

# Southend-on-Sea Borough Council

Agenda  
Item

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

## Report(s) on Planning Applications

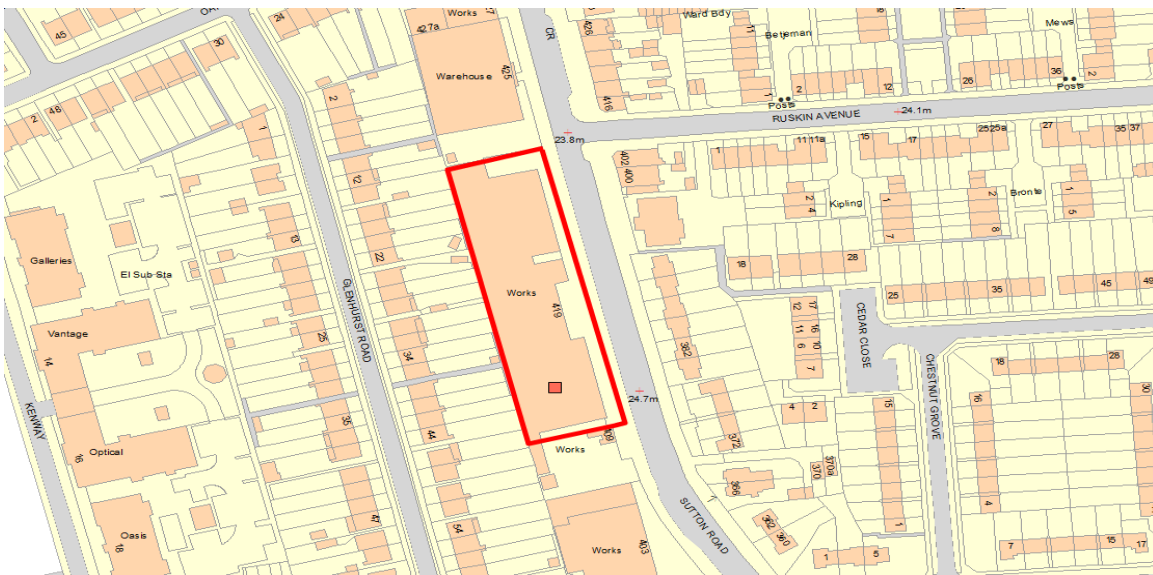
### A Part 1 Agenda Item

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<b>Reference:</b>	<b>15/01130/FULM</b>
<b>Ward:</b>	<b>Victoria</b>
<b>Proposal:</b>	<b>Demolish existing buildings, erect 3 storey block comprising of 49 flats, 395 sq. m retail commercial floor space at ground floor, communal amenity space, landscaping, parking and associated works (Amended Proposal)</b>
<b>Address:</b>	<b>411-415 Sutton Road Southend on Sea</b>
<b>Applicant:</b>	<b>Dove Jeffrey Homes Ltd</b>
<b>Agent:</b>	<b>Dove Jeffrey Homes</b>
<b>Consultation Expiry:</b>	<b>28<sup>th</sup> October 2015</b>
<b>Expiry Date:</b>	<b>27<sup>th</sup> November 2015</b>
<b>Case Officer:</b>	<b>Charlotte Galforg</b>
<b>Plan No's:</b>	<b>13.121_200D, 13.121_201D, 13.121_202C, 13.121_203B, 13.121_204E, 13.121_205B, 13.121_206B, 13.121_207D, 13.121_209D, 13.121_210B, 13.121_211.</b>
<b>Recommendation:</b>	<b>Delegate to the Head of Planning and Transport or the Group Manager Planning and Building Control to GRANT PLANNING PERMISSION subject to completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (As Amended).</b>



# 1 The Proposal

## Background

- 1.1 *This application has been submitted following refusal of an earlier application on the site 14/02043/FULM which was refused for the following reason:*

*“The proposed development, by reason of its bulk, height, and massing, along with its proximity to nearby residential properties, would result in overbearing and overlooking to the detriment of residential amenities, contrary to the NPPF, Policy CP4 of the Southend Core Strategy 2007, C11 and H5 of the saved Southend Borough Local Plan 1994, and guidance contained within the Design & Townscape Guide.”*

*The original application proposed a four storey development, however following the refusal the proposal the top floor has been removed in order to reduce impact on the streetscene and neighbours. It should be noted that the original application is now at appeal.*

*The application was deferred from the October Development Control Committee at the applicant’s request to allow them to submit revised plans. The revised plans allow for planting of trees to the rear of the site to further mitigate against overlooking to the properties to the rear. In order to achieve this, the building has been moved marginally forward within the site making it 300mm closer to Sutton Road. In addition to this slight amendments have been made to the undercroft parking arrangement in order to gain additional space to add to the planted buffer. The applicant has stated that (sic) “these minor amendments to the proposals together with provision of the planting strip to the rear of the site to position a row of mature trees to act a soft screening option which we hope alongside the removal of the third floor will overcome the concerns of the neighbouring properties”.*

- 1.2 It is proposed to redevelop the existing site for housing. The existing buildings would be demolished and it is proposed to erect a 3 storey block of 49 flats. There would be 13 x 1 bedroom flats and 36 x 2 bedroom flats. 395 sqm of commercial space would be provided at ground floor. All units are proposed to be Affordable Housing.
- 1.3 The ground floor would comprise a retail unit to the southern part with residential flats to the northern part. The parking area to serve both would be laid out to the rear. The upper floors would be solely used for residential purposes. Balconies would be provided for a number of the units and a large communal amenity area would be provided at roof level. A total of 1412 sqm of amenity space is provided, which equates to 18.6sqm per dwelling.

- 1.4 The development would be of a contemporary design, with a flat roof. The building is articulated by the use of canopies, projecting “frames”, balconies and the use of materials. The proposed materials are buff brick and white render, with timber clad panels and grey UPVC windows. Fencing, would be erected on boundaries and the hardstanding is proposed to be permeable block paving.
- 1.5 A total of 55 car residential parking spaces are proposed together with 73 cycle parking spaces. A new layby is proposed to be created within the highway to the front of the development, together with parking bays. 11 on site spaces would be provided to serve the commercial unit and 9 on street car parking spaces created. Two vehicular accesses are proposed to serve the development, one at the southern end of the site to serve the commercial units and parking and one to the northern end, to serve the residential units.
- 1.6 The opening hours of the retail units are proposed to be 0700 – 2300 hours, 7 days a week.
- 1.7 The applicant has undertaken pre-application discussion with officers.
- 1.8 The applicant has also submitted the following supporting documents: Design and Access Statement, Planning Statement, Transport Statement, Residential Travel Plan, Commercial Market overview, Landscape Strategy, Surface Water Drainage Strategy, Waste Strategy, Ecology Assessment, Energy Statement, Noise Assessment, Contamination Survey, Arboricultural Survey. Plans showing details of other recently approved development within the street has also been submitted in support of the application.

## **2 Site and Surroundings**

- 2.1 The application site lies on the western side of Sutton Road, between the junction of Vale Avenue and Kenway. The site covers an area of 0.3 hectares. Buildings currently occupy the majority of the site. The existing buildings on the site are primarily 2-storey, with the main height focused on the street frontage with a parapet roof detail. Some of the buildings are rendered in white, others are brick. Generally they have critall windows. This site and the buildings on it, form part of a significant block with a long, linear street frontage.
- 2.2 There is at present a limited area of off street parking to the front of the buildings, although this currently results in vehicles overhanging the footpath, is of a poor quality, and has a negative visual impact. There is a run of mature street trees to the front of the site. There are a number of existing vehicular accesses crossing the pedestrian footpath.

- 2.3 Whilst currently unoccupied, the applicant states that the buildings were last used by Crown College in part for storage purposes and in part for teaching. It should be noted that there is no record or the necessary planning permission having been granted for teaching purposes and therefore that use appears to have been unauthorised. The last authorised use of the site therefore was for B8 (warehouse) employment use.
- 2.4 Development around the site is generally two storey, however a small, three storey block of flats has recently been erected opposite the site. Also to the north of the site, at the junction of Sutton Road and East Street lie a number of blocks of 4 storey, flat roof, flats. To the north and south of the application site lie commercial units. Opposite to the east is a mix of two storey houses, flats and shops with flats above. To the rear (west) of the site, lie the two storey residential properties in Glenhurst Road. These have rear gardens which abut the site.
- 2.5 It should be noted that permission has recently been granted at 427 Sutton Road to “Demolish existing building and erect three storey building comprising of six flats with landscaping to rear, cycle storage and refuse storage” (ref 14/00029/FUL). Furthermore, permission was granted in 2011 at 257 - 285 Sutton Road to Demolish existing buildings, erect two four and five storey blocks comprising 97 self-contained flats. (11/00087/FULM) and building works are currently underway at 319 Sutton Road to erect a 4 storey building of 34 supported flats (13/00618/FUL).
- 2.6 The site is allocated as proposals site PA9 within the emerging Southend Central Area Action Plan (SCAAP) as a site for housing.

### **3 Planning Considerations**

- 3.1 The main planning considerations are the principle of redevelopment of the site for retail and residential uses, impact on the character of the area, detailed design, traffic generation, parking and highways issues, impact on surrounding occupiers, living conditions for future occupiers, trees, archaeology, flood risk and drainage, contamination, sustainability, and developer contributions.

## 4 Appraisal

### Principle of development

**NPPF, DPD1 (Core Strategy) Policies, KP1; KP2; CP1, CP2, CP6, CP8; Development Management DPD Policies DM3, DM7.**

- 4.1 One of the Core Planning Principles of the NPPF is to “*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value*”. The proposed development meets this requirement.
- 4.2 Policy CP1, of the Core Strategy, states that permission will not be granted for proposals involving the loss of business uses unless this would bring clear benefits. These benefits could include the creation of jobs, the extinguishment of a use which is incompatible with the amenity of the area or when the premises are no longer suitable for industrial or warehouse use. It should also be noted that the NPPF outlines the commitment of the Government to the promotion of a strong stable and productive economy.
- 4.3 The proposal would result in the loss of land capable of supporting employment generating uses within the borough. There is a limited amount of employment land, and it is the policy of the Council to protect such uses unless evidence can be provided that the business use has been marketed and found to be no longer viable.
- 4.4 Policy CP1 also states that this will only be allowed when the proposal clearly demonstrates it will contribute to the objectives of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and contribution to the local area.
- 4.5 Policy DM9 states at section 5:

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

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

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

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

The application site lies outside the defined Employment Areas.

- 4.6 Crown College have confirmed that building 417-419 has been empty since they purchased the site in 2009, although it has occasionally been used for storage in association with the College. 411 – 415 were used until February 2014 for teaching and training of young people in construction and motor mechanics.
- 4.7 The applicant has submitted evidence in support of the case that the site is no longer viable for employment purposes. The site has been marketed since May 2014 with no suitable tenant found and enquiries relating mainly to temporary letting. The agent believes this was largely due to the location and condition of the buildings. It is suggested that other employment sites nearby are more attractive to potential occupiers.
- 4.8 It is also noted that the site is included within an area allocated as Proposal site PA9 – Sutton Road Neighbourhood Policy Area and Opportunity Site 14, the policy states: .

“The Council will support the redevelopment of this area for high quality housing and community facilities. The Council will require the building design, form and massing to:

- a) Have regard to residential building on the opposite site of Sutton Road and contribute positively to repairing the streetscene and urban grain of the area;
- b) Provide for a new area of public open space
- c) Include enhancements to the public realm to create a coordinated, sustainable palette of materials and furniture in accordance with the Streetscape Manual SPD3

Although the SCAAP is an emerging policy and not yet formally adopted it gives an indication of the approach that the council is seeking to take in this location.

- 4.9 The SHLAA and ELR both also identify the Sutton Gateway Neighbourhood as offering opportunity for additional housing. They state that this should be complemented by enhancements to Sutton Road to uplift the residential environment – removing redundant street furniture (such as the bollards to the front of the site adjacent to the pedestrian crossing for example), and other enhancements (which could include tree planting, landscaping, cycle parking, quality permeable surface materials). The applicant states that the development provides 395 sqm of retail commercial floorspace, which will generate local employment in excess of that that came from the previous College use. (Although it is noted that no detail of employment numbers have been submitted).
- 4.10 No objections were previously raised by Members to the loss of the employment use. Taking all these factors into account, it is considered that, provided that the submitted scheme would regenerate the area in a suitable manner to uplift it, then no objection is raised in principle to a mixed commercial and residential development on this site.



### *Housing mix*

- 4.11 To create balanced and sustainable communities in the long term, it is important that future housing delivery meets the needs of households that demand private market housing and also those who require access to affordable housing. Providing dwellings of different types (including tenure) and sizes will help to promote social inclusion by meeting the needs of people with a variety of different lifestyles and incomes. A range of dwelling types will provide greater choice for people seeking to live and work in Southend and will therefore also support economic growth. The Council therefore seeks to ensure that all residential development provides a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing, to reflect the borough's housing need and housing demand.
- 4.12 The application proposes a mix of 1 bed and 2 bed dwellings of which 100% would be for affordable rent. . The proposals do not therefore appear to comply with the dwelling mix as set out in policy DM7.
- 4.13 The applicants have submitted supporting evidence from Moats Homes Limited (a registered provider). This states that they have been working with the applicants collaboratively and that the mix of dwellings has been discussed with the Councils Housing team. They state that they have considered 3 bed units on this site, however that from a housing management perspective 3 bed [flatted] units are hard to let and are not a popular housing solution. Houses suit this need better. Moat state that they would work with SBC to discuss a local lettings plan (i.e. to promote the development to local people). The applicants state that the development includes 2, 3 and 4 person accommodation, which allows for a variation in end users and creates a more sustainable environment and sense of community with a balance provision across current housing needs.
- 4.14 The Councils Housing team have stated that they welcome the provision of Affordable Housing as proposed. They confirm that MOAT's assessment of the housing need in the borough is in line with the demand for social housing as per our Housing Register. They also note that the nearby Weston Homes site (319-321 Sutton Rd) has had the affordable element removed from its development, and therefore they support the 100% affordable rent on this site in order to help achieve a mixed tenure in the larger area. No objections were previously raised by Members to the mix of unit sizes.
- 4.15 Therefore in this instance no objections are raised to size of units (in relation to the number of bedrooms) or the provision of 100% Affordable Housing on this site, which was not objected to previously.

## Retail use

- 4.16 Policy CP2 of the Core Strategy relates to Town Centre and Retail Development. It states that “Southend Town Centre will remain the first preference for all forms of retail development and for other town centre uses attracting large numbers of people”. The policy sets out the hierarchical preference for provision of retail development.
- 4.17 The NPPF also examines the impact of retail development on town centres and states at para 26: “When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sqm m)...”  
The Council has an up to date development Plan and the application site is well below the NPPF threshold and therefore no sequential test is considered necessary.
- 4.18 Whilst the application site lies within the Southend Central Area, it lies outside the Town Centre. As noted above it is recognised within the SCAAP that mixed uses would be appropriate in this area. The retail use is relatively low key and it is not considered that it would compete with the existing town centre uses, or those within the local centres as defined within the Core Strategy. The proposed small scale retail use could be considered to provide a local facility to support the housing use and to serve the local community. For these reasons there is no objection in principle to a retail use of the size proposed, as part of the mixed development on this site. No such objections have been raised previously.
- 4.19 To conclude, the regeneration of this site is anticipated within the SHLAA and ELR and the emerging action plan. The site is brownfield, but currently underused and does not benefit Sutton Road. The proposed development will have the potential to regenerate not only this site and may also spark regeneration of the wider area. The proposed commercial floorspace has the potential to yield operational jobs once completed and occupied. Therefore no objection is raised in principle to the redevelopment of the site as proposed.

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

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

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

- 4.21 The NPPF also states at paragraph 56:  
“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”
- 4.22 Policy CP4 of the Core Strategy states “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”.  
The need for good design is reiterated in policies C11 and H5 of the BLP and Policies KP2 and CP4 of the Core Strategy, the Design and Townscape Guide and emerging policy SCAAP policy CS2.
- 4.23 This application site is identified in the emerging SCAAP. Policy PA9 sets out general design/layout criteria for the site and states (inter alia):  
“The Council will require the building design, form and massing to:  
a. have regard to residential buildings on the opposite side of Sutton Road and contribute positively to repairing the street scene in this area;  
b. Provide for a new area of public open space.
- 4.24 Existing buildings on the site are primarily 2-storey, with the main height focused on the street frontage with a parapet roof detail. The buildings on site are nearing the end of their natural life. This site and the buildings on it, forms part of a significant block with a long, linear street frontage which offers regeneration potential, providing an opportunity for a high quality building on the site and to enhance the quality of the local streetscene and public/private realm, with active ground floor uses. There is at present an area of parking the front of the building which is of a poor quality, and has a negative visual impact. There is a run of mature street trees to the front of the site which is a positive feature that should be retained and enhanced by additional tree planting and landscaping, complimenting a quality built form.
- 4.25 From a design perspective there is no objection to demolition of the existing buildings and the comprehensive, residential-led regeneration of this side is welcomed, however the detailed design, scale and massing of the proposals, together with the use of materials, are key to recognising the Council’s aims of regenerating Sutton Road as set out in the emerging SCAAP.

## Relationship to context

- 4.26 Whilst currently predominantly 2 storey, there is a mix of development within this Sutton Road frontage, varying from single storey commercial units, to 4 storey flatted blocks. Properties are a mix of ages and designs. It is noted that permission has recently been granted for a 4-5 storey block at 275 Sutton Road, development is underway of a 4 storey block at 319 Sutton Road and that permission has been granted for a three storey development on the adjacent site 427 Sutton Road.
- 4.27 It is considered that the development site, given its size, could be argued to have the potential to change the overall character of the street block and as part of the wider regeneration of the area, thus the scale of the development needs to be designed so as to articulate the building, thus reducing its visual scale and impact. This has been done by use of the use of balconies, “frames”, differing materials and the general design of the building. No objection is therefore raised to the scale of the building.
- 4.28 *Detailed Design* – The applicants have been through pre application discussion with the Council and this has resulted in refinements to the design of the development, reducing scale and mass and improving detail. There is no objection to the overall scale of the development, and generally the contemporary approach to design is considered to be acceptable, the front elevation is well articulated, with various design details providing relief from the horizontal form of the building. The detailed design of the development is considered to be acceptable.
- 4.29 Public realm enhancements – these will be a welcome element of the scheme and in line with the principles set out in the emerging SCAAP (proposal site policy ps10b and policy dp10), and should contribute to the regeneration of this part of Sutton Road. Details have not been provided and as such will need to be agreed by condition relating to the scheme including: hard and soft landscaping, tree planting, street furniture and lighting. It is noted that the description on the plan refers to a seating area and soft landscaping which would be encouraged, Visitor cycle parking has also been incorporated.
- 4.30 Boundary treatment – details of all boundary treatments will be provided and agreed by means of condition. The detailed design of the front boundary to the residential element of the scheme will be particularly critical. The side boundaries also have public impact and should be of an appropriate quality – again brick boundary walls (rather than fencing) with planting would be preferred. It is noted that some of the letters of objection have raised concern regarding the loss of the existing high rear wall, and a replacement wall would have a more positive impact on the occupiers of properties to the rear than the proposed fence. . It should also be noted that revised plans include further planting in the form of a high tree screen to the rear of the car park, and again this additional greening is welcomed.

- 4.31 Parking/Access – positively, block paving is proposed to the commercial parking access way, leading from the street, and is continued into the main parking court with the remaining spaces laid to tarmac. This is acceptable. Details of the landscaping/tree planting will be subject to condition together with surface materials and details of proposed bollards.
- 4.32 Trees – a number of existing trees are, positively, to be retained and will be conditioned to be protected during the proposed works. It is considered that they are sited far enough from the proposed residential properties not to come under future pressure for undue pruning or removal. The trees now proposed to the rear are also distant enough from existing properties to ensure a satisfactory relationship.

*Regeneration and uplift of the area*

- 4.33 The development together with the proposed enhancements to the highway and public realm should result in the desired regeneration of the area.
- 4.34 To conclude, the development is considered to have overcome the reason for refusal of the previous application and to meet the current Policy requirements and those of the emerging SCAAP. It is considered that the development represents an exciting opportunity to regenerate this brownfield site, which would uplift the Sutton Gateway neighbourhood.

**Traffic and Transport**

**Planning Policies: NPPF; DPD1 (Core Strategy) policies: KP1, KP2, KP3, CP3; Development Management DPD Policies DM15.**

- 4.35 The site is set in a sustainable location. It is located within walking distance of Southend East station which connects with London Liverpool Street and is adjacent to cycle routes and bus routes. The site is within ready walking distance of the town centre and its associated amenities and is also located close to the A13 and A127, Southend to London arterial roads.
- 4.36 The scheme is accompanied by a Traffic Assessment containing access, parking and servicing strategies.
- 4.37 The scheme includes alterations to the highway to create a loading bay and parking spaces to the front of the development.

## Traffic Generation

- 4.38 Trip Generation has been assessed using the recognised TRICS database. The modelling assessed the impact of the development. The TA suggests that the retail unit will be used for local and top up shopping and therefore would not have a material impact on the highway network. The TA ascertained that the residential development would result in an additional 26 traffic movements an hour during peak period. This would not result in a material impact on traffic in the area. Highways officers have raised no objection on this basis and no objection was raised to the previous (larger) proposal on this basis. .

## Car Parking

- 4.39 Residential - The development is policy compliant with regard to residential parking provision. The scheme includes in excess of 100% parking to serve the residential units. The DM recognises that the area covered by the SCAAP has good public transport options and has services and facilities within walking distance, making sustainable travel choices a realistic alternative for many people. The car parking requirement for dwellings within the area covered by the SCAAP therefore remains at 1 space per dwelling. Thus the development is considered to be in accordance with the existing and emerging parking standards. The level of parking provision exceeds that of the previous application whence no objection was raised on parking or traffic grounds. A number of spaces have adequate areas around them to allow for use by disabled occupiers.
- 4.40 Commercial– parking standards for commercial development are maximum standards within the current and emerging policy. The application includes 11 spaces within the site to serve the retail use. It also provides additional on street car parking to the front of the site in Sutton Road (this would be also be used for loading at certain times). It should also be noted that there are time restricted on street car parking spaces opposite the site. Taking all these factors into account The amount of parking proposed to serve the retail use is considered adequate.
- 4.41 Travel plans have been submitted for both the residential and commercial elements of the development, these require minor amendments but are largely acceptable. These plans will set out a number of initiatives and measures which will be implemented with a view to reducing reliance on the private car and maximising the use of sustainable transport modes. Implementation of these Travel Plans will be a requirement of the S106 Agreement.
- 4.42 The applicants have shown cycle parking spaces to be provided centrally within the site to serve the residential development and there is cycle parking to the front of the development to serve the commercial unit. This is considered acceptable.

## Access and Servicing

- 4.43 The main pedestrian and vehicular accesses to the development are from Sutton Road. This is acceptable. Residential waste will be collected at the front of the site using a loading bay with associated parking restrictions to allow for delivery vehicles for the commercial unit. Residential bin stores are located to the front of the site. The applicant confirms that the proposed development will provide a total of 10no 1100L Bins (Split 6no for Residual Waste and 4no for recycling) across the site for residential use with a minimum of 1no 140L Food waste bin per residential unit. This is considered to be adequate to meets the needs of the development. With regard to refuse collection for the commercial element, this can take place on site or within the highway. There is sufficient space to enable a freighter to enter the site, manoeuvre and leave in a forward gear. These collection points are considered acceptable. A Waste Management Strategy will be required by condition, covering both residential and commercial and refuse management.
- 4.44 A contribution of £4000 is required to fund the traffic regulation order for the development. This will be achieved through the S106 Agreement.
- 4.45 Servicing and waste facilities to serve the development are therefore considered acceptable.
- 4.46 Taking all these factors into account proposed development is considered to meet with policies CP3 of the Core Strategy and Policy DM15 of the Development Management DPD with regard to traffic generation, parking, access and servicing.

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

#### **Planning Policies: NPPF, Core Strategy policy CP4, Development Management DPD DM1, DM8; Policies Design and Townscape Guide SPD1**

- 4.47 Policy DM1 of the Development Management DPD and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. Residents are currently facing an unoccupied site, therefore the proposed development will undoubtedly have a greater impact. However the key point is to consider whether the impact of the development will result in material harm to those occupiers.

*Outlook, sunlight and daylight and overlooking.*

- 4.48 The scheme has been designed taking into account the impact on the living conditions of neighbouring residential occupiers. The proposed block is positioned on the site's Sutton Road frontage in order to maximise distance between the block and the residential properties in Glenhurst Road which back onto the site. The Essex Design Guide (which although not adopted by the Council gives guidance on back to back overlooking distances) generally requires 25m between the rear of properties. The application proposal provides approximately 35m between the rear of the new block and the dwellings in Glenhurst Road. The rear of the residential building is set back some 11.5m from the west boundary of the site. There are only Juliet balconies on the rear elevation. The Amenity space which is proposed at roof level is arranged so that it is set some 7m away from the rear elevation of the building and would be enclosed by a 1.8m obscure glazed balustrade to the rear, which would prevent any overlooking from that space. Following concerns raised by Members and neighbours the applicants have also added screen planting to the rear boundary, which will provide an even greater degree of protection for residents. Thus the development is not considered to result in an unacceptable degree of overlooking of the adjacent occupiers.
- 4.49 The submitted plans include elevations showing the relationship of the proposed development and the properties in Glenhurst Road. This demonstrates that the development will not breach a line of 45 degrees taken from the ground floor windows of the properties in Glenhurst Road. Thus the development will not result in a loss of light to habitable rooms in those properties. The new development lies to the east of Glenhurst Road and there may a limited loss of light to the far ends of the rear gardens in the morning, this will be less than the impact of the existing factory units which abut the rear boundary. The proposed block's overall height is Approximately 3m less than the previously refused scheme.
- 4.50 With regard to dwellings in Sutton Road, there will be overlooking towards properties in Sutton Road but this is a situation that commonly occurs across streets and is not considered to result in material harm, particularly taking into account the width of the street.
- 4.51 It is concluded that the proposed development will have a lesser impact on surrounding residents than the previously refused scheme and will not have a detrimental impact on surrounding occupiers in terms of daylight, sunlight or overshadowing.



## Noise and disturbance

- 4.52 The applicant has submitted a noise impact assessment with the application, which examines not only the impact on surrounding development but also future occupiers of the development, as requested by the Councils Environmental Health Office. The applicant has assessed the noise impact on residents from the development, including any ventilation/extraction etc. and considered what mitigation measures are required.
- 4.53 The noise and disturbance emanating from the residential uses of the site will be relatively low and similar to those generally expected within a residential area. The proposed uses would not give rise to disturbance to surrounding occupiers.
- 4.54 Traffic noise from servicing etc. will be restricted as it is intended that this would generally be carried out from the bays to the front of the site. Delivery hours will also be restricted in order to protect residents of the surrounding area and the new flats. Noise from ventilation ducting etc. will be controlled through the use of suitable conditions and is not anticipated to give rise to material harm.
- 4.55 Construction noise will be mitigated by use of hoardings around the development, carrying out construction in accordance with best practice and limiting the permitted hours of construction.
- 4.56 It is also necessary to take into account the fact that the site could be reused for employment purposes and there are no restrictions on hours of operation at present.

## Lighting

- 4.57 Any externally lighting can be controlled by the use of suitable conditions to ensure that the light source is directed away from surrounding residential occupiers and is not excessively bright and will not therefore cause detrimental intrusion of light. Thus it is not considered that the development will result in noise or disturbance to surrounding occupiers.
- 4.58 Impact on future occupiers

It is also necessary to consider whether the development will result in an acceptable environment for future occupiers of the flats.

## Size and layout of units

- 4.59 It is the Council's aim to deliver good quality housing, ensuring that new developments contribute to a suitable and sustainable living environment now and for future generations. To achieve this, it is necessary to ensure that new housing developments provide the highest quality internal environment that will contribute to a good quality of life and meet the requirements of all the Borough's residents. Minimum space standards are intended to encourage provision of enough space in dwellings to ensure that they can be used flexibly by residents, according to their needs, and that sufficient storage can be integrated.
- 4.60 The DM DPD includes minimum residential space standards and the development meets these standards for all units, however since the earlier scheme was considered the government have produced National Technical Standards which came into force in October this year, these include Housing size standards. The proposed development falls marginally short of the standards for overall units sizes. The 1 bed units are a maximum of 3 sq. m short and the 2 bed units are 1 sq. m short. However, in the circumstances of this case, the occupier will be a Registered Provider and the proposal is that the scheme will be 100% affordable housing. The units all meet the Homes and Community Agency's own level 1 space standards. The HCA has not amended their standards despite the new national space standard. The applicant has stated that:

*"the upshot of meeting the new space standards would be a reduction in the number of units. The scheme is already on its margins following the loss of the top floor and therefore any further reduction in units to accommodate larger internal space standards would threaten the viability and deliverability of the proposal for affordable homes".*

- 4.61 In this instance it is officers view that the public benefit from delivery of 100% affordable homes would outweigh any minor shortfall in the new space standards.

## Amenity Space

- 4.62 Private outdoor space is an important amenity asset and provides adults and children with external, secure recreational areas. It is considered that this space must be useable and functional to cater for the needs of the intended occupants. All new residential units will be expected to have direct access to an area of private amenity space.
- 4.63 The proposal provides approximately 1412sqm of amenity space, comprising 798m<sup>2</sup> of roof terrace and the remainder provided as useable balconies. This equates to 18.6m<sup>2</sup> per dwelling. It is noted however, that the upper, rear units don't have direct access to any amenity space but have full access to the roof terrace and that the balconies to the front would experience significant levels of noise from traffic. However on balance the amount and quality of amenity space is considered acceptable to meet the needs of occupiers.

## Noise

- 4.64 The noise assessment submitted with the application, examines the impact on future occupiers of the development. Traffic noise levels surrounding the development are high. Mitigation measures will be necessary to achieve a suitable noise environment for occupiers, and acoustic glazing will be required to the new flats. The developer has submitted information to demonstrate that with suitable acoustic glazing in place, noise levels for occupiers of the units will be at an acceptable level. Details of the noise mitigation measures will be controlled by the use of suitable conditions

## Ventilation and extract ducting

- 4.65 Any mechanical extraction, ventilation or air conditioning plant, would need to be carefully located and designed in order to prevent statutory noise or odour nuisance. A fully detailed specification for the ventilation strategy will need to be developed at construction phase of the development and details for the commercial element will be based to an extent on the future occupiers. Officers are satisfied that the details of the mechanical extraction, ventilation or air conditioning plant can be satisfactorily incorporated into the development and can therefore controlled by the use of a suitable condition.

## Sustainable Construction

### **Planning Policy Statements: NPPF DPD1 (Core Strategy) policies: Key Policies: KP2, CP4; Development Management DPD Policy DM2; SPD 1 Design and Townscape Guide**

- 4.66 Policy KP2 sets out development principles for the Borough and refers specifically to the need to:

*“include appropriate measures in design, layout, operation and materials to achieve:*

*a reduction in the use of resources, including the use of renewable and recycled resources.*

*All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. At least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in SPD 1 Design and Townscape Guide, wherever feasible. How the development will provide for the collection of re-usable and recyclable waste will also be a consideration.....*

*.....development proposals should demonstrate how they incorporate ‘sustainable urban drainage systems’ (SUDS) to mitigate the increase in surface water run-off...”*

- 4.67 The applicants have submitted a Sustainability and Energy Statement in support of their application. These set out how the energy needs of the development might be met and looks at all the possible options. The statement provided outlines that 14.69% of the energy needs of the development are to come from on-site photovoltaic panels, which would be sited on the roof. This meets the requirement of policy KP2
- 4.68 In accordance with policy the proposals will incorporate a Sustainable Drainage system (SuDs) to manage water runoff from buildings and areas of hardstanding if the site allows.
- 4.69 Overall the sustainability credentials of the development are considered to be acceptable. The proposed sustainability measures are generally considered to be acceptable and subject to an appropriate condition, the development is therefore considered to meet the requirements of policy KP2.

## **Ecology**

### **NPPF Section 11, Core Strategy Policies KP1, KP2 and CP4.**

- 4.70 The applicants have carried out an ecological assessment of the site. The site has a low ecological value at present, although the buildings do have the potential to provide a roost for bats. Remarkably a slow worm was found within the existing buildings and this has now been properly relocated. As part of the application, proposals are suggested to enhance the biodiversity of the site. This would be assisted by appropriate planting and the installation of bird boxes etc. which will be controlled by a landscaping condition. Arboricultural protection measures will be put in place for the existing trees to the front of the site.
- 4.71 Thus provided suitable enhancements measures are put in place, the development will enhance biodiversity on the site.

## **Flood risk and drainage**

### **Planning Policy: NPPF Section 10, DPD1 (Core Strategy) policies: KP1, KP2, KP3, CP4, Development Management DPD Policy DM2.**

- 4.72 The application site lies within Flood Zone 1 does not lie within a flood zone. Therefore Environment Agency Standing Advice is application will be applicable. This requires refers to the management of surface water run-off and seeks a SuDs approach to drainage. The applicants have stated that SuDs will be implemented if site conditions allow and this can be controlled by the use of suitable condition.
- 4.73 The impact of the development is therefore considered to meet the requirements of the NPPF and will not have an adverse impact in relation to increased flood risk.

