

Reference:	16/01756/FULM	
Ward:	Leigh	
Proposal:	Demolish existing buildings and erect 20 self-contained flats with balconies and terraces, 445sq.m of commercial floorspace, basement parking, public realm enhancements, associated works and install new vehicular access onto Victor Drive to 114-120 Broadway	
Address:	Car Wash, 120 Broadway, Leigh-On-Sea, SS9 1AA	
Applicant:	Mr L. Panormo, Plaistow Broadway Filling Stations	
Agent:	Mr M. Calder, Phase 2 Planning and Development	
Consultation Expiry:	01.11.16	
Expiry Date:	06.10.2017	
Case Officer:	Janine Rowley	
Plan numbers:	369_200_04 Proposed Basement and First Floor Plans; 369_001.0 Location Plan; 369_203_04 Proposed fourth floor plan and roof plan; 369_206_01 Proposed Elevations A-A & B-B, 15223se-01RevA Topographical Site Survey, 369_204_04 Proposed Street Scenes A-A B-B, 15223se-02 Floor Plan and Elevations; 369_209_02 Existing Street View, 369_207_02 Existing Street View, 369_205_01 Proposed Section Plan, 369_204_04 Proposed Street Scenes, 369_202_04 Proposed Second and Third Floor Plans, 369_201_04 Proposed Ground Floor and Site Plan	
Recommendation:	REFUSE PLANNING PERMISSION	



1 The Proposal

- 1.1 Planning permission is sought to demolish the existing buildings at 114 to 120 Broadway and to erect a part three, part four and part five storey building containing 20 self-contained flats with balconies and terraces, 445sq.m of commercial floorspace (Class A1) at ground floor, basement parking, public realm enhancements, and associated works. A new vehicular access is proposed to be installed onto Victor Drive.
- 1.2 The application site would be mainly a rectangular shape, including a small area projecting to the northeast. The site measures a maximum of 38.5m wide by 25.4m in depth. The proposed building would extend from three to five floors and it would be a maximum of 37.5m wide by 22m deep, with a maximum height of 15.7m.
- 1.3 The building would be fully glazed at ground floor, to the commercial uses, while the first floor would overhang the ground floor supported by colonnades, incorporating recessed balconies and a rounded corner to the southwest. The third floor would be set back from the first and second floors and the fourth floor would be further set back from the third, resulting in the highest part of the building being sited towards the northern boundary of the site set back approximately 1.8m away from the front building line facing Broadway and almost 17m from the south elevation fronting Victor Drive.

- 1.4 445sq.m of commercial floorspace is proposed at ground floor level which is split into two separate units. An entrance to the flats is also available on the ground floor onto Broadway. 20 self-contained flats are proposed on the upper floors with the following mix of dwellinghouses:
- 6 x 1 bedroom (2 persons) flats, varying in size from 50sqm to 54sqm
 - 9 x 2 bedroom (3 persons) flats, varying in size between 61sqm and 62sqm
 - 2 x 2 bedroom(4 persons) flats, varying in size between 70sqm and 72sqm
 - 3 x 3 bedroom (4 persons) flats, varying in size from 74sqm to 79sqm
- 1.5 Solar panels are proposed on the roof of the building. Private amenity terraces are proposed to the third and fourth floor flats and balconies to the second and first floor flats. Two communal terraces are proposed on the first and third floors measuring 45sqm and 105sqm. These will be available to all occupiers of the proposed flats.
- 1.6 21 basement car parking spaces are proposed which will be accessed from Victor Drive. This includes 1 disabled access bay and a visitor parking space. A lift is proposed to access the whole building. Cycle and refuse storage is proposed on the ground floor of the building. Separate residential and commercial stores are proposed.
- 1.7 Highway works are proposed along western side of the proposed building along the Broadway, which include the blocking up of the two existing vehicular crossovers, provision of a loading bay and replacement with footway together with the installation of Sheffield cycle stands to serve the commercial units.
- 1.8 In terms of the proposed materials the following is proposed to be used:
- 'Petersen' or similar red brick (at first and second floor level).
 - 'Pilkington Profilit' or similar glass façade (third & fourth floors).
 - 'Rehau' or similar powder coated aluminium windows and external doors.

