

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



1 The Proposal

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

1.7 Internally, the following uses are proposed:

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

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

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

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

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

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

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

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

- 1.13 Materials to be used to the external elevations of the building would include white painted timber framed windows and doors (to match the style and colour of the existing); red clay tiles to the mansard roof; and the external walls would be finished in red brick and stone detailing. The proposed penthouse would have a part metal roof, part flat roof and fully glazed elevations, with the exception of the lift shaft which will be finished in metal sheet cladding.
- 1.14 It is noted that during the course of the application the applicant submitted amended plans, showing the following alterations:
- Further glazing incorporated to the proposed penthouse.
 - The previously proposed barrel roof to the penthouse has been amended to a bowed roof.
 - Previously removed chimneys (central chimneys) are now proposed to be retained.
 - The lift shaft has been raised (approximately 200mm) and external finishing materials have been altered.
 - A balcony has been added at mansard roof level to the rear elevation.
- 1.15 It is noted that a number of concerns in relation to the proposed development and particularly in relation to the unacceptability of the proposed penthouse were raised by officers during pre-application discussions with the applicant as well as during the course of the current application. However, the applicant has declined to remove the proposed penthouse. Lengthy negotiations regarding the design, viability, amenity space provision and dwelling mix took place during the course of the application. These are further discussed below.
- 1.16 It should be highlighted that there are discrepancies on the submitted plans (elevations and plans). The amended curved roof to the penthouse has not been amended on the roof plans, which still show a barrel style roof on the elevations. Furthermore, there are a number of errors in the visuals submitted (i.e. the lift shaft has not been depicted to the east and west views, the number of windows to the main building have not been shown correctly and the chimneys have not been presented at the scale and design shown in the submitted elevations).

2 Site and Surroundings

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

3 Planning Considerations

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

4 Appraisal

Background of the application

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

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

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

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

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

Principle of Development

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

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

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

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

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

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

4.13 Paragraph 137 of the NPPF states that:

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

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

Dwelling Mix

4.15 Policy DM7 of the Development Management Document states that all residential development is expected to provide a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing on appropriate sites, to reflect the Borough’s housing need and housing demand. A range of dwelling types would provide greater choice for people living and working in Southend and it would promote social inclusion. The Council seek to promote a mix of dwellings types and sizes as detailed below. The dwelling mix of the application is shown in the table below.

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

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

Affordable Housing

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

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

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

- 4.20 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in the Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management DPD. The Design and Townscape Guide (SPD1) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 4.21 Paragraph 56 of the NPPF states that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*
- 4.22 Policy DM1 of the Development Management DPD states that all development should *“add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features”*.
- 4.23 According to Policy KP2 of Core Strategy (CS) new development should *“respect the character and scale of the existing neighbourhood where appropriate”*. Policy CP4 of Core Strategy requires development proposals to *“maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”*. It also states that *“development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend”* and *“promoting sustainable development of the highest quality and encouraging innovation and excellence in design to create places of distinction and a sense of place”*.
- 4.24 In respect of altering a heritage asset, such as a locally listed building and development in conservation areas, the NPPF states that Local Authorities should *“recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.”* (paragraph 126)
- 4.25 Policy DM5 of the Development Management DPD states that:
- “2. Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted, unless there is clear and convincing justification that outweighs the harm or loss. Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal, and will be resisted where there is no clear and convincing justification for this. High quality redevelopment of existing buildings within conservation areas which are considered to be of poor architectural quality will be encouraged.*

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

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

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

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

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

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

Renewables

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

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

Landscaping

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

Comparable Site

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

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

Living Conditions for Future Occupiers

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

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

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

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

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

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

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

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

4.54 Policy DM8 states that all new dwellings should “*make provision for usable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space. Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances, the reasons for which will need to be fully justified and clearly demonstrated*”. The current proposal is to form 19 self-contained flats, including provision of balconies for four flats and a roof terrace to the penthouse. The flats contained within the mansard roof (6 in total) will benefit from Juliet balconies. Eight of the residential units proposed would have no access to any form of amenity space. Although it is undesirable that there are a large number of flats proposed with no access to amenity space, in this particular instance, taking into consideration the constraints of the site, which is a locally listed building, and that limited alterations are considered acceptable to its external appearance in this instance the benefits of bringing the site back into use outweigh concerns relating to the poor provision of amenity space.