## **Developer contributions.**

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

4.74 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 provisions such as; a. roads , sewers, servicing facilities and car parking; b. improvements to cycling, walking and passenger transport facilities and services; c. off-site flood protection or mitigation measures, including sustainable drainage systems (SUDS); d. affordable housing; e. educational facilities; f. open space, ‘green grid’, recreational, sport or other community development and environmental enhancements, including the provision of public art where appropriate; g. any other works, measures or actions required as a consequence of the proposed development; and h. appropriate on-going maintenance requirements.”*

4.75 The above addresses the specific mitigation for 411 Sutton Road which is not on the Regulation 123 Infrastructure List.

4.76 Affordable Housing – The development is proposed to be built out as 100% Affordable housing. The tenure is now undecided in light of government policy with regard to Affordable Housing which has been emerging during the course of the application. The Department for People (Housing) previously commented that they welcomed the provision of Affordable Housing as proposed within this application. They considered that MOAT’s assessment of the housing need in the borough is in line with the demand for social housing as per our Housing Register, which shows a need for one and two bedroom affordable housing in the borough. They also give weight to the fact that the nearby Weston Homes site in Sutton Rd) has had the affordable element removed from its development. This situation remains and is relevant to the current application. Taking all these factors into account, in this instance the intended 100% AH provision is considered acceptable, the detail of the breakdown of the tenure will be agreed as part of the S106 agreement. It should be noted that as with the previous application, in order to allow them to achieved HCA funding the applicant cannot be fettered by a requirement to provide 100% AH by the S106 agreement, although this is their intention. Therefore the S106 will require only the provision of 20% AH in line with DM policy.

- 4.77 Highways works – Highways works are proposed to the front of the site to create the additional loading and parking bays. These works are required to meet the needs of the development and should be carried out by the developer at their expense. It is now considered that it will be more financially efficient for the developer to carry out these works (rather than the Council) and therefore they will be now controlled by use of a Grampian Condition. A contribution of £4000 is, however, sought as part of the S106 Agreement to fund the necessary TRO for the development.
- 4.78 Public realm enhancements – These will be a welcome element of the scheme and in line with the principles set out in the emerging SCAAP (proposal site policy ps10b and policy dp10), and should contribute to the regeneration of this part of Sutton Road. These will be integral to the highways works with details now required by Grampian and will include but not be limited to: hard and soft landscaping, tree planting, street furniture and lighting. It is noted that the description on the plan refers to a seating area and soft landscaping which would be encouraged.
- 4.79 Public Art - Consistent with the objectives of the adopted Design and Townscape Guide SPD, the Council seek either a contribution towards public art as part of the development or provision of public art on site to an equivalent value. The applicants have agreed to make a contribution for public art, details of which will be reported. It should be noted that public art within the Central Area is not covered by CIL.
- 4.80 The contributions proposed are considered to meet the tests set out in the CIL Regulations 2010. Without the contributions that are set out above the development could not be considered acceptable. Therefore if the S106 agreement is not completed within the relevant timescale the application should be refused. An option to this effect is included within the recommendation in Section 10.

### **Community Infrastructure Levy Regulations**

- 4.81 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.

- 4.82 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. The proposed development will result in a net increase in gross internal area of approximately 1531 sqm (taking into account any deductions for existing 'in-use' floorspace). Since the majority of the development would be for affordable housing the applicant can apply for an exemption for those areas, and the resulting total CIL contribution for this site is approximately £27,860, however this is subject to confirmation.

### **Other Considerations**

#### **NPPF, DPD1 (Core Strategy) policies KP1, KP2, KP3, CP4, CP6; Development Management DPD Policies DM14; SPD1 Design and Townscape Guide**

- 4.83 *Decontamination-* The site is classed as being potentially contaminated land. A desk study report has been provided, which indicates that further intrusive investigation is required to be undertaken. This will be controlled by condition and mitigation measures put in place.

### **Conclusion**

- 5.1 This development represents an opportunity to redevelop and regenerate a redundant employment site in accordance with emerging DM and SCAAP policy and to provide a development of 49 affordable homes and a small retail unit designed to serve local residents. The scale of the development has been reduced (top floor removed) since the previous scheme and is considered acceptable. The contemporary design is also considered to be appropriate for the area. The proposed alterations to the highway and public realm will also enhance the area and help uplift this part of Sutton Road. Parking is provided to meet the needs of the occupiers and the traffic generation associated with the development will not have a negative impact on surrounding traffic flow. The development is sited sufficiently distant from residential properties in Sutton Road to avoid overlooking and loss of light or other amenity and revised plans now include additional screen planting to the rear. Subject to completion of a suitable S106 Agreement the development is therefore considered to be in accordance with National and Local Planning Policies and is considered to be acceptable. The application is considered to address the previous reasons for refusal.

## **6.0 Planning Policy Summary**

- 6.1 NPPF - National Planning Policy Framework: Achieving sustainable development, Core Planning Principles, Policies: 1. Building a strong, competitive economy; 4. Promoting sustainable transport, 6. Delivering a wide choice of high quality homes; 7. Requiring good design; 8. Promoting healthy communities; 10. Meeting the challenge of climate change, flooding and coastal change; 11. Conserving and enhancing the natural environment.

- 6.2 DPD1 (Core Strategy) Policies- Key Policies, KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP1 (Employment Generating Development); CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure); CP8 (Dwelling Provision).
- 6.3 Supplementary Planning Document 1: Design & Townscape Guide (2009).
- 6.4 Supplementary Planning Document 2: Planning Obligations (2010)
- 6.5 Development Management DPD(DM) 2015
- 6.6 National Technical Standards 2015
- 6.7 Employment Land Review (ELR) 2010
- 6.8 Strategic Housing Land Availability Assessment 2010
- 6.9 Southend and Central Area Action Plan (SCAAP) (Consultation document)

## **7.0 Representation Summary**

- 7.1 **Anglian Water** – There is sewer and wastewater capacity. Seek informatives re Assets affected. 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. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable as a final drainage strategy is yet to be proposed. 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.
- 7.2 **The Curator Central Museum** – No response
- 7.3 **EDF Energy** – No response
- 7.4 **Fire Brigade** – Access for Fire Service Purposes is satisfactory. It is recommended that :
  - All materials shall be removed from site and no burning to be undertaken.
  - No burning within 6 metres of the boundary
  - Any burning should be supervised and controlled at all times and cease before the end of the working day.
- 7.5 **Police Architectural Liaison Officer** - no response



- 7.6 **Environment Agency** – no response
- 7.7 **British Gas** – no response
- 7.8 **Police Licensing Liaison Officer** – no response
- 7.9 **Parks** – No response but commented on the previous scheme: The submitted report and tree related material submitted seems to be appropriate, however the developer should be required to develop in accordance with the Arboriculturist report and its recommendations. The parks department will pursue compensation from the developer based on the full CAVAT value of the street trees potentially affected if they are damaged in any way.
- 7.10 **Traffic and Highways** – No response but stated in relation to the previous development: Car Parking - A total of 75 car parking spaces have been provided for the proposal. 55 residential spaces, 11 commercial spaces and 9 public parking bays to the front of the site. Secure cycle parking has also been provided for residents along with 18 cycle spaces for visitors. The site does benefit from being in a very sustainable location with regard to public transport, bus stops and rail stations are within close proximity as well as local amenities. The proposed parking for vehicles and cycles meet current parking standards. The applicant has also carried out a parking survey which has indicated that on un restricted on street parking is available within the area. Given the above there are no parking objections raised.

Servicing - Residential waste will be collected at the front of the site using a loading bay with associated parking restrictions to allow for delivery vehicles for the commercial unit. Refuse collection for the commercial element will enable a freighter to enter the site manoeuvre and leave in a forward gear. These collection points are considered acceptable. Required Traffic regulation contribution £4000

Travel Plan - The applicant has provided a residential travel plan with detailed information about promoting sustainable travel options, further information and details are required and a retail Travel Plan should be submitted. The applicant has also agreed to provide travel packs to all future occupants

Trip generation - The previous warehouse use would have generated a negligible number of vehicle movements which would have had little or no impact on the highway network. The applicant has used the TRICS software system and census information to demonstrate that the proposed retail development will serve the local population, creating limited traffic movement and that the residential development has an anticipated am peak traffic movement of 20 vehicles and a pm peak movement of 29 vehicles.

Given the information supplied as part of the application in the design and access statement, travel plan and transport statement it is not considered that the proposal will not have a detrimental impact upon the local highway network. Therefore no highway objections are raised.

*[Officer comment – the layout of the site has not changed and given the reduction in unit numbers the traffic impact is clearly less than the previous scheme.]*

7.11 **Design** – This is a revised proposal following a previous refusal for a similar scheme which included an additional but smaller 4th storey. This application was refused because it was considered that its height, bulk and massing, along with its proximity to nearby residents would result in it being overbearing and causing overlooking of the neighbours to the rear of the site. In response to this the 4th storey has been omitted and the amenity roof terrace reconfigured to the front of the building including a 1.8m privacy screen to the rear.

Although this addition was not prominent in the streetscene and therefore the scale of the proposal to Sutton Road is relatively unaffected it is considered that this has addressed the concerns regarding the impact of the scale of the proposal on the properties to the rear of the site.

In addition the following other minor amendments have been made to the design:

- Central balconies to the front have been slightly widened - this is considered an improvement as it will provide some flats with a slightly larger balcony
- Some additional timber inset panels added to the side and rear elevations – this will add further interest to these elevation which are flatter and less articulated than the front and is also welcomed.
- Setback of residential entrance doors omitted, now flush with frontage – this change is considered to be acceptable.
- Landscaping to vehicular access split and reconfigured – this change does not reduce the level of overall landscaping in this area and will in fact provide additional softening to the building itself and is welcomed.
- Substation relocated from south to west elevation - this will enable the doors to the substation to be relocated away from public view and is considered acceptable.
- Visitor cycle parking has been added to the frontage – this is much more prominent and well overlooked and is welcomed.

Overall the design is considered to be well resolved and articulated and subject to high quality detailing and materials this proposal should make enhance the streetscene in this location which is rather run down. Its use is in line with the vision of the SCAAP for the Sutton Gateway Neighbourhood and it should make a positive contribution to the regeneration and renewal of the area.

## Sustainability

The statement provided outlines that 14.69% of the energy needs of the development are to come from on-site pv panels, which meets the requirement of policy kp2. While it is noted that the pv panels are to be located on the 3rd floor roof, the exact location is not shown on the plans or elevations and this detail should be provided so that any visual impact can be assessed.

## Suggested conditions

- Materials – the application includes reference to some materials but not all so this should be conditioned. It should be noted that the brick choice should reference the context and the ‘timber panelling’ should be of a modern design to compliment the architecture. Aluminium windows and doors would be preferred although UPVC may be acceptable if they are a high quality product.
- Product or design details for windows, balconies and balustrades/screens, doors, front porches and hood features should be conditioned to ensure quality
- Hard and soft landscaping and boundaries
- Tree protection
- Public realm improvements
- 10% renewables
- Lighting

See previous comments re use, unit mix noted below

Use – Sutton Road is identified within the Core Strategy DPD as one of the Priority Urban Areas as the focus for regeneration and renewal. Supporting information has been provided in this regard, including a letter from the former college which has now vacated the site and it is important to note that the emerging DM DPD (policy DM11) does not carry forward this designation. Furthermore, the emerging SCAAP (policies PS10b and DP10) seek to support the redevelopment of this area of Sutton Road for high quality housing with supporting uses at ground floor, such as community facilities, bar/café. It also recognises the potential of the area to provide affordable housing (paragraph 546). The SHLAA and ELR both also identify the Sutton Gateway Neighbourhood as offering opportunity for additional housing. This should be complemented by enhancements to Sutton Road to uplift the residential environment – removing redundant street furniture (such as the bollards to the front of the site adjacent to the pedestrian crossing for example), and other enhancements (which could for example include tree planting, landscaping, cycle parking, quality permeable surface materials – to be agreed as part of the public realm improvements forming part of this scheme). This opportunity should not be lost, particularly given the positive impact the redevelopment of this site could have on the regeneration and renewal of the local area.

Unit size mix – a supporting statement has been provided to outline the case for providing only 1 and 2 bed units, and 100% affordable, on the site. Previous pre-app comments have noted the lack of family sized accommodation provided on the site, and the emerging standards set out in the DM DPD (Policy DM7) regarding tenure mix – supported by the Council's Combined Policy Viability Study 2013, which assessed the cumulative impact of adopted and emerging policies with cost implications within Southend's local planning framework – and size mix – as informed by the SHMA 2013. [http://www.southend.gov.uk/downloads/download/268/combined\\_viability\\_study](http://www.southend.gov.uk/downloads/download/268/combined_viability_study)

**7.12 Environmental Health** –: This new development proposal places dwellings fronting directly on to Sutton Road where road traffic noise levels are known to be high. An assessment has been carried out under the criteria set out in the new superseded PPG 24 to determine the noise exposure category of the dwellings affected by existing road traffic noise. The noise assessment submitted indicates that road traffic noise levels in this location place the development in category C of PPG 24, which states for a “C” that “planning permission should not normally be granted”.

Therefore if planning permission is granted, the mitigation measures proposed in the noise assessment must be adhered to in order to ensure satisfactory internal noise levels for future residents.

The mitigation measures detail that enhanced glazing and acoustically attenuated ventilators are required. Mechanical ventilation is also mentioned.

It should also be ensured that any mechanical ventilation equipment or plant associated with the new development are assessed and mitigated so as not to be a nuisance to new habitans or existing dwellings. Noise from deliveries/commercial unit has not been assessed as the end use is unknown at this time.

No details on external lighting for the development have been submitted. External lighting shall be directed, sited and screened so as not to cause detrimental intrusion of light into nearby residential properties.

The site is classed as being potentially contaminated land. A desk study report has been provided, which indicates that further intrusive investigation is required to be undertaken.

#### Conditions

1. A scheme for protecting the proposed dwellings from noise from road traffic shall be submitted to and approved in writing by the Council. Any works that form part of the scheme approved by the Council shall be completed before the permitted dwellings are occupied. Full details of the insulation scheme including predicted internal L<sub>max</sub> and L<sub>Aeq</sub> levels for the noise sources identified in the noise assessment shall be submitted with the insulation scheme. Glazing and ventilation should be selected with relevant acoustic properties as outlined in the Noise Assessment dated 18th December 2014. The noise prevention measures as installed shall be retained at all times thereafter.

A) Where habitable rooms will be exposed to noise levels that are in excess of Noise Exposure Category A in Planning Policy Guidance Note 24, mitigation should include a scheme of acoustic protection, submitted to and approved by the Council, sufficient to ensure internal noise levels no greater than 30 LAeq, T dB in bedrooms and living rooms with windows closed at any time. Where the internal noise levels will exceed 35 LAeq, T dB in bedrooms (night-time) and 45 LAeq T in living rooms (daytime) with windows open, the scheme of acoustic protection should incorporate acoustically screened mechanical ventilation. In addition in bedrooms the acoustic insulation shall ensure that the L max level does not exceed 45.

B) Within gardens and amenity areas the daytime 07.00 to 23.00 hrs. level of noise should not exceed 55 dB LAeq free field. This excludes front gardens.

2. Extraction and ventilation equipment details relating to the commercial premises are to be provided and approved prior to installation – C11B

3. With reference to BS4142, the noise rating level arising from all plant and extraction/ventilation equipment shall be at least 5dB(A) below the prevailing background at 3.5 metres from the ground floor façades and 1m from all other façades of the nearest noise sensitive property. The plant must not have distinctive tonal or impulsive characteristics.

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

5. External lighting shall be directed, sited and screened so as not to cause detrimental intrusion of light into residential property. Prior to installation of external lighting an assessment using the Institution of Lighting Engineers Guidance Note for the Reduction of Obtrusive Light shall be submitted to and approved in writing by the LPA.

6. Decontamination – C15A

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

8. During any Construction and Demolition. Given the site's location to other properties no burning of waste material on the site.

#### Informatives

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

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

3. A scheme of noise insulation required to be submitted to comply with a planning condition should be prepared by a suitably qualified and experienced noise consultant who would normally be member of the Institute of Acoustics and/or Association of Noise Consultants experienced in the preparation of noise insulation schemes.

1. The applicant is reminded that this permission does not bestow compliance with the Food Safety and Hygiene (England) Regulations 2013 or any other provision so enacted, such as those located within the Food Safety Act 1990. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215005.

7.13 **Housing** - The Department for People welcomes the provision of Affordable Housing and therefore supports this application.

Core Strategy Policy CP8 provides the guidance on the affordable housing threshold for residential developments. This is outlined below:

10 to 49units = 20%, 50+ units = 30%

This development therefore complies with this requirement and provides the necessary amount of affordable housing.

In terms of the dwelling mix, the SHMA Review 2013 undertook an assessment of affordable dwelling needs and consequently set out a recommended affordable dwelling mix for Southend on Sea, the percentages indicated below are the affordable housing provision by bedroom size for the borough.

The percentage of affordable housing element required within the borough: -

1 bed	2 bed	3 bed	4+ bed
16%	43%	37%	4%

This development does not meet this requirement however this is due to the overall housing mix offered i.e. only offering 1 and 2 bed flats. The affordable housing mix offered is therefore supported.

As indicated in the Development Management DPD Policy DM7 we would request tenure mix of: - 60/40% (60% rented, 40% intermediate housing).

On this occasion due to the design of the property and taking into account the associated housing management concerns the Strategic Housing team support would support a mixed tenure.

NB: We would advise that affordable housing units must meet the latest Technical Housing minimum space standards, for more information regarding Design & Standards for Affordable Housing, contact:- Department for Communities and Local Government

## 8.0 Public Consultation

8.1 Site notices posted and 65 neighbours notified. Press notice published.

8.2 8 letters of objection received from 6 addresses in Glenhurst Road, raising the following issues:

- Overlooking and loss of privacy to dwellings and gardens
- Overshadowing and loss of light
- Too high
- Too close to Glenhurst Road
- Too bulky
- Noise and disturbance
- Impact of lighting from development
- Protection from traffic noise by existing industrial buildings
- Loss of existing boundary wall which gives privacy and protection.
- Insufficient parking for new residents
- Will lead to parking in Glenhurst Road where it is already difficult to park
- Congested area
- Site too large next to residential street
- Too many flats in this neighbourhood
- Impact on local amenities, schools etc.
- Devalue property
- Disruption during construction works
- Precedent for redevelopment of other commercial buildings
- New shops will impact on existing businesses.
- Traffic
- Amenity space on the roof is a ridiculous proposal and will impact upon residents by overlooking and generation of noise.
- Changes are negligible **[officer comment – the applicant has removed the whole fourth storey from the development]**
- How will asbestos removal be achieved safely? **[officer comment – this is covered by separate legislation]**
- More theft/ burglaries.

## 9.0 Relevant Planning History

- 9.1 June 2015 – Planning permission refused to: demolish existing buildings, erect part 3/part4 storey block comprising 55 flats, 395sqm retail commercial floorspace at ground floor, communal amenity space, landscaping, parking and associated works. 14/02043/FULM

Refused for the following reason: *The proposed development, by reason of its bulk, height, and massing, along with its proximity to nearby residential properties, would result in overbearing and overlooking to the detriment of residential amenities, contrary to the NPPF, Policy CP4 of the Southend Core Strategy 2007, C11 and H5 of the saved Southend Borough Local Plan 1994, and guidance contained within the Design & Townscape Guide.*

### Recommendation

## 10.0 Members are recommended to:

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

- **A minimum of 10 units of affordable rented housing units (20% of overall provision) comprising 3x1bed and 7x2bed units.**
- **Traffic Regulation Order contribution of £4,000**
- **Public art provision/financial contribution (value and details to be agreed prior to first occupation)**
- **Provision of Travel Packs for residents.**
- **Retail Travel Plan.**

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

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

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



- 02** The development shall be carried out in accordance with the approved plans: 13.121\_200D, 13.121\_201D, 13.121\_202C, 13.121\_203B, 13.121\_204E, 13.121\_205B, 13.121\_206B, 13.121\_207D, 13.121\_209D, 13.121\_210B, 13.121\_211.

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

- 03** No development shall take place until samples of the materials to be used on all the external elevations, including balconies and balustrades/screens, fenestration, front porches, hoods and on any screen/boundary walls and fences, and on any external access way, driveway, forecourt or parking area, steps and public realm works have been submitted to and approved by the local planning authority. The development shall only be carried out in accordance with the approved details.

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

- 04** The development shall not be occupied until 55 car parking spaces to serve the residential units and 11 car parking spaces to serve the retail units have been provided on hardstandings within the curtilage of the site, together with properly constructed vehicular accesses to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently retained thereafter for the parking of occupiers, staff and visitors to the development.

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

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

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

- 06** Prior to first occupation of the development a car park management plan for the development shall be submitted to and agreed by the Local Planning Authority, car park management for the development shall thereafter be carried out in accordance with the approved details.

**Reason: to ensure that the car parking is satisfactorily managed in the interests of traffic management and highway safety in accordance with Policies KP2 and CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015. .**

- 07 Prior to first occupation of the development 55 cycle parking spaces to serve the residential development shall be provided within secure covered parking stores and cycle parking spaces (number to be agreed) to serve the retail unit shall be provided in accordance with detail which shall have previously been submitted to and agreed by the LPA. The agreed cycle parking spaces shall be permanently retained for the cycle parking of occupiers, staff and visitors to the property.**

**Reason: In order to ensure that sufficient and satisfactory cycle parking is available to meet the needs of occupiers and users of the development in accordance with Policy KP2 and CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.**

- 08 Prior to commencement of development “Construction Traffic Management Plan, including but not limited to: details of routing, signage, scheduling of deliveries, construction hours, on site recycling measures, shall be submitted to and agreed by the Local Planning Authority, construction shall be carried out in accordance with the approved details.**

**Reason: to ensure that the construction is satisfactorily managed in the interests of traffic management and highway safety and to protect the amenities of surrounding occupiers in accordance with Policies CP3 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.**

**09** **09** No construction works above the level of floor slab shall take place until a scheme for protecting the proposed dwellings from noise from road traffic shall be submitted to and approved in writing by the Council. Any works that form part of the scheme approved by the Council shall be completed before the permitted dwellings are occupied. Full details of the insulation scheme including predicted internal Lmax and LAeq levels for the noise sources identified in the noise assessment shall be submitted with the insulation scheme. Glazing and ventilation should be selected with relevant acoustic properties as outlined in the Noise Assessment dated 18th December 2014. The noise prevention measures as installed shall be retained at all times thereafter.

**A)** Where habitable rooms will be exposed to noise levels that are in excess of Noise Exposure Category A in Planning Policy Guidance Note 24, mitigation should include a scheme of acoustic protection, submitted to and approved by the Council, sufficient to ensure internal noise levels no greater than 30 LAeq, T dB in bedrooms and living rooms with windows closed at any time. Where the internal noise levels will exceed 35 LAeq, T dB in bedrooms (night-time) and 45 LAeq T in living rooms (daytime) with windows open, the scheme of acoustic protection should incorporate acoustically screened mechanical ventilation. In addition in bedrooms the acoustic insulation shall ensure that the L max level does not exceed 45.

**B)** Within gardens and amenity areas the daytime 07.00 to 23.00 hrs. level of noise should not exceed 55 dB LAeq free field. This excludes front gardens.

**Reason:** In order to protect the amenities of future occupiers from undue noise and disturbance, in accordance with CP4 of the Core Strategy DPD1 and Policies DM1 and DM13 of the Development Management DPD 2015.

**10** **10** The retail development shall not be occupied until extract ventilation, filtration and deodorising equipment have been installed in accordance with a scheme including details of the predicted acoustic performance of the system, ducting runs and of discharge points, which shall have previously been submitted to and approved by the local planning authority. The equipment as installed shall be retained in good working order at all times thereafter.

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

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

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

- 12. All deliveries and collections shall take place between: 07:00-19:00hrs Monday to Friday; and 08:00-13:00hrs Saturday; with no deliveries on Sundays or Bank Holidays.**

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

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

**To ensure surface water is adequately managed in the interests of flood prevention and pollution control, in accordance with (Core Strategy) 2007 policy KP2 and Policy DM2 of the Development Management DPD 2015.**

**14 Decontamination**

**1. Site Characterisation**

**With the exception of demolition, grubbing up of foundations and site clearance no development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:**

**(i) a survey of the extent, scale and nature of contamination;**

**(ii) an assessment of the potential risks to:**

- human health,**
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,**
- adjoining land,**
- ground waters and surface waters,**
- ecological systems,**
- archaeological sites and ancient monuments;**

## **2. Submission of Remediation Scheme**

**With the exception of demolition, grubbing up of foundations and site clearance, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.**

## **3. Implementation of Approved Remediation Scheme**

**The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.**

## **4. Reporting of Unexpected Contamination**

**In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7; days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.**

**An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2.**

**The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3.**

## **5. Long Term Monitoring and Maintenance**

**No development shall take place until a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must both be submitted to and approved in writing by the Local Planning Authority.**

Following completion of the measures identified in that scheme and when the remediation scheme is complete, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be submitted to the Local Planning Authority.

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

15. Prior to installation of any external lighting to the building; details of the external lighting of the building, including direction, siting, and hours of illumination and an assessment using the Institution of Lighting Engineers Guidance Note for the Reduction of Obtrusive Light, shall be submitted to and approved by the LPA and the development shall be carried out in strict accordance with the approved lighting scheme. No additional external lighting shall be installed on the building without the prior approval of the LPA.

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

14. The delivery and refuse collection hours to the premises shall be restricted to between 7am and 7pm and Monday to Friday; 8am – 1pm Saturday and not at all on Sundays or Bank Holidays.

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

15. The permitted hours for noise beyond the site boundary due to construction and demolition site works including loading and unloading are Monday to Friday 7.30 a.m. to 6.00 p.m. and Saturday 8.00 a.m. to 1.00 p.m. and not at all on Sundays or Bank Holidays. Noise from construction site activity shall not occur beyond the site boundary at any other time.

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

16. During any Construction and Demolition there shall be no burning of waste material on the site.

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

**17** No construction works above the level of the floor slab shall take place until full details of both hard and soft landscape works, including those of all roof terraces and the public realm proposals and the tree screen to the rear, have been submitted to and approved in writing by the local planning authority and the approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the local planning authority. These details shall include, for example:-

- i. proposed finished levels or contours;
- ii. means of enclosure, including any gates to the car parks;
- iii. car parking layouts;
- iv. other vehicle and pedestrian access and circulation areas;
- v. hard surfacing materials;
- vi. minor artefacts and structures (e.g. street furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting, etc.)

This shall include details of the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established, details of measures to enhance biodiversity within the site and tree protection measures to be employed during demolition and construction.

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

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

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

- 19 No construction works above the level of the floor slab shall take place until details of the proposed Photovoltaics cells set out in the submitted Energy and Sustainability Statement by Fusion 13 shall be submitted to and approved by the Local Planning Authority. The scheme as approved shall be implemented and brought into use on first occupation of the development.**

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

- 20 Prior to installation of any shopfront, details of the design and materials, glazing, doors, signage locations and lighting, shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

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

- 21 No obscure glazing installed shall be installed and no graphics or obscured film shall be applied to the A1 unit unless otherwise agreed in writing with the Local Planning Authority**

**Reason: In order to retain the open character of the elevation in the interests of the character and visual amenity of the area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policy DM13 of the Development Management DPD 2015.**

- 22 Prior to installation details of any shutters to the commercial units shall be submitted to and approved by the Local Planning Authority. The shutters shall be installed and retained in accordance with the approved details.**

**Reason: In order to protect the character and visual amenities of the area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policy DM13 of the Development Management DPD 2015.**

- 23 No construction works above the level of the floor slab shall take place details of the balconies and balustrades, including fixings, at a scale of 1:20 shall be submitted to and approved by the Local Planning Authority, the development shall be carried out in accordance with the approved details.**



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

- 24 No construction works above the level of the floor slab shall take place until details of the treatment of the undercroft area, including internal elevations, materials/finishes and lighting shall be submitted to and approved by the Local Planning Authority, the development shall be carried out in accordance with the approved details.**

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

- 25 Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any order revoking and re-enacting that Order with or without modification, no advertisement shall be displayed on the building without the prior written consents of the Local Planning Authority.**

**Reason: In the interest of the visual amenities of the area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policy DM1 and DM13 of the Development Management DPD 2015..**

- 26 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification, no structures such as canopies, fences, loggias, trellises or satellite or radio antennae are allowed to be installed within the development or on the buildings unless otherwise agreed in writing by the local planning authority.**

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

- 27 The Commercial floorspace hereby approved can only be used as A1 shops and for no other purpose including any within Classes A, C3 or D1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force).**

**Reason: To protect the amenities of future residential occupiers existing occupiers and the character of the area in accordance with Policies KP2, CP2 and CP4 of the Core Strategy DPD1 and Policy DM1 and DM13 of the Development Management DPD 2015.**

**28** Within 56 days of commencement of development a surface water drainage scheme in line with that detailed in the submitted drainage strategy or as otherwise agreed with the Local Planning Authority has been submitted and approved by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development.

The scheme shall fully investigate the feasibility of infiltration SuDS as a preference and provide evidence to establish if the principles of any infiltration based surface water drainage strategy are achievable across the site, based on the ground conditions. Infiltration or soakaway tests should be provided which fully adhere to BRE365 guidance to demonstrate this. Infiltration features should be included where infiltration rates allow.

Provide drainage plans and drawings showing the proposed locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate that the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features. In addition, full design details, including cross sections of any proposed infiltration or attenuation features will be required.

Provide details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the proposed development. Detail who will maintain each element of the surface water system for the lifetime of the development by submission of a maintenance schedule.

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

**29** The development shall be carried out in accordance with The Methods of Demolition, Construction, Tree Protection and “agreed Tree Works” set out within The Method Statement within the Arboricultural Implications Assessment and Preliminary Method Statement submitted by Oakfield Arboricultural Service and dated 11.12.2014, unless otherwise agreed in writing with the Local Planning Authority.

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

- 30** No development approved by this permission shall take place until Southend Borough Council (as local planning authority and highway authority) has approved in writing a full scheme of works (including detailed designs and contract details), and the relevant highways approvals are in place, in relation to the following:-
- New accesses
  - Removal of existing redundant crossovers and street furniture to the front of the site
  - Loading bays
  - On street car parking spaces
  - Public cycle parking
  - Landscape improvements
  - Installation of new street furniture and paving to the front of the site

As shown on plan ref 200D or as otherwise agreed in writing with the Local Planning Authority. The development and the associated highway works shall thereafter be undertaken in accordance with the approved details prior to occupation of the development hereby approved unless otherwise agreed in writing by the local planning authority.

In the interests of sustainability, accessibility, highways management, efficiency and safety in accordance DPD1 (Core Strategy) 2007 policy KP2, KP3 and CP3, Policy DM1and DM15 of the Development Management DPD 2015.

#### **Informatives**

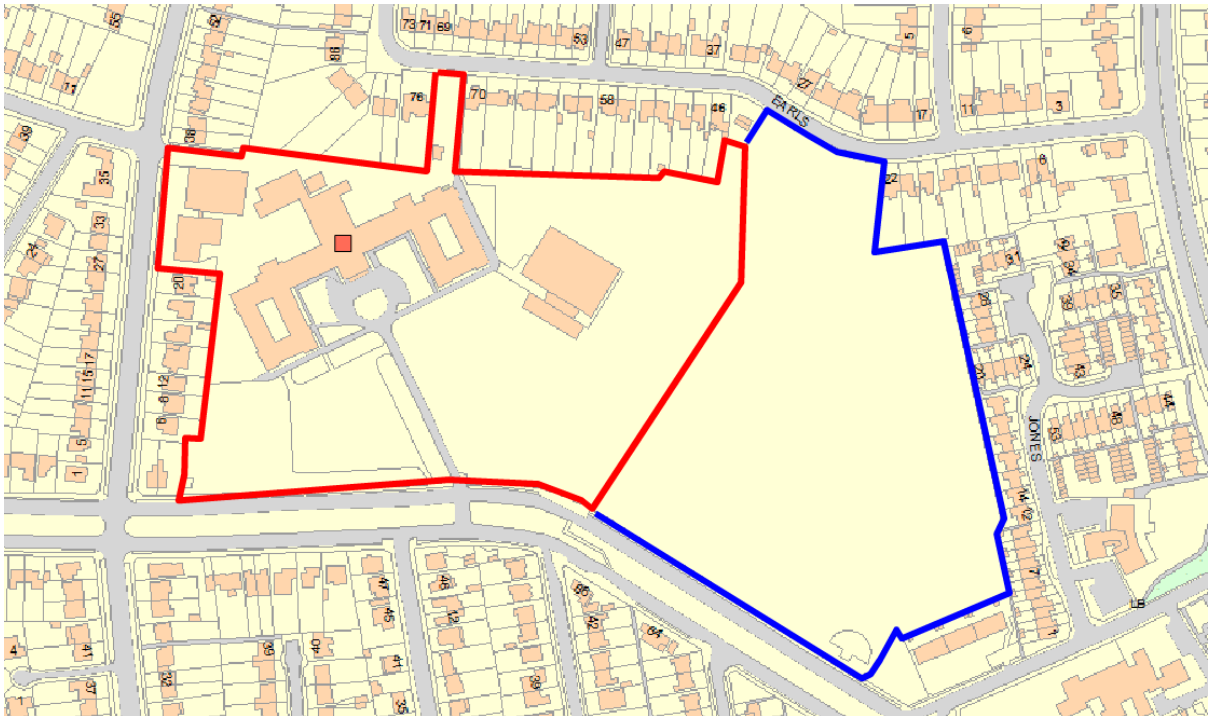
- 1** The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.
- 2** For further guidance on the control of odour and noise from ventilation systems you are advised to have regard to – Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by DEFRA. This can be downloaded free from [www.DEFRA.Gov.UK](http://www.DEFRA.Gov.UK)
- 3** The applicant is reminded that this permission does not bestow compliance with the Licensing Act 2003. Applicants should contact the Council's Licensing Team for more advice on 01702 215005.

- 4 **There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire and Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk of life, business continuity and limit the impact of fire on the environment and local economy. Even where not required under Building Regulation's guidance, ECFRS would strongly recommend a risk base approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We would also encourage developers to use them to allow design freedom, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the regulations are met.**
- 5 **Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a CIL Liability Notice for the applicant's attention and any other person who has an interest in the land. This contains details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil).**

**c) In the event that the planning obligation referred to in part (a) above has not been completed by 27 November July 2015 the Head of planning and Transport or Group Manager (Planning & Building Control) be authorised to refuse planning permission for the application on the grounds that the development will not :- i) provide for improvements to the public highway and the public realm within the vicinity of the site; ii) provide an effective means of enforcing/delivering a Travel Plan; iii) provide for a satisfactory provision of public art and iv) provide for a satisfactory method of servicing the development vi) provide for affordable housing. As such, the proposal would not make a satisfactory contribution towards the quality of the built environment within the vicinity of the site, would traffic congestion and be to the detriment of highway safety and is likely to place increased pressure on public services and infrastructure to the detriment of the general amenities of the area, contrary to Policies KP2, KP3, CP3, CP4 and CP6 of the Core Strategy, Policies DM1, DM3, DM7, and DM15 of the Development Management DPD 2015.**

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

<b>Reference:</b>	15/01189/FULM
<b>Ward:</b>	Prittlewell
<b>Proposal:</b>	Erect two storey linked infill extension to North West corner, re-configure existing driveway and layout parking, re-position port-a-cabin erect new gates and form new access onto Prittlewell Chase
<b>Address:</b>	Southend High School for Boys, Prittlewell Chase, Westcliff-On-Sea, Essex, SS0 0RG
<b>Agent</b>	Southend High School For Boys
<b>Applicant:</b>	Rees Pryer Architects LLP
<b>Consultation Expiry:</b>	03.09.2015
<b>Expiry Date:</b>	20.11.2015
<b>Case Officer:</b>	Janine Rowley
<b>Plan No's:</b>	15-17819-01 Revision C Detail Plan of Portacabin; 14-1448 08 Proposed Exit Gates; 14 1448 LP1 Location Plan; LOC 1507-05 Front of School Planting Plan; 14 1448 04 Proposed Elevations; LOC 1507/04 Revision B Car Park Planting Plan; 14 1448 01 Revision B Proposed Site Plan; 14 1448 05 Proposed Site Section; 14 1448 03 Proposed First Floor Plan; 14 1448 02 Proposed Ground Floor Plan; 14 1448 07 Proposed 3D Images; XX-DR-D202 Revision P1 Library Drainage Layout; XX-DR-D230 Revision P1 Drainage Details Revision Sheet 1; XX-DR-D231 Revision P1 Drainage Details Sheet 2; 14 1448 01 Revision A; 14 1448 06 Revision B Proposed Roof Plan
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## 1 The Proposal

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

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

## **2 Site and Surroundings**

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

## **3 Planning Considerations**

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

## 4 Appraisal

### Principle of Development

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

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



- 4.6 The applicant has put forward a number of mitigation measures to enhance the sports development offered at Southend High School for Boys and to mitigate against the proposed works.
- 4.7 *Playing Field Enhancements*  
As set out in the submitted agronomist's feasibility study prepared by Agrostis, the key deficiency of the main body of playing fields to the east of the site where pitches are marked out is the poor drainage conditions which affect the carrying capacity and surface quality of the pitches which in turn restricts the use of the pitches during the winter period. To address this constraint, the Agrostis study report proposes a piped drainage scheme to the majority of the remaining playing field to the east of the site together with works to improve the surfaces. The applicant has confirmed that this proposal will be fully implemented. The benefit to the school (and existing community users of the site such Leigh Dynamo FC) of implementing this scheme would be that significantly improved quality pitches would be provided which would have the carrying capacity to meet the needs of the school throughout the year which would help deliver the PE curriculum. This would reduce the potential for lessons and matches to be cancelled, surface conditions would be better and there may be the opportunity for increasing the use of the pitches. The community would also benefit as clubs that use the pitches at weekends would be at less risk of having matches cancelled due to pitch conditions plus there may be potential to offer additional use due to the increased capacity of the pitches.
- 4.8 *Throwing Cage:*  
The existing throwing cage that is used for athletics (i.e. discus) to the north east of the playing field is in a poor state of repair and requires replacing to make it fit for purpose. It is proposed to provide a new throwing cage to replace it which would improve athletics opportunities for students.
- 4.9 *Community Use of Playing Fields:*  
While a football club currently uses the school's playing fields at weekends, community use of the playing field is not formalised or secured at present as it is subject to informal arrangements. It is proposed to complete a community use agreement to secure community access to the playing field over a long term period. This would give existing and future community users greater security of access to the playing fields.
- 4.10 Sport England have raised no objection subject to conditions in relation to playing field enhancement works specification and phasing, throwing cage details, removal of construction compound and a community use agreement.
- 4.11 In light of the above, the impacts on the playing fields are considered to be outweighed by the improvement to open space on the site and therefore is considered acceptable subject to conditions and other material planning considerations discussed below.

## Design and Impact on the Character of the Area

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

- 4.12 Policy DM1 of the Development Management requires any new development to respect and enhance the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, layout, proportions, materials and overall townscape. The proposed development will enable a replacement of a dilapidated technology building with a contemporary building providing extra internal floorspace for pupils at the existing school and future expansion.
- 4.13 The main school building is considered to make a positive contribution to the historic character of Prittlewell Chase and has been designated a Locally Listed Building. The proposal seeks to build a new library/teaching block to the rear of this building, locate a temporary storage building to the eastern side of the rear car park and re-landscape the external area of the school including the creation of a new drive existing onto Prittlewell Chase.
- 4.14 *New Library/Teaching Block*  
The overall design and scale of the proposed two storey infill extension satisfactorily relates to the existing building appearing subservient. The extension is a simple modern boxed form with curtain glazing to most of the visible ground floor and cladding and more conventional glazing above. The entrance is defined by continuing the curtain glazing over the two floors and applying an external brise soleil detail with feature crest to the upper storey. The overall quality and detailing of the elevational treatment although simple, is well defined, has more cohesion between the floors and a positive relationship with the school architecture generally. The simple design reflects the proportions and spacing of the existing building and picks up on its colouring with the cladding choice but is restrained so that it does not compete with the historic building and this is considered to work well. The defining entrance feature and overhanging first floor helps to add interest to the main facades and identified the entrance as the main focal point. The extension will have very limited views only from Holeythick Lane to the east through gaps between properties.
- 4.15 Given the simplicity of the design the success of the proposal will depend on the quality of materials, the quality of which can be controlled by condition.
- 4.16 *"Portacabin"*  
The proposed building will be visible from Prittlewell Chase and Earls Hall Avenue it would impact on the public setting of the school. Whilst no objection is raised to the scale and form, there is a need for the proposal not to detract away from the existing character of the main school buildings. A landscape planting design statement including a plant schedule, specification and management plan and submitted drawings provides further details on how the school will achieve planting mature species and screening to mitigate against any potential harm. Nonetheless the building is not considered suitable for permanent retention and its removal within 3 years is considered appropriate.

#### 4.17 *Landscaping*

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

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

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

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

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

### **Traffic and transportation**

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

4.21 The main access point to the school is from Prittlewell Chase, which runs along the southern boundary of the site, this access is used for pedestrians and cyclists and vehicle access for visitors. Prittlewell Chase is a main route running in an east to west direction through Southend-on-Sea, with the opposing flows split into two separate carriageways segregated by a wide verge.

- 4.22 Bus stops are located immediately east of the school access on the eastbound carriageway, with a zebra crossing provided just east of the eastbound carriageway, and bus stop on the westbound carriageway located just west of the zebra crossing of the westbound carriageway. The main school access is off Prittlewell Chase therefore also serves pupils and staff that use public transport as a means of travelling to school, although there is also a second pedestrian access point on the school boundary with Prittlewell Chase immediately adjacent to the bus stops.
- 4.23 Cycleways are also present along both carriageways of Prittlewell Chase between the junction with Highfield Gardens to the west and Fairfax Drive to the east, with wide footways also present along both sides of Prittlewell Chase. On street parking bays are also provided along large sections of the road along the school frontage, meaning that the majority of each carriageway is restricted to one running lane between the junctions with Highfield Gardens and Fairfax Drive.
- 4.24 A second access point to the school is located at the northwest corner of the site on Hobblythick Lane which provides vehicular access for staff as well as pedestrian and cyclist access. A bus stop is located on the southbound carriageway of Hobblythick Lane just south of the school access, and stop on the northbound carriageway about 100 metres south of the site.
- 4.25 A third access point to the north of the school buildings is taken from Earls Hall Avenue which is a small residential road, although the vehicular access is gate controlled with gates generally remaining locked, although a separate gate permitting pedestrian and cyclist access remains open.
- 4.26 Other access gates to the school playing field that occupies the eastern section of the school site are present to Earls Hall Avenue and Prittlewell Chase; however these are generally kept locked.
- 4.27 The majority of development surrounding the school is residential development, with the most roads being quiet residential roads, with the main road providing access to the wider area being Prittlewell Chase which runs east to the A127 (via Fairfax Drive) and west through a large area of residential development.
- 4.28 Vehicle parking standards as required by policy DM15 of the Development Management Plan state as maximum standards 1 space per 15 students is required for years 7-11. For schools with further education as in this instance 1 space per 15 students for full time equivalent staff plus 1 space per 15 students for student parking are required. The existing site includes 90 informal parking spaces for 1203 students and 135 members of staff. In accordance with Policy DM15 of the Development Management Document, 107 car parking spaces should be provided (55 for years 7-11, 26 spaces for years 12-13 and 26 spaces for members of staff), so there is an existing shortfall of 17 parking spaces.

- 4.29 The proposed development will increase the number of students from 1203 to 1300 (82 students in years 7-11 and 15 students' years 12-13) and members of staff from 135 to 145 (increase in 10). Based on policy DM15 of the Development Management Document as stated above in paragraph 4.28, this would necessitate a further 5 spaces for years 7-11 and 2 spaces for years 12-13 (7 in total). The proposal seeks to provide additional car parking increasing the capacity from 90 to 130 parking spaces. This is considered in excess of the policy requirements given that a total of 114 parking spaces are required in accordance with policy DM15 of the Development Management Document.
- 4.30 The transport and parking summary dated October 2015 accompanying this application suggests that 18% of students arrive to the school by car including car sharing and lifts to and from the school including individuals driving themselves. 78% of staff currently arrives by car. The applicant contends applying these percentages to the new number of students and staff 18 additional students would be getting lifts to and from the school and an increase of staff driving to school would be 8.
- 4.31 Whilst the school does not currently have a travel plan, one has been submitted for consideration with this application. The submitted details include a number of measures aimed at reducing reliance on the car to reach the school encouraging sustainable transport in the form of walking, cycling and use of public transport together with car sharing.
- 4.32 The current site has provision for 190 cycle spaces. The current proposal will allow for the provision of additional spaces to be provided. Policy DM15 of the Development Management Document requires 34 cycle spaces and this can be dealt with by condition to ensure the proposal is policy compliant in terms of cycle provision.
- 4.33 The application is also accompanied by a Stage 1 Road Safety Audit with reference to the formation of a new access road within the site creating a one way system entering from Hopleythick Lane to the west and exiting on Prittlewell Chase to the south. The vehicle access to the north exiting on Earls Hall Avenue is only used for emergency purposes. The proposal also includes the resiting of the existing bus stop on Prittlewell Chase that can be dealt with by condition. A number of issues have been identified by the safety audit in relation to visibility and conflict with pedestrian, internal road marking and the design splay of junction permits left turn into new access. The applicant has confirmed all of the issues will be resolved at stage 2 of the safety audit, the Councils Highway Officer concurs with this view and no objection is raised on this basis.
- 4.34 Taking into account the parking is policy compliant with policy DM15 of the Development Management Document and subject to the stage 2 road safety audit of the new access road and number of actions encouraging sustainable transport in the form of walking, cycling and use of public transport together with car sharing that can be encouraged and monitored effectively by the travel plan the proposal is considered acceptable. The Councils Highway Officer has raised no objection to the proposal on parking or highway safety grounds.

## Impact on residential amenity

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

- 4.35 The nearest residential property to the proposed two storey infill extension is 16.5m away from the rear boundary of no. 20 Hobleythick Lane. Whilst there are windows at first floor taking into account the orientation and separation distance the proposals will not result in overlooking or loss of privacy. Furthermore, the overall height of the extension will be set down from the existing main building not appearing overbearing to the residents of no. 20. There is in excess of 31m to the northern boundary abutting properties within Earls Hall Avenue, which is sufficient to mitigate any material harm on the existing residents in terms of overlooking, loss of privacy and the development being overbearing.
- 4.36 The existing vehicle access from Hobleythick Lane to the rear of the school buildings finishes at the emergence access from Earls Hall Avenue (i.e. does not go any further than no. 70 Earls Hall Avenue). This application seeks to extend the road and form new parking areas to the rear of nos. 46-70 Earls Hall Avenue. The applicant intends to plant a landscaping buffer area and seeks to retain existing trees established along the boundary. To the rear of the elevations of the aforementioned properties is 22m-29m separation distance.
- 4.37 In terms of noise and disturbance, there are no restrictions of the opening hours of the school. It should be noted no conditions were imposed on the school when originally constructed in terms of hours of use. The additional parking is proposed to be accessed from Hobleythick Lane entrance forming a one-way system. In order to mitigate against any potential harm from the increased noise and disturbance from vehicles entering and exiting the site a condition will be imposed for the installation of an acoustic fence. An acoustic fence of up to two metres would reduce any potential harm to the flank elevations of nos. 46-70 Earls Hall Avenue. Furthermore, the acoustic fence should also provide a barrier to any light omitted from vehicles in this location.
- 4.38 The proposed portacabin will be single storey with an overall height of 3.6m sited 31m away from the north boundary abutting no. 46 and 50 Earls Hall Avenue and 138m to the southern boundary with Prittlewell Chase. There is considered sufficient distance to mitigate against any potential harm in terms of being overbearing, loss of privacy and overlooking and will be removed within 3 years given that this element of the proposal is only acceptable on temporary basis. Additional screening and mature landscaping proposed will also help to protect amenities of existing occupiers.

## **Sustainability**

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

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

### **Community Infrastructure Levy Charging Schedule**

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

## **Other Matters**

### *Noise Impact*

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

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

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

### *Archaeology*

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

### *Ecology/Bat Survey*

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



### *Lighting*

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

### *Flood Risk Assessment*

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

### **Conclusion**

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

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework
- 5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Traffic and Highways), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP7 (Sport, Recreation and Green Space)
- 5.3 Development Management Document: Development Management Document policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM15 (Sustainable Transport Management)
- 5.4 SPD1 Design & Townscape Guide 2009.

## 6 Representation Summary

### Design and Regeneration

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

#### New Library/teaching block

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

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

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

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

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

Trespa cladding panels papyrus white to match the stone window surrounds of the main building – there is no objection to this which seems broadly acceptable although the exact product is undefined and should therefore be clarified.

Curtain walling technal aluminium beaded glazing ral 7016 – no objections

Brise soleil - timber frame and aluminium louvers – this appears to be acceptable although further details would be preferable. It would also be helpful to know the materials for the crest to be mounted on the louvers and any proposed lighting.

Multi buff stock plinth and brick to single storey section – this is undefined and should be clarified. The existing building and other extensions in the vicinity appear to be red brick and it would therefore be preferred for this to match.

Roof bawder single ply roofing system light grey – no objections although the detailing of the fascia capping should be clarified as this will be the visible element. It appears to be grey metal on the visuals.

Natural buff tarmac to footpaths and playground – this should match the existing.

#### Storage Barn

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

#### Landscaping proposals

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

#### Replacement of tree avenue to main entrance

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

#### Planting to rear

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

#### Sustainability

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

Predicted energy usage of the building without renewables

Predicted energy useable of the building with renewables

Demonstrate a 10% saving is achieved

#### Archaeology

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

### **Children and Learning**

6.2 No comments.

### **Traffic and Transportation**

6.3 *Highway works*

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

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

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

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

#### *Travel Plan*

- No current Travel Plan or monitoring of mode of travel.
- It is not clear to how well the existing car parking is used.
- It is not clear whether the existing site already gives rise to congestion on the highway
- The Travel Plan should be to increase the awareness of all school users and not just pupils of the advantages and potential for travel by environmentally friendly means and associated health benefit
- It is important that the Travel Plan survey is able to confirm the distance that people are prepared to walk

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

## Sport England

### 6.4 Summary:

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

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

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

#### Sports Development Benefits

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

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

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

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

#### *Impact on Playing Field*

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

#### *Conclusion*

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

## Public Consultation

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

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



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

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

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

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

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

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

### Proposed car parking provision

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

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

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

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

#### Transport Statement

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

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

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

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

#### Conclusion

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

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

## **7 Relevant Planning History**

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

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

## **8 Recommendation**

**Members are recommended to:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 15 The 130 car parking spaces shall be implemented prior to occupation of the school building in accordance with drawing 14 1448 01 Revision B hereby approved and shall thereafter be permanently retained, unless otherwise agreed in writing by the local planning authority.**

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



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

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

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

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

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

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

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

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

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

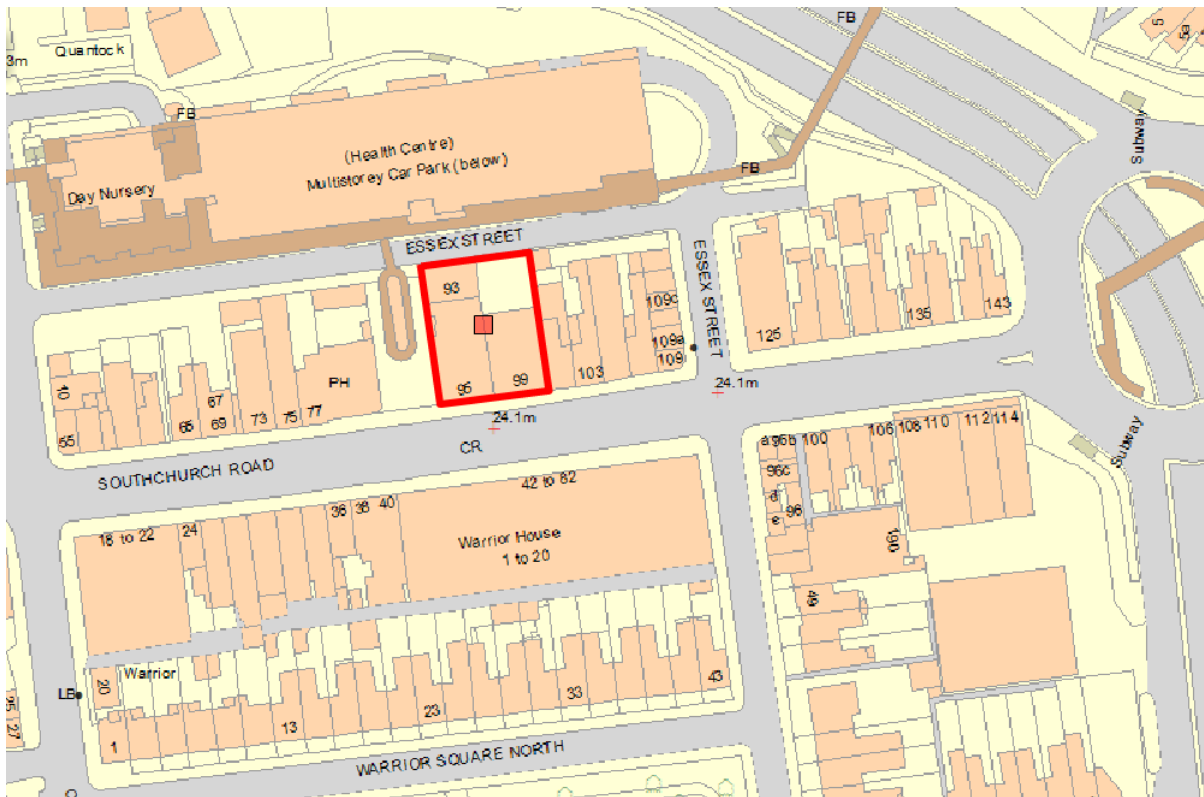
**Reason: To protect residential amenity and general environment quality in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and policy DM1 of the Development Management Document policy DPD2.**

#### **Informatives**

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

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

<b>Reference:</b>	15/01314/FULM
<b>Ward:</b>	Victoria
<b>Proposal:</b>	Erect two additional floors to form twelve self-contained flats with terraces and a roof garden
<b>Address:</b>	The Southchurch Centre, 93 - 99 Southchurch Road, Southend-On-Sea, Essex, SS1 2NL
<b>Applicant:</b>	Mr Tom Harris
<b>Agent:</b>	APS Design Associates Ltd.
<b>Consultation Expiry:</b>	01.10.2015
<b>Expiry Date:</b>	08.12.2015
<b>Case Officer:</b>	Janine Rowley
<b>Plan No's:</b>	01; 04; 05; 06
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>



## 1 The Proposal

- 1.1 Planning permission is sought to erect an additional floor to form twelve self-contained flats including a roof garden.
- 1.2 The proposed new floor would be 22.5m wide x 29.3m deep x 15.7m high (18.8m high to the access to the roof garden).
- 1.3 The twelve flats proposed will include:

Flat	Bedroom/Bed spaces	Internal Floorspace	Balcony
Flat 1	2 bed (3 bed spaces)	47sqm	4sqm
Flat 2	2 bed (3 bed spaces)	58sqm	4sqm
Flat 3	2 bed (3 bed spaces)	59sqm	7sqm
Flat 4	2 bed (3 bed spaces)	61sqm	31sqm
Flat 5	2 bed (3 bed spaces)	61sqm	32sqm
Flat 6	2 bed (3 bed spaces)	70sqm	6sqm
Flat 7	2 bed (3 bed spaces)	47sqm	4sqm
Flat 8	2 bed (3 bed spaces)	58sqm	4sqm
Flat 9	2 bed (3 bed spaces)	59sqm	8sqm
Flat 10	2 bed (3 bed spaces)	61sqm	16sqm
Flat 11	2 bed (3 bed spaces)	61sqm	7sqm
Flat 12	2 bed (3 bed spaces)	70sqm	5sqm

- 1.4 The proposed roof garden will include an area of 117sqm and 80sqm is useable for potential future occupiers. No off street parking provision is proposed.
- 1.5 It should be noted this application has been submitted following the refusal of application 15/00050/FUL dated 11<sup>th</sup> March 2015. The previous application was to erect 7 flats and was refused for the following reasons:

1. *“The proposed development by reason of its design, scale, bulk and use of materials would appear overscaled, bulky and at odds with the streetscene, to the detriment of the character and appearance of the existing building and the streetscene, contrary to the National Planning Policy Framework, Core Strategy Policies KP2 and CP4, policies C11, H5 and H7 of the Borough Local Plan and the Design and Townscape Guide, 2009 (SPD1)”.*
2. *“The proposal, by reason the limited size of some units and cramped layout would result in an unacceptable standard of living accommodation for future occupants contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policies H5 and C11 of the Borough Local Plan and advice contained within the Design and Townscape Guide SPD1”.*

1.6 The main amendments following the refused application 15/00050/FUL include:

- Number of units increased from 7 to 12;
- Width reduced 23.6m to 22.5m;
- Depth reduced from 30m to 29.3m;
- Height of development increased from 13.8m (15.9 including roof terrace) to 15.7m (18.8m high to access the roof terrace)
- Balconies to every flat

1.7 It should be noted the first and second floors of the existing offices have prior approval granted to convert the floorspace to 16 self-contained flats as agreed under application 14/01746/PA3COU with 10 parking spaces to the ground floor. This proposed development will not provide any off street parking spaces.

## **2 Site and Surroundings**

2.1 The application site relates to a three storey building located on the northern side of Southchurch Road. The building contains retail and office uses at ground floor with offices at upper floors. The surrounding area is characterised by various commercial uses at ground floor and residential and office uses at upper floors. To the immediate north of the site is a public car park.

2.2 The site is not the subject of any site-specific policy designations.

## **3 Planning Considerations**

3.1 The main considerations in relation to this application are the principle of the development, design (including the impact of the proposed works on the character and appearance of the building), impact on neighbouring properties, living conditions for existing/future occupiers, planning contributions and traffic and parking issues and whether the proposed development has addressed the previous reasons for refusal of application 15/00050/FUL.

## 4 Appraisal

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

- 4.1 The proposal seeks to erect two additional floors. Historically the site has been used as offices and prior approval has been granted to convert the first and second floor to 16 self-contained flats 14/01746/PA3COU. This proposal is considered in the context of the Core Strategy DPD Policies KP2 and CP4, policy DM1 of the Development Management DPD2. These policies and guidance support extensions to buildings in most cases but require that such alterations and extensions respect the existing character and appearance of the building. Therefore, the principle is acceptable subject to the detailed design considerations below.
- 4.2 Policy DM7 of the Development Management Document states that all residential development is expected to provide a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing on appropriate sites, to reflect the Borough's housing need and housing demand. The Council seek to promote a mix of dwellings types and sizes as detailed below:

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

- 4.3 The proposed mix will include 12 x 2 bed units failing to comply with the Development Management policy DM7 and would therefore not provide a development to reflect the Borough's housing need and housing demand.

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

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

- 4.4. Paragraph 56 of the NPPF states

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

4.5 Paragraph 60 of the NPPF states:

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

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

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

4.8 Section 10.2.11 of the Design and Townscape Guide sets out design guidance for additional storeys. It is specifically stated that additional storeys to flatted and commercial buildings will, in the main, be unacceptable as the increase in scale is normally a significant issue. In instances where such additions will have an acceptable and limited visual impact, the design should have maximum transparency and be a lightweight structure and complementary to the existing building.

4.9 Paragraph 377 of the Design and Townscape Guide which states:

*“Additional storeys to flatted and commercial buildings will, in the main, be unacceptable as the increase in scale is normally a significant issue. In the few instances where such additions will have an acceptable and limited visual impact, the design should have maximum transparency and a lightweight structure and complementary to the existing building...”*

4.10 The existing building is a 3 storey purpose built commercial block. The character of the local streetscene is mixed including traditional two storey shops and more modern purpose built flat roofed commercial buildings of up to 3 storeys. At three storeys the existing building is already taller than both its neighbours but its relates to Warrior House opposite which is the largest block in the street. The site is located adjacent to a pedestrian link to Essex Street which means that the west side of the building is also exposed in the streetscene.

- 4.11 It is noted that planning permission has been granted at 18-20 Southchurch Road on the corner of Chichester Road, (13/00484/FULM) to form a third floor. This proposal was set back and contrasted to the lower floors and was considered to be a subservient addition to the building. It is also noted that a proposal for an additional floor at Warrior House opposite was refused as it was considered to be an overdevelopment of the site (06/00129/FUL). It is therefore considered that any addition to the existing building must be subservient in scale and design to the existing building and the wider streetscene.
- 4.12 This building already appears higher than the existing parade of commercial premises and is flanked by two storey properties to the east and west. Given the nature of the two storey properties either side of the site and that the existing building is already higher, any roof extensions would exacerbate the scale and appear at odds with the streetscene. The additional floor by reason of design and scale would result in a 5 storey building, which would be out of scale with its surroundings. While it is noted that some alignment with lower floors has been sought in terms of the fenestration to the Southchurch Road elevation, the proposed extension appears as a dominant addition. This is further exaggerated by the proposed use of materials although matching the existing building they do not assist the integration of the extension with the parent building or help to afford the proposed extension a greater degree of transparency. The proposal for two full additional storeys would be over dominant in respect of the proportions of the existing building and in the wider streetscene which is not considered to be a landmark site.
- 4.13 The additional floor by reason of its design and scale would result in a 5 storey building, at odds with the streetscene by reason of its design, scale, bulk, limited set back from the existing building and use of materials to the detriment of the character and appearance of the existing building and wider streetscene contrary to the National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Development Management Document policy DM1 and the Design and Townscape Guide, 2009 (SPD1).

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

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

- 4.14 It should be noted from the 1<sup>st</sup> October 2015 the National Housing Standards have been adopted and state 61sqm per two bedroom (3 bed spaces) is required to ensure the development is in line with building control. The proposed internal sizes of the flats are given at paragraph 1.3 above.



4.15 In light of the above, flats 1, 2, 3, 7, 8 and 9 fall short of the National Housing Standards. The aforementioned flats will provide an unacceptable living environment for future occupiers given their limited sizes as highlighted above contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policy DM8 of the Development Management Document, National Housing Standards and the Design and Townscape Guide SPD1. In addition, the proposed development has not clearly demonstrated that the flats are wheelchair accessible or easily adaptable for residents who are wheelchair users. It is noted all flats will benefit from sufficient outlook and balconies.

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

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

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

Communal amenity space should be a useable size and shape.

4.18 All units will have access to private access to balconies and communal terrace to the roof. Each flat would have the following provision:

Flat	Balcony
Flat 1	4sqm
Flat 2	4sqm
Flat 3	7sqm
Flat 4	31sqm
Flat 5	32sqm
Flat 6	6sqm
Flat 7	4sqm
Flat 8	4sqm
Flat 9	8sqm
Flat 10	16sqm
Flat 11	7sqm
Flat 12	5sqm

The communal roof terrace proposed would equate to 6.7sqm per unit together with the balcony spaces as stated above. Whilst the roof garden is considered a useable amenity space given the limited balcony sizes of flats 1, 2, 3, 6, 7, 8, 9, 11 and 5 future occupiers to these flats would have access only to 11sqm to 13sqm, which is not considered acceptable amenity space for future occupiers contrary to policy DM8 of the Development Management Document.

## **Impact on Neighbouring Properties**

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

- 4.19 Policy DM1 of the Development Management Document states that any new development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.
- 4.20 With respect to overlooking, the additional floor would be set approximately 12.3m away from the nearest property to the east, which is a public house. To the north of the site is Essex Street public car park. Given the position of the additional floor and relationship with the adjoining premises at no. 101 Southchurch Road and opposite the site, it is not considered the proposal will have any adverse amenities on the existing occupiers in terms of being overbearing or resulting in loss of light.

## **Traffic and Parking**

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

- 4.21 Policy DM15 of the Development Management Document requires one parking space per flat to be provided on site. The site will provide 10 parking spaces for the 16 flats on the first and second floors (granted under 14/01746/PA3COU). Vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport.

- 4.22 The site is located on Southchurch Road within the town centre with walking distance to Southend Victoria Station and Southend Central Station together with the main bus station. The application form and associated drawings indicate that 10 parking spaces can be accommodated on site, which would fall short of current parking standards. Whilst material planning consideration has to be given to a recent prior approval scheme granted under reference 14/01746/PA3COU to convert the first and second floors to 16 self-contained flats including 10 parking spaces laid out to the rear and 23 cycle spaces in the area parking is shown for this development and it should be noted that it is not possible to implement both schemes concurrently as the proposed as the parking spaces are effectively “double counted”. Taking this into account, it appears there will be insufficient off street parking available for the 12 additional flats proposed under this application. On balance, taking into account the location of the site within the town centre, access to public transport including rail and bus services and walking distance to a number of amenities together with the public car park to the north. It is not considered the proposal will have any adverse impact on the highway network.
- 4.23 The proposal will include 27 cycle parking (16 for the flats granted under 14/01746/PA3COU) and 11 spaces for the proposed 12 flats, whilst the provision falls one short of policy DM15 and suitable condition can be imposed to ensure full details are submitted to the local planning authority if this application is deemed acceptable.

*Refuse*

- 4.24 Refuse storage has been provided to the rear and it is not clear of the arrangements. However, a condition would be required if this application is deemed acceptable with full details to be submitted and agreed.

**Renewable Energy**

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

- 4.25 Policy KP2 of the DPD1 and the SPD1 require that 10% of the energy needs of a new development should come from onsite renewable resources, and also promotes the minimisation of consumption of resources. Policy DM2 of the Development Management Document states that all new development should contribute to minimising energy demand and carbon dioxide emissions. The Design and Townscape Guide advises that options for renewable power must be considered at the beginning of the design process so that they are an integral part of the design scheme. Solar panels have been shown on the roof however, no details have been submitted to demonstrate the proposal will meet the 10% requirement however it could be dealt with by condition.

- 4.26 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. Whilst details have not been submitted for consideration at this time, this can be dealt with by condition.

#### **Other matters**

- 4.27 It should be noted whilst prior approval has been granted under application 14/01746/PA3COU to convert the first and second floors to 16 self-contained flats the proposed extension will be independent from the lower floors.

#### **Community Infrastructure Levy (CIL) & S106 Obligations Charging Schedule.**

- 4.28 The Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010 and under regulation 122 planning obligations must meet the following statutory tests;
- 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.
- 4.29 Policy CP8 of the core strategy requires 20% affordable housing to be provided within the development. The applicant has advised they agree in principle to make this provision. This will consist of one 2 bedroom unit and will be required to be secured through a Section 105 Agreement.
- 4.30 This application is CIL liable. If the application had been recommended for approval, a CIL charge would have been payable of approximately £14540.00. If an appeal is lodged and allowed the development will be CIL liable. Any revised application would also be CIL liable.

## **5 Planning policies**

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

- 5.3 Development Plan Document 2: Development Management emerging policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, size and type), DM8 (Residential Standards), DM10 (Employment Sectors), DM14 (Environmental Management), DM15 (Sustainable Transport Management)
- 5.4 Supplementary Planning Document 1: Design & Townscape Guide, 2009.
- 5.5 Waste Management Guide

## **6 Representation Summary**

### **Design and Regeneration**

- 6.1 The existing building is a 3 storey purpose built commercial block. The character of the local streetscene is mixed including traditional two storey shops and more modern purpose built flat roofed commercial buildings of up to 3 storeys. At three storeys the existing building is already taller than both its neighbours but it relates well to that of Warrior House opposite which is the largest block in the street. The site is located adjacent to a pedestrian link to Essex Street which means that the west side of the building is also exposed in the streetscene.

It is noted that planning permission has been granted at 18-20 Southchurch Road on the corner of Chichester Road, (13/00484/FULM) to form a third floor. This proposal was set back and contrasted to the lower floors and was considered to be a subservient addition to the building. It is also noted that a proposal for an additional floor at Warrior House opposite was refused as it was considered to be an overdevelopment of the site (06/00129/FUL). It is therefore considered that any addition to the existing building must be subservient in scale and design to the existing building and the wider streetscene. .

There is a concern that, despite being set back from the front and to some extent at the side the proposal for two full additional storeys would be over dominant in respect of the proportions of the existing building and in the wider streetscene were it is not considered to be a landmark site which justifies being significantly larger than the surrounding buildings. This is not helped by the over extension of the stair tower above the entrance and the lack of setback on the section of the secondary street elevation and the vertical feature on the main frontage which both serve to accentuate the scale of the proposed development.

In addition, Whilst it is noted that some alignment with lower floors has been sought in terms of the fenestration to the Southchurch Road elevation, the use of matching materials means that the proposed extension appears as an extended built form rather than a subservient addition. It is suggested that a contrasting, more lightweight more transparent addition would better help to minimise the impact of any addition.

The additional floor by reason of its design and scale would result in a 5 storey building, which would be out of scale with its surroundings. The proposed extension fails to appear subservient to the existing building resulting in a development at odds with the streetscene by reason of its design, scale, bulk limited set back from the existing building and use of materials to the detriment of the character and appearance of the existing building and wider streetscene contrary to the National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Development Management Document policy DM1 and the Design and Townscape Guide, 2009 (SPD1).

#### Other issues

##### Layout

There is also a concern that 6 flats fail to meet the new Government housing space standards and that some of the balconies including the communal terrace at third floor are not very useable although it is noted that this is supplemented by a communal roof terrace. The proposed residential bin store also looks tight.

##### Sustainability

Pvs are proposed to the roof which would seem to be viable in this location although details would need to be conditioned.

Note - the planters shown at ground floor, with the exception of than directly outside of the door appear not to be viable according to the layout.

Note - also see decisions for warrior house for 3<sup>rd</sup> floor which were refused 03/00566/out, 04/00634/ful, 06/00129/ful.

#### Traffic and Highways

- 6.2 There are no highway objections to this proposal and the site is in a sustainable location of the site which has good links in close proximity. The proposal also includes 27 cycle spaces which is acceptable. Additional waste storage has been provided which is also acceptable.

Travel packs would be useful for future residents **[Officer Comment: A suitable worded condition can be imposed in relation to travel plans/packs].**

## **Public Consultation**

- 6.3 Two site notices displayed on the 10.09.2015 and 32 neighbours notified of the proposal. 1 letter of representation received stating:
- No dedicated off street parking for all twelve apartments;
  - Lack of dedicated parking may influence potential new residents not occupying the flats leaving them vacant and unoccupied for extended periods;
  - The number of flats and general space the development is trying to squeeze into this proposal;
  - Public space adjacent the planning applicants boundary, personally I have found this a particular unpleasant area especially in the evenings with gatherings of potential undesirables;
  - The surrounding area appears to have a number of new high profile refurbished ex office developments repurposed as residential accommodation, with this proposal will place additional strain on the local facilities and amenities. This need a carefully thought through strategic approach to development in the area.

## **7 Relevant Planning History**

- 7.1 Erect additional floor to form seven self-contained flats with roof garden- Refused (15/00050/FUL).
- 7.2 Change of use of first and second floors of existing office use (Class B1) to 16 self-contained flats (Class C3) under Prior Notification of Class J (Town and Country Planning General Permitted Development Order 1995 (As Amended) Class, J, Part 3, Schedule 2)- Granted (14/01746/PA3COU).

## **8 Recommendation**

- 8.1 **Members are recommended to REFUSE PLANNING PERMISSION for the following reasons:**
- 1 The proposed development by reason of its design, scale, bulk and use of materials would appear overscaled, bulky and at odds with the streetscene, to the detriment of the character and appearance of the existing building and the streetscene, contrary to the National Planning Policy Framework, Core Strategy Policies KP2 and CP4, policy DM1 of the Development Management Document and the Design and Townscape Guide, 2009 (SPD1).**

- 2 The proposal, by reason of the dwelling mix, which is predominately 2 bed units, limited internal size of some of the units, would result in cramped living conditions and lack of amenity space for future occupants. This is indicative of overdevelopment of the site and fails to contribute towards a mixed a balanced community. This is contrary to the NPPF, policies KP2 and CP4 of the Core Strategy, policy DM7 and DM8 of the Development Management DPD2 and National Housing Standards 2015.**
- 3 In the absence of a signed legal agreement the proposal fails to secure a contribution towards affordable housing contrary to the NPPF, policies KP2, CP3, CP6 and CP8 of DPD1 (Core Strategy).**

#### **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.**

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



<b>Reference:</b>	15/01604/BC3
<b>Ward:</b>	Milton
<b>Proposal:</b>	Erect temporary ice rink with marquee and associated works
<b>Address:</b>	The Forum, Elmer Approach, Southend-on-Sea, Essex, SS1 1NS
<b>Applicant:</b>	Councillor Moring
<b>Agent:</b>	Southend Carnival
<b>Consultation Expiry:</b>	27.10.2015
<b>Expiry Date:</b>	20.11.2015
<b>Case Officer:</b>	Janine Rowley
<b>Plan No's:</b>	Site location plan; NL 150921 B 001 Proposed Plans
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## **1 The Proposal**

- 1.1 A temporary planning permission is sought to erect an ice rink with an associated marquee (for people waiting to skate) over the Christmas period from 11<sup>th</sup> November 2015 until 11th January 2016. The ice rink proposed is 10m wide x 25m deep. The proposed marquee is 5m wide x 10m deep x 4.5m high. The materials for the marquee include Perspex in aluminium frames. The structure will be located to the front of the Forum in close proximity to the service road to the north.
- 1.2 The opening hours include:
- Weekdays:
- 16<sup>th</sup> November 2015- 17<sup>th</sup> December 2015 -3pm to 10pm
  - 18<sup>th</sup> December 2015 – 1<sup>st</sup> January 2016 10am to 10pm
  - Christmas Eve & New Year's Eve- 10am to 6pm
- Weekends
- Saturdays 10am-10pm
  - Sundays 10am to 6pm
- 1.3 The application has made by been Southend Borough Council, the Mayors Charity Fund supported by the Carnival Association, the BID and C2C Rail who are hosting “Skating on Sea”.
- 1.4 The application is accompanied by supporting information from the Blue Martini Group in relation to risk assessments and method statements for the set-up and de-rig of ice rinks, a health and safety policy, loading and unloading lorry, risk assessment and method statement on the rink build.

## **2 Site and Surroundings**

- 2.1 The application site comprises the area to the front (east) of the Forum. The surrounding area is characterised predominantly by commercial development to the ground floor stretching back onto the side road, Elmer Approach. There are no residential properties at ground floor level close to the proposed development.

## **3 Planning Considerations**

- 3.1 The main considerations of relevance to this application are the principle of the development, the design and impact on the streetscene, the amenities of neighbouring residential properties and highway safety and parking implications.

## 4 Appraisal

### **Principle of Development**

**National Planning Policy Framework 2012, DPD1 Core Strategy Policies KP1, KP2, CP1, CP4 DPD2 Development Management policy DM1.**

- 4.1 The strategic objectives of the Core Strategy and policies KP1 and KP2 seek to enhance the town as a successful leisure and tourist attraction. This proposal is for a temporary ice rink, providing a leisure facility and tourist attraction for a temporary period of time in general accordance with planning policy.
- 4.2 The proposal is also considered in the context of the Core Strategy DPD Policies KP2 and CP4, policy DM1 of the Development Management DPD2. These policies and guidance support new developments must respect the existing character and appearance of the surrounding area. Therefore, the principle is acceptable subject to the detailed design considerations below.

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

**National Planning Policy Framework 2012, DPD1 Core Strategy Policies KP2 and CP4, DPD2 Development Management policy DM1 and SPD1**

- 4.3 The proposed temporary ice rink and marquee would be sited adjacent to the service road to the north and The Forum to the west. Taking into account its modest height, scale and temporary nature it will not have a detrimental impact on the appearance and character of the surrounding area in accordance with the National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy, policy DM1 of the Development Management DPD2, and the Design and Townscape Guide (SPD1). The proposal will be enhanced by LED lighting within the trees in terms of character and appearance.
- 4.4 Details of the construction and removal of the rink have been provided and are considered acceptable.

### **Traffic and parking**

**National Planning Policy Framework 2012, DPD1 Core Strategy Policies KP2 and CP3 DPD1, DPD2 Development Management DPD2 policy DM15 and SPD1**

- 4.5 The site is located within the town centre; to the immediate north is a service road and pedestrian access to Queens Road. To the south of the site is a pedestrian access to the High Street and Southend Central Station. There are a number of public car parks with specific reference to the Elmer Approach car park and the main bus station is within walking distance of the site. Taking into account the sustainable location of the site, it is not considered the proposal will result in demand for additional parking provision nor adversely affect the highway network.

- 4.6 It is noted the pedestrian access to the ice rink is in close proximity to the service road to the north, serving shops on the High Street to the east. The main entrance to the hall serving the ice rink will be accessed from the pedestrianised area to the front of the Forum, which will help to ensure all pedestrians are not at risk from highway traffic to the north.

**Impact on Residential Amenity:**

**NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Development Management Policy DM1, SPD1 (Design & Townscape Guide (2009)**

- 4.7 Whilst there are flats facing into the site close to where the ice rink is, taken into account the separation distance and hours of operation as detailed in paragraph 1.2 above, it is not considered the proposal will result in harmful impact to nearby residential occupiers in terms of noise and disturbance. In addition, no generators are proposed and power will be taken from the Forum.

**Community Infrastructure Levy (CIL)**

**Charging Schedule.**

- 4.8 As the structure is a temporary building it is not CIL liable and as such no charge is payable under the Community Infrastructure Levy.

**5 Planning Policy Summary**

5.1 National Planning Policy Framework

5.2 Core Strategy DPD (adopted December 2007) Policies KP1 (Spatial Strategy) KP2 (Development Principles), CP1 (Employment Generating Development) CP4 (The Environment and Urban Renaissance)

5.3 Development Management DPD2 policy DM1 (Design Quality), DM10 (Economic Development)

5.4 Design and Townscape Guide SPD (adopted December 2009)

5.5 Community Infrastructure Charging Schedule.

## 6 Representation Summary

### Design and Regeneration

- 6.1 The principle of a temporary ice rink in this area is welcomed as it should enliven the space during the quieter winter months. The proposed skate hire building is proposed to run under the screen. There is no objection to this in principle provided that there is sufficient clearance and enough space for pedestrians to pass the building.

It is recommended that the appeal of the proposal would be enhanced with decorative Christmas lighting rather than lots of advertising

The proposal should not result in the loss of any landscaping, although this does not appear to be the case from the drawing.

**[Officer Comment: The applicant has confirmed no generators are proposed as power will be used from the existing building at the Forum. No street furniture is proposed to be neither removed nor soft landscaping. The trees surrounding the site will include LED lighting to enhance the overall appearance and advertisements will be confined to the barriers surrounding the rink].**

### Highway Authority

- 6.2 No comments.

### Public Consultation

- 6.3 One site notice displayed on the 6<sup>th</sup> October 2015 and 38 neighbours notified of the proposal. At the time of writing this report no letters of representation have been received.

## 7 Relevant Planning History

- 7.1 None.

## 8 Recommendation

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

- 1 The marquee and ice rink shall be removed on or before Monday 11<sup>th</sup> January 2016.**

**Reason: In accordance with the wishes of the applicant, because the application has only been made for permission for a temporary period and would be unacceptable on a permanent basis.**

- 2 The development hereby permitted shall be carried out in accordance with the approved plans Site location plan; NL 150921 B 001 Proposed Plans.**

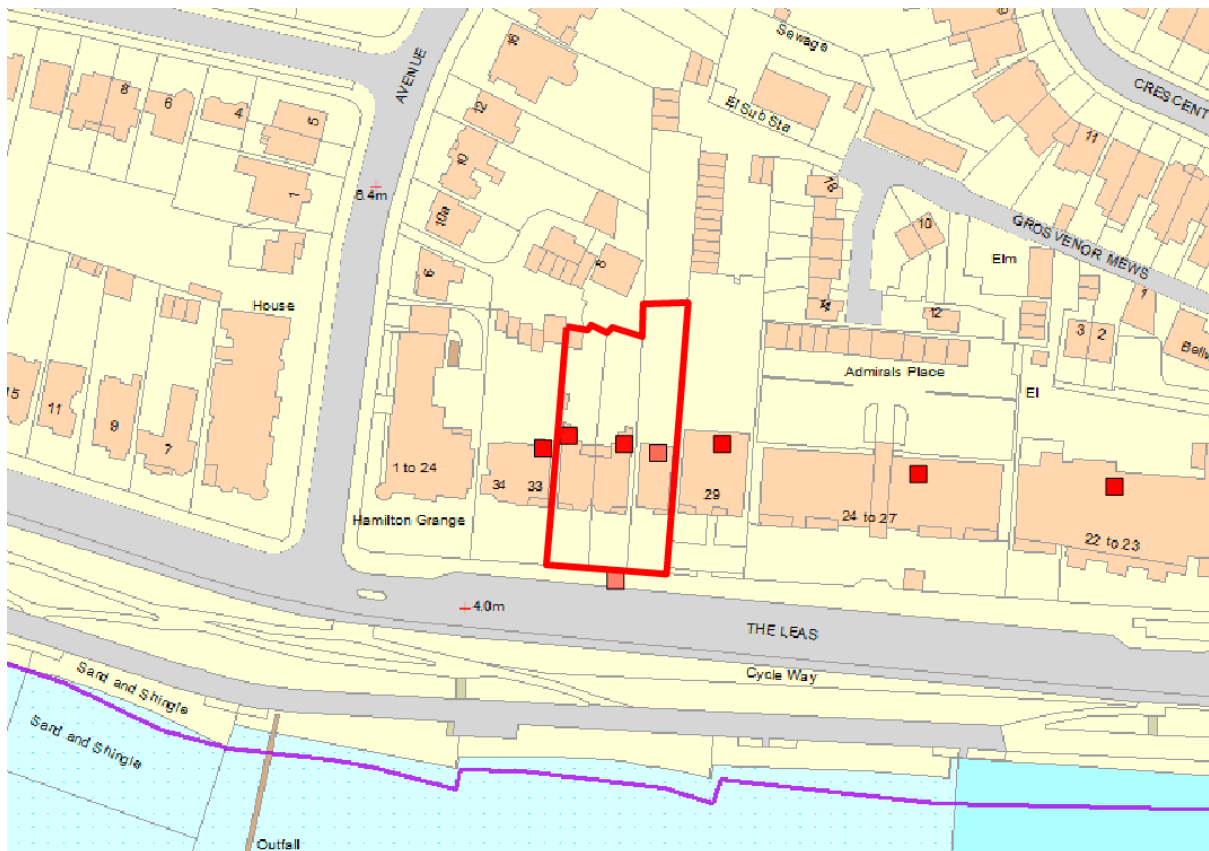
**Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan.**

**Informative**

- 1 You are advised that in this instance the chargeable amount for the Community Infrastructure Levy (CIL) has been calculated as zero due to the specific nature of the use and the permission sought is on a temporary basis.**

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

<b>Reference:</b>	15/01492/FUL
<b>Ward:</b>	Chalkwell
<b>Proposal:</b>	Demolish existing buildings, erect part two/part three/part four and five storey building comprising of 9 self-contained flats with balconies, cycle and refuse storage, lay out parking and landscaping and form vehicular access onto the Leas
<b>Address:</b>	30-32 The Leas, Westcliff-on-Sea, Essex, SS0 8JB
<b>Applicant:</b>	R.S. Coombes Ltd. RIBA
<b>Agent:</b>	Elmore Homes Limited
<b>Consultation Expiry:</b>	15.10.2015
<b>Expiry Date:</b>	27.10.2015
<b>Case Officer:</b>	Janine Rowley
<b>Plan No's:</b>	123/24; 132/22; 132/21; 123/29; 123/23; 123/20; 132/25
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>



## The Proposal

- 1.1 Planning permission is sought to demolish the existing buildings at 30-32 The Leas and erect a building between 2 and 5 storeys comprising of 9 self-contained flats with balconies, cycle and refuse storage, lay out parking and landscaping and a vehicular access onto The Leas. Thirty The Leas is a two storey dwelling house while 31 and 32 The Leas are 3 storey dwellings that have been converted into flats.
- 1.2 The proposed design of the building is a contemporary with a modern palette of materials. The building proposed is 25m wide x 23m deep x 17.7m high above ground level.
- 1.3 The proposal will include 9 flats- 8 x 2 bed units and 1 x 3 bed unit. The internal floorspace proposed per unit as follows:
  - Type A- 161sqm 2 bedrooms
  - Type B- 166sqm 2 bedrooms
  - Type C- 124sqm 2 bedrooms (split over two floors)
  - Type D- 172sqm 2 bedrooms
  - Type E- 278sqm 3 bedrooms (split over two floors)
- 1.4 19 parking spaces are proposed, 9 to the basement and 11 spaces to the rear of the site. The proposal will also include refuse and cycle storage at the basement level. Amenity space will take the form of a landscaped amenity area to the rear equating to approximately 228sqm and all flats will have access to balconies.
- 1.5 The proposed materials to be used in the construction of the development include:
  - External walls- white resin render with yellow stock brick, western red cedar and grey eternity cladding;
  - Zinc sheet, 'Oak' resin decking over asphalt membrane;
  - Windows and doors- aluminium double glazing powder coated RAL 7037;
  - Boundary treatments-to the rear timber acoustic fencing and blue engineering brick walling to the front;
  - Vehicle access and hardstanding- Permeable PC block paving (dark grey);
  - Lighting- LED bulkhead/spotlighting
- 1.6 The application is accompanied by a Design and Access Statement, Structural Engineer's condition survey, Quantity Surveyor-refurbishment cost appraisal, Flood Risk Assessment, Renewable Energy Assessment, Landscape and Site Management, Tree Survey.



1.7 There is an extensive history on this site and the most recent applications to redevelop part of the site included application 11/00890/FUL at 30 The Leas, which was to erect a four storey building with 4 flats and refused of the following reasons:

1. *“The design of the proposed flatted development including the form and detailing is inconsistent with the historic character of the surrounding area of Crowstone Conservation Area and as such do not represent the quality of design required by PPS1, PPS5 and the Council's Development Plan policies. In this regard, the development would have a detrimental impact on the character and appearance of the Crowstone Conservation Area and the surrounding locality contrary to guidance in PPS1, PPS5 and Policies ENV6, ENV7 of the East of England Plan, KP2 and CP4 of the Core Strategy and Policies C4, C11, H5 of the Borough Local Plan and the Design and Townscape Guide (SPD1)”.*
2. *“The Local Planning Authority is not satisfied that the proposed development would provide a safe refuge area and safe access and egress route to and from the site in the event of a flood, would not result in a safe residential environment in flood risk terms and would compromise the ability of the emergency rescue services to evacuate residents in this respect. This would be contrary to Planning Policy Statement 25 and Policies KP1 and KP2 of the Southend on Sea Core Strategy 2007”*

1.8 The most recent application in relation to redeveloping the site 30-32 The Leas was application 08/00712/FULM and 08/0074/CAC. Permission was sought to erect an 8 storey block including 21 flats with basement parking. The application was refused for the following reasons:

1. *“The proposed development will result in the loss of buildings which make a significant contribution to the character of the Crowstone Conservation Area and historical reference to seafront architecture within Westcliff-on-Sea furthermore the proposed building by reason of its scale, bulk, mass, siting and design would fail to integrate with the streetscene and wider seafront and would fail to preserve or enhance the character of the Crowstone Conservation Area to the detriment of the character of the area contrary to Policies KP1, KP2 and CP4 of the Core Strategy (DPD1), Policies C4, C11 and H5 of the Borough Local Plan and the Design and Townscape Guide (SPD1)”.*
2. *“The proposed development by virtue of the scale, bulk and proximity of the building and raised deck to the boundary with no's. 33-34 The Leas would be overbearing and obtrusive resulting in a sense of enclosure of the rear garden to the detriment of the their amenity contrary to Policies KP2 and CP4 of the Core Strategy, Policies C11, H5 and H7 of the Borough Local Plan”.*

3. *“The proposed development by virtue of the scale and proximity of the raised deck to the boundary with no. 29 The Leas would be overbearing and obtrusive resulting in a sense of enclosure of the rear garden to the detriment of their amenity contrary to Policies KP2 and CP4 of the Core Strategy, Policies C11, H5 and H7 of the Borough Local Plan”.*
4. *“The proposed development has failed to demonstrate that it would not cause undue overshadowing and loss of daylight to the rear gardens of the adjoining properties at no’s. 29 and 33-34 The Leas to the detriment of their amenity contrary to Policies KP2 and CP4 of the Core Strategy, Policy C11 of the Borough Local Plan”.*
5. *“The proposed development has failed to compensate for the additional demand in relation to educational services within the Borough contrary to Policy KP2 and CP6 of the Core Strategy (DPD1)”.*
6. *“The calculations for surface water run off provided in the flood risk assessment will be likely to lead to run off of surface water onto the adjacent sites thereby increasing flood risk on adjacent sites contrary to Policy KP2 of the Core Strategy and advice contained within PPS25 (Development and Flood Risk)”.*

1.9 The main changes from the refused application 08/00712/FULM include:

- Reduction in storeys from 8 to 5
- Number of units from 21 to 9
- Change in design approach

1.10 It should be noted the National Planning Policy Framework 2012 and Development Management Document July 2015 have become considerations since the previous refusal in 2008 and the application will therefore be assessed against current planning policy.

## **2 Site and Surroundings**

2.1 The application site consists of 3 buildings within The Leas. No.30 is a detached two storey dwelling house and No’s. 31 and 32 is a pair of semi-detached properties which are self-contained flats and non-self-contained accommodation on 3 floors. No.30 The Leas is the only dwelling house within the street block between Crowstone Avenue and Grosvenor Road (the rest are flats). The plot of land on which No.30 The Leas sits, extends some distance to the north up to the end of Grosvenor Mews and behind a number of properties fronting Crownstone Avenue. It sits within the Crowstone Conservation Area.

- 2.2 The street block in which the application site sits has undergone significant redevelopment over the last 15 years. This redevelopment has seen much of the original urban fabric removed and replaced with blocks of flats of varying design and scale. The application site contains 3 original Edwardian buildings which have been extended and altered since this time, although still retain some of their architectural features. The heights of buildings within the block vary from 2 storeys up to 11 storeys, with the general character of the area being residential.
- 2.3 In terms of access each property currently has a vehicular access to the forecourt with off street parking. There is also vehicular access to the rear of the application site from Crowstone Avenue and Grosvenor Mews.

### **3 Planning Considerations**

- 3.1 The main considerations in relation to this application are the principle of the development, flood risk, design and impact on the character of the area and the conservation area, traffic and transportation issues, impact on residential amenity and sustainable construction.

### **4 Appraisal**

#### **Principle of Development**

**National Planning Policy Framework, Core Strategy Policies KP2, CP4, and CP8, Development Management DPD2 policy DM1, DM3, DM5 and DM6, and the Design and Townscape Guide DP1 (2009)**

- 4.1 This proposal is considered in the context of the Borough Council policies relating to housing and design. Also of relevance are National Planning Policy Framework Sections 56 and 64, Core Strategy DPD1 Policies KP2, CP4 and CP8 and policies DM1, DM3, DM5 and DM6 of the Development Management Document. The core planning principles of the NPPF the need to:

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

*Paragraph 56 of the NPPF states; “the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*

*Paragraph 64 of the NPPF states; “that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*

- 4.2 The proposal is for a residential scheme in a residential area of the Borough; as such the principle of the land use is acceptable. The seafront has, in recent years, come under significant pressure for redevelopment including the amalgamation of sites to create wider and taller buildings and this has impacted on its character and grain. The Borough Wide Character Study 2011 was commissioned to inform the preparation of the DM DPD (adopted July 2015). The Borough Wide Character Study Section 6 concludes:  
In relation to this issue it states that:

**Larger buildings**

*“..in the areas of the seafront around the central sea front (Chalkwell Station to Palmeira Avenue and Jetty to Thorpe Hall Avenue) there is a varied scale and pattern of use. This includes the presence of numerous guest houses and small hotels. More recently the development of larger hotel buildings and the development of retirement flats and apartment buildings has had a noticeable impact on these areas, resulting in a general increase in building scale and the loss of historic character and urban grain”.*

**Key issues**

*“The main concern for the character of the seafront is the gradual increase in scale of new buildings and the loss of historic grain as a result of pressure for hotels, flats and retirement development. Whilst this may be appropriate in more central locations, provided the design is of high quality and sympathetically relates to the historic grain, it is seen as having a generally detrimental effect on the integrity and character of the Borough. Many recent developments have been based on amalgamated sites. This has allowed the creation of buildings with a strongly horizontal emphasis and often considerable bulk in place of original buildings which were based on regular, relatively narrow, plots and were generally limited in overall height.”*

The conclusions of this document, recommends greater control of development on the seafront and greater protection of its character and fine grain and subsequently gave rise to the policy approach for the seafront in the DM DPD which was adopted in July 2015.

- 4.3 Policy DM6 of the Development Management Document requires all new development within the Seafront Area to ensure that *“existing buildings along the seafront form a cohesive frontage, have a historic context or are recognised as key landmarks and/or contribute to a distinctiveness Southend Southend sense of place will be retained and protected from development that would adversely affect their character, appearance, setting and the importance of the Seafront.”*

All development within the Seafront Area must accord with the development principles set out in Policy Table 1 of policy DM6 (DPD2):

*“4. Chalkwell Esplanade to San Remo Parade*

*‘(iv) Resist inappropriate development fronting the Seafront to ensure that established seafront architectural style and form is maintained in this location.*

*(v) The total or partial demolition of a heritage asset will be resisted, in accordance with Policy DM5, where there is no clear and convincing justification for this.*

*(vi) In all areas the vernacular form and fine urban grain of the seafront that defines this character zone will be preserved. Further amalgamation of existing plots and large format bulky buildings are not considered appropriate and will be resisted.*

*(vii) The low rise height of existing buildings should also be maintained in future development. Development will only be allowed where it is appropriate to context and where it adds to the overall quality of the area.”*

- 4.4 Policy DM6 of DPD2 is reinforced by Policy DM5 of DPD2 give that this site is within the Crowstone Conservation Area. Policy DM5 of DPD2 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”.*

- 4.5 This site is in a prominent location on the seafront and can be viewed from a considerable distance in both directions along the promenade. The context for this proposal is therefore wider than just the immediate street block. At present there is a difference in character between this street block and the blocks to the east and to the west. The eastern half of this block is characterised by developments of a larger massing and height culminating in an 11 storey building on the corner with Grosvenor Road. The rest of the street block ranges from 3-6 storeys. The two adjacent street blocks are more modest in their development ranging from 2-4 storeys. Crowstone House on the adjacent corner (Crowstone Road) is also a historic local landmark.
- 4.6 Paragraph 131 of the NPPF relating to conserving and enhancing the historic environment states:  
*“In determining planning applications, local planning authorities should take account of:*
- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
  - *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
  - *the desirability of new development making a positive contribution to local character and distinctiveness”.*
- 4.7 Paragraph 128 of the NPPF, states that when determining applications, LPAs should require applicants to describe the significance of the heritage assets affected and the contribution made by their setting. The level of detail provided should be proportionate to the significance of the asset and sufficient to understand the impact of the proposal on this significance. This is supported by paragraph 129, which requires local planning authorities to identify the significance of any heritage assets. Paragraphs 132 to 136 consider the impact of a proposed development upon the significance of a heritage asset, emphasising the importance of conserving heritage assets and that harm or loss to a heritage asset requires clear and convincing justification.
- 4.8 The Design and Access Statement accompanying this application states *“deterioration through lack of proper maintenance and repair is no justification for demolition but the poor condition of properties is through no fault of the current owner/applicant. The Council, have been noticeably inactive in protecting the heritage assets”.*

- 4.9 The Design and Access Statement goes on to state: *“whilst it might be considered possible to refurbish each of the three properties as a single occupancy house, several factors influence adversely marketability, for all but the very wealthy”. The statement goes on to say “the properties have limited appeal for practical reasons-*
- the potential risk of flooding to the ground floor as defined by the Environment Agency might deter some people;*
  - significant upgrading would be required to make the properties compliant with the Disability Discrimination Act 1995;*
  - balconies are unattractive to use due to the narrow depth/restricted area;*
  - fenestration restricted by closely spaced stone bay structure that obstructs appreciation of panoramic vista;*
  - only no. 32 has rear access for car parking and to extend this to nos. 30 and 31 would mean a consequent reduction in rear garden amenity area so the harmful impact of parking to these frontages would continue indefinitely;*
  - they are vacant and after inspection have been considered unsafe for habitation*

*Thus the refurbishment option to redevelopment is not seen as an attractive proposition, as verified by the applicants Consultant Surveyor”.*

- 4.10 A Structural Engineering Statement carried out by John Sime Surveys Limited, accompanies this application to demonstrate the loss of the existing buildings due to their overall condition. The structural statement states the following findings:  
*“No. 30 The Leas- There is evidence of basement foundation failure allowing ingress of surface water which is to an average depth of 150mm;  
No. 31 The Leas-Structural support to the front balcony is insufficient, making the balcony unsafe and dangerous. Measures should be taken immediately to restrict access;  
No. 32 The Leas-During the conversion of this property into three flats the loadbearing wall has been structurally affected and needs attention  
Generally- the external walls of these properties are 9” solid brickwork and due to the age of the properties and their exposed position, i.e. facing south-west, during heavy rain internal wall surfaces have damp problems.  
Therefore, these properties have structural fault and are also beyond economic repair.  
All the old residential properties currently on site have outlived their useful life and their construction, due to the lack of maintenance and weathering, is now completely sub-standard. They are also in need of extensive maintenance and repair work in order to put them back into a reasonable condition, and the cost of this would be totally prohibitive”.*
- 4.11 A further report carried out by Peter Millard Associates Limited breaks down the overall remedial works and purchase price stating the buildings are beyond economic repair.
- 4.12 The buildings therefore do not seem to be in such a condition as to prevent their reasonable renovation and reuse and this would be the best option for the preservation and enhancement the conservation area. Indeed the NPPF at para 130 states that:  
*‘Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.’*
- 4.13 The Design and Access Statement reiterates this at paragraph 12.40 where it states that *‘deterioration of properties through lack of proper maintenance and repair is no justification for demolition’* however the Design and Access Statement paragraph 9.1 confirms that *‘no maintenance has been carried out to the properties for some years’*. Whilst the weathering may have contributed to their current condition there are many other historic buildings on the seafront which have been exposed to the same conditions and are not suffering in the same way, it can therefore it can be concluded that neglect of the buildings is a significant factor. The neglect of the buildings is also evident when comparing the current state of the buildings with photos in the conservation area appraisal of 2009.



- 4.14 It is noted that the Design Statement makes much of an earlier Council suggestion that the conservation area should be considered for de-designation, however, following consultation on this suggestion the Council took the decision to undertake an independent review and the conservation area was reappraised by Essex County Council Historic Buildings Section in 2009 who concluded that the Conservation Area is worthy of retention. This Appraisal (quoted above) is a material consideration for this application. It should be noted that in relation to the redevelopment pressures in this area The Appraisal makes the following comment:

**'6.1 Problems and Pressures**

*The attractive views and location have put the seafront under intense pressure for redevelopment. This can be seen to the east of the Conservation Area where there are modern apartment blocks. Where these adjoin older housing, they overwhelm it because of their greater scale, and the failure to evolve a sympathetic and relatively uniform architectural style means that little of this new development is visually satisfactory. The Conservation Area has already seen significant new development on the corner opposite Crowstone House. This apartment block is better than average, if out of scale with its surroundings, but in this context represents an erosion of the historic character of the Conservation Area. The Area is generally in good condition, but further development would damage its character irrevocably.*

*The test used in appraisals of conservation areas to determine whether buildings are suitable for redevelopment is the assessment of contribution to character (Fig 4.). None of the buildings in the Conservation Area have been graded as making a negative contribution to character, which would imply that they might have redevelopment potential.'*

- 4.15 These buildings are not identified in the appraisal as being of poor architectural quality, they are all considered to be positive contributors to the historic character of the conservation area and it is therefore considered that the proposed demolition of these buildings is unjustified and would be detrimental to the character of Crowstone Conservation area.

**Design and impact on the Crowstone Conservation Area.**

**National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4, CP3; policies DM1 and DM5 of the DPD2 (Development Management Document) and the Design and Townscape Guide SPD1.**

- 4.16 Policy DM5 of the Development Management Document states:  
*"All development proposals that affect a heritage asset will be required to include an assessment of its significance, and to conserve and enhance its historic and architectural character, setting and townscape value".*

- 4.17 The proposal is seeking a significant increase in scale on the site in terms of height and bulk and amalgamating the three sites to replace 3 units of two storeys with a single block of part 2/3/4/5 storeys plus a raised ground floor level to counter act the possibility of future flooding. This scale increase seems to be responding to that of the more modern developments to the east of the site, however, these developments are outside the conservation area boundary and are generally considered to be over scaled in relation to the wider seafront character. It is also worth noting that they were approved before the adoption of the Development Management Document, the National Planning Policy Framework and the Conservation Appraisal. The principle of amalgamation does not respect the finer grain of the conservation areas and goes against the policy for this area as outlined above.
- 4.18 In addition to the increase in the general scale of the building it is also noted that the building line of the building appears to have been bought noticeably forward of the neighbouring developments and which is further compounded by the scale of the balconies on this elevation. This is considered to be out of character with the streetscene generally which has a consistent frontage line and will further increase the prominence of this development in relation to its neighbours.
- 4.19 The Design and Access statement comments that the design of the building references that of Chapman Sands which is in the next street block to the east outside the conservation area boundary and cannot be seen from the site. Chapman Sands is lower than the proposal and although well-articulated and balanced it still appears significantly larger in the streetscene than its neighbours. The proposal has similarities to this development in its basic elements such as balconies and some elements of the roof treatment but it is not so successful in its form and in terms of achieving satisfactorily proportions and balance to the main elevation. In particular the increase in scale, the contrasting detailing and shapes to the roof which comprises a mixture of mansard, shallow gable and hipped pergola style gives rise to a rather conflicted and unbalanced elevation which seems to be more of a response to maximising the scale whilst providing a transition to the smaller scale of the neighbours rather than creating a well considered and structured elevation.
- 4.20 To compensate for the lack of a visible main entrance and in an attempt to provide a reference to the character of the conservation the proposal includes a 'feature turret' on the front elevation. Whilst well considered architectural features would be welcomed in principle there is a concern that this element appears rather out of place. It's more domestic scale references that the surrounding historic buildings but does not relate with the overall character of the proposal and fails to appear as a well-considered and integrated design feature.

- 4.21 Whilst there is usually scope for some variation in materials for new development especially for modern developments, referencing the materials in the existing surrounding historic buildings can help to integrate new development into the streetscene especially in sensitive locations such as conservation areas where developments are seeking a positive reference to historic character. Aside from the staple white render there is a concern that the main feature materials, which include, grey standing seam zinc roof, cedar and slate cladding will stand out in stark contrast to the historic streetscene in this location.
- 4.22 The overall architectural approach, height, size, scale, form and massing of the proposed development fails to respect the character of the site and its local context and surroundings and would not preserve or enhance the character of The Leas and Crowstone Conservation Area contrary to the NPPF, policies KP2 and CP4 of the Core Strategy DPD1, policies DM1 and DM5 of the Development Management Document DPD2 and the Design and Townscape Guide.

**Living Conditions for Future Occupiers  
National Planning Policy Framework 2012, Development Management Policy DM8, The National Technical Housing Standards DCLG 2015**

- 4.23 The National Technical Housing Standards as set out by DCLG 2015 have been adopted 1<sup>st</sup> October 2015. The proposed internal floor spaces range from 124sqm for 2 bed units split over two floors up to 278sqm for 3 bedroom units (split over two floors). The proposed units are in excess of the minimum standards and all habitable rooms would be served by sufficient windows which would provide acceptable light and outlook for potential future occupiers.
- 4.24 One of the core planning principles of the NPPF is that the planning system should *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*. Policy DM8 of the Development Management Document states that all new development 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.
- 4.25 The Council’s Design and Townscape Guide states:
- “Outdoor space significantly enhances the quality of life for residents and an attractive useable garden area is an essential element of any new residential development”*.

- 4.26 All flats will benefit from balconies to, which are welcomed. In addition, although to the north of the site there are three landscaped amenity areas. The amenity space proposed is useable and is considered acceptable provision for future occupiers.

### **Traffic and transportation**

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

- 4.27 A new vehicle access is proposed to be formed to the front of the site and existing vehicle crossovers will be redundant. The proposal will include a ramped gradient to the basement parking. The Council's highways officer has no objections to the proposed vehicular access or subject to further details on the construction of the slope.
- 4.28 Policy DM15 of the Development Management Document states that a minimum 1 car parking space per flat shall be provided in this location. The proposed development will include 20 spaces (9 to the basement and 11 to the rear of the site). 19 spaces will be available for the 9 flats, amounting to two per unit and 1 visitor space. This is acceptable.
- 4.29 Bike storage will be located within the basement for 19 cycle spaces which is welcomed and complies with policy DM15 of the Development Management Document.

#### *Refuse storage*

- 4.30 The refuse store will be located to the basement of this flatted development and appears to be in line with collection guidance criteria therefore no objection is raised.

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

#### **NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Southend-on-Sea; DPD2 (Development Management Document) policy DM1 SPD 1 (Design & Townscape Guide (2009)**

- 4.31 Policy DM1 of the Development Management Document states that any new development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.

- 4.32 The proposed building is sited 1m from each flank boundary which is much the same as the existing buildings. It is not considered the overall siting of the building will result in material harm to the surrounding neighbours in terms of being overbearing or resulting in loss of light. Whilst it is acknowledged the building projects further than no. 33 to the west of the site, the design has enabled the upper floors to be stepped away and the proposal complies with the notional 45 degree rule. Whilst the proposal may result in some loss of light from the east in relation to no. 33 to the east it is not considered significant so as to warrant refusal. The building will project no further behind the existing rear wall of no. 29, whilst the height has increased on balance it is not considered the development will be overbearing or result in material harm in terms of loss of light. There is considered sufficient separation distance to the nearest dwelling to the north of the site some 30m in terms of overshadowing or loss of light.
- 4.33 In terms of the relationship of the front of the building and the neighbouring properties, it is noted that the proposed building will step forward of the existing building line within the street. The proposed balconies are effectively entirely beyond the properties either side of the site and the central section of the building. While this will make the building appear more prominent in the streetscene, on balance, it is not considered that it would be materially harmful in terms of the outlook afforded to these residents or result in a sense of enclosure which would be unneighbourly. A condition could be imposed to ensure 1.8m high privacy screens are erected to the east and west boundaries of the balconies to the front of the site to mitigate overlooking into adjacent properties.
- 4.34 While it is recognised that the building will be taller and thus allow for views beyond the scope of the existing buildings, particularly to the north, it is not considered that this would be harmful to surrounding residents due to the distances from nearby buildings and. It is recognised there are windows within the flank walls of the adjacent buildings at no's. 29 and 33. No windows are proposed within the flank walls of the proposed scheme. The separation distance between the windows on the rear elevation and nearest residential property to the north is 30m, which is sufficient to mitigate against any potential overlooking or loss of privacy. The roof terrace for the penthouse suite will include access to the sides, front and rear. In order to safeguard the amenities of properties to the rear of the site a condition will be imposed to prevent access to the roof.

## **Flood Risk**

### **National Planning Policy Framework; DPD1 (Core Strategy) policies KP1, KP2**

- 4.35 Flood risk is a material planning consideration and is relevant to this application given its proximity to the seafront, although lies just outside flood zone 3, the high risk zone as defined by the Environment Agency Flood Zone Maps. As the site is just outside flood zone 3 the Council is not required to undertake the sequential or exception tests, however is required to consider surface water management. The application is accompanied by a Phase 1 Flood Risk Assessment May 2015. The site is shown to be a 'very low' risk of flooding from surface water on the Environment Agency Risk of Flooding from the surface water map. The surrounding roads however, have areas of 'low' and medium' risk. The ground floor of the development is to be raised to 6.370mAOD, and an automatic flood gate will be installed across the entrance to the lower ground floor car park the risk from this source is considered to be relatively low. The developer has committed to attenuate the surface water runoff from the site to the existing site runoff rates for events up to and including the 100 year storm (with allowance for climate change). Further details on surface drainage measures will be dealt with by condition if this application is deemed acceptable including measures such as rainwater harvesting from roofs and permeable surfaces to reduce the potential impact of any run-off.

### **Sustainable Development**

#### **National Planning Policy Framework; DPD1 (Core Strategy) Policies KP2 and CP4; Development Management DPD2 policy DM2; the Design and Townscape Guide SPD1 (2009).**

- 4.36 National guidance and relevant planning policy statements together with the Policy KP2 of the Core Strategy and advocate the need to ensure design maximises the use of sustainable and renewable resources in the construction of development. It also states that all development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources and at least 10% of the energy needs of new development should come from on-site renewable options and sustainable urban drainage systems shall be successfully integrated. Policy DM2 advocates the need to ensure the delivery of sustainable development whereby all development proposals should contribute to minimising energy demand and carbon dioxide emissions.
- 4.37 The application is accompanied by an Energy Statement carried out by MH Energy Consultants dated 23.04.2015 together with drawing 123/25 (roof plan/sections). The report concludes that 36 photo voltaic panels equating to 11 KWH can be provided to meet Policy KP2 of the Core Strategy, which is policy compliant.

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

- 4.38 This application is CIL liable and there would be a CIL charge payable if approved. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. The existing floorspace of the buildings to be demolished is 875sqm. The proposed development will result in a net increase in gross internal area of 1018sqm for the nine flats (Class C3). The CIL rate for the residential use is £60 per sqm which equates to approximately £61,080.00. This is subject to confirmation.

### **Other Issues**

- 4.39 In terms of landscaping, applications for new buildings will be required to respect existing tree and planted areas. There is a significant amount of soft landscaping and vegetation within the site which includes some significant trees. The application is accompanied by a tree survey and planting scheme. Any trees to be retained would require protection during construction and this can be dealt with by condition. The Councils Arboricultural Officer has raised no objections subject to an appropriate Arboricultural Impact Assessment and Arboricultural Survey.

### **Conclusion**

- 4.40 The proposed development will result in the loss of buildings which make a significant contribution to the character of the Crowstone Conservation Area and historical reference to seafront architecture within Westcliff-on-Sea. Furthermore the proposed building by reason of its scale, bulk, mass, siting and design would fail to integrate with the streetscene and wider seafront and would fail to preserve or enhance the character of the Crowstone Conservation Area to the detriment of the character of the area contrary to the NPPF, Policies KP1, KP2 and CP4 of the Core Strategy (DPD1), Policies DM1 and DM5 of the Development Management Document and the Design and Townscape Guide (SPD1).

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework
- 5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance)
- 5.3 Development Plan Document 2: Development Management Document Policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (The Efficient and effective use of land), DM5 (Southend on Sea Historic Environment), DM7 (Dwelling Mix, size and type), DM8 (Residential Standards), DM15 (Sustainable Transport Management)

- 5.4 SPD1 Design & Townscape Guide 2009
- 5.5 Waste Management Guide
- 5.6 Community Infrastructure Levy (CIL) Charging Schedule
- 5.7 National Technical Housing Standards DCLG 2015

## **6 Representation Summary**

### **Design and Regeneration**

- 6.1 Notwithstanding the objection to the loss of the historic buildings and the impact that this will have on the character of the conservation area there are also a number of concerns with the design of the proposal and its impact on the wider character of the seafront.

#### *Scale and Amalgamation of sites*

The proposal is seeking a significant scale increase on the site which has arisen from an increase in height and bulk but also by amalgamating the 3 sites to build one wider and taller building replacing 3 units of 2 storeys with a single block of part 2/3/4/5 storeys plus a raised ground floor level to counter act the possibility of future flooding which is effectively raising it another ½ storey. This scale increase seems to be responding to that of the more modern developments to the east of the site, however, these developments are outside the conservation area boundary and are generally considered to be over scaled in relation to the wider seafront character. It is also worth noting that they were approved before the adoption of the DM, the NPPF and the Conservation Appraisal are not a justification for large bulky buildings within the conservation area boundary in the centre of the street block between two much lower properties. Indeed the principle of amalgamation does not respect the finer grain of the conservation areas and goes against the policy for this area as outlined above.

#### *Building line*

In addition to the increase in the general scale of the building it is also noted that the building line of the building also appears to have been bought noticeably forward of the neighbouring developments and which is further compounded by the scale of the balconies on this elevation. This is considered to be out of character with the streetscene generally which has a consistent frontage line and will further increase the prominence of this development in relation to its neighbours.



### *Street Elevation*

The DA statement comments that the design of the building references that of Chapman Sands which is in the next street block to the east outside the conservation area boundary and cannot be seen from the site. Chapman Sands is lower than the proposal and although relatively well articulated and balanced it still stands out as being significantly larger in the streetscene than the surrounding 2 storey properties. The proposal has similarities to this development in its basic elements such as balconies and some elements of the roof treatment but it is not so successful in its form and in terms of achieving a comfortable proportions and balance to the main elevation. In particular the increase in scale, the contrasting detailing and shapes to the roof which comprises a mixture of mansard, shallow gable and hipped pergola style gives rise to a rather conflicted and unbalanced elevation which seems to be more of a response to maximising the scale whilst providing a transition to the smaller scale of the neighbours rather than creating and well considered and structured elevation.

It is noted that the building has been articulated so that there is a vertical division within the massing. This may be an attempt to break the it into two smaller proportions but whilst it divides the front elevation the lack of a view between and the tall lift tower in this location mean that the proposal still reads as a single mass in the streetscene and all this really achieves is to hide the pedestrian entrance from the street which in itself compromising the legibility of the front elevation. This entrance is accessed via two flights of stairs from the base of the vehicular ramp making it non dda compliant and not very convenient or safe. It seems however that this is more of a secondary access as the DA statement comments that the main pedestrian access will be down the 'shared' ramp and via the basement. The plans shows that this main entrance lobby will be accessed via the security gates and tucked behind the front wall so it will not be visible from the street. This will have implications for the legibility of the design to visitors and within the streetscene generally and is contrary to advice within the Design and Townscape Guide which states that:

*'131. The focus of any new building must be the pedestrian, not the car and it is essential that the pedestrian entrance is clearly defined and visible from the public highway. Primary entrances are to be located on the street elevation, not at the rear or in the car park.'*

The cgis of the proposal also show that the lift tower will be a dominant and somewhat obtrusive feature in the streetscene and this is also a concern.

### *Turret feature*

To compensate for the lack of a visible main entrance and in an attempt to provide a reference to the character of the conservation the architect has provided a 'feature turret' on the front elevation. Whilst well considered architectural features would be welcomed in principle there is a concern that this elements is rather out of place. It's more domestic scale references that the surrounding historic buildings but does not relate with the overall character of the proposal where it seems more as a token addition than a well-considered and integrated design feature.

### *Materials*

Whilst there is usually scope for some variation in materials for new development especially for modern developments, referencing the materials in the existing surrounding historic buildings can help to integrate new development into the streetscene especially in sensitive locations such as conservation areas where developments are seeking a positive reference to historic character. Aside from the staple white render there is a concern that the main feature materials, which include, grey standing seam zinc roof, cedar and slate cladding will stand out in stark contrast to the historic streetscene in this location and this is also a concern.

#### *Parking, amenity and landscaping*

20 parking spaces are proposed, half under the building and half to the rear of the site. This requires that a large hole be created in the frontage. This is regrettable especially given that prominent basement vehicular accesses are not a feature of the local townscape and generally create unattractive voids in the front of the building. It is noted that the architect has sought to reduce the impact of this with landscaping and this should help to offset the impact to some extent but this access will remain a very visible feature of the development. This site has access to the rear and this would be preferable.

A good sized amenity space is proposed to the rear of the building but it is noted that, with the exception of the ground floor units, the only access to this area for the residents is via the underground car park and then up a narrow flight of steps to the rear of the building. This does not seem to be very convenient as it could be and may discourage use of this area although the shading by the building may result in this not being as popular as the balconies to the front. It is pleasing to see that some of the existing trees have been retained to the rear and these should soften the impact of the parking area and development for the residents and neighbours although these will not be seen from the street.

#### *Internal layout*

Internally the flats appear to be generous and should meet the policy requirements in this respect.

#### *Sustainability*

The DA statement comments that it is proposed to install 36 pvs on the south roof slope of the penthouse. Whilst these are shown on the roof plan there is a concern that as they will have to be raised slightly from the plane of the roof they may be a dominant feature in the streetscene.

#### *Conclusion*

There are significant concerns with the principle and scale of this development and with its detailed design. It is considered that this proposal fails to justify the loss of the existing historic buildings (both of which are identified in the Conservation Area Appraisal as making a positive contribution to the character of the conservation area) or to provide a replacement which respects the fine grain and character of the conservation area and the wider seafront. These issues were raised during pre app discussions but the proposal remains unchanged from this time.

## **Traffic and Transportation**

- 6.2 There are no highway objections to this proposal - parking meets current guidance of 2 spaces per dwelling. Refuse collection has been tracked to ensure vehicles can manoeuvre effectively within the site.

It is considered that the proposal will not have a detrimental impact upon the public highway.

## **Trees (Arboricultural Officer)**

- 6.3 No objections.

## **Environment Agency**

- 6.4 No comments.

## **Leigh Society**

- 6.5 The Leigh Society strongly objects to this proposal. The proposal involves the loss of properties which formulate the character, and are a prominent feature of, the Crowstone Conservation Area. The properties are singled out as of merit and making a substantial contribution to the area in the Crowstone Conservation Area Appraisal and their loss would be a severe detriment to the foundation of this very small conservation area.

## **Public Consultation**

- 6.6 A site notice was displayed on the 24.09.2015 and 25 neighbours notified of the proposal. 10 letters of representation have been objected:

- Out of character with surrounding properties in Crowstone Conservation Area, it will make two adjacent properties swamped by larger modern buildings
- Existing properties have been purposefully left to run down. No money has been spent on maintenance
- Proposed building is higher by two storeys and projects further forward and further back
- Larger footprint than the existing buildings
- Top floor balcony will view over the rear gardens
- Increased mass of the building will also reduce the amount of sunlight that falls on the existing gardens to the rear.
- The increased mass of the building will also reduce the amount of sunlight that falls on our garden, which has already reduced once by the development to the west
- The car park is shown at lower ground level and we are concerned that our building will be undermined and cause structural damage.

- The right of light will be in question due to height and width of the new building
- View to the east would be blocked by the proposed new building
- The overall size of the building does not leave much space between the adjacent.
- Height not in keeping with the sites either side
- Natural light will be lost
- The planning application details a large rear car park (as well as underground parking) so most of the garden area will be lost. There is already some flood risk in the area and surely loss of garden and increase in paved/concreted areas will further increase this risk
- The new development would lead to a loss of public parking which is already at a premium on the seafront
- The properties on either side of the proposed development are both only 3 storey buildings and we would therefore suggest this new building should only be of a similar height. There are enough modern high rise flats (albeit outside the Conservation Area) to blight the area and certainly more mistakes of the same kind do not need to be made. Nos 30,31, and 32 do fall within The Chalkwell Conservation Area and as such restrictions and guidelines should apply.

6.7 Councillor Folkard has requested this application be dealt with by Development Control Committee.

## **7 Relevant Planning History**

- 7.1 Demolish garages and erect three two storey dwellinghouses, lay out car parking spaces and cycle/bin stores (Amended Proposal)- At 30 The Leas (11/01485/FUL) Granted
- 7.2 Demolish existing building, erect four storey block of four self-contained flats with balconies and basement parking, erect three two storey dwellinghouses, lay out car parking spaces, cycle/bin stores, decking and amenity space- At 30 The Leas (11/00890/FUL) Refused.
- 7.3 Demolish dwellings, erect eight storey block of 21 self-contained flats with basement parking and swimming pool at rear, form cycle and refuse stores and layout amenity areas- 30-32 The Leas (08/00712/FULM and 08/00714/CAC).

## **8 Recommendation**

### **8.1 Members are recommended to REFUSE PLANNING PERMISSION for the following reason:**

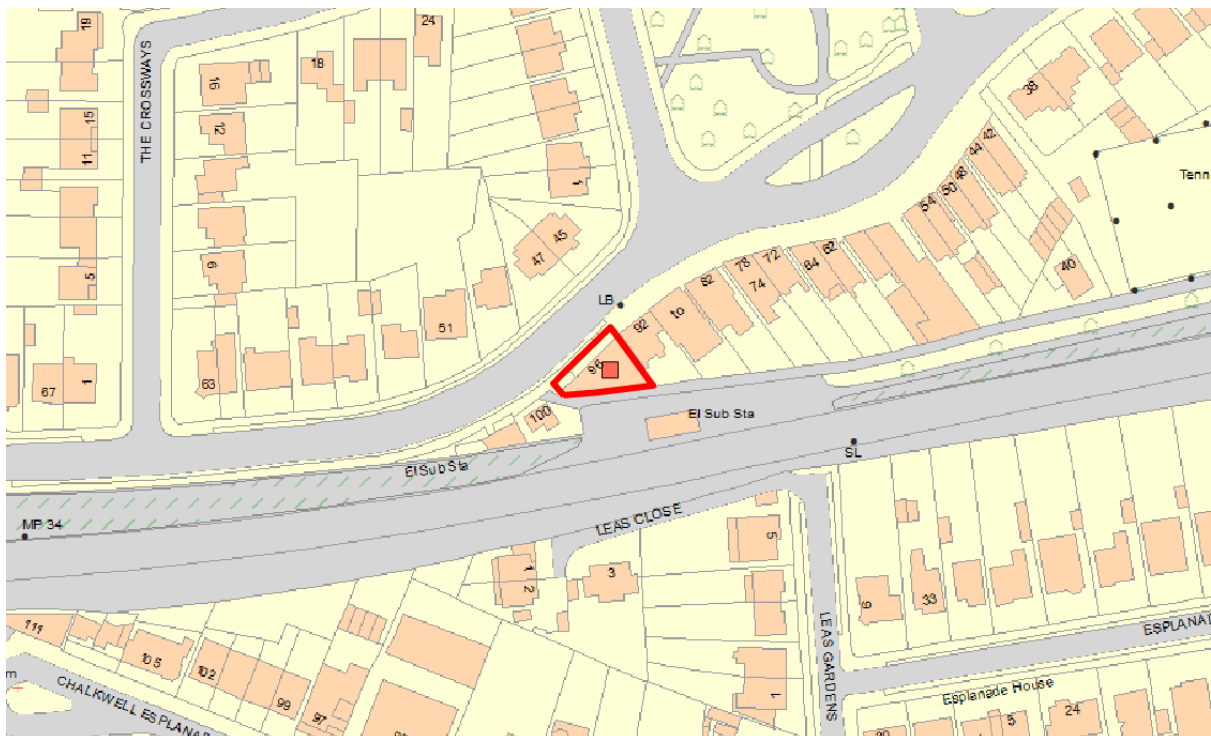
- 1 The proposed development will result in the loss of buildings which make a significant contribution to the character of the Crowstone Conservation Area and historical reference to seafront architecture within Westcliff-on-Sea. Furthermore, the proposed replacement building by reason of its scale, bulk, mass, siting and design would fail to integrate with the streetscene and wider seafront and would fail to preserve or enhance the character of the Crowstone Conservation Area to the detriment of the character of the area contrary to the NPPF, Policies KP1, KP2 and CP4 of the Core Strategy (DPD1), Policies DM1 and DM5 of the Development Management Document and the Design and Townscape Guide (SPD1).**

#### **Informatives**

- 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.**

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

<b>Reference:</b>	15/01274/FUL
<b>Ward:</b>	Chalkwell
<b>Proposal:</b>	Demolition of existing entrance, erection of porch, form new entrance to managers accommodation replacement of windows at front elevation and alterations to the external elevations.
<b>Address:</b>	Ocean City Chinese Restaurant, 96 The Ridgeway, Westcliff-On-Sea, Essex, SS0 8NU
<b>Applicant:</b>	Mr M Hassan
<b>Agent:</b>	Mr C. Stone (Stone Me Ltd)
<b>Consultation Expiry:</b>	23/09/15
<b>Expiry Date:</b>	14/10/15
<b>Case Officer:</b>	Ian Harrison
<b>Plan No's:</b>	1576 10 and 1576 11c
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



*This application was deferred from the Development Control Committee Meeting of 07 October 2015 to give the applicant the opportunity to comment on the application in light of potential comments from an interested third party.*

## **1 The Proposal**

- 1.1 The application proposes the demolition of the existing entrance porch at the frontage of the site and its replacement with a new porch at the West of the front elevation. A door to the second floor manager's accommodation would be provided at the East of the front elevation and the windows for the remainder of the front elevation would be replaced at ground floor and first floor.
- 1.2 The proposals have been revised since the application was first submitted, with a retractable roof at the front elevation being removed from the proposal. A proposal to clad the front elevation with black cement-based shiplap cladding has also been removed
- 1.3 The proposed replacement porch would measure 3.5 metres wide and would project from the building by 2.1 metres. The porch would be built to an eaves height of 2.4 metres and a ridge height of 3.6 metres.
- 1.4 The proposed replacement windows would feature black wood-effect frames at first and second floor.
- 1.5 The existing ground floor windows are formed of three sets of three windows, with each window consisting of 16 panes. The proposed windows/doors would be retractable to enable the ground floor front elevation to be opened. The replacement windows/doors would consist of 12 full height windows/doors that would be divided by three supporting columns.
- 1.6 This application follows the refusal of application 15/01038/FUL which proposed a single storey front extension with a retractable roof and the alteration of the front elevation. That application was refused for the following reasons:
  - 1 *The proposed extension by reason of its design, siting and scale would result in an incongruous and dominant development which would appear out of keeping with and detrimental to the character and appearance of the application site and the surrounding area, contrary to the National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Development Management DPD Policy DM1 and the guidance contained in SPD1.*
  - 2 *It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed use of the premises would not cause harm to the amenities of nearby residents by virtue of noise and disturbance generated by the use of the extended dining area. It is therefore considered that it has not been demonstrated that the proposal is in accordance with the National Planning Policy Framework, Core Strategy policies KP2 and CP4 and policy DM1 of the Council's Development Management DPD.*

## **2 Site and Surroundings**

- 2.1 The application site is located to the South of The Ridgeway within an area of mixed residential and commercial properties. The site contains a three storey building that is used as a restaurant.
- 2.2 The site is allocated as part of a secondary shopping frontage in the Council's Development Management DPD.

## **3 Planning Considerations**

- 3.1 The main considerations of this application are the principle of the development, design and the impact on the street-scene and any impact on neighbouring properties.

## **4 Appraisal**

### **Principle of Development**

#### **National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Development Management DPD Policy DM1 and SPD1**

- 4.1 The proposed development represents alterations associated with existing use of the land and not the introduction of a new use of land. Therefore, subject to the detailed considerations set out below, it is considered that there should be no objection to the continued use of the application site for use as a restaurant and developments ancillary to that use.

### **Design**

#### **National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Development Management DPD Policy DM1 and SPD1**

- 4.2 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policy DM1 of the Development Management DPD and in the Policies KP2 and CP4 of the Core Strategy. The Design and Townscape Guide (SPD1) also states that *"the Borough Council is committed to good design and will seek to create attractive, high-quality living environments."*
- 4.3 In the NPPF it is stated that *"good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."*
- 4.4 In the Council's Development Management DPD, policy DM1 states that development should "add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features."



- 4.5 Policy KP2 of Core Strategy (CS) states that new development should “*respect the character and scale of the existing neighbourhood where appropriate*”. Policy CP4 of CS requires that development proposals should “*maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development*”.
- 4.6 The existing buildings to the South of The Ridgeway follow a curving building line that reflects the route of the highway and associated footpath. There have been few disturbances to this strict building line, although it is noted that the porch at the application site does project forward of the building line, albeit relatively minor in scale. Where the buildings meet, the curving building line is respected.
- 4.7 This application would see the replacement of the existing porch, with the new entrance porch being relocated to the West end of the building’s front elevation. The proposed replacement porch would project no further than the existing porch and as such it is considered that the structure would not have a materially worse impact on the curving building line than the porch that has existed since it was approved in 1990.
- 4.8 The detailing of the existing building is already at odds with the surrounding area and there is no consistency between the ground, first and second floor windows. From this basis it is considered that there is scope to amend the appearance of the building, without such alterations causing material harm to the character or appearance of the site or the surrounding area.
- 4.9 After concerns were raised about the use of timber cladding at first floor, the plans have been amended to remove this aspect of the proposal and the applicant has reverted to the use of render (coloured grey rather than the existing off-white) and modified the front elevation to provide a fascia feature above the ground floor doors, to distinguish between the first and second floors of the property. It is considered that this is a significant improvement in comparison to the earlier submissions and it is now considered that the resultant building would not cause harm to the character or appearance of the application site or the surrounding area.
- 4.10 The use of ‘wood-effect’ upvc materials for the proposed development is considered to be unfortunate. However, on-balance, it is considered that this would not cause harm to the character or appearance of the site or the surrounding area to justify the refusal of the application on those grounds alone.

**Impact on Neighbouring Properties**  
**NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Development**  
**Management DPD Policy DM1 and SPD 1 (Design & Townscape Guide (2009))**

- 4.11 Policy DM1 of the Development Management DPD also states that development should “Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”
- 4.12 The site is located within an area of mixed residential and commercial uses, with residential uses above the ground floor shops to the East and two storey dwellings to the North. The dwellings of 47 and 49 The Ridgeway are located 21 metres from the application site and it appears that a residential use exists above the convenience store at the adjacent property of 92 The Ridgeway. It would be expected that the use of the Secondary Shopping Frontage and the adjacent railway line would already cause some noise disturbance as would the established use of the existing building.
- 4.13 Unlike recent application 15/01274/FUL, the applicant does not propose an outdoor seating area and the proposal to install a retractable roof have been revised. Noting that there are no conditions on the previous permissions at this site to prevent outdoor dining and therefore the forecourt area could be used for dining purposes, it is considered that some use of the outdoor area could be reasonable expected to occur. However, the alterations to the building would enable the ground floor frontage to be opened and as such the use of the building would be less mitigated than the existing situation. A condition could however be imposed to require the doors/windows to be closed after a certain time. It is therefore, considered that this would not cause material harm to the amenity of nearby residents. On the basis that a condition could now address the concerns that have previously been raised by the Local Planning Authority and the concerns of neighbouring residents, it is considered that it would be unreasonable to maintain the objection to the proposal on the grounds of the impact on neighbouring residents.
- 4.14 It is considered that the proposed extension and other alterations would not cause a loss of light, privacy or outlook within any neighbouring property to an extent that would justify the refusal of the application on those grounds.

**Community Infrastructure Levy**

- 4.15 As the development creates less than 100 square metres of new floorspace at the application site, the development is not CIL liable.

**Other Matters**

- 4.16 The proposed extension would not result in the loss of any parking at the application site and would not encroach onto the public highway. It is therefore considered that there should be no objections to the proposal on highway grounds.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework 2012.
- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (Environment & Urban Renaissance).
- 5.3 Development Plan Document 2: Development Management Policies DM1 (Design Quality) and DM15 (Sustainable Transport Management)
- 5.4 Community Infrastructure Levy Charging Schedule.
- 5.5 Supplementary Planning Document 1: Design & Townscape Guide, 2009.

## **6 Representation Summary**

### **Public Consultation**

- 6.1 Seven neighbouring properties were notified of the proposal and a site notice was posted at the site. The neighbouring properties were re-notified after amended plans were submitted by the applicant. Two objections have been received which object on the following grounds:
  - The existing use of the premises results in noise disturbance, odour pollution and the invasion of privacy within neighbouring residential properties.
  - The existing use of the premises causes parking issues and highway safety is an issue as vehicles have damaged bollards within the highway.
  - The shops of this area are already the subject of flash flooding, the development would make flash flooding more likely.
  - The opening of the frontage of the building would heighten the above noise and odour issues and attract even larger crowds to the site which would also cause parking problems.
  - The development would be out of keeping with the existing site.
  - The continued use of existing cooking equipment should not be approved.
  - AI fresco dining should not be allowed as it would result in people being closer to the nearby residential properties and would be at risk from the passing vehicles.

## **Design and Regeneration Team**

- 6.2 Comments were provided with respect to the applicant's submissions that showed the provision of timber cladding at first floor which was considered to be unacceptable. Other comments have been largely addressed by the submitted plans and it is now considered that the amended plans can be found acceptable, although it is considered that the use of timber window frames should be requested.

## **Environmental Health Officer**

- 6.3 No comments have been received.
- 6.4 This application has been called-in to the Council's Development Control Committee by Cllr Folkard

## **7 Relevant Planning History**

- 7.1 Application 87/0255 approved a first floor extension to the restaurant.
- 7.2 Application 87/2046 approved the erection of a front porch.
- 7.3 Application 87/2047 approved a second storey extension with an internal staircase.
- 7.4 Application 88/2067 approved a balcony at second floor level to the side of the building.
- 7.5 Application 90/1108 approved the erection of a front porch.
- 7.6 Application 90/01272 allowed the retention of an extract duct at the rear and a fire escape ladder at the side of the building
- 7.7 Application 06/01161/ADV was approved to allow the retention of signage at the frontage of the site.
- 7.8 This application follows the refusal of application 15/01038/FUL which proposed a single storey front extension with a retractable roof and the alteration of the front elevation. That application was refused for the reasons that are set out above.