2 Site and Surroundings

- 2.1 The site is located on the eastern side of the Broadway, Leigh-on-Sea, to the north of its junctions with Victor Drive and Grand Drive and to the south of its junction with Maple Avenue.
- 2.2 The site also lies opposite the Grand Hotel, which is an important locally listed building, and to the east of Leigh Cliff Conservation Area, which covers the blocks to north and south of Broadway to the west of The Grand Hotel. Although the site itself is outside the conservation area, it terminates the views out of it. Land levels drop significantly towards the south of the site.

- 2.3 To the east, the application site abuts a residential area, comprising mainly two storey dwellings, while to the south, along Grand Drive are two 1970s multi-storey blocks of flats. To the north the site adjoins a new built five storey mixed use building, including commercial uses at ground floor and flats above, which was allowed on appeal in August 2007.
- 2.4 The site is currently being used as a hand car wash (Class sui generis) and (at 114 Broadway) for retail (Class A1) purposes. The site is predominantly hard surfaced and there are two vehicular accesses along the Broadway and one off Victor Drive.
- 2.5 The site is located within the district centre of Leigh within a designated secondary shopping frontage.

3 Planning Considerations

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

4 Appraisal

Principle of Development

National Planning Policy Framework (2012); Core Strategy (2007) Policies KP1, KP2, KP3, CP1, CP3, CP4, CP6 and CP8; Development Management Document (2015) Policies DM1, DM3, DM5, DM7, DM8, DM11, DM13 and DM15 and the Design and Townscape Guide (2009)

Residential Use and Dwelling Mix

- 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”*. This is also reiterated in Policy KP2, where it is advised that all new development should *“make the best use of previously developed land, ensuring that sites and buildings are put to best use”*.
- 4.2 Policy CP8 of the Core Strategy identifies that 6500 dwellings will be provided within the Borough over the plan period and that 2550 of those dwellings should be provided through the intensification of the use of land. The policy also identifies that 80% of residential development should occur on previously developed land, such as the application site. The effective and efficient use of the land is also encouraged by Policy DM3 of the Development Management Document.

4.3 Policy DM3 (section 2) of the Development Management Document states:

“All development on land that constitutes backland and infill development will be considered on a site-by-site basis. Development within these locations will be resisted where the proposals:

- (i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or*
- (ii) Conflict with the character and grain of the local area; or*
- (iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or*
- (iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees.”*

4.4 The building is proposed to be erected within the land located to the northeast of Broadway and Victor Avenue, which has immediate access to the highway. The site is located within a mixed use area, comprising commercial uses at ground floor and residential to the upper floors and as such, no objection is raised to a mixed commercial/residential use in principle. The site currently includes an open car wash and a two storey building to the south; however, the front building line is established by the recently erected building to the north of the application site, which is built up to the boundary with the highway. Therefore the provision of a building erected almost adjacent to the highway is considered generally acceptable and in keeping with the urban grain. The design, scale and bulk of the building is assessed in further details in the relevant sections below.

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

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

4.6 The proposal would include 6 x 1 bedroom units, 11 x 2 bedroom units and 3 x 3 bed units. Whilst the proposed development does not accord fully with the figures in the above table the applicant has submitted evidence from local estate agents demonstrating that the market trend in the area is mainly for the proposed mix with a higher proportion of 1 and 2 bedroom units.

Paragraph 50 of the National Planning Policy Framework states that '*plan for a mix of housing should be based on current and future demographic trends, market trends and the needs of different groups in the community*'. It is considered that the provision of 4 bed units in this type of flat scheme would be impractical and be unlikely to be attractive. Therefore, the dwelling mix, as proposed, on balance, taking into account the market need in the area the proposal is considered acceptable in this instance.

Employment Use

- 4.7 Policy DM11 of the Development Management Document relates to employment areas. The site is not located within an allocated Employment Area but will result in the loss of an employment generating use. However; the applicant has confirmed the car wash facility will be relocated to 1163 London Road (relevant planning approval reference 16/01655/FUL). Policy DM11 states that proposals for employment generating uses outside of the Employment Areas will be allowed where they do not impact upon the amenity of the surrounding uses and do not conflict with other development plan policies. This will be assessed in further detail in the report below. As noted above, the site is located within a mixed commercial and residential area. The site is currently used as a car wash (sui generis use) and a retail business (Class A1 floorspace). There is no objection in principle to the loss of these uses as the proposed commercial units (Class A1) will continue to provide a good level of employment on the site creating approximately 24 jobs and the proposed development is considered to be A more appropriate use in the surrounding area than the existing one.
- 4.8 The site is located within a secondary shopping frontage and Policy DM13 of the Development Management Document states that '*All developments in the secondary shopping frontage, as defined on the Policies Map, must maintain or provide an active frontage with a display function for goods and services rendered and the proposed use will provide a direct service to visiting members of the general public.*'
- 4.9 The site is located in a mixed commercial and residential area and therefore, the principle of mixed use development on the site is considered to be acceptable. The commercial space (Class A1) will provide an active frontage and a continuation of the link between Broadway and Leigh Road commercial frontages which is important as the site is allocated within the district centre of Leigh and forms part of the secondary shopping frontage. The provision of residential uses to the upper floors would be compatible with the adjacent site to the north and adjacent residential side streets to the south.
- 4.10 The proposed development will enhance the appearance of the site and provide much needed housing. There is no objection in principle to the introduction of commercial units in this location which are appropriate in this secondary shopping frontage.
- 4.11 Therefore, the principle of the development is considered to be acceptable and in accordance with the objectives of policies detailed above.

Design and Impact on the Streetscene

National Planning Policy Framework (2012); Core Strategy (2007) Policies KP2, CP4; Development Management Document (2015) Policies DM1, DM3, DM5 and the Design and Townscape Guide (2009)

- 4.12 The proposal is considered in the context of the Borough Council policies relating to design including Core Strategy Policy KP2 and CP4, Development Management Document Policies DM1 (Design Quality) and DM3 (The Efficient and Effective Use of Land) and the Design and Townscape Guide. These policies require that new development respects the existing character and appearance of the building and the townscape and reinforces local distinctiveness.
- 4.13 A core planning principle set out in Paragraph 17 of the National Planning Policy Framework is to seek to secure high quality design and good standard of amenity for future occupiers.
- 4.14 The National Planning Policy Framework also states at paragraph 56:
- “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positive to making places better for people.”*
- 4.15 Policy CP4 of the Core Strategy seeks development which contributes to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend through maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the nature and scale of that development.
- 4.16 The application site lies at the eastern end of Leigh Broadway at the junction with Grand Drive and Victor Drive and directly opposite the locally listed Grand Hotel which lies within Leigh Cliff Conservation Area. The conservation area covers the blocks to north and south of Broadway to the west of The Grand and continues westwards along the Broadway also including a number of residential streets to the south (but not Grand Drive). The site itself is outside the Conservation Area but terminates the view out of the conservation when looking east from the Broadway.
- 4.17 The site at present contains a two storey traditional commercial building and an open car wash. The existing building does not appear out of place in this location although the blocking up of the windows does not have a positive impact on the streetscene. The car wash site however is a negative gap in the streetscene and the site which is covered with visual clutter and advertising and is considered to be detrimental to the streetscene and the setting of the adjacent historic building and Conservation Area.

- 4.18 The site location at the end of a straight section of road and at a key junction means that it is in a particularly prominent position in the townscape. The key views will be from the conservation area to the west and from the south east up Grand Drive where the proposal will be seen as the foreground to the Grand Hotel. The view from the north is not considered to be as prominent as it is a short approach and it is screened by other buildings.
- 4.19 To the east the site abuts the residential area with a more domestic scaled architecture to Victor Drive. It is also noted that to the south, down the slope of Grand Drive, are two 1970s style taller residential blocks but their location at a lower land level and away from the Broadway sets them apart from the sites primary context of the Broadway itself. They are therefore less relevant to the context of the site. To the north, the site adjoins the Grand View, a five storey mixed used development. This scheme was allowed at appeal in August 2007.
- 4.20 The site is an important, visible and historically sensitive site for Leigh town centre; a successful proposal will need to provide a positive relationship to the neighbouring buildings and an appropriate response to the wider character and historic context. A key component of the design will be ensuring that the setting of The Grand and its prominence in the townscape is preserved and enhanced, and redevelopment of the site will need to ensure that the proposed design is respectful of The Grand as a local landmark and its importance in the townscape at this point. This particular issue was discussed in depth in the appeal for the adjacent site at Grand View where the inspector (appeal reference: 12872/A also 12872/B) made the following comments on this issue:

“The hotel... remains the defining feature at the northern end of the Broadway and in local views hereabouts, I agree with the Council that it would be wholly inappropriate were it to be upstaged by other developments” (paragraph 5).

- 4.21 In this instance the Inspector clearly recognised the importance of The Grand in the townscape as being paramount but concluded that the location of the proposal at Grand View to the side of The Grand and around the corner on the shorter section of Broadway significantly diminished its impact in the streetscene. Therefore it considered that that the scale of the proposal would not appear unduly prominent in the streetscene or diminish The Grand as the principle landmark in this location. Although the proposal site is adjacent to Grand View, it's more southerly and corner location to the front of The Grand and at the end of the Broadway makes this site more prominent in the setting of the locally listed building, the conservation area and the streetscene generally. Therefore, whilst it could be argued that corner sites are often suitable for a small increase in height to provide a local landmark, in this case the fact that there is already a high quality historic landmark building in the vicinity means that a new landmark would not be considered appropriate.

- 4.22 The form and scale of the proposal was discussed at length at pre application stage with various options being considered and, after assessing the impact of the proposal using CGIs it was evident that locating the highest point of the development to the north of the site had less impact on the prominence of The Grand and on the terminating view from the conservation area by minimising views of the scale of the development from the key views from the south east and from the west. This approach has been adopted in this proposal but since pre-application enquiry, it is noted that the overall height of the upper floors has been noticeably reduced and this has resulted in more defined stepping down from Grand View at the northern end of the site which continues stepping down to the corner and this is to the benefit of the scheme. The CGIs of the key views show that this arrangement is respectful of The Grand and its status as the landmark for this area.
- 4.23 In terms of form the scheme includes a larger section at 4th floor and a much reduced 5th floor at this point. The inclusion of an element of 5th floor is somewhat justified by the scale of Grand View to the north and the limited width of this floor helps to minimise its impact on the overall scale in the streetscene. It is also considered that it does add interest to the scheme generally by providing variety in the roofline. The proposed scale is therefore considered to be reasonable in this setting on balance.
- 4.24 Generally the design of the elevations is well proportioned and detailed. It is pleasing to see a simple design in comparison to Grand View but one which is well considered with good detailing and well scaled fenestration with considered placement and should fit well into this context. The proposed use of red brick with feature stone surrounds to large format windows draws a positive reference to The Grand without competing with the rich detailing of this historic building and this works well. High quality detailing to the surrounds, reveals and balconies will be key to the success of this proposal as this will provide the interest in the streetscene and details would need to be dealt with by condition has the scheme been found acceptable. The proposal for glass cladding at the upper floors is an unusual but interesting choice and appears to compliment the overall design. It is also noted that this kind of material with its translucent quality should help to make the upper floors appear more lightweight. The final choices for the materials and product details for the external elevations will, however, need to be controlled by condition should planning permission be granted to ensure that the proposal uses quality products and that, where relevant, they pick up on local brick and stone colourings.
- 4.25 The arrangement at ground floor continues the colonnade feature of Grand View and this will provide some continuity at street level between these developments and is welcomed. The external colonnade has been amended and extended to wrap around the whole frontage, providing shadowing, articulation, interest and shelter to the development at street level. This will also help to break up the scale of the building by splitting it horizontally into three elements. The proposal includes the continuation of tree planting on the pavement along the main frontages and this should help to soften the building in the streetscene.

- 4.26 In respect of layout there is no objection to the proposed building line which reflects that of the existing building and provides a positive relationship to the north and a reasonable separation distance to the houses to the east. The location of the vehicular access at the southeast corner works well in providing good separation between the grander scale and close building line on the Broadway and the more domestic and subservient scale in Victