

<b>Reference:</b>	17/00362/FUL	
<b>Ward:</b>	Chalkwell	
<b>Proposal:</b>	Layout 16 car parking spaces to rear and install replacement entrance gate and acoustic fencing (Amended Proposal).	
<b>Address:</b>	The Shore, 22 - 23 The Leas, Westcliff-On-Sea, Essex	
<b>Applicant:</b>	The Shore Limited	
<b>Agent:</b>	Daniel Watney LLP	
<b>Consultation Expiry:</b>	03/04/17	
<b>Expiry Date:</b>	26/04/17	
<b>Case Officer:</b>	Ian Harrison	
<b>Plan Nos:</b>	TWI-1250-AF-D135-A, TWI-1250-AF-D131D, TWI-1250-AF-D131-B, TWI-1250-AF-D300-G and TWI-1250-AF-D350-A.	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>	



# 1 The Proposal

- 1.1 The application seeks permission for the modification of the grounds of The Shore, formerly known as Nirvana, to enable the formation of an additional parking area for 16 cars that would be accessed from Grosvenor Mews.
- 1.2 The wider site is the subject of a lengthy planning history that is set out in full detail below. In summary, two buildings were approved at the site under the terms of application 07/00820/FULM and 07/00850/FUL and subsequently erected to a condition that resembles completion. The ownership of the building is understood to have changed and amendments to the building being sought and approved in 2014, 2015 and 2016. This application represents further alterations to the site.
- 1.3 The proposed alteration to the grounds at the rear of the site would see the provision of an area of hardstanding that would provide parking for 16 cars. This area of land was formerly proposed to be an amenity area for the occupants of the proposed flats, laid mostly to hardstanding, but with raised planters and planting at the boundary of the site. It was previously shown that there would be a change in ground levels and the development was built in that manner. This entrance to the site was only intended to provide access to the electricity sub-station and it is noted that the changing ground levels as per the approved scheme would have prevented vehicular access to the east part of the site.
- 1.4 The applicant proposes to amend the levels of the site to create a ramp from the west part of the site to the east, thereby enabling the area to be accessed from the track that leads between the on-site electricity substation and the property of 3 Grosvenor Mews. The gates at the Grosvenor Mews frontage of the site are to be replaced with automatic metal gates that would be fitted with 'rubber snubbers' to minimise the noise created by the gates. The applicant also shows the erection of acoustic fencing at the boundary of the site that is shared with the rear of 3 Grosvenor Mews and also incorporates a kerb that would be 1.5 metres from the west boundary of the site to prevent access close to the boundary that is shared with Admirals Place. Additional landscaping would be proposed at the west of the car park area and 12 low height lighting bollards are proposed within the car park area.
- 1.5 A very similar proposal was originally included within recent application 16/00328/FUL, but was removed from that application in order that the applicant could consider the potential noise impact on the adjacent properties that would occur as a result of the use of the proposed car park and the access from Grosvenor Mews.
- 1.6 Subsequent application 16/01246/FUL proposed a similar development independently of all other works at the site and submitted a "Noise Impact Assessment and Vehicular Access Study" and subsequently an additional "Technical Note" during the course of the application to address the concerns of officers. Despite a recommendation of approval, the application was refused for the following reasons:

1. *The proposed development, by reason of the resultant traffic generation, will cause an unacceptable level of noise and disturbance to neighbouring residents*

*contrary to National Planning Policy Framework, Policy CP4 of the Core Strategy, Development Management DPD Policy DM1 and Design and Townscape Guide.”*

*2. The proposed development, by reason of the narrow width of the vehicular access and resultant traffic generation, will cause noise and disturbance to neighbouring residents to the detriment of highway safety and the efficiency of the local highway network, contrary to the NPPF, Policy CP3 of The Southend Core Strategy, Policy DM15 of the Southend Development Management DPD.*

*3. The proposed development would result in an unacceptable loss of amenity space resulting in a poor environment for occupants thereof contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policies DM1 and DM8 of the Development Management Document and advice contained within the Design and Townscape Guide SPD1.*

## **2 Site and Surroundings**

2.1 The application site is located to the North of The Leas. The site measures a maximum of 83 metres deep and 68 metres wide and contains a residential development with 9 floors of residential accommodation that appears to have been largely completed but unoccupied. The contents of the site have been developed under the terms of planning permissions 07/00850/FUL and 07/00820/FULM, which have been the subject of various recent minor alterations.

2.2 The application site is located outside The Leas Conservation Area but within close proximity of it.

## **3 Planning Considerations**

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

## **4 Appraisal**

### **Principle of Development**

**National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4, CP8; Development Management DPD Policies DM1, DM3 and DM15 and the Design and Townscape Guide SPD1 (2009)**

4.1 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework Sections 56 and 64, Core Strategy DPD Policies KP2, CP4 and CP8. Amongst the core planning principles of the NPPF includes to *“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.”* Paragraph 56 of the NPPF states; *“the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* Paragraph 64 of the NPPF states; *“that permission should be refused for development of poor design that fails to take the opportunities available for*

*improving the character and quality of an area and the way it functions.”*

- 4.2 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development.
- 4.3 As the development is ancillary to the intended residential use of the building and does not represent a change of use of land, it is considered that the proposals should not be found unacceptable in principle, although the following matters require more detailed consideration.

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

**The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4; DPD2 (Development Management) policies DM1 and DM6 and the Design and Townscape Guide.**

- 4.4 In the Council's Development Management DPD, policy DM1 states that development should “add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”
- 4.5 The alterations to the grounds at the rear of the site would see the replacement of an amenity area with a parking area. However, the approved amenity area would have been largely dominated by hardstanding, with just a few raised planters and boundary planting. Boundary planting could be provided within the development that is now proposed and therefore the difference in the appearance of the site would mostly be derived from the presence of cars at the rear of the site and the use of different hardstanding. Given the presence of a large parking court to the West of the application site, to the rear of a block of flats, it is considered that this arrangement of providing parking at the rear of a building is not out-of-keeping with the character of the area. The parking court to the side of Grosvenor Court also demonstrates that this is the case, and as this is at a higher ground level and is directly visible from the east, it is considered that the visual impact of the proposed car parking area would not be harmful to the character of the area.
- 4.6 The proposed changes to the gates at the north of the site would not materially change the character or appearance of the site or the building and is not considered to cause visual harm. The gates shown on the submitted plans are less decorative than would be expected in a residential setting, but it is considered that their enclosed and recessed position means that the gates would not have a harmful visual impact on the character of the site or the surrounding area. Further details of the proposed gates should be submitted and agreed through the imposition of a condition.
- 4.7 It is noted that no objection was raised to the proposal on visual grounds previously and therefore it would be unreasonable to raise an objection to the application on those grounds.

## **Impact on Residential Amenity.**

### **National Planning Policy Framework, Policy CP4 of the Core Strategy, Development Management DPD Policy DM1 and Design and Townscape Guide.**

- 4.8 Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties. Policy DM1 of the Development Management DPD also states that development should “Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”
- 4.9 Although Grosvenor Mews is a quiet, narrow road and is reasonably well sheltered from surrounding highways and the activity of the seafront and as such it is considered that background noise levels are generally quite low. The road currently serves 14 properties, with another property approved at Elm Cottage and it is therefore the case that the number of vehicle movements along the highway is limited. This is demonstrated by the applicant’s submissions.
- 4.10 The movements of additional vehicles, which would pass immediately adjacent to several properties that are adjacent to Grosvenor Mews has the potential to generate some additional noise. The applicant’s submissions indicate that the peak usage of Grosvenor Mews is currently 7 cars per hour (between 1700 and 1800) and the peak usage of the proposed car parking area would be 8 vehicle movements per hours (between 1900 and 2000). The noise assessment that has been submitted by the applicant, which is based on this number of additional vehicle movements, suggests that the average noise levels across the 16 hour daytime period would increase by 2 decibels in the worst case scenario, which is identified as being the impact on the east elevation of Elm Cottage which is adjacent to the proposed access.
- 4.11 The applicant’s submissions are based on an assessment of average noise levels over 16 hours. The submissions argue that the average changes very little and that whilst a difference of more than 1db would be noticeable in the short term, a 3db difference would not be noticed in the longer term. This is based on industry standards for road noise.
- 4.12 During the consideration of the previous application, the Council’s Environmental Health and Planning Officers initially raised concerns about the methodology and the detail of the applicant’s submissions. This led to the submission of an additional document which addressed the concerns of the Environmental Health Officers who withdrew their objection to the application. It is however noted that the application was refused for the reason set out above.
- 4.13 To address this, the applicant has proposed the erection of acoustic fencing at the east boundary of the site. At the time of writing, no comments have been received from the Council’s Environmental Health Department but it is considered to be reasonable to assume that if they raised no objection to the proposal previously, no

objection will be raised to the same proposal with the addition of acoustic fencing which would further mitigate any potential noise impacts.

- 4.14 For the reasons set out above and due to the addition of acoustic fencing to the site, it is considered that the proposal would not cause harm to the amenities of neighbouring residents to an extent that would justify the refusal of this application.

### **Highway Safety**

**National Planning Policy Framework, Policies KP2, CP3 and CP4 of the Core Strategy, Development Management DPD Policies DM1, DM3 and DM15 and the Design and Townscape Guide.**

- 4.15 The previous application was accompanied with a Vehicular Access Study which identified that the Highway Authority had raised no objection to the proposal and was therefore satisfied that the access was safe.
- 4.16 To accompany this application the applicant has submitted a Road Safety Audit. This identifies that *“Having observed the proposed site access, adjacent highway links, roadside environment and road user behaviour, the auditors consider that no material risk to the safety of road users will arise as a result of the proposals as shown.”* It is noted that this states that the proposed access will not be used by pedestrians or service vehicles. No objection has been raised by the Highway Authority on the grounds that vehicles use Grosvenor Mews at very low speeds and therefore the reduced visibility to the west will not result in the access being unsafe.

### **Other Matters**

- 4.17 The previous application was refused on the grounds that the proposal would have caused the loss of amenity space to serve the 46 flats at the application site. To address this matter the applicant has submitted a statement which identifies that the originally approved amenity space at the site equates to 833 square metres, the roof terraces that were approved under the terms of application 16/00328/FUL equate to 707 square metres and this proposal would result in the loss of 210 square metres of amenity space. If this development is approved, the average amenity space per flat would be 29 square metres rather than 33 square metres which is an improvement in comparison to the 18 square metres per flat that was originally approved. It is considered that an appropriate case has been put forward to demonstrate that adequate amenity space would be provided and therefore, notwithstanding reason for the refusal of the previous application, no objection is raised on that ground. In support of this, 12 pro forma letters have been completed by the occupants of The Shore which states that they support the loss of amenity space and the provision of additional parking.

### **Planning Obligations and Community Infrastructure Levy**

- 4.18 The development at this site was approved subject to the completion of Section 106 agreements to secure the provision of affordable housing and financial contributions towards education and bus services and the landscaping of a planter at the frontage of the site. It is considered that this proposal will not amend the need to comply with the requirements of the Section 106 agreement that has previously been completed and it is therefore not necessary to amend or vary the

Section 106 agreement that has been completed.

## **5 Conclusion**

- 5.1 It is considered that the proposal would not cause harm to the character or appearance of the site and the surrounding area. It is considered that the previous reasons for refusal have been addressed.

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework

Core Strategy DPD (adopted December 2007) Policies KP2 (Spatial Strategy) and CP4 (Development Principles).

Development Management DPD (adopted July 2015) Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM6 (The Seafront), DM8 (Residential Standards) and DM15 (Sustainable Transport Management).

Design and Townscape Guide SPD (adopted December 2009)

## **7 Representation Summary**

### **Highway Authority**

- 7.1 The applicant has supplied additional information relating to the entrance/exit of the site and has identified that vehicle speed will be low in Grosvenor Mews it is recommend. Given the additional information supplied there are no highway objections to the proposal

### **Design and Regeneration Team**

- 7.2 No comments have been received.

### **Environmental Health Officer**

- 7.3 No comments have been received.

### **Public Consultation**

- 7.4 A site notice was posted and letters were sent to 53 neighbouring residents. 2 objections have been received which object on the following grounds:

- The proposal would be dangerous for pedestrians within Grosvenor Mews
- Grosvenor Mews is in poor condition.
- Other properties already use Grosvenor Mews
- The entrance is narrow.

- 7.5 The applicant has submitted 12 pro forma letters of support from residents of The Shore which states that they would expect more parking to be provided and that the need for parking outweighs the loss of amenity space.

The application has been called-in to the Council's Development Control Committee by Cllr Burzotta.

## **8 Relevant Planning History**

- 8.1 Under the terms of application 07/00850/FUL planning permission was granted for the erection of a 9 storey block of 9 flats linked to and utilising parking facilities beneath the development at no. 22 The Leas. The development of 22 The Leas was granted under the terms of application 07/00820/FULM.
- 8.2 Since 2014, numerous applications have been submitted for minor amendments to the buildings at the site, the creation of a new flat, the creation of balconies and other such works. Most of these are considered to be of little relevance to this application except for application 16/00328/FUL which is discussed above and allowed the creation of roof terraces at the site.
- 8.3 Application 16/01246/FUL proposed the creation of an additional parking area at the site which was largely the same as the development proposed by this application. That application was refused for the reasons set out above.

## **9 Recommendation**

- 9.1 **It is recommended that planning permission be GRANTED subject to the following conditions:**

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

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

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans: TWI-1250-AF-D135-A, TWI-1250-AF-D131D, TWI-1250-AF-D131-B, TWI-1250-AF-D300-E and TWI-1250-AF-D350-A.**

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

- 03 Prior to the commencement of the development hereby approved, full details of the gates to be installed at the application site shall be submitted to and approved in writing by the Local Planning Authority. The approved gates shall be installed prior to the first use of the parking area hereby approved and shall be retained in perpetuity.**

**Reason: In the interests of visual amenity and highway safety in accordance with the National Planning Policy Framework, Southend-on-Sea Core Strategy policies KP2, CP3 and CP4 and Southend-on-Sea Development Management Document Policies DM1, DM3 and DM15.**



- 04 The rear car park shall not be used by any vehicles connected with the servicing or maintenance of the site or the collection of waste from the site unless tracked movement plans for the necessary vehicle movements have been submitted to and approved in writing by the Local Planning Authority**

**Reason: In the interests of highway safety in accordance with the National Planning Policy Framework, Southend-on-Sea Core Strategy policies KP2, and CP3 and Southend-on-Sea Development Management Document Policies DM1, DM3 and DM15.**

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

#### **Informative**

- 01. You are advised that as the proposed development creates no new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.**