## **8 Recommendation**

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

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

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

- 02 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans: 1576 10 and 1576 11c**

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

- 03 Condition: No development shall take place until samples of the materials to be used for the frames of the proposed windows, doors and entrance porch have been submitted to and approved by the local planning authority. The development shall only be carried out in accordance with the approved details.**

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

- 04 Condition: The ground floor doors in the front elevation (excluding the doors within the entrance porch and the entrance to the manager's accommodation) shall be closed at all times between 21.00 hours and 10.00 hours the following day unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In the interests of protecting the amenities of neighbouring residents. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management) Policy DM1, and SPD1 (Design and Townscape Guide).**

- 05 Condition: No tables or chairs used for dining or drinking purposes shall be provided outside the buildings on the frontage of the site.**

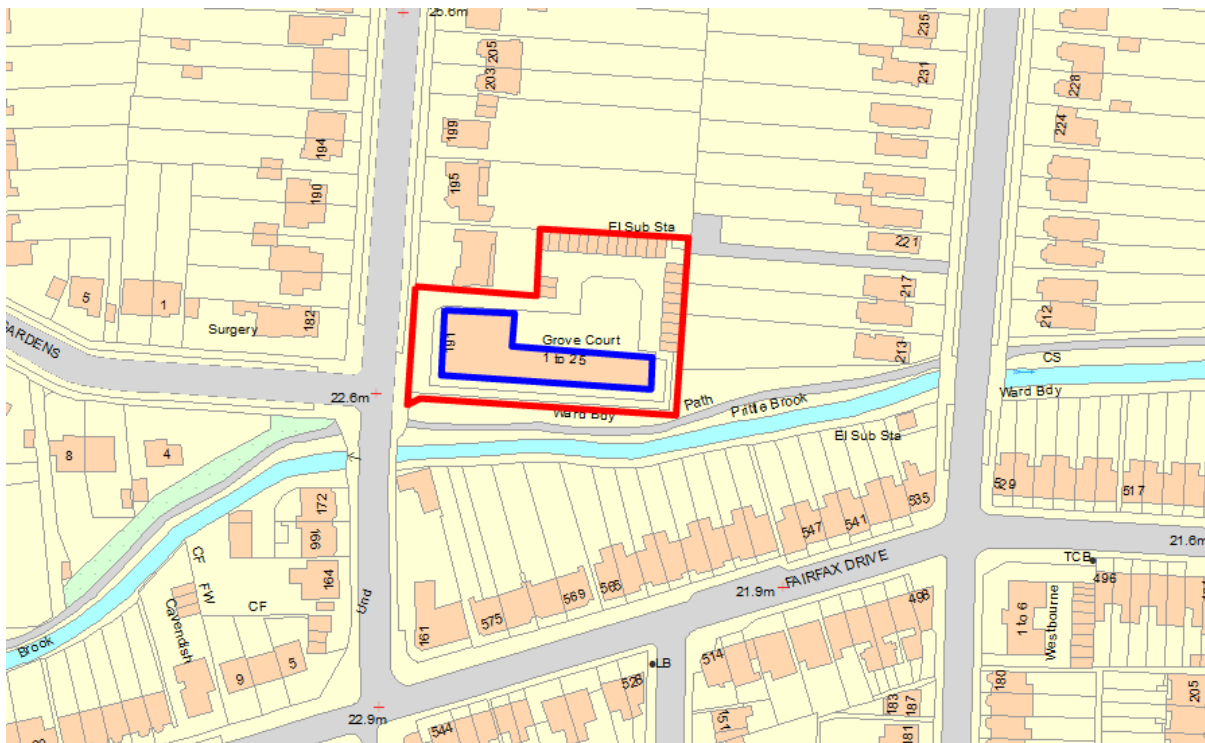
**Reason: To protect the character and appearance of the site and the amenities of neighbouring residents in accordance with the NPPF and Policy DM1 of the Council's Development Management DPD.**

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

## **Informative**

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

<b>Reference:</b>	15/01131/FUL
<b>Ward:</b>	Blenheim Park
<b>Proposal:</b>	Erect additional storey incorporating seven flats, layout seven car parking spaces, covered cycle store, fencing and landscaping (amended proposal)
<b>Address:</b>	Grove Court, 191 Southbourne Grove, Westcliff-On-Sea, Essex, SS0 0AW
<b>Applicant:</b>	Alderman Stone Chartered Surveyors
<b>Agent:</b>	N/A
<b>Consultation Expiry:</b>	19.10.2015
<b>Expiry Date:</b>	09.12.2015
<b>Case Officer:</b>	Janine Rowley
<b>Plan No's:</b>	41280-01D; 41280-04F; 41280-06N; 41280-05N; 41280-08B; 41280-09C; 41280-10A
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## The Proposal

- 1.1 Planning permission is sought to erect a fourth floor incorporating seven flats, layout seven car parking spaces and erect a covered cycle store with associated landscaping and boundary treatment.
- 1.2 The additional storey is 7.7m-15.6m wide x 45.5m deep x 2.6m high with a flat roof.
- 1.3 The proposed materials include:
  - Walls- steel frame clad in a rainscreen system using Marley Eternit Equitone Tectiva Cladding;
  - Roof- flat roof to be covered in seamless concrete covering, stainless steel balustrade handrail and frameless glass;
  - Windows- white powder coated aluminium double glazed units;
  - Doors- white powder coated aluminium bi-fold frameless doors;
  - Boundary treatments-brick boundary wall using bricks to match the building including 4 piers with Bradstone buff coping stones over;
  - Vehicle access- Split to form a new standalone pedestrian access in seamless anti slip
- 1.4 In relation to internal standards, the flats proposed will include 4 x 2 bed units and 3 x 1 bed unit. The floorspaces for each individual unit include:
  - 61sqm 2 bed unit (3 bed spaces)
  - 61sqm 2 bed unit (3 bed spaces)
  - 61sqm 2 bed unit (3 bed spaces)
  - 61sqm 2 bed unit (3 bed spaces)
  - 37sqm 1 bed unit (1 bed space)
  - 38sqm 1 bed unit (1 bed space)
  - 37sqm 1 bed unit (1 bed space)
- 1.5 The proposal will include the formation of 7 parking spaces, three to the rear and four to the front. The communal amenity space equates to 432sqm and the landscaping will include additional planting to the southern boundary including benches and a new footpath. The existing amenity area will include a new flower garden and a circular walk archway with climbing flowers and additional benches. To the front of the site where the new pedestrian footpath.
- 1.6 This application has been submitted following a successful appeal to erect five flats (14/00436/FUL), which was initially refused in relation to effect of the development on the character and appearance of the area and the impact on living conditions of adjacent residents and the existing occupiers of Grove Court. The application was allowed at appeal (APP/D1590/A/14/22290/41).



1.7 The main differences between the allowed scheme (14/00436/FUL) and the current proposal are as follows:

- The width of the additional storey has increased from 7.7m-9.3m to 7.7m-14.5m (5.2m increase to the west elevation);
- Depth increased from 43.3m to 49.8m (6.5m increase);
- Set back of the additional storey (excluding balconies) from the west elevation (fronting Southbourne Grove) has decreased from 9m to 7m;
- Set back of the additional storey (excluding balconies) from the north elevation has decreased from 6.4m to 1.5m;
- Height remains unchanged;
- Numbers of units increased from 5 to 7;
- Mix of units changed from 5 x 2 bed units to 4 x 2 bed units and 3 x 1 bed unit
- Parking spaces increased from 6 to 7;
- Reposition of the cycle store to the southern boundary;
- Additional planting proposed to the southern boundary

## **2 Site and Surroundings**

2.1 The application property is a three storey flat roofed detached building located on the eastern side of Southbourne Grove and just north of Prittle Brook. The building was constructed in the 1960s and contains twenty four flats. There are twenty four garages along the boundaries of the site to the east, north and north west. A shared grassed amenity area is laid out to the north of the main building. A hard surfaced path runs along the south of the building providing access to flats. Access is also available from the northern side. Vehicular access to the site is from Southbourne Grove.

2.2 The surrounding area is residential in character. Whilst dwellings vary in terms of architectural style and form, they are similar in terms of scale/massing, setback and height. Land in the area slopes down to the South. Limited parking is available on Southbourne Grove. Prittle Brook runs along the southern boundary of the site and there is a pedestrian/cycle path alongside the brook.

## **3 Planning Considerations**

3.1 The main considerations in relation to this application are the principle of the development, design and impact on character of the area, traffic and transportation issues and impact on residential amenity, sustainable construction and whether the proposal is CIL liable.

## 4 Appraisal

### Principle of Development

#### **National Planning Policy Framework 2012, Core Strategy DPD1 Policies KP2, CP4 and CP8, Development Management Document DPD2 policies DM1, DM3, DM7 and SPD1**

- 4.1 This proposal is considered in the context of the Core Strategy DPD Policies KP2 and CP4, policy DM1 of the Development Management DPD2. These policies and guidance support extensions to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building. Therefore, the principle is acceptable subject to the detailed design considerations below.

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

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

- 4.2 Paragraph 56 of the NPPF states

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

- 4.3 Paragraph 60 of the NPPF states:

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

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

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

- 4.6 Section 10.2.11 of the Design and Townscape Guide sets out design guidance for additional storeys. It is specifically stated that additional storeys to flatted and commercial buildings will, in the main, be unacceptable as the increase in scale is normally a significant issue. In instances where such additions will have an acceptable and limited visual impact, the design should have maximum transparency and a lightweight structure and complementary to the existing building.
- 4.7 The previous application 14/00436/FUL was allowed at appeal (APP/D1590/A/14/2229041) to erect an additional storey to form 5 self-contained flats. The roof extension is similar in terms of its design to the recent appeal allowed, whereby the Inspector considered on design terms *“The development would also be of a panelled finish with larger windows, and so would appear more light-weight than the existing block beneath”*.
- 4.8 The additional storey allowed under application 14/00436/FUL was set 8.9m from the front of the building on Southbourne Grove and the balcony terrace area 2m away from the front of the building and 6.3m away from the north of the building. The proposed development would be set 7m away from the front of the building on Southbourne Grove and the balcony terrace area 2m as per the appeal and 1.5m away from the north of the building.
- 4.9 The proposed design of the additional floor is a modern approach in terms of its design and use of materials and larger windows, appearing more light weight than the existing block beneath. The proposal has been set back 7m from the west elevation fronting Southbourne Grove and 1.5m from the north of the existing building, which enables the development to appear subservient together with the lightweight materials proposed.

- 4.10 The planning inspector is assessing application 14/00436/FUL (APP/D1590/A/14/2229041) considered in paragraph 7 the additional storey including 5 flats was deemed acceptable due to the overall set back from the existing elevations:

*"I consider the design of the proposal and its set back from the elevations would not be at odds with the existing building, but rather would ensure it appeared as an integral but subservient element on top. Mindful that Grove Court is already visually distinct, the set back and design would also reduce the effect of the works on the street scene of Southbourne Grove, and mean they would not result in the block being unduly dominant or discordant in the context of the other buildings on that length of road when looking from the north".*

The Inspector went on to state in paragraph 8:

*"From Clatterfield Gardens directly opposite, the works would be away from the existing elevation nearest to the neighbouring house, 193 Southbourne Grove. As such, they would not have a discordant or visually dominant relationship with that property, and again would be of a design that integrated satisfactorily with the existing block".*

- 4.11 Section 10.2.11 of the Design and Townscape Guide sets out design guidance for additional storeys. It is specifically stated that additional storeys to flatted and commercial buildings will, in the main, be unacceptable as the increase in scale is normally a significant issue. In instances where such additions will have an acceptable and limited visual impact, the design should have maximum transparency and a lightweight structure and complementary to the existing building.
- 4.12 The appeal allowed (APP/D1590/A/14/2229041 & 14/00436/FUL) had a width of 9.3m to the west elevation which has now increased to 14.5m (5.2m difference). The overall depth of the additional storey has increased from 43.3m to 45.2m (1.9m difference). The set back of the additional storey (excluding balconies) from the west elevation (fronting Southbourne Grove) has been reduced from 9m separation to 7m. The set back to the north has decreased from 6.3m to 1.5m (4.8m). The height remains unchanged. Whilst the development has increased in terms of its width and depth the proposal appears complementary to the lower levels. Given the 7m set back from the front (west elevation), the building would not read as four storeys in height.
- 4.13 The comments of the Inspector APP/D1590/A/14/2229041 are a material consideration, and it is noted that he considered a 1.5m setback from the south façade acceptable. The north façade will be set 1.5m from the 193 Southbourne Grove. Taking into account the height and 7m setback from the front elevation is it not considered the development would result in a dominant appearance when viewed from the north of the site in Southbourne Grove, and to some extent from Clatterfield Gardens.

## Living Conditions for Future Occupiers

### National Planning Policy Framework 2012, Development Management Policy DM8, The National Technical Housing Standards DCLG 2015

- 4.14 The National Technical Housing Standards as set out by DCLG 2015 have been adopted 1<sup>st</sup> October 2015. The standards state at least 39sqm internal floor space for a one bedroom flat (one bed space) or 37sqm if a one person flat has a shower room rather than a bathroom and 61sqm for 2 bedroom (3 bed spaces) together with built in storage including 1sqm for 1 bed units and 2sqm for 2 bed units. The proposed internal standards include;
- 61sqm 2 bed unit (3 bed spaces)
  - 61sqm 2 bed unit (3 bed spaces)
  - 61sqm 2 bed unit (3 bed spaces)
  - 61sqm 2 bed unit (3 bed spaces)
  - 37sqm 1 bed unit (1 bed space) (shower room)
  - 38sqm 1 bed unit (1 bed space) (shower room)
  - 37sqm 1 bed unit (1 bed space) (shower room)
- 4.15 The proposed units are therefore policy compliant and all habitable rooms would be served by sufficient windows which would provide acceptable light and outlook for potential future occupiers. Policy DM8 of the Development Management Document requires all new dwellings to meet the Lifetime Home Standards, this has now been superseded by the National Housing Standards it is not considered reasonable to enforce building regulation M4 (2) given that the current building does not meet standards.
- 4.16 One of the core planning principles of the NPPF is that the planning system should *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*.
- 4.17 Policy DM8 of the Development Management Document DPD2 states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this can take the form of a balcony or semi-private communal amenity space.
- 4.18 Whilst the Council’s Design and Townscape Guide states:
- “Outdoor space significantly enhances the quality of life for residents and an attractive useable garden area is an essential element of any new residential development”*.

- 4.19 All of the flats would have useable balcony spaces facing south or west and are considered useable spaces. The occupiers would also have access to a communal amenity area to the ground floor of 434sqm, equating to approximately 13.5sqm per flat (32 flats in total), which is deemed acceptable taking into consideration of the useable balconies also proposed for the additional storey. Furthermore, the landscaping will be enhanced including additional planting to the southern boundary, benches and a new footpath. The existing amenity area will also include a new flower garden and a circular walk archway with climbing flowers and additional benches. To the front of the site where the new pedestrian footpath is proposed there is an existing Ash tree which adds significant amenity value to the character and appearance of the streetscene. An Arboricultural Assessment accompanies this application stating that the tree can be retained and equally protected from the installation of a new footpath and can be dealt with by condition.

### **Traffic and Transportation**

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

- 4.20 Seven flats are proposed and the proposal will include the laying out of 7 new parking spaces (3 to the rear and 4 to the front). Policy DM15 of the Development Management Document requires one parking space per flat to be provided on site, the proposal is therefore policy compliant. No objections have been raised from the Councils Highway Officer in relation to manoeuvring from the proposed parking spaces.

#### *Refuse*

- 4.21 A refuse store is proposed, where the existing refuse is stored on site to the northeast. Given the existing situation no objection is raised.

### **Impact on residential amenity**

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

- 4.22 Policy DM1 of the Development Management Document states that any new development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.

- 4.23 In relation to overlooking, there would be views from the flats towards properties on Fairfax Drive and their rear gardens. However it is considered there is sufficient separation distances to avoid adverse overlooking (i.e. between 16m – 20m from Grove Court to northern edge of rear gardens, and between 36m – 54m to northern elevations of properties). In relation to neighbouring properties to the north east, there would be a separation distance of approximately 43m from Grove Court to the rear elevation of the neighbouring dwelling. (No. 213 Westbourne Grove). This property is presently screened from overlooking through mature trees and shrubs on the boundary, and the proposed additional floor would rise above this screening. The eastern elevation facing no. 213 Westbourne Grove will include only one window which is now a secondary window to one of the bedrooms serving a two bedroom flat. It is considered given the separation distance and one additional window will not give rise to material harm the amenities of no. 213 Westbourne Grove. The additional storey is set 7m from the west elevation and 1.5m from the north of the building and there is a separation of 6.1m to the flank elevation of no. 193 Southbourne Grove to the north of the site (7.6m separation distance). No balconies are proposed to the northern elevation and the windows facing no. 193 have been positioned to only look directly towards Southbourne Grove itself, which is welcomed. Therefore the proposal will not result in overlooking or loss of privacy to the amenities of no. 193 Southbourne Grove.
- 4.24 In relation to overshadowing, whilst the development would have some impact on the amenities of no. 193 Southbourne Grove, it is not considered that the impact would be so great to result in material harm. Furthermore, the sunlight and daylight analysis accompanying this application demonstrates that with a 1m setback from the north elevation and applying the BRE two hour test, no. 193 Southbourne Grove still achieves at least two hours sunshine over 50% of the garden area. The Design and Access Statement accompanying this application states that the existing lit area to no. 193 Southbourne Grove is 79.83% and after the proposed works a lit area of 78.88% would occur. Whilst the study is not comprehensive, it assesses a worse scenario than actually proposed (i.e. a 1m upper floor setback when 1.5m is proposed). It is considered that on balance, the proposed impact on the adjacent property would not result in significant harm.
- 4.25 It is not considered the proposal will be overbearing to the amenities of existing occupiers to the west, south or east of the site taking into account the overall separation distance.

## **Renewable Energy**

### **National Planning Policy Framework, Core Strategy Policy KP2, Development Management Document policy DM2 and SPD1**

- 4.26 Policy KP2 of the DPD1 and the SPD1 require that 10% of the energy needs of a new development should come from onsite renewable resources, and also promotes the minimisation of consumption of resources. Policy DM2 of the Development Management Document states that all new development should contribute to minimising energy demand and carbon dioxide emissions. The proposal will include the provision of 21 x 250w mon crystalline modules to achieve the 10% energy requirement given the site orientation and location achieves 973kw/M2. The proposal will satisfy policy KP2 of the Core Strategy and policy DM1 of the Development Management Document.
- 4.27 Policy DM2 of the Development Management Document requires all new development to include water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. This will be dealt with by condition.

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

- 4.28 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. The proposed development for 7 flats will create 387sqm of additional floorspace (Class C3). The CIL rate for the residential use is £20 per sqm which equates to approximately £7740.00.

## **Conclusions**

- 4.29 The principle of an additional storey is acceptable, and has been allowed on appeal. The proposed development by reason of its design and scale will not have a detrimental impact on the overall character on the existing building nor the streetscene and nearby residents in accordance with the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policy DM1 of the Development Management Document and the Design and Townscape Guide.



## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework
- 5.2 Development Plan Document 1: Core Strategy 2007 Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance), CP3 (Transport and Accessibility), CP6 (Community Infrastructure), CP8 (Dwelling Provision)
- 5.3 Development Management DPD2 policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix), DM8 (Residential Standards), DM15 (Sustainable Transport Management).
- 5.4 SPD1 Design & Townscape Guide 2009
- 5.5 The National Technical Housing Standards DCLG 2015
- 5.6 Community Infrastructure Levy (CIL) Charging Schedule

## **6 Representation Summary**

### **Design and Regeneration**

- 6.1 The proposal is for an amended scheme for an additional floor containing 7 flats following a previous scheme for 5 flats which was approved at appeal. The approved proposal was set in significantly from the side and front of the building (6.5m and 9m respectively) in an attempt to mitigate the impact of the increased scale on the streetscene. This is particularly important as the existing building is a flatted block which is larger than the other more domestically scaled properties in the streetscene particularly adjacent to the site to the north. The inspector made the following commented that the scale was only considered acceptable because of the set back from the front and side which considerably reduced its impact in the streetscene and particularly on the adjacent property no 193 which is much more modest and which can be seen in a long view from Clatterfield Gardens as well as Southbourne Grove itself (*see para 4, 6, 7 and 8 of appeal*).

The revised proposed has added to additional flats to the front of the building which has reduced the set back from the side from 6.5m to 1.5m and to the front from 9m to 7m. To the side the concern was the potential for overlooking of the neighbour but this has been addressed through splayed window design. To the front it is considered that although the setback has been reduced by 2m, 7m is still significant setback and the section shows that this distance will not have a material impact on the streetscene views. There is therefore no objection to this increase in footprint. It is pleasing to see that the balustrade has been moved back so that it is consistent

with the appeal scheme and will also not be prominent in the streetscene.

With regard to the site plan it is noted that an additional space has been provided to the rear of the building. This will reduce the landscaping opportunities in this area but does not seem to be significant provided landscaping along the eastern boundary is proposed/retained to provide an attractive outlook for windows facing this direction. There is some concern about the location of the cycle shelter in this location directly against Prittlebrook path and this may be better located within the site maybe adjacent to the refuse where there seems to be some free space.

### Sustainability

It is considered that there would be scope to achieve additional pvs on the roof to meet the increase 10% requirement.

### Traffic and Transportation

- 6.2 The application has provided 1 parking space per dwelling which meets current policy. The layout of the proposed parking spaces allows vehicles to manoeuvre effectively. Therefore no highway objections are raised.

### Public Consultation

- 6.3 79 neighbours notified of the proposal and one site notice displayed on the 27<sup>th</sup> August 2015. 13 letters of objection have been received stating:

- Overlooking and loss of privacy;
- Devalue surrounding properties;
- The road is extremely busy and used as a cut through for permit parking;
- Increased parking and traffic;
- Parking insufficient and the parking proposed is again mainly under trees and will not benefit other residence;
- Restricted access to the existing garages (too small for modern cars and difficult angles to manoeuvre) is the reason for underused parking by Grove Court residence;
- Each flat should have one parking space;
- The existing top floor benefits from rooflights to the hallway and bathroom areas of top floor flats and this proposal will result in obstruction of light and violation of the Party Wall act 1996 **[Officer Comment: The Inspector raised no objection to an additional floor to form 5 flats in terms of impact on lower flats, which are served by primary windows and the rooflights are secondary sources of light].**
- Unacceptable level of development;
- Overbearing;
- Out of character with the surrounding area;
- Current infrastructures may not be able to cope with the additional flats;
- Noise pollution;

- Limited separation distance;

## **7 Relevant Planning History**

- 7.1 Erect additional storey incorporating five flats, layout six car parking spaces, covered cycle store, fencing and landscaping (amended proposal)- Refused (14/00436/FUL). Allowed at appeal.
- 7.2 Erect Additional Storey Incorporating Eight Flats, layout Six Car Parking Spaces, Covered Cycle Store, Fencing And Landscaping (amended proposal)- Refused (13/01391/FUL)
- 7.3 Erect fourth floor mansard roof extension incorporating eight flats, layout six car parking spaces, covered cycle store for 12 No. bikes, security hoop steel fencing and landscaping- Refused (13/00143/FUL)

## **8 Recommendation**

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

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

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

- 02 The development hereby permitted shall be carried out in accordance with the approved plans 41280-01D; 41280-04F; 41280-06N; 41280-05N; 41280-08B; 41280-09C; 41280-10A.**

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

- 03 The materials shall be carried out in accordance with the details submitted for consideration including steel frame clad rainscreen system using Marley Eternit Tectiva E00 Calico, roofcrete covering to the flat roof, white powder coated aluminium double glazed windows and doors, Bradstone buff coping stones, seamless resin for pedestrian footpath, tarmacadam for car parking spaces. The development hereby approved shall be carried out in accordance with the details as stated above unless otherwise agreed in writing by the local planning authority.**

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

- 04** The car parking spaces, cycle storage and refuse store shall be carried out in accordance with plan no. 41280-04F prior to occupation of the retail use hereby approved and shall thereafter be permanently retained for the occupants of the flats and their visitors unless otherwise agreed in writing by the local planning authority.

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

- 05** Notwithstanding the balcony shown hatched on drawing 41208-06N. No other area of the roof shall be used as a balcony, roof garden or similar amenity area or for any other purpose unless otherwise agreed in writing by the local planning authority. The roof can however be used for the purposes of maintenance or to escape in an emergency.

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

- 06** The development hereby permitted shall be carried out in accordance with drawing 41280-04F in relation to the hard and soft landscape works including the boundary wall to the front of the site and these works shall be carried out as approved unless otherwise agreed in writing by the local planning authority.

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

- 07** The development hereby permitted shall be carried out in accordance with the Tree Report carried out by Tamla Trees reference 02029R with particular reference to the tree protection plan and the method statement.

**Reason: To make sure that the trees on the site are adequately protected during building works in the interests of visual amenity and in accordance with DPD1 (Core Strategy) policy KP2 and CP4, DPD2 (Development Management Document) policy DM1 and SPD1 (Design and Townscape Guide).**

- 08 The development hereby permitted shall be carried out in accordance with the renewable energy details of 21 photovoltaic panels on drawing 41280-06N and details submitted on the 13.07.2015 and the energy statement carried out by Silvercrest Solar. The approved scheme shall be implemented before the development is first occupied.**

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

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

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

## **Informatives**

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

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

<b>Reference:</b>	15/01540/FUL
<b>Ward:</b>	West Leigh
<b>Proposal:</b>	Demolish existing building and garage for 18B, extend existing vehicle crossover and erect two storey dwellinghouse.
<b>Address:</b>	Thames Drive Dental Practice, Rear Of 18B Thames Drive, Leigh-On-Sea, Essex, SS9 2XD
<b>Applicant:</b>	Mr G. Singh
<b>Agent:</b>	Mr S. Fairley (BDA)
<b>Consultation Expiry:</b>	26/10/15
<b>Expiry Date:</b>	25/11/15
<b>Case Officer:</b>	Ian Harrison
<b>Plan No's:</b>	15.151/01, 15.151/02, 15.151/03 and 15.151/04
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>



## **1 The Proposal**

- 1.1 Permission is sought to demolish and clear an existing building that has most recently been used as a dentist surgery and part of an existing block of three garages and erect a building that would form one dwelling.
- 1.2 The site currently contains a single storey building with a flat roof that has a footprint of 50.4 square metres and a maximum height of 3 metres. The application site also includes the Westernmost garage of three garages that are located to the East of the single storey building described above. The footprint of the garage measures approximately 12.3 square metres.
- 1.3 The main part of the proposed dwelling would measure 5.4 metres deep and 8.5 metres wide with two full height projections at the front elevation, all provided under one roof which would overhang the gap between the two front projections. At the side of the dwelling would be a first floor balcony projection that would overhang a parking space that would be provided at the side of the dwelling. The balcony would project by 4.3 metres and be 2.3 metres deep and be built to a finished floor level of 2.7 metres, with glazed balustrades at the front and side elevation. A wall would be provided at the North elevation of the balcony from ground level to a height of 4.7 metres. To the North of the wall would be a courtyard amenity area that would measure 13 square metres which would be enclosed by 1.8 metre tall walls at the North and East sides and the main part of the dwelling to the West.
- 1.4 One parking space is shown to be provided at the Darenth Road frontage of the site and a garden area is proposed to the front of the dwelling. The dwelling would feature two bedrooms and feature rendered elevations with a zinc roof. The submitted plans show that the ground levels of the application site would be lowered to match the ground level of the garage rather than the raised dentist surgery.

## **2 Site and Surroundings**

- 2.1 The application site was last used as a dentist surgery and contains a single storey building that is described above. One point of vehicle access is currently provided at the Darenth Road frontage of the site.
- 2.2 The character of the area is residential typified by mainly two storey semi-detached and detached residential properties. The existing building is the only commercial property within the immediate vicinity of the site, although further commercial properties are located to the North of the adjacent residential properties.

## **3 Planning Considerations**

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



## 4 Appraisal

### Principle of Development

**National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4, CP8; Development Management DPD Policies DM1, DM3, DM7, DM8 and DM15 and the Design and Townscape Guide SPD1 (2009)**

- 4.1 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework Sections 56 and 64, Core Strategy DPD Policies KP2, CP4 and CP8. Amongst the core planning principles of the NPPF include to:

*“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”.* Paragraph 56 of the NPPF states; *“the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* Paragraph 64 of the NPPF states; *“that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*

- 4.2 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development. Policy CP8 requires that development proposals contribute to local housing needs. The site is considered to be previously developed land and it is therefore relevant that Core Strategy policy CP8 supports the provision of dwellings on such land, subject to detailed considerations, where it is expected that the intensification of development will play a role in meeting the housing needs of the Borough.

- 4.3 Policy CP1 of the Core Strategy states *“that permission will not normally be granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area.”* Furthermore, policy DM11 states that the loss of employment land outside of designated areas will only be supported where it is no longer effective or viable to continue the employment use of the site. However, these policies aim to retain and enhance provision of employment land falling within Class B. The former use of the site is for medical purposes (Class D1) therefore its loss is not required to satisfy these policies.

- 4.4 The proposal would result in the loss of a small amount of commercial floorspace in a predominantly residential location. In this instance it is considered that an alternative use of the site would be acceptable in principle.

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

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

- 4.5 In the Council's Development Management DPD, policy DM1 states that development should "add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features."
- 4.6 As set out above, the street scene of this part of Darenth Road and Thames Drive is dominated by large semi-detached and detached dwellings of largely consistent design and scale. The building that is proposed by this application is therefore a departure from the character and appearance of the surrounding area, however this is also true in relation to the existing buildings at the application site.
- 4.7 Paragraphs 92-98 of SPD1 provide detailed design guidance of the manner to determine the appropriate height of buildings in areas of varied scale. However, in this instance it is considered more relevant to note the content of paragraph 90 which states that in areas of uniform scale "*proposals for development of a larger, or different or unbalancing scale would be detrimental to local character and will be resisted in principle. All new development must preserve and enhance local character; development which is harmful will not be acceptable.*" In this instance it is noted that the only significant height variation is between the building at the application site and the surrounding properties as most other properties are of consistent scale. The development proposed by this application would remain lower in height than the surrounding buildings, but materially taller than the existing building. As such, whilst still not reflecting the character of the surrounding area, the development would have a much greater impact on the character of the area than the existing structure at the site.
- 4.8 It is noted that the built form would be as close to the boundaries as the existing building. However, the additional height and massing of the built form would make the relationship with the boundaries appear far more cramped and in this instance it is considered that this would result in the site appearing to have been overdeveloped.

- 4.9 The architecture of the proposed building would heighten the conflict with the character of the surrounding area and exaggerate the visual impact of the development. The proposed roof materials, the proposed fenestration and the scale and form of the building are all areas where the proposed built form would not reflect the character of the surrounding area. It is noted that the Local Planning Authority should not be unduly restrictive in terms of architectural detailing, but in this instance it is considered that this exaggerates the visual impact of the development and heightens the harm that has been identified above.
- 4.10 The application proposes the erection of a 4.7 metre tall wall that would divide the courtyard amenity area from the undercroft parking area. It is considered that the tall wall would have a significant and imposing impact on the character of the site and become a dominant feature of the site, particularly when viewed from neighbouring properties and the part of Darenth Road that is to the East of the application site. It is therefore considered that this would cause further visual harm, in addition that which is identified above.

**Impact on Residential Amenity.**

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

- 4.11 Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties. Policy DM1 of the Development Management DPD also states that development should “Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”
- 4.12 The proposed building would be positioned in a similar position to the existing built form at the site. As the building would be of equal depth and proximity to the boundaries of the site it is considered that the only significant impacts would be caused by the increased height of the built form.

- 4.13 The proposed dwelling would feature no windows in the North or West elevations other than high level rooflights and as such there would be no potential to overlook the residential properties to the North or West. The side elevation of the dwelling of 29 Darent Road is located 9.6 metres from the North East corner of the proposed dwelling and 5.5 metres from the proposed balcony. The existing garages would be retained between those properties and the proposed wall at the rear of the balcony would restrict views towards the rear garden of the neighbouring property, although some views may still be possible from the side of the balcony. It is considered that the proposed development would not cause a loss of privacy to an extent that would make the habitable rooms and private amenity space of the neighbouring property unusable. Moreover, due to the separation distance between the properties and the low height of the proposed development, it is considered that the proposed dwelling would not cause a loss of light or outlook to an extent that would justify the refusal of the application.
- 4.14 The neighbouring properties of 18 and 18A Thames Drive are located immediately to the West of the application site, with the East elevation of those properties located 4.5 metres from the West elevation of the proposed dwelling. The windows in the East elevation of the neighbouring building appear to serve a bedroom at ground floor and a kitchen and a bedroom or lounge at first floor. Despite the lowering of the ground levels, it is considered that the increased height of the eaves of the building and the introduction of a pitched roof would cause a loss of outlook and daylight within the neighbouring ground floor flat and the private amenity space that serves the building. The roof would take away from the first floor flat and therefore a greater separation distance would be retained. It is therefore considered that the impact would be less significant on the first floor flat and the loss of outlook would not be harmful to an extent that would justify the refusal of the application. There would be no windows facing the dwellings to the East other than high level rooflights and therefore no harmful loss of privacy would be caused by the proposed development.
- 4.15 The neighbouring property of 16 Thames Drive has been extended to the rear and therefore the rear facing windows and doors, which open out onto a raised decking area, are approximately 2.5 metres from the North West corner of the proposed dwelling. The windows and doors referred to serve a kitchen and dining room. As with 18 Thames Drive, it is considered that the increased height and bulk of the proposed dwelling in comparison to the existing structure would cause a loss of light within the amenity space of the neighbouring property and cause a significant loss of outlook, whilst also having an overbearing impact on the occupants of that dwelling. It is therefore considered that the proposed development would also have a harmful impact on the occupants of that property.
- 4.16 No other properties would be materially affected by the proposed development to an extent that would justify the refusal of the application on those grounds. The dwellings to the South of the application site would be sufficient distance from the proposed dwelling to not be harmfully overlooked by the proposed South facing windows and the proposed dwelling would not cause a loss of light within that property.

## **Standard of Accommodation:**

### **National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy, Development Management DPD Policies DM1, DM3 and DM8 and the Design and Townscape Guide.**

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

- Minimum property size for a 2 bedroom (3 person bed space) flat shall be 70 square metres.
- Bedroom Sizes : The minimum floor area for bedrooms to be no less than 7.5m<sup>2</sup> for a single bedroom with a minimum width of 2.15m<sup>2</sup> ; and 11.5m<sup>2</sup> for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
- Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

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

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

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

- 4.19 The proposed residential unit would measure 87.8 square metres and the bedrooms would measure 8.8 and 21 square metres. It is therefore considered that the proposed development would accord with the size criteria set out above for 2 bedroom properties.
- 4.20 The building would be served by a 13 square metre garden area which would be enclosed by boundary walls on three sides, with the South wall measuring 4.7 metres tall, and a balcony area above the proposed car port. It is considered that the courtyard area would be very poor quality amenity space due to its small area and the tall enclosing structures that surround it. However, when considered in addition to the proposed balcony, on balance, it is considered that the dwelling would be served by an adequate amount of amenity space. A refuse storage area is shown on the submitted plans and it would be possible to park a bicycle within the courtyard area. It is therefore considered that the proposal accords with the living standards that are set out above.
- 4.21 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations and it is considered that these standards should now provide the basis for the determination of this application. In this instance it is considered that there is no known reason why the proposed development could not accord with the abovementioned standards and it has not been demonstrated that the proposed development would comply with those standards. It is therefore considered that the proposed development should be refused on the grounds that it has not been demonstrated that the development would accord with Part M of the Building Regulations, as set out in the Council's Transition Policy Statement for policy DM8 of the Development Management DPD.

### **Highways and Transport Issues:**

#### **National Planning Policy Framework, Policy KP2, CP4 and CP8 of the Core Strategy, Development Management DPD Policies DM1, DM3 and DM15 and the Design and Townscape Guide.**

- 4.22 The existing vehicular access point to the site is proposed to be enlarged, being increased in width by 2.6 metres. The Highway Authority has raised no objection to this element of the proposal and it is therefore considered that widening the existing vehicle access should not be found objectionable on highway safety grounds.

4.23 Policy DM15 states that each dwelling should be served by a minimum of two parking spaces. The proposals do not comply with these requirements and for these reasons it is considered that inadequate parking is provided at the site to comply with the requirements of the development plan and the proposal would therefore cause a reduction of highway safety at the site or within the surrounding area by increasing the demand for parking within highways within the vicinity of the site.

## **Sustainability**

### **Core Strategy Policies KP2, CP4 and CP8, Development Management DPD Policy DM2 and SPD1**

4.24 Policy KP2 of the DPD1 and the SPD1 require that 10% of the energy needs of a new development should come from on-site renewable resources, and also promotes the minimisation of consumption of resources. The proposed plans show the roof would accommodate PV panels and the applicant's statement indicates that the development would achieve Level 5 of the Code for Sustainable Homes. No details have been submitted to demonstrate this would provide 10% of the energy needs, it is considered this could be required by condition if permission is granted.

4.25 Policy DM2 states that developments should achieve compliance with Level 3 of the Code for Sustainable Homes. It is also stated that water efficient design measures should be incorporated into development. Changes to legislation means that these standards have now been incorporated into Building Regulations and as such it is considered that it is reasonable and necessary to impose conditions to any permission granted at this site to require development to achieve the 'enhanced standard' of building regulations.

## **Community Infrastructure Levy**

4.26 This application is CIL liable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. The proposed development will result in the erection of a building that measures 87.8 square metres in internal area. The existing building and garage have a combined floor area of 62.7 square metres. As there is net increase in floor area at the site of 25.1 square metres, the proposed development would require a CIL payment of £1,506.

## **Conclusion**

- 4.27 It is considered that the proposed development would cause harm to the character and appearance of the application site and the surrounding area by virtue of its cramped form and architectural style that deviates significantly from the character of the area. It is also considered that the proposed development would be served by inadequate parking, would cause significant harm to the amenities of neighbouring residents and not be built to adequate standards to comply with policy DM8 which requires dwellings to be accessible. It is therefore considered that the proposed development should be found unacceptable.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework
- 5.2 DPD1 Core Strategy Policies CP4 (Environment & Urban Renaissance) and KP2 (Development Principles), CP8 (Dwelling Provision)
- 5.3 Development Management DPD Policies DM1, DM2, DM3, DM7, DM8 and DM15
- 5.4 Transition Policy Statement, October 2015
- 5.5 Community Infrastructure Levy Charging Schedule
- 5.6 Design & Townscape Guide 2009 (SPD1).

## **6 Representation Summary**

### **Design & Regeneration**

- 6.1 No comments received.

### **Traffic & Highways Network**

- 6.2 The Highway Authority have objected to the application on the grounds that inadequate parking has been proposed to comply with the Council's Adopted Parking Standards.

### **Leigh Town Council**

- 6.3 Leigh town Council have objected to the application as the development would be out of keeping with the street scene and have a detrimental effect on the neighbouring properties.



## **Public Consultation**

6.4 A site notice was displayed and six neighbours were notified of the application. Letters of objection have been received from two neighbouring properties which raise objections to the proposals on the following grounds:

- The proposed development would cause a loss of light within the neighbouring residential properties.
- The proposed development would restrict the outlook and views from neighbouring residential properties and cause an undue sense of enclosure.
- The proposed development would cause a loss of privacy within the neighbouring residential properties.
- The development would not be in-keeping with the character of the surrounding area.
- The roof materials would be out-of-keeping with the surrounding area.
- The proposed development would affect the ability to sell the neighbouring properties in the future and cause a loss of property value.

6.5 The application has been called-in to the Development Control Committee by Councillor Evans.

## **7 Relevant Planning History**

7.1 None.

## **8 Recommendation**

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

- 1 The proposed development, by virtue of its scale, massing and design would harmfully conflict with the character and appearance of the streetscene and the surrounding area. The proposal is therefore contrary to the National Planning Policy Framework, DPD1 (Core Strategy) policies KP2 and CP4, DPD2 (Development Management) policies DM1 and DM3 and SPD1 (Design and Townscape Guidance)**
- 2 The proposed development, by virtue of its scale and massing and proximity to windows serving habitable rooms of neighbouring dwellings and the amenity areas of those dwellings, would have a harmfully overbearing impact on the light and outlook of the neighbouring dwellings. The proposal is therefore contrary to the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management) policy DM1 and SPD1 (Design and Townscape Guidance)**

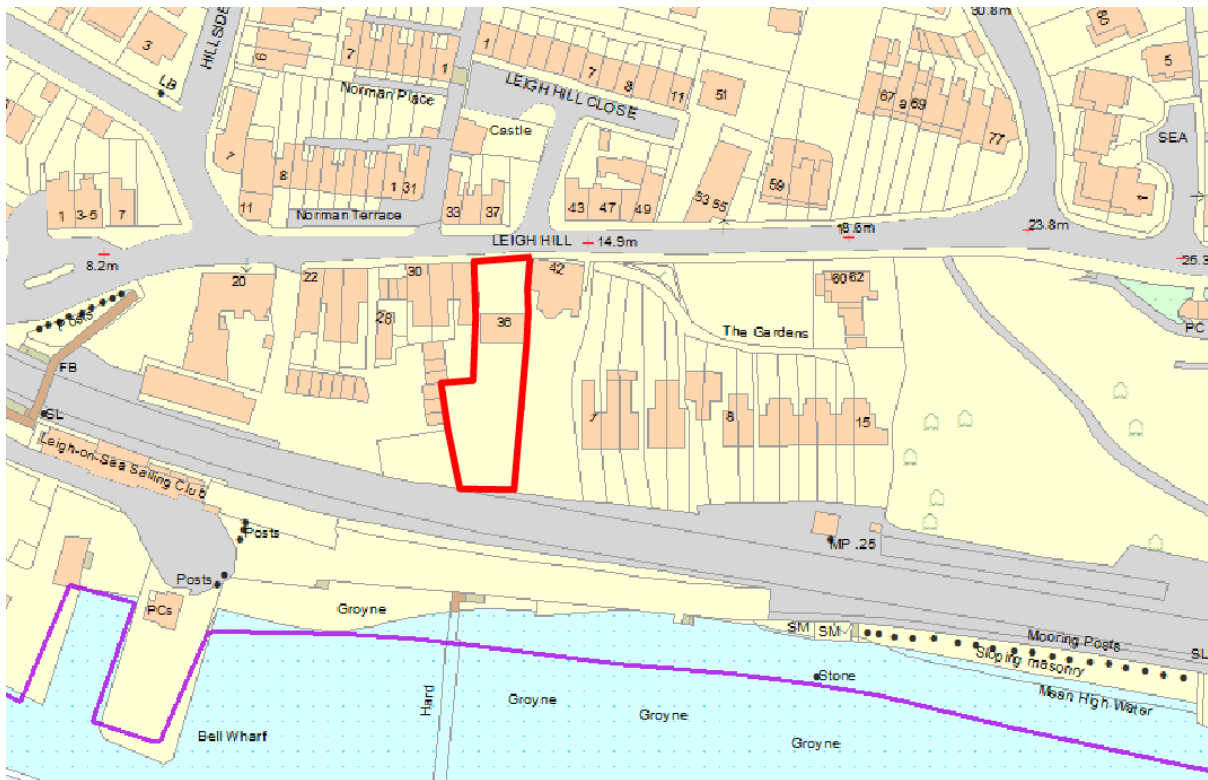
- 3 The proposed development would be served by inadequate parking and would therefore be detrimental to highway safety and efficiency, within an area of parking stress. The proposal would therefore be contrary to the National Planning Policy Framework and policies DM3 and DM15 of the Council's Development Management DPD.**
- 4 It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed residential unit would accord with the standards of Part M of the Building Regulations, as required by the NPPF and policies DM1 and DM8 of DPD2 (Development Management) to the detriment of living conditions having regard to the objective of achieving lifetime homes.**

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

#### **Informative**

**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 might also be CIL liable.**

<b>Reference:</b>	15/01417/FULH
<b>Ward:</b>	Leigh
<b>Proposal:</b>	Increase ridge height of hip roof, erect dormer to rear with recessed balcony (Amended Proposal)
<b>Address:</b>	36 Leigh Hill, Leigh-On-Sea, Essex, SS9 2DN
<b>Applicant:</b>	Mr and Mrs Peter Osborne
<b>Agent:</b>	Richard Morgan Associates Ltd
<b>Consultation Expiry:</b>	12.10.2015
<b>Expiry Date:</b>	19.10.2015
<b>Case Officer:</b>	Janine Rowley
<b>Plan No's:</b>	Location Plan; 14033/100 Revision C
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## 1 The Proposal

- 1.1 Planning permission is sought to raise the ridge height by 0.6m from 8.3m-8.9m. The hipped roof form will remain as existing although increase in height. The proposal includes the erection of a flat roof dormer to the rear 2m wide x 1.6m deep x 1.7m high including recessed balcony area of 1.4sqm.
- 1.2 It should be noted this application has been submitted following the refusal of application 15/00412/FULH. The application was refused on the following reasons:
1. *“The proposal by reason of its appearance, scale and bulk would result in an incongruous and unsympathetic feature that does not relate satisfactorily to the existing dwelling or the wider Leigh Conservation Area contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, emerging policy DM1 of the Development Management, Policies C4, C11 and H5 the Borough Local Plan and advice contained within the adopted Design and Townscape Guide (SPD1)”.*
  2. *“The proposal by reason of its scale and bulk would result in an overbearing and unneighbourly relationship with no.34 and no.42 Leigh Hill to the detriment of their amenity contrary to Policy CP4 of the Core Strategy, emerging policy DM1 of the Development Management, Policy H5 of the Southend on Sea Borough Local Plan and guidance contained within the Design and Townscape Guide”.*
- 1.3 A previous application 14/01437/FULH to erect dormers to the front and rear including a balcony to the rear was refused planning permission and dismissed under appeal APP/D1590/D/14/2229521. The appeal was dismissed in relation to the harm of the proposed extensions to the character and appearance of the host property and the Conservation Area. The Inspector concluded the extensions to the front and rear would not harm the amenities of nearby neighbours.
- 1.4 The main amendments from the most recently refused application 15/00412/FULH include:
- Roof form changed from gable to a hipped roof to match existing
  - Raised ridge height reduced from 9m to 8.9m
  - Dormer to the rear reduced from 5.5m wide x 1.6m high x 0.7m deep to 2m wide x 1.7m high x 1.6m deep
  - Recessed balcony area of 13sqm reduced to 1.4sqm
  - Hipped roof to the front elevation increased in height from 6.8m to 7.1m

## **2 Site and Surroundings**

- 2.1 The site is located within the Leigh Conservation Area on the lower section of Leigh Hill. The property is set back from the existing building line. Adjacent to the east is 42 Leigh Hill a Grade II listed building. To the west is a terrace of commercial properties, which have recently been granted permission to convert to houses including dormers to the rear roof slopes (14/00974/FUL).

## **3 Planning Considerations**

- 3.1 The main considerations are in relation to the principle of development, design and impact on the character of the area and Leigh Conservation Area, traffic and transportation implications and impact on residential amenity. The planning history is also a material consideration and whether the proposal has overcome the previous reasons of refusal under application 15/00412/FULH.

## **4 Appraisal**

### **Principle of Development**

**National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4, CP8; DPD2 (Development Management Document) policies DM1, DM5, and the Design and Townscape Guide SPD1 (2009)**

- 4.1 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance include and Core Strategy DPD Policies KP2 and CP4, policies DM1 and DM5 of the Development Management DPD2. These policies and guidance support extensions to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building and the conservation area. Therefore, the principle is acceptable subject to the detailed design considerations below.

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

**National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4; DPD2 (Development Management Document) policies DM1, DM5, and Design and Townscape Guide SPD1.**

- 4.2 National Planning Policy Framework (NPPF) states *“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people”*.

- 4.3 Policy KP2 of the Core Strategy advocates the need for all new development to respect the character and scale of the existing neighbourhood where appropriate and secure urban improvements through quality design. Policy CP4 of the Core Strategy states that development proposals will be expected to contribute to the creation of a high quality, sustainable, urban environment which enhances and complements the natural and built assets of Southend by maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development.
- 4.4 Policy DM1 of the Development Management DPD2 advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.
- 4.5 Paragraph 366 of the Design and Townscape Guide states:
- “Proposals for additional roof accommodation within existing properties must respect the style, scale and form of the existing roof design and the character of the wider townscape. Dormer windows, where appropriate, should appear incidental in the roof slope (i.e. set in from both side walls, set well below the ridgeline and well above the eaves). The position of the new opening should correspond with the rhythm and align with existing fenestration on lower floors. (Note: one central dormer may also be an appropriate alternative.) The size of any new dormer windows, particularly on the front and side elevations, should be smaller to those on lower floors and the materials should be sympathetic to the existing property. The space around the window must be kept to a minimum. Large box style dormers should be avoided, especially where they have public impact, as they appear bulky and unsightly. Smaller individual dormers are preferred”.*
- 4.6 Policy DM5 of the Development Management Document states that there is a need for development within Conservation Areas to respect the general pattern of the area and preserve or enhance as appropriate its townscape character. The mass of extensions and new buildings should be in scale and harmony with the existing and neighbouring buildings and with the area as a whole. The overall proportions, detailing and materials should be appropriate to the area and sympathetic to the existing and neighbouring buildings.
- 4.7 The proposed rear dormer is considered to be subservient to the main roof and therefore, no objections are raised to the rear dormer and associated recessed balcony.

- 4.8 Whilst the ridge height will increase from 8.3m to 8.9m, taking into account the hipped roof form now proposed and given that the existing property is set back from the general building line it is considered that the slight change in pitch and height will not be significant in the streetscene. The development appears less bulky compared to the gable roof under application 15/00412/FULH. It is not considered the proposal will have an adverse impact on the existing character and appearance of the dwelling nor the streetscene. In addition, the increased height of the hipped roof to the front elevation will not harm the overall appearance of the existing dwelling and relates satisfactorily to the increased height of the dwelling.
- 4.9 The overall height of the dwelling will not appear at odds with the streetscene on the south side of Leigh Hill. The increase in height of the two storey bay within the front elevation appears resolved and integrates successfully with the existing dwelling. The overall design and scale of the proposal would not appear at odds with the existing dwellinghouse, wider streetscene and Leigh Conservation Area in accordance with NPPF, policies KP2 and CP4 of the Core Strategy DPD1, policy DM1 and DM5 of the Development Management Document DPD2, and the Design and Townscape Guide. The proposal has therefore overcome reason 01 of 15/00412/FULH.

### **Traffic and Transportation**

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

- 4.10 It is not considered that the proposed development will result in any parking implications.

### **Impact on residential amenity**

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

- 4.11 In terms of impact on residential amenity, the proposed front alteration being just a change to the roof over the bay will have only a marginal impact. With regard to overlooking of the neighbouring properties to the east (no.42) and west (no.34), it is not considered the proposed accommodation with the roof space would be materially worse than the existing situation, given the presence of 2 roof terraces at the application site.
- 4.12 It is noted that the dwelling is sited to the rearwards of the neighbours immediately to the east and west resulting in the majority of the dwelling being located beyond the rear elevation of both properties. The land also falls away steeply from Leigh Hill towards the estuary. As a result the existing dwelling is particularly prominent when viewed from the rear of the adjacent dwellings and within their respective gardens.

- 4.13 With respect to the increase in scale of the roof, whilst there would be some impact to no. 34 Leigh Hill it is not considered the proposed increase in height by 0.6m would have an overbearing impact on this neighbour. The neighbour to the east is further away from the dwelling and separated by a single storey garage, the increase in scale of the roof is no longer a cause of concern given the hipped roof form now proposed, which will reduce the overall bulk of the roof. Whilst the increase in height will have some impact on light to each of the neighbouring properties, this is considered minimal given the scale and siting of the existing building. It must also be noted that the orientation of the rear of these properties is to the south which provides the maximum exposure to daylight and direct sunlight. Therefore, on balance, it is not considered the proposed development will have an adverse impact on the residential amenities of existing occupiers to the east and west. To help mitigate against any potential overlooking to no. 34 and 42 Leigh Hill a condition will be imposed to ensure privacy screens are erected to the east and west elevations respectively.

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

- 4.14 The proposed extension to the existing property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 Development Plan Document 1: CP4 (The Environment and Urban Renaissance)  
KP2 (Development Principles)
- 5.3 Development Plan Document 2: policies DM1 (Design Quality), DM5 (Southend-on-Sea's Historic Environment), DM15 (Sustainable Transport Management)
- 5.4 SPD1 Design & Townscape Guide 2009



## **6 Representation Summary**

### **Design and Regeneration**

- 6.1 The amended proposal retains the existing hipped roof but increases the height by 625mm (reduced from 1m previously) and increases the pitch slightly to accommodate this. A modest dormer is proposed with inset balcony to the rear.

This is a significant reduction over the previously refused plans and it is pleasing to see that the hip has been retained and no dormer is proposed to the front where it would be out of character in the streetscene. Given that this is a standalone property set back from the general building line it is considered that the slight change in pitch and height will not be significant in the streetscene and there is no objection to the modest dormer to the rear so this is now considered to be acceptable subject to maintaining a match to the existing roof tiles. (It is noted that the roof may need to be completely retiled and this should remain as existing)

### **Leigh on Sea Town Council**

- 6.2 An increase in the height of the roof will be detrimental to the Conservation Area.

### **Leigh Society**

- 6.3 Leigh Society does not object to this proposal.

### **Public Consultation**

- 6.4 A site notice displayed on the 21.09.2015 and 4 neighbours notified of the proposal. 7 letters of representation received. 6 letters of objection stating:

- The dormer will set a precedent for future development in the conservation area
- Increased height will set a precedent and is detrimental to the Leigh Conservation Area
- Development not in keeping with the surrounding area
- The house already appears an alien feature within the conservation area with its excessive height and large areas of glazing
- The increase of 22.5% in roof height will not only make the roof appear oddly proportioned but, with the additional level of glazing and proposed rear dormer, will serve to exacerbate the verticality and aesthetic proportions of this building

- The Design and Access Statement shows No. 42, 36 and 34 and states that No. 36 is clearly "dwarfed" by objects in the foreground (No. 42 and 34). This is an attempt to try to refute previous concerns about the "dwarfing effect" that extending No. 36 has on its neighbours. Crucially, No. 42 and No. 34 are not the properties trying to add to this "dwarfing effect" from the front/North **[Officer Comment: The application has been assessed against relevant planning policies contained within the NPPF, Core Strategy and Development Management Document]**
- The South elevation or a birds-eye perspective may give a more accurate impression of the bulk and mass of the building and the imposing effect that No. 36 has on its neighbours because of the fact it is set back from the road and housing line. By proposing to increase the ridge height, hipped to gable roof to allow a dormer to be erected to the back, it therefore adds further to the bulk of this property from the South.
- The proposal seeks to add an additional c.25% to the existing roof height and further bulk to a property which has grown substantially in size in the past couple of years and is now the bulky sum of many additions. Not only will it affect the surrounding properties in terms of size added, but the increased height would also have an impact in terms of the light for No.34 in the morning and No.42 in the evening.
- No.36 has been extensively rebuilt and modernised by its new occupants, to almost no recognition from the back. It appears to lend itself more to a block of flats or apartments than a private family home, totally "dwarfing" and unsympathetic to its neighbouring properties within the Conservation area.
- The effect of yet another balcony/ dormer being added to this property along with the cumulative extensions, bolt-ons and numerous balconies added to the house previously, will add further to the effect of a block of flats imposing themselves on the surrounding properties in a manner totally out of keeping with the beautiful and historic character of the area -a Conservation Area, no less - a measure put in place to protect an area of local significance from development such as this.

One letter of representation not objecting subject to conditions:

- The proposed dormer being half inset and half protruding is a vast improvement on previous proposals and whilst we do not have an objection in principle, we are concerned regarding the loss of privacy into the garden of no. 34 Leigh Hill. If the Council are minded to approve the application we would respectfully request that privacy screens are included as a condition of any planning consent to be inset within the balcony cheeks at a height of 1.8m to the west elevation and the east elevation **[Officer Comment: This is addressed by condition 4 below]**.

6.5 Councillor Mulronev has requested this application be dealt with by Development Control Committee.

## **7 Relevant Planning History**

- 7.1 Increase ridge height, hipped to gable roof, erect dormer to rear with recessed balcony (Amended Proposal)- Refused (15/00412/FULH).
- 7.2 Nov 2014 – Planning permission refused to erect front and rear dormers with balcony to rear (14/01437/FULH). Appeal dismissed (Feb 2015).
- 7.3 Install stainless steel and glass balustrading to rear terrace areas (Minor Material Amendment to planning application 12/00006/FULH) - Granted (12/00979/AMDT).
- 7.4 Form pitched roof over garage- Granted (12/00658/FULH).
- 7.5 Replace existing windows with new to match existing style and colour, and provide new 2 storey rear extension (Basement & Ground Floor) with new Terrace areas- Granted (12/00006/FULH).
- 7.6 Demolish garage- Granted (92/0821).

## **8 Recommendation**

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

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

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

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 14033/100 Revision C.**

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

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

**Reason: To safeguard the visual amenities of the area, in accordance with National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, policies DM1 and DM5 of Development Management Document DPD2 and SPD1 (Design and Townscape Guide).**

- 04** Prior to commencement of development details of a privacy screen including the materials and height to the east and west elevations inset within the proposed terrace area to the rear shall be submitted to and agreed in writing by the local planning authority. The screen shall be installed prior to the completion of the works to no. 36 Leigh Hill and permanently retained thereafter.

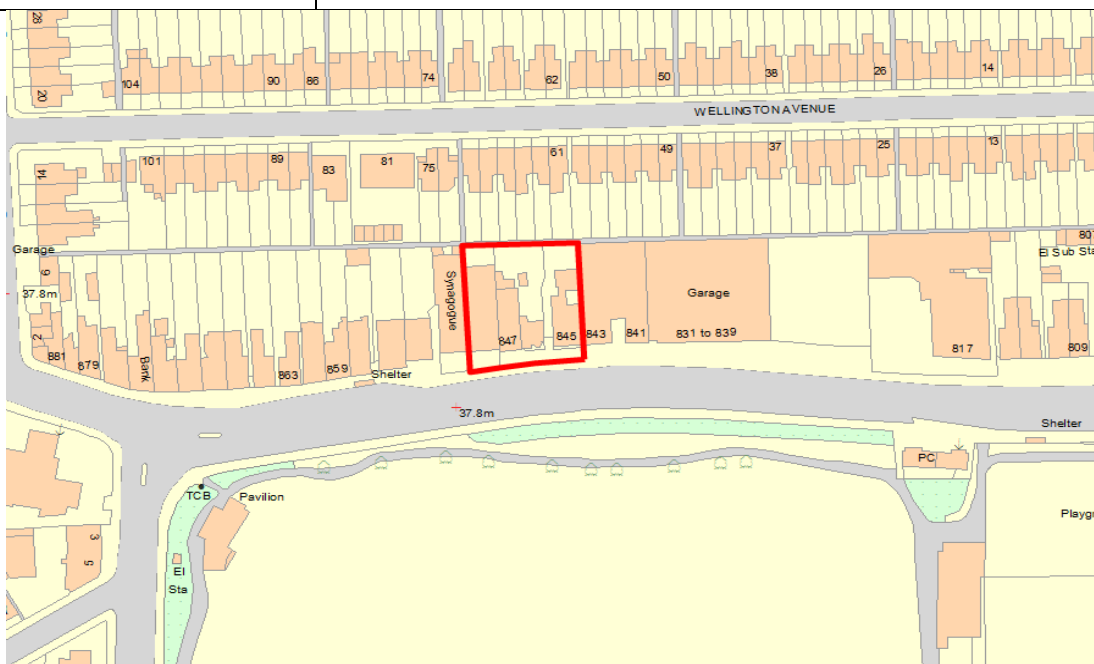
**Reason:** To protect the privacy and environment of people in neighbouring residential properties, in accordance with the DPD1 (Core Strategy) 2007 policy CP4, DPD2 (Development Management Document) 2015 policy DM1 and SPD1 Design and Townscape Guide

**Informative**

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

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

<b>Reference:</b>	15/01304/DOV
<b>Application Type:</b>	Deed of Variation
<b>Ward:</b>	Blenheim Park
<b>Proposal:</b>	Modification of planning obligation dated 18/07/2013 (as modified by appeal decision dated 07/01/2015) pursuant to application 13/00061/EXTM to vary the affordable housing requirement to provide a financial contribution in lieu of on-site provision.
<b>Address:</b>	845 - 849 London Road, Westcliff-On-Sea, Essex
<b>Applicant:</b>	Venture Capital Associates
<b>Agent:</b>	Phase 2 Planning & Development Limited
<b>Consultation Expiry:</b>	n/a
<b>Expiry Date:</b>	12 <sup>th</sup> November 2015
<b>Case Officer:</b>	Amanda Rogers
<b>Recommendation:</b>	<b>Delegate to the Head of Planning and Transport or Group Manager for Planning and Building Control to GRANT A MODIFICATION OF THE PLANNING OBLIGATION DATED 18/07/2013 (as modified by appeal decision dated 07/01/2015) pursuant to planning application 13/00061/EXTM</b>



# 1 Introduction

- 1.1 Section 106A of the Town and Country Planning Act 1990 allows for an application to be made to a local authority to consider a proposed modification or discharge of a planning obligation, and the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 set out the procedure for dealing with any such applications.
- 1.2 The National Planning Policy Framework (NPPF) 2012 specifically defines “Affordable Housing” in its Glossary as follows (underlining added):

*Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.*

*Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.*

*Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).*

*Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.*

*Homes that do not meet the above definition of affordable housing, such as “low cost market” housing, may not be considered as affordable housing for planning purposes.*

- 1.3 There is a clear distinction between an application made under S106A and S106BA of the Town and Country Planning Act 1990. The latter being based in an argument that a scheme is unviable with the inclusion of affordable housing (this is not the case on this occasion). In this instance, the application is made under S106A of the Town and Country Planning Act 1990. Under this section of the Act, by negotiation between the applicant and the local authority it may be considered that a planning obligation no longer serves a useful planning purpose or if it continues to serve a useful purpose that that purpose may be equally well served if it were to be modified. Alternatively, a local authority may determine that the planning obligation should continue to have effect without modification. If it is more than 5 years since the planning obligation was entered into then section 106B allows for a right of appeal to the Secretary of State should the local authority fail to determine any such application within 8 weeks or refuse an application. In this case less than 5 years has elapsed, which means there is no right of appeal and due to the application being recently considered by the Council, no public consultation is necessary in association with the application.
- 1.4 A planning obligation is enforceable as a contract and whether it is varied or not is at the local authority's discretion. On this basis it is considered that a planning obligation should only be discharged or modified under S106A if it can be demonstrated that it no longer serves a useful planning purpose.

## **2 The Proposal**

- 2.1 Outline planning permission was granted under application 13/00061/EXTM on 18<sup>th</sup> July 2013 to "Demolish existing building and erect 4 storey block comprising of 22 flats, 2 commercial units, lay out parking, refuse and cycle stores (outline application) (application to extend the time limit for implementation following planning permission 10/00129/OUTM dated 29 April 2010)".
- 2.2 This permission was subject to a planning obligation dated 18<sup>th</sup> July 2013 to secure the following:
- Four affordable housing units including 1 x one bedroom flat, 2 x two bedroom flats and 1 x three bedroom flats
  - Education contribution of £37,459
  - Redundant vehicle crossings are to be reinstated as footpath
  - S106 monitoring fee of £2,998
- 2.3 Subsequently, on 7<sup>th</sup> January 2015 an appeal was allowed to modify the above planning obligation under Section 106BA of the Town and Country Planning Act 1990 to only require the provision of 1 x one bedroom flat and 1 x two bedroom flat OR 2 x two bedroom flats on viability ground to ensure the deliverability of the scheme. The modification is effective for a period of 3 years ending on 7<sup>th</sup> January 2018.

2.4 Under S106A the applicant is now seeking to vary the requirement for the provision of affordable housing to provide a financial contribution in lieu of on-site provision on grounds that there is no interest from Registered Providers.

2.5 The applicant has submitted the following evidence in support of their application:

- Covering letter dated 17<sup>th</sup> July 2015
- Comments from Moat (Registered Provider) and Housing Expectations (housing adviser) in relation to the lack of interest from Registered Providers for small schemes
- List of Registered Providers applicant contacted with details of reasons for declining the site

### **3 Planning Considerations**

3.1 The legal test and material planning consideration in respect of this application is whether or not the planning obligation still serves a useful planning purpose or if it continues to serve a useful purpose that that purpose may be equally well served if it were to be modified.

### **4 Appraisal**

#### **The National Planning Policy Framework, DPD 1 (Core Strategy) strategic objective SO7, policies KP3, CP6 and CP8; and SPD2**

4.1 Core Strategy policy CP8 states the following:

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

4.2 Paragraph 2.7 of “Supplementary Planning Document: Planning Obligations” (SPD2) reiterates the fact that *“The policy [CP8] generally requires 20-30% of the proposed units to be affordable depending on the scale of the development, or a financial contribution to be made where on-site provision is either not feasible or not practicable.”* Hence, the preference in terms of affordable housing provision is on-site. Alternatively, the Council may seek to secure the affordable housing provision on another site owned by the applicant or in exceptional circumstances accept a financial contribution in lieu of on-site provision.

4.3 In support of the submission the applicant has provided details of correspondence with a number of Registered Providers stating that the site is either not currently a strategic/focus area for them or is too small.



- 4.4 Strategic Housing has confirmed that there is generally less interest from Registered Providers now in respect of small sites of less than 10 affordable housing units.
- 4.5 With regard to the provision of affordable housing on site, it is considered that the applicant has satisfactorily demonstrated that there is no interest from Registered Providers (RP's) for the relatively small scale provision. The same issue has been encountered recently on another site within the borough where a small number of affordable units were to be provided. In addition, as far as officers are aware the developer is not in a position to locate the affordable housing on an alternative site, which may also present the risk of a Registered Provider still not being interested in purchasing the units. It is therefore, considered appropriate to allow a commuted sum payment in lieu of on-site affordable housing provision.
- 4.6 In this instance the Strategic Housing team consider that it is suitable to accept a commuted sum in lieu of on-site provision due to the lack of the interest in these units from Registered Providers who operate in the borough. It should also be noted this commuted sum will be used to help to fund the Council's plans to develop affordable housing in the borough in the coming years.
- 4.7 The Council adopts a standard approach to calculating affordable housing financial contributions based on accepting 30% of the open market value of the residential units on a site, which is considered to represent the value of the land, plus 10% for costs associated with the Council delivering the affordable housing instead of the developer. Initially, the applicant only based their offer of £123,883 on market values established when this site was considered at the S106BA appeal last November/December. However, in the absence of updated sales values evidence (which the applicant has declined to provide), officers have agreed an uplift in the financial contribution based on increases in house prices as set out in the Thames Gateway South Essex Housing Market Trends Quarterly Report and an 8.71% increase has been applied.
- 4.8 The applicant has now agreed to a financial contribution for affordable housing of £134,673 which is considered reasonable and in accordance the Council's policy and standard approach.

## **5 Conclusion**

- 5.1 Under the test set out in paragraph 3.1 above, the planning obligation to which this application relates still serves a useful planning purpose (i.e. to deliver affordable housing) but it is considered that that purpose may be equally well served if it were to be modified.

- 5.2 It is considered that sufficient evidence has been provided to justify a revision to the S106 affordable housing requirement to allow payment of a commuted sum in lieu of on-site provision. The agreed financial contribution towards affordable housing is £134,673 (conditional upon the development being completed by 7<sup>th</sup> January 2018 i.e. within 3 years of the date of the S106BA appeal decision and as agreed with the applicant). It is therefore recommended that a Deed of Variation be completed in relation to the existing section 106 agreement to reflect this modification. In respect of the 'trigger' for payment of the contribution, this would be consistent with the existing S106 that requires the affordable housing to be provided prior to occupation of the 8<sup>th</sup> open market housing unit.

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework (NPPF) 2012 and National Planning Practice Guidance (NPPG).
- 6.2 Development Plan Document 1 (2007): Core Strategy Policies KP3 (Implementation and Resources), CP6 (Community Infrastructure) and CP8 (Dwelling Provision).
- 6.3 Supplementary Planning Document 2: A Guide to Section 106 & Developer Contributions (2010).

## **7 Representation Summary**

- 7.1 **Strategic Housing:** In this instance, the Strategic Housing team consider that it is suitable to accept a commuted sum in lieu of onsite provision due to the lack of the interest in these units from Registered Providers who operate in the borough. The proposal complies with Core Strategy Policy CP8 in that evidence that on-site provision is not practical has been provided. The total financial sum of £291,375 in lieu of on-site provision at this site (£134,673) and 175 London Road (£156,702) is considered acceptable.

## **8 Public Consultation**

- 8.1 None required (see paragraph 1.3 above).

## **9 Relevant Planning History**

- 9.1 2009 - An outline application to demolish existing building and erect part 4 and part 5 storey block comprising of 25 flats, 2 commercial units, lay out parking and refuse store (Outline) (SOS/ 08/01662/OUTM) was refused permission.
- 9.2 2010 - An outline application (10/00129/OUTM) to demolish the existing building and erect four storey block comprising of 22 flats, 2 commercial units, lay out parking, refuse and cycle stores was approved.

- 9.3 2011 - A planning application (11/00975/OUTM) to demolish the existing building and erect a five storey block comprising of 24 flats and two commercial units was refused planning permission.
- 9.4 A subsequent appeal against the Council decision to refuse application 11/00975/OUTM was dismissed.
- 9.5 2013 – An outline planning application to extend the time limit for implementation following planning permission 10/00129/OUTM dated 29 April 2010 was granted to “Demolish existing building and erect 4 storey block comprising of 22 flats, 2 commercial units, lay out parking, refuse and cycle stores”.
- 9.6 2015 – Appeal 14/01180/S106BA allowed in part modifying planning obligation pursuant to planning permission 13/00061/EXTM to reduce the affordable housing requirement as outlined above.
- 9.7 2015 – Appeal relating to approval of reserved matters following outline application 10/00129/OUTM (which was granted extension of time under 13/00061/EXTM) allowed.
- 9.8 2015 – Final reserved matters (15/00305/RESM) approved following outline application 10/00129/OUTM (which was granted extension of time under 13/00061/EXTM)

## 10 Recommendation

- 10.1 Members are recommended to delegate to the Head of Planning and Transport or the Group Manager for Planning and Building Control to **GRANT A MODIFICATION OF THE PLANNING OBLIGATION** dated 18<sup>th</sup> July 2013 (as modified by appeal decision dated 7<sup>th</sup> January 2015) pursuant to application 13/00061/EXTM to provide a commuted sum payment for affordable housing of £134,673 in lieu of on-site provision (subject to the conditions outlined in paragraph 5.2).

**Informative:** You are reminded of the remaining Section 106 requirements/contributions (namely, the reinstatement of redundant vehicle crossings to footpath, education contribution and S106 monitoring fee) that are payable prior to occupation of first residential unit and prior to commencement respectively.

<b>Reference:</b>	15/01330/DOV
<b>Application Type:</b>	Deed of Variation
<b>Ward:</b>	Victoria
<b>Proposal:</b>	Modification of planning obligation dated 01/06/2011 (as modified by appeal decision dated 07/01/2015) pursuant to application 11/00307/OUTM to vary the affordable housing requirement to provide a financial contribution in lieu of on-site provision.
<b>Address:</b>	175 London Road, Southend-On-Sea, Essex SS1 1PW
<b>Applicant:</b>	Venture Capital Associates
<b>Agent:</b>	Phase 2 Planning & Development Limited
<b>Consultation Expiry:</b>	n/a
<b>Expiry Date:</b>	12 <sup>th</sup> November 2015
<b>Case Officer:</b>	Amanda Rogers
<b>Recommendation:</b>	<b>Delegate to the Head of Planning and Transport or Group Manager for Planning and Building Control to GRANT A MODIFICATION OF THE PLANNING OBLIGATION DATED 01/06/2011 (as modified by appeal decision dated 07/01/2015) pursuant to planning application 11/00307/OUTM</b>



# 1 Introduction

- 1.1 Section 106A of the Town and Country Planning Act 1990 allows for an application to be made to a local authority to consider a proposed modification or discharge of a planning obligation, and the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 set out the procedure for dealing with any such applications.
- 1.2 The National Planning Policy Framework (NPPF) 2012 specifically defines “Affordable Housing” in its Glossary as follows (underlining added):

*Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.*

*Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.*

*Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).*

*Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.*

*Homes that do not meet the above definition of affordable housing, such as “low cost market” housing, may not be considered as affordable housing for planning purposes.*

- 1.3 There is a clear distinction between an application made under S106A and S106BA of the Town and Country Planning Act 1990. The latter being based in an argument that a scheme is unviable with the inclusion of affordable housing (this is not the case on this occasion). In this instance, the application is made under S106A of the Town and Country Planning Act 1990. Under this section of the Act, by negotiation between the applicant and the local authority it may be considered that a planning obligation no longer serves a useful planning purpose or if it continues to serve a useful purpose that that purpose may be equally well served if it were to be modified. Alternatively, a local authority may determine that the planning obligation should continue to have effect without modification. If it is more than 5 years since the planning obligation was entered into then section 106B allows for a right of appeal to the Secretary of State should the local authority fail to determine any such application within 8 weeks or refuse an application. In this case less than 5 years has elapsed, which means there is no right of appeal and due to the application being recently considered by the Council, no public consultation is necessary in association with the application.
- 1.4 A planning obligation is enforceable as a contract and whether it is varied or not is at the local authority's discretion. On this basis it is considered that a planning obligation should only be discharged or modified under S106A if it can be demonstrated that it no longer serves a useful planning purpose.

## **2 The Proposal**

- 2.1 Outline planning permission was granted under application 11/00307/OUTM on 1<sup>st</sup> June 2011 to "Demolish existing building, erect five storey building of 27 self-contained flats and 215sqm of commercial at ground floor level cycle and refuse store and layout parking".
- 2.2 This permission was subject to a planning obligation dated 1<sup>st</sup> June 2011 to secure the following:
- Five affordable housing units including 2 x one bedroom flat and 3 x two bedroom flats
  - Education contribution of £26,442.41
  - Highway contribution of £10,000
  - S106 monitoring fee of £2,207.70
- 2.3 Subsequently, on 7<sup>th</sup> January 2015 an appeal was allowed to modify the above planning obligation under Section 106BA of the Town and Country Planning Act 1990 to only require the provision of 1 x one bedroom dwelling and 2 x two bedroom dwellings. The modification is effective for a period of 3 years ending on 7<sup>th</sup> January 2018.
- 2.4 Under S106A the applicant is now seeking to vary the requirement for the provision of affordable housing to provide a financial contribution in lieu of on-site provision on grounds that there is no interest from Registered Providers.

2.5 The applicant has submitted the following evidence in support of their application:

- Covering letter dated 17<sup>th</sup> July 2015
- Comments from Moat (Registered Provider) and Housing Expectations (housing adviser) in relation to the lack of interest from Registered Providers for small schemes
- List of Registered Providers applicant contacted with details of reasons for declining the site

### 3 Planning Considerations

3.1 The legal test and material planning consideration in respect of this application is whether or not the planning obligation still serves a useful planning purpose or if it continues to serve a useful purpose that that purpose may be equally well served if it were to be modified.

### 4 Appraisal

#### **The National Planning Policy Framework, DPD 1 (Core Strategy) strategic objective SO7, policies KP3, CP6 and CP8; and SPD2**

4.1 Core Strategy policy CP8 states the following:

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

4.2 Paragraph 2.7 of “Supplementary Planning Document: Planning Obligations” (SPD2) reiterates the fact that *“The policy [CP8] generally requires 20-30% of the proposed units to be affordable depending on the scale of the development, or a financial contribution to be made where on-site provision is either not feasible or not practicable.”* Hence, the preference in terms of affordable housing provision is on-site. Alternatively, the Council may seek to secure the affordable housing provision on another site owned by the applicant or in exceptional circumstances accept a financial contribution in lieu of on-site provision.

4.3 In support of the submission the applicant has provided details of correspondence with a number of Registered Providers stating that the site is either not currently a strategic/focus area for them or is too small.

4.4 Strategic Housing has confirmed that there is generally less interest from Registered Providers now in respect of small sites of less than 10 affordable housing units.

- 4.5 With regard to the provision of affordable housing on site, it is considered that the applicant has satisfactorily demonstrated that there is no interest from Registered Providers (RP's) for the relatively small scale provision. The same issue has been encountered recently on another site within the borough where a small number of affordable units were to be provided. In addition, as far as officers are aware the developer is not in a position to locate the affordable housing on an alternative site, which may also present the risk of a Registered Provider still not being interested in purchasing the units. It is therefore, considered appropriate to allow a commuted sum payment in lieu of on-site affordable housing provision.
- 4.6 In this instance the Strategic Housing team consider that it is suitable to accept a commuted sum in lieu of on-site provision due to the lack of the interest in these units from Registered Providers who operate in the borough. It should also be noted this commuted sum will be used to help to fund the Council's plans to develop affordable housing in the borough in the coming years.
- 4.7 The Council adopts a standard approach to calculating affordable housing financial contributions based on accepting 30% of the open market value of the residential units on a site, which is considered to represent the value of the land, plus 10% for costs associated with the Council delivering the affordable housing instead of the developer. Initially, the applicant only based their offer of £144,147 on market values established when this site was considered at the S106BA appeal last November/December. However, in the absence of updated sales values evidence (which the applicant has declined to provide), officers have agreed an uplift in the financial contribution based on increases in house prices as set out in the Thames Gateway South Essex Housing Market Trends Quarterly Report and an 8.71% increase has been applied.
- 4.8 The applicant has now agreed to a financial contribution for affordable housing of £156,702 which is considered reasonable and in accordance the Council's policy and standard approach.

## **5 Conclusion**

- 5.1 Under the test set out in paragraph 3.1 above, the planning obligation to which this application relates still serves a useful planning purpose (i.e. to deliver affordable housing) but it is considered that that purpose may be equally well served if it were to be modified.



- 5.2 It is considered that sufficient evidence has been provided to justify a revision to the S106 affordable housing requirement to allow payment of a commuted sum in lieu of on-site provision. The agreed financial contribution towards affordable housing is £156,702 (conditional upon the development being completed by 7<sup>th</sup> January 2018 i.e. within 3 years of the date of the S106BA appeal decision and as agreed with the applicant). It is therefore recommended that a Deed of Variation be completed in relation to the existing section 106 agreement to reflect this modification. In respect of the ‘trigger’ for payment of the contribution, this would be consistent with the existing S106 that requires the affordable housing to be provided prior to occupation of the 35% of the open market housing units.

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework (NPPF) 2012 and National Planning Practice Guidance (NPPG).
- 6.2 Development Plan Document 1 (2007): Core Strategy Policies KP3 (Implementation and Resources), CP6 (Community Infrastructure) and CP8 (Dwelling Provision).
- 6.3 Supplementary Planning Document 2: A Guide to Section 106 & Developer Contributions (2010).

## **7 Representation Summary**

- 7.1 **Strategic Housing:** In this instance, the Strategic Housing team consider that it is suitable to accept a commuted sum in lieu of onsite provision due to the lack of the interest in these units from Registered Providers who operate in the borough. The proposal complies with Core Strategy Policy CP8 in that evidence that on-site provision is not practical has been provided. The total financial sum of £291,375 in lieu of on-site provision at this site (£156,702) and 845-849 London Road (£134,673) is considered acceptable.

## **8 Public Consultation**

- 8.1 None required (see paragraph 1.3 above).

## **9 Relevant Planning History**

- 9.1 2011 – Outline planning permission (11/00307/OUTM) granted 01/06/2011 to “Demolish existing building, erect five storey building of 27 self-contained flats and 215sqm of commercial at ground floor level cycle and refuse store and layout parking”.

2011 – Outline planning permission (10/01745/OUTM) refused 01.03.2011 for failure to secure planning obligations (complete s.106 agreement) “Demolish existing building, erect five storey building of 27 self-contained flats and 215sqm of commercial at ground floor level cycle and refuse store and layout parking”.

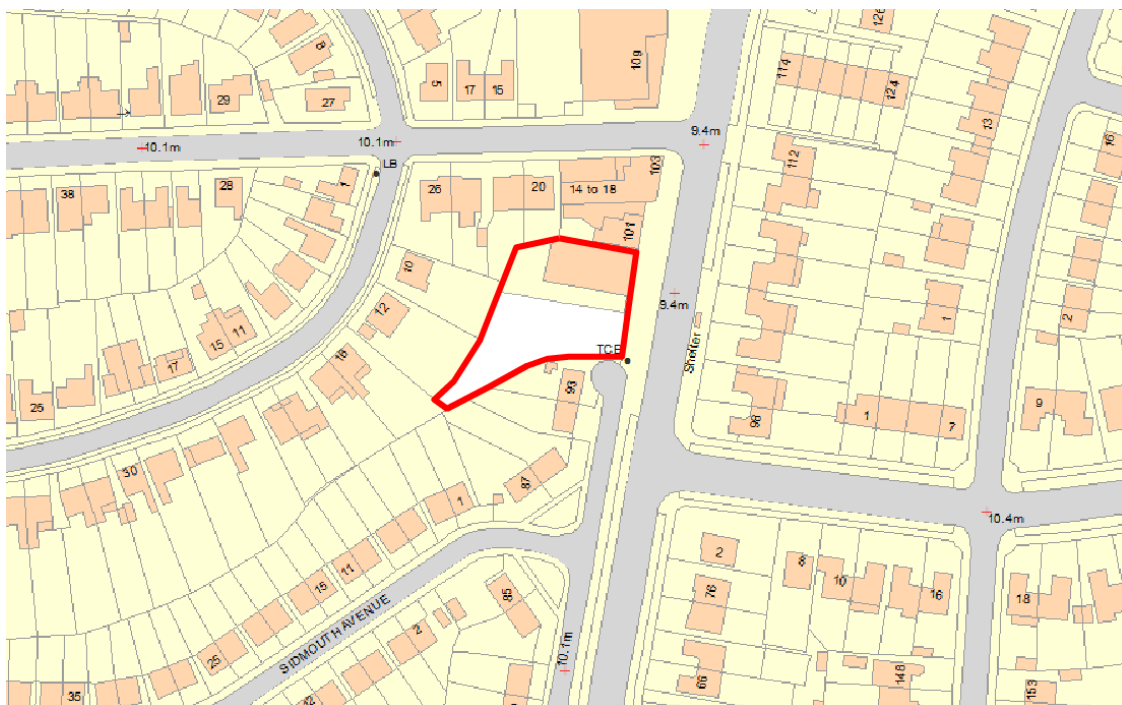
- 9.3 2014 – Final reserved matters (14/00499/RESM) approved 09/07/2014 pursuant to outline permission 11/00307/OUTM granted on 01/06/2011.
- 9.4 2015 – Appeal 14/01179/S106BA allowed in part modifying planning obligation pursuant to planning permission 11/00307/OUTM to reduce the affordable housing requirement as outlined above.

## **10 Recommendation**

- 10.1 Members are recommended to delegate to the Head of Planning and Transport or the Group Manager for Planning and Building Control to GRANT A MODIFICATION OF THE PLANNING OBLIGATION dated 1st June 2011 (as modified by appeal decision dated 7th January 2015) pursuant to application 11/00307/OUTM to provide a commuted sum payment for affordable housing of £156,702 in lieu of on-site provision (subject to the conditions outlined in paragraph 5.2).**

**Informative: You are reminded of the remaining Section 106 contributions (namely, education contribution, highway contribution and S106 monitoring fee) that are payable prior to commencement.**

<b>Reference:</b>	15/01228/S106BA
<b>Application Type:</b>	S106 Variation of Affordable Housing Element
<b>Ward:</b>	St Laurence
<b>Proposal:</b>	Modification of planning obligation (S106 agreement) dated 11th November 2011 pursuant to application 11/01005/EXTM to remove the requirement to provide affordable housing.
<b>Address:</b>	97 - 99 Rochford Road, Southend-On-Sea, Essex
<b>Applicant:</b>	Stephanie Litman-Lanceron
<b>Agent:</b>	Mr Robin Furby (S106 Management)
<b>Consultation Expiry:</b>	11 <sup>th</sup> August 2015
<b>Expiry Date:</b>	20 <sup>th</sup> August 2015
<b>Case Officer:</b>	Amanda Rogers
<b>Recommendation:</b>	<b>Delegate to the Head of Planning and Transport or Group Manager for Planning and Building Control to GRANT A MODIFICATION OF THE PLANNING OBLIGATION DATED 11/11/2011 pursuant to planning application 11/01005/EXTM</b>



## 1 Introduction

- 1.1 This application seeks to remove the affordable housing provision (2 x 2 bed units) previously secured under planning application 11/01005/EXTM.
- 1.2 The National Planning Policy Framework (NPPF) 2012 specifically defines “Affordable Housing” in its Glossary as follows (underlining added):

*Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.*

*Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.*

*Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).*

*Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.*

*Homes that do not meet the above definition of affordable housing, such as “low cost market” housing, may not be considered as affordable housing for planning purposes.*

- 1.3 The Growth and Infrastructure Act 2013 inserted a new S106BA, BB and BC into the 1990 Town and Country Planning Act (TCPA). These sections introduced an application and associated appeal procedure for the review of planning obligations (S106 agreements) on planning permissions which relate to the provision of affordable housing.

- 1.4 This procedure allows local authorities 28 days to make a determination under S106BA to re-assess the viability of affordable housing requirements unless both parties agree, in writing, to extend this period. To date, the applicant has not formally agreed any further extensions of time although the Council is not aware of any appeal being lodged at the time of writing this report.
- 1.5 The Government is very clear in the NPPF and associated guidance that local planning authorities should not subject sustainable development to obligations that threaten their viability. The NPPF states that willing land owners and developers are entitled to competitive returns. However, S106BA is not intended to allow affordable housing obligations to be reduced arbitrarily or altered automatically, nor should S106BA be a reason to permit unsustainable development. Hence, a detailed analysis of the applicant's viability evidence is required.

## **2 The Proposal**

- 2.1 Planning permission was granted at appeal on 14<sup>th</sup> August 2008 and subsequently planning permission was granted for an extension of time for implementation of the permission on 11<sup>th</sup> November 2011 to *“Demolish buildings, erect part two/part three storey block comprising 14 flats and two commercial units to ground floor, layout 14 parking spaces, amenity areas and refuse store”*. This permission has been implemented on site although work has stalled beyond initial site clearance and laying out of foundations.
- 2.2 This permission was subject to a S106 agreement dated 11<sup>th</sup> November 2011 to secure the following:
- Two x two bedroom affordable housing units (either rental or shared ownership)
  - Primary education contribution of £7,575
  - Secondary education contribution of £6,848
  - S106 monitoring fee of £1,327
- 2.3 Under S106BA the applicant is seeking to remove the requirement for the provision of affordable housing on viability grounds. The applicant has stated that the affordable housing obligation as agreed at present makes the scheme unviable in current market conditions thus preventing completion of the mixed used scheme.

2.4 The applicant has submitted the following evidence in support of their application:

- Covering letter dated 23<sup>rd</sup> July 2015
- Financial Viability Analysis by S106 Management dated 22<sup>nd</sup> July 2015

The spreadsheet accompanying the Viability Analysis has been revised a number of times since submission in response to Council comments, particularly in relation to the **benchmark Land Value** for the site and **profit level** (N.B. All other inputs into the viability appraisal are considered reasonable and similar to industry standards).

### 3 Policy background

3.1 Guidance published by the Department for Communities and Local Government (hereafter referred to as 'DCLG guidance') in April 2013, "Section 106 affordable housing requirements: Review and appeal", sets out the context for this application as follows (underlining added):

1. *The Government encourages a positive approach to planning to enable appropriate, sustainable development to come forward wherever possible. The National Planning Policy Framework establishes that the planning system ought to proactively drive and support sustainable economic development. It also requires that local planning authorities should positively seek to meet the development needs of their area.*
2. *Unrealistic Section 106 agreements negotiated in differing economic conditions can be an obstacle to house building. The Government is keen to encourage development to come forward, to provide more homes to meet a growing population and to promote construction and economic growth. Stalled schemes due to economically unviable affordable housing requirements result in no development, no regeneration and no community benefit. Reviewing such agreements will result in more housing and more affordable housing than would otherwise be the case.*

3.2 The DCLG guidance is clear that; *"The application and appeal procedure will assess the viability of affordable housing requirements only. It will not reopen any other planning policy considerations or review the merits of the permitted scheme."* The document sets out details of what evidence should be submitted with any application and discusses the viability test and delivery.

3.3 The document states at paragraph 10 that; *"The test for viability is that the evidence indicates that the current cost of building out the entire site (at today's prices) is at a level that would enable the developer to sell all the market units on the site (in today's market) at a rate of build out evidenced by the developer, and make a competitive return to a willing developer and a willing landowner."*

- 3.4 It goes on to state at paragraph 11 that; *“The developer will need to demonstrate to the planning authority, and to the Planning Inspectorate on appeal, that the affordable housing obligation as currently agreed makes the scheme unviable in current market conditions”*.
- 3.5 Paragraph 13 states; *“The developer will need to submit clear, up-to-date and appropriate evidence. Wherever possible, this should take the form of an open book review of the original viability appraisal and should clearly demonstrate, by reference to evidence, that the proposals are not viable in current market conditions. The “original viability appraisal” is that which is the most recently agreed by the local planning authority and developer.”*
- 3.6 And paragraph 14 states that; *“In those cases where an original viability appraisal was not prepared prior to planning permission being granted, the developer must clearly demonstrate through evidence why the existing scheme is not viable. A proposal to bring the scheme into viability should be submitted.”*
- 3.7 The requirement to support any application seeking a revised affordable housing obligation under S106BA with relevant viability evidence is similar to the approach currently adopted by the Council in respect of negotiating planning obligations.
- 3.8 As context to policy CP8, paragraph 10.17 of the Core Strategy states the following (underlining added):

*Within Southend, the nature and scale of development sites that are likely to contribute to housing provision during the period 2001-2021 (i.e. high density development on small sites comprising previously developed land) suggests that a balanced approach is needed to the setting of targets and thresholds for affordable housing provision. This balanced approach should take on board, amongst other things, the scale of need and issues of financial viability. Whilst the Council would wish to send a clear message about what will be required of development schemes... there is clearly a responsibility to adopt a reasonable stance with regard to affordable housing provision. There is also a need to recognise that a range of tenures and types of affordable housing should be considered.*

- 3.9 Paragraph 2.2 of “Supplementary Planning Document: Planning Obligations” (SPD2) reiterates the fact that *“The precise scale and scope of a planning obligation will be determined, by negotiation, in relation to the specific circumstances of the development, including viability.”* If a developer requests a concession in respect of planning obligations the Council requires them to adopt an ‘open book’ approach, whereby relevant development finances are shared with the Council to support such a request.

## 4 Appraisal

### **The National Planning Policy Framework, April 2013 DCLG guidance, DPD 1 (Core Strategy) , policies KP3, CP6 and CP8; and SPD2**

- 4.1 As with the NPPF, the April 2013 DCLG guidance makes it clear that *“The test for viability is that the evidence indicates that the current cost of building out the entire site (at today’s prices) is at a level that would enable the developer to sell all the market units on the site (in today’s market) at a rate of build out evidenced by the developer, and make a competitive return to a willing developer and a willing landowner.”* (paragraph 10).
- 4.2 The key variables in a viability appraisal are stated in the DCLG guidance as follows:
- Land Value
  - Related Land Costs and Fees
  - Site Investigation, Preparation and Infrastructure Costs
  - Abnormal Construction Costs
  - Building Costs
  - Taxes and Duties
  - Planning and other Obligations
  - Costs of Capital/Debt Finance
  - Grants
  - Gross Development Value (GDV)
  - Sales Costs
  - Developers’ Return
  - Landowners’ Return
  - Contingency

Details in respect of the above variables have been provided in support of the application. The viability analysis submitted by the applicant has been based on a residual appraisal of the approved 2011 scheme using current costs and values.

- 4.3 The **residual method** of valuing development land is generally accepted as the correct approach to be used when assessing the viability of individual planning applications (RICS guidance “Financial viability in planning” (August 2012)). This approach involves the assessment of the value of the scheme as completed (Gross Development Value/GDV) and deduction of the costs of development (including developer’s profit) to arrive at the underlying residual Land Value (RLV). This value is then benchmarked against the market value of the land (Land Value) in its existing or alternative use (whichever is the greater), which in this instance should be the current value of the site if purchased today with the benefit of the extant commercial and residential planning permission thus informing an Alternative Use Value (AUV).



- 4.4 The DCLG guidance states the following in its definition of 'Land Value':- *"The agreed Land Value in the original appraisal should be used, unless the site has been acquired since and evidence is provided of the purchase prices...Any purchase price used should be benchmarked against both market values and sales prices of comparable sites in the locality."* In this instance, 99 Rochford Road was purchased in April 2011 for £200,000 (comprising single storey shop); 97 Rochford Road was purchased in February 2011 for £170,000 (demolished but previously comprising two storey shop with ancillary living accommodation above); and 95 Rochford Road was purchased in November 2011 for £150,000 (demolished but previously comprising warehouse and garage). The total purchase price for the entire site was therefore £520,000. As all transactions were completed with the benefit of an extant planning permission it is reasonable for the Land Value to have reflected the extant planning permission. However, very limited evidence has been provided to benchmark the purchase price against market values and sales prices of comparable sites in the locality.
- 4.5 The applicant provided details of four sites as evidence in respect of the Land Value; however, these sites are not considered relevant to the application site for the following reasons:
- Site 1 (Land at Hannett Road, Canvey Island) – this is an asking price rather than a sold price for a site without the benefit of planning permission
  - Site 2 Land at Dartmouth Close, Rayleigh) – this is an asking price rather than a sold price and the size of the site is unknown
  - Site 3 (Land at Salisbury Road, Leigh on Sea) – this site is located in Leigh-on-Sea where property prices carry a significant premium and is not comparable to this location
  - Site 4 (Land at Eastwoodbury Lane, Southend on Sea) – this is an asking price rather than a sold price for a site without the benefit of planning permission
- 4.6 In the absence of any comparable Land Value evidence it considered useful and reasonable to refer to the DCLG document "Land value estimates for policy appraisal" (February 2015), which suggests an estimated average land value for Southend on Sea as £2,325,000 per hectare based on a site with planning permission that has no abnormal development costs and has services provided up to the boundary. A site cost/purchase price of £520,000 equates to a Land Value of £4,370,000 per hectare and on this basis it would appear that the applicant has paid significantly more for the site than it is now worth; hence it is not considered appropriate to use this figure as a benchmark.

- 4.7 As the applicant has failed to provide any further comparable evidence to back up their AUV/benchmark Land Value, it is considered that a figure in the region of £2,000,000 per hectare is a fair Land Value benchmark for this site being mindful of the fact that the DCLG figure is based on a 100% residential development, which this is not (the approved scheme is mixed commercial and residential, thus reducing the Land Value). The Council has also recently dealt with planning viability cases where a Land Value of sites currently being developed has been agreed by all parties at significantly lower than £2,000,000 per hectare. In addition, officers have allowed a buffer for on-site infrastructure costs.
- 4.8 As outlined in paragraph 4.3 above, gross development value less development costs produces the residual Land Value (RLV) i.e. the price one would expect to pay for a site to ensure a scheme is viable. The RLV is then benchmarked against the market value of the land (Land Value, which in this instance is the site current AUV). In light of the above dispute, officers have sought to negotiate a revised position with the applicant in relation to the AUV and profit level applied to the scheme within the viability appraisal. The applicant has now agreed to accept a reduced **profit level of 17.5% of GDV** (it has been established through a number of appeal decisions that where profit levels of between 15-25% can be achieved, the scheme is generally considered to be viable, and it is not unreasonable for a developer to seek at least 20%) and an **AUV of £247,373**, which creates a **surplus of £20,000**. This has been offered as an affordable housing contribution in lieu of on-site provision as it has now been demonstrated that the scheme is capable of supporting this contribution.

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**Residual Land Value Today: £267,373**  
**Alternative Use Value (AUV): £247,373**  
**Difference: £20,000**

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- 4.9 Whilst in viability appraisals purchase prices are given limited weight unless current market evidence suggests that the purchase price is similar to current market values, in considering whether £20,000 is a reasonable contribution towards affordable housing it cannot be ignored that the AUV applied to the revised viability appraisal is half the purchase price. In this instance the Council has placed greater weight on DCLG published average land values for the borough due to the lack of other evidence in relation to recent comparable market transactions. However, if one were to use the applicant's purchase price as the benchmark Land Value then no contribution towards affordable housing would be viable, hence officers support the offer now made.
- 4.10 In terms of compliance with Core Strategy policy CP8 the proposal is considered acceptable in that on-site provision of affordable housing has been demonstrated to be unfeasible due to financial reasons. As the surplus in the scheme does not come close to equating to a residential unit there is no need to demonstrate that a lack of interest from Registered Providers although it is unlikely, based on previous experience, that they would be interested in such small scale provision.

## **5 Conclusion**

- 5.1 It is considered that sufficient viability evidence has been provided to justify a revised provision of affordable housing in the form of a commuted sum payment of £20,000 (conditional upon the development being completed within 3 years of the date of the Deed as agreed with the applicant). It is therefore recommended that a Deed of Variation be completed in relation to the existing S106 agreement to reflect this modification. In respect of the ‘trigger’ for payment of the contribution, this would be consistent with the existing S106 that requires the affordable housing to be provided prior to occupation of the 4<sup>th</sup> open market housing unit.

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework (NPPF) 2012 and National Planning Practice Guidance (NPPG).
- 6.2 Development Plan Document 1 (2007): Core Strategy Policies KP3 (Implementation and Resources), CP6 (Community Infrastructure) and CP8 (Dwelling Provision).
- 6.3 Supplementary Planning Document 2: A Guide to Section 106 & Developer Contributions (2015).

## **7 Representation Summary**

- 7.1 **Strategic Housing:** The Strategic Housing team agrees that the proposal conforms to Core Strategy CP8 and that on-site provision of affordable housing is not practical on this occasion. They therefore accept the proposed financial contribution in lieu of on-site provision in the sum of £20,000.

## **8 Public Consultation**

- 8.1 None required.

## **9 Relevant Planning History**

- 9.1 11 November 2011 (11/01005/EXTM): Planning permission granted to “Demolish buildings, erect part two/part three storey block comprising 14 flats and two commercial units to ground floor, layout 14 parking spaces, amenity areas and refuse store (Application to extend the time limit for implementation following planning permission 07/00774/FULM allowed on appeal dated 14.08.2008)”.
- 9.2 14 August 2008 (07/00774/FULM): Planning permission granted at appeal to “Demolish buildings, erect part two/ part three storey block comprising 14 flats and two commercial units to ground floor, layout 14 parking spaces, amenity areas and refuse store (Amended Proposal)”.

## **10 Recommendation**

- 10.1 Members are recommended to delegate to the Head of Planning and Transport or the Group Manager for Planning and Building Control to GRANT A MODIFICATION OF THE PLANNING OBLIGATION dated 11/11/2011 pursuant to planning permission 11/01005/EXTM to provide a commuted sum payment for affordable housing of £20,000 (subject to the conditions outlined in paragraph 5.1).**

**Informative: You are reminded that planning permission 11/01005/EXTM included a number of conditions that require submission of details prior to development taking place. Details do not appear to have been submitted to date and therefore please submit details prior to carrying out any further work to avoid any breach of conditions and consequent enforcement action. In addition, you are reminded of the other Section 106 contributions (education and S106 monitoring fee) that are payable prior to commencement.**