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

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

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

Impact on Neighbouring Properties

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

- 4.58 The Design and Townscape Guide (SPD1) states that *“extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.”* (Paragraph 343 - Alterations and Additions to Existing Residential Buildings). Policy DM1 of the Development Management DPD requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities *“having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”*
- 4.59 The proposal would result in in activity and associated noise from the proposed flats; however, given the last use of the building was unrestricted and as a hotel/restaurant/bar, it is not considered that the impact from the activity associated with the proposed development would be materially greater or harmful to the residential amenity of the nearby neighbours.
- 4.60 The site is located at the southern end of a residential block, having no attachment to any other building. However, it is surrounded by residential properties. The proposed rear extension would be sited approximately 13.7m away from the neighbouring building to the north (Southdown Court). Whilst there are windows in the southern elevation of this building which face the site, it appears that the main habitable room windows are on the east and west elevations of the building. Taking into consideration that there is slight increase of the ground levels towards the north, the neighbouring building sits marginally higher than the application site.

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

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

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

Traffic and Transport Issues

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

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

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

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

Residential element

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

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

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

Commercial/leisure element

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

Construction Traffic

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

Sustainable Transport

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

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

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

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

Use of on Site Renewable Energy Resources and SUDs

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

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

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

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

Developer Contributions

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

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

CIL Charging Schedule 2015

- 4.81 This application is CIL liable. If the application had been recommended for approval, a CIL charge would have been payable. If an appeal is lodged and allowed the development will be CIL liable. Draft calculation of the CIL estimated charge would be approximately £78,855.79 (this is subject to confirmation). It is noted that any revised application would also be CIL liable.

Planning obligations

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

- 4.82 The Core Strategy Policy KP3 requires that:

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

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

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

Affordable housing

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

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

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

5 Conclusion

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

6 Planning Policy Summary

- 6.1 National Planning Policy Framework (2012): Section 4 (Promoting sustainable transport), Section 6 (Delivering a wide choice of high quality homes), Section 7 (Requiring good design) and 12 (Conserving and enhancing the historic environment)
- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP1 (Employment Generating Development); CP2 (Town Centre and Retail Development) CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure); CP8 (Dwelling Provision)
- 6.3 Development Management DPD 2015: Policies DM1(Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), Policy DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM10 (Employment Sectors), Policy DM12 (Visitor Accommodation), Policy DM13 (Shopping Frontage Management outside the Town Centre) and DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide, 2009.
- 6.5 CIL Charging Schedule 2015
- 6.6 National Housing Standards 2015

7 Representation Summary

The Leigh Society

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

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

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

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

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

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

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

Leigh Town Council

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

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

Anglia Water

7.3 Section 1 – Assets Affected

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

Section 2 – Wastewater Treatment

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

Section 3 – Foul Sewerage Network

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

Section 4 – Surface Water Disposal

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

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

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

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

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

Design and Regeneration

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

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

Revised building uses

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

Basement enlargement

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

Ground floor commercial uses

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

Rear extension

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

Mansard

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

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

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

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

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

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

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

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

Penthouse

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

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

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

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

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

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

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

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

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

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

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

Changes to existing building

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

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

Internal arrangement and flat sizes

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

Amenity Provision

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

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

Renewables

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

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

Landscaping and boundaries

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

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

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

Visuals

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

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

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

Comments on structural case and viability of scheme

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

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

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

Conclusion

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

Housing Strategy and Affordable Housing

- 7.5 No comments received.

Environmental Protection

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

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

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

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

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

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

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

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

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

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

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

Waste Management

7.7 No comments received.

Education

7.8 No comments received.

Transport and Highways

7.9 Residential Element

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

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

Commercial Element

Servicing

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

Refuse Collection

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

Parking Provision

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

Traffic Generation

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

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

Highways Conclusion

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

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

Parks

7.10 No comments received.

Public Notification

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

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

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

8 Relevant Planning History

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

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

9 Recommendation

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

- 01** The development, by reason of the design, mass, scale, siting and size of the proposed fourth floor penthouse roof extension and the increased scale and detailed design of the enlarged mansard roof, would have a detrimental impact on and be significantly harmful to the character and appearance of the locally listed building and the Leigh Cliff Conservation Area more widely. The development is therefore considered to be unacceptable and contrary to the National Planning Policy Framework (2012), policies KP2 and CP4 of the Southend Core Strategy (2007), policies DM1, DM3 and DM5 of the Southend Development Management Document (2015) and the advice contained in the Design and Townscape Guide (2009).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application and therefore, the proposal is not considered to be sustainable development. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Informative

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