highway Officer states the number of vehicle movements will remain the same and will utilise the same access point but with a greater width of up to 4.2m, thereby improving the existing situation. The vehicles using the car parking space also have the required 6m turning distance to ensure vehicles leave the site in a forward gear].**

- Danger to pedestrians and children- the proposed development will create significant danger to pedestrians and the number of school children walking along the pavement. There will be low visibility and poor and restricted sight lines for motor vehicles entering and leaving. A similar problem exists with the adjoining properties Aldi and Chalkwell Lawns where there have been road traffic accidents **[Officer Comment: The Council Highway Officer states with regard to visibility the existing vehicle width is increasing thereby increasing visibility both for pedestrians and vehicles. The applicant could also provide traffic calming features within the access road to further reduce speed of vehicles existing. The applicant will be required to provide signage to ensure vehicles entering the site have priority over vehicles exiting. Diagram 615 & Diagram 615.1 from the traffic signs regulation and general directions 2002 should be used to ensure the free flow of traffic on the London Road]**Asbestos- proposed demolition will involve the removal of a huge amount of toxic and lethal asbestos covering the roof of the existing outbuildings. There could be as much as 300sqm of toxicity. This requires careful and detailed supervision and the Council should consider using its powers to enforce controlled and safe hours of operation and other restrictions that may make the removal safe not only for the contractors but also the adjoining and adjacent occupiers residents, office workers and the public in general **[Officer Comment: This is an issue for the HSE]**. Loss of light and overshadowing- the proposed development is huge. It will result in significant loss of light and overshadowing to neighbouring and adjoining properties.
- Need for demolition- The proposed development is obtrusive and unnecessary. Brand new offices next door cannot be let, which suggests that there has been an overdevelopment of the area. An adjoining property 'The Reach' which has similar appearance has been successfully refurbished without the need for demolition. We believe that the proposed redevelopment is an expansion too far. Loss of small commercial units/amenities for the public- the proposed development will result in the loss of three small independent commercial units depriving owners of an opportunity to earn a livelihood. There is a loss of small businesses in the area already, with large national chains of supermarkets and multi nationals squeezing out small independent occupiers with large chain supermarkets.Overlooking and loss of privacy- the proposed development will extend far into the garden and will result in overlooking and loss of privacy to the neighbouring and adjoining properties. The development will result in serious crammingVisual amenity- the size and density of the proposed development is out of place with similar properties within the vicinity. This is an unattractive development no consideration has been given to landscaping.
- Noise and disturbance- the proposed development will add noise and disturbance to neighbouring and adjoining properties it will bring buildings closer together and interfere with neighbour and adjoining properties and surrounding residential occupiers are entitled to enjoy their garden
- Layout-density- the proposal will create an increased density within a mixed residential and commercial area. Adequate distance has not been created

between the development and neighbouring and adjoining properties. There is no screening by natural barriers.

- Design, appearance and materials- Insufficient details have been given about the proposed design, appearance and materials and it would be out of place with the surrounding area.

## **7 Relevant Planning History**

7.1 None.

## **8 Recommendation**

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

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

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

- 02 The development hereby permitted shall be carried out in accordance with the approved plans 010 Revision F, 012 Revision E, 013 Revision C.**

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

- 03 The B1 space hereby approved shall only be used for purposes falling within B1 of the Town & Country Planning (Use classes) Order, or any order superseding, and for no other purposes, without the full written consent of the Local Planning Authority.**

**Reason: To define the scope of this permission in terms of employment floorspace, in accordance with policies KP1 And CP1 of the Core Strategy DPD1, policy DM11 of the Development Management Document DPD2 and the NPPF.**

- 04 No development shall take place until samples of the facing material to be used, including elevations, undercroft gate for parking, brickwork, glazing, doors, shopfront, window, balustrades, cladding, canopy, roof, boundary treatments and paving 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 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 Document) policy DM1, and SPD1 (Design and Townscape Guide).

- 05** Details of the canopy, stair tower, vehicular gates, shopfronts and feature timber panelling shall be submitted and 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 Document) policy DM1, and SPD1 (Design and Townscape Guide).

- 06** The vehicle access shall be carried out in accordance with drawing 010F and the nine flats shall not be occupied until the vehicle access has been constructed in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

**Reason:** In the interests of highway efficiency and safety in accordance with NPPF, DPD1 (Core Strategy) 2007 policy KP2 and DPD2 (Development Management Document) policy DM15.

- 07** 12 car parking spaces (1 space per flat (9) and 3 spaces for the commercial premises) shall be provided in accordance with drawing 010F and shall thereafter be permanently retained for the parking of private motor vehicles solely for the benefit of the occupants of the new dwellings and commercial premises and for no other purpose unless otherwise agreed in writing by the local planning authority.

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

- 08** No flats hereby approved shall be occupied until cycle parking spaces have been provided in accordance with the approved plans, unless otherwise and cycle parking shall be retained in perpetuity unless otherwise agreed in writing with the Local Planning Authority.



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

- 09** No development shall commence until details of traffic calming and associated signage has been submitted to and agreed in writing by the local planning authority and shall be installed prior to occupation of the residential and commercial premises. The agreed details shall be permanently retained.

**Reason:** In the interest of highway and pedestrian safety in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management Document) policy DM15 and SPD1 (Design and Townscape Guide).

- 10** No flat roofed areas of the proposed development, with the exception of the roof terrace specified on plan 012E, are to be used for sitting out or any type of amenity space unless otherwise agreed in writing by the Local Planning Authority.

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

- 11** Details of a glazed screen to the communal roof terrace shall be submitted and 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 Document) policy DM1, and SPD1 (Design and Townscape Guide).

- 12 No development shall commence until full details of soft landscape works for the new development have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved unless otherwise agreed in writing by the Local Planning Authority. These details shall include, for example: proposed finished levels or contours; means of enclosure; pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or storage units). Soft landscape works shall include details of existing trees and shrubs to be retained, together with measures for their protection in the course of development; details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of the management of the site. If any trees are removed or found to be dying, severely damaged or diseased within 3 years; of planting them, they must be replaced with trees of a similar size and species**

**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 DPD2 (Development Management) policy DM1.**

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

**Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2 and CP4, DPD2 (Development Management) policy DM2 and SPD1 (Design and Townscape Guide).**

- 14 No development hereby permitted shall commence until details of surface water attenuation for the site, based on SUDS principles, have been submitted to and approved by the Local Planning Authority. The works agreed shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.**

**Reason: To ensure satisfactory drainage of the site in accordance with policy KP2 of the Core Strategy DPD1 and DPD2 (Development Management) emerging policy DM2.**

- 15 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).

- 16 The development hereby approved shall be carried out in accordance with drawing 015 to ensure the flats complies 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).

- 17 Prior to the first occupation of the residential units and commercial premises hereby approved, a waste management plan shall be submitted to and agreed in writing by the local planning authority.

Reason: In the interests of amenity and waste management 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) and the Waste Management Guide.

#### **Informatives**

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

**further information.**

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

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# Southend-on-Sea Borough Council

Agenda  
Item

4

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

## Report(s) Enforcement of Planning Control

A Part 1 Public Agenda Item – Town and Country Planning Act 1990 Section 172

Reports prepared by: Enforcement Officers

### 1 Introduction

1.1. This report relates to alleged breaches of planning control. Recommendations are made at the conclusion of each item.

| WARD | APP/REF NO. | ADDRESS | PAGE |
|------|-------------|---------|------|
|------|-------------|---------|------|

| Enforcement Report |                    |   |   |
|--------------------|--------------------|---|---|
| Eastwood           | EN/15/00147/UCOU-B | 16 Cornec Chase<br>Eastwood, Leigh-on-Sea | 2 |

|                          |  |
|--------------------------|--|
| <b>Reference:</b>        | EN/15/00147/UCOU-B   |
| <b>Ward:</b>             | Eastwood   |
| <b>Breach of Control</b> | Without planning permission, the change of use of land from public highway to form part of the residential curtilage of 16 Cornec Chase and the erection of a boundary fence which exceeds 1.0m in height. |
| <b>Address:</b>          | 16 Cornec Chase, Eastwood, Leigh-on-Sea, Essex   |
| <b>Case Opened:</b>      | 8 <sup>th</sup> June 2015  |
| <b>Case Officer:</b>     | Neil Auger   |
| <b>Recommendation:</b>   | <b>AUTHORISE ENFORCEMENT ACTION</b>  |





## **1 Site and Surroundings**

- 1.1 Two-storey end-of-terrace dwellinghouse lying to the east side of Cornec Chase almost opposite its junction with Bowman Avenue.

## **2 Lawful Planning Use**

- 2.1 The lawful planning use is as a single dwellinghouse within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

## **3 Present Position**

- 3.1 On 2<sup>nd</sup> June 2015, a complaint was received by the Council in which it was alleged that a fence had been erected so as to incorporate an area of highway verge into the residential curtilage of this property.
- 3.2 A site visit was undertaken on 12<sup>th</sup> June 2015 by a planning enforcement officer when it was established that the allegation was correct. A close boarded wooden fence with concrete posts and gravel boards having an approximate height of 2.0m had been erected so as to incorporate the area of highway verge, lying to the west of the rear garden of 16 Cornec Chase into its curtilage.
- 3.3 A letter was sent on 16<sup>th</sup> June 2015 informing the owner/occupier that planning permission was required to retain the development and advising that this would probably not be granted. The occupier was advised to arrange for the removal of the fence within 42 days.
- 3.4 The owner/occupier exercised his right to submit a retrospective application for planning permission to retain the development and the first documents were received dated 28<sup>th</sup> July 2015. The application was initially invalid but was eventually validated upon receipt of further documentation dated 25<sup>th</sup> August 2015.

3.5 Application reference 15/01248/FULH was assessed on its merits in accordance with normal practice and refused under delegated powers on 28<sup>th</sup> October 2015 on the grounds that:

1. *The development has caused the loss of public amenity space which contributed positively to the character of the site and the surrounding area. The proximity of the fencing to the boundary of the site makes it prominent within the streetscene and therefore unduly dominant to the detriment of the character of the surrounding area. The development is therefore contrary to the NPPF, policies KP2 and CP4 of DPD1 (Core Strategy), policy DM1 of DPD2 (Development Management) and SPD1 (Design and Townscape Guide).*
2. *The proposed development would represent the loss of highway land and therefore obstruct visibility splays within the adjacent highway to the detriment of highway safety. The development is therefore contrary to the NPPF, policies KP2 and CP3 of DPD1 (Core Strategy) and policy DM15 of DPD2 (Development Management).*

#### **4 Appraisal**

- 4.1 The material considerations which should be taken into account here are the design and impact of the development on the character and residential amenities of the area and on highway safety.
- 4.2 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, policies KP2 and CP4 of DPD1 (Core Strategy) and policy DM1 of DPD2 (Development Management). The Design and Townscape Guide (SPD1) also states that *“the Borough Council is committed to good design and will seek to create attractive, high quality living environments”*.
- 4.3 In the NPPF it is stated that *“good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people”*.
- 4.4 The Development Management DPD, policy DM1 states that development should *“add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use and detailed design features”*.

- 4.5 The character of the surrounding area here is defined by the presence of two storey terraced dwellings, which lie parallel to, or perpendicular from, the highway of Cornec Chase. In many cases, due to the arrangement of the dwellinghouses, the rear and side boundaries of the plots are defined by fences which are prominent features of the streetscene. In this context, it is considered that the presence of grassed verges and areas of informal open spaces are important to provide soft landscaped gaps between the residential properties and the public highway.
- 4.6 It is considered that the unauthorised enclosure and change of use of land here is detrimental to the character of the area in that it has resulted in the loss of a significant area of soft landscaping which contributed positively to the character of the site and the surrounding area and an unacceptable increase in the overall visual impact of fencing within the public domain.
- 4.7 The Highway Authority has advised that the land enclosed by the householder previously formed part of the visibility splays of Cornec Chase and, as such, its enclosure has restricted visibility to the detriment of highway safety. For this reason, any application to stop-up this part of the highway would not be supported.
- 4.8 Consequently, the unauthorised erection of a fence and the change of use of the land enclosed thereby is considered to be detrimental to the character and visual amenities of the area and to highway safety in that it has resulted in an unacceptable loss of public open space, a structure which is prominent and unduly dominant within the area and the obstruction of visibility splays contrary to the National Planning Policy Framework (NPPF), Core Strategy (DPD1) Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance), Policies DM1 and DM15 of DPD2 (Development Management) and the Design and Townscape Guide (SPD1).
- 4.9 Taking enforcement action in this case may amount to an interference with the owners' and/or occupiers' Human Rights. However, it is necessary for the Council to balance the rights of the owners and/or occupiers against its legitimate aims to regulate and control land within its area. In this particular case it is considered reasonable, expedient, proportionate and in the public interest to pursue enforcement action on the grounds set out in the formal recommendation.

## **5 Relevant Planning History**

None.

## **6 Planning Policy Summary**

- 6.1 The National Planning Policy Framework (NPPF).
- 6.2 Core Strategy (DPD1) Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).

6.3 Development Management DPD Policies DM1 (Design Quality) and DM15 (Sustainable Transport Management).

6.4 Design and Townscape Guide 2009 (SPD1).

## **7 Recommendation**

7.1 **Members are recommended to: AUTHORISE ENFORCEMENT ACTION** to secure the removal of the fence erected adjacent to the public footway and the restoration of the land thereby enclosed to its lawful planning use as operational highway land/public open space on the grounds that the unauthorised development is detrimental to the character and visual amenities of the area and highway safety by reason of its unsightly appearance, the loss of a significant area of public open space and the obstruction of visibility splays in the highway contrary to the National Planning Policy Framework (NPPF), Core Strategy DPD Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance), Policies DM1 (Design Quality) and DM15 (Sustainable Transport Management) of the Development Management DPD and the Design & Townscape Guide (SPD1).

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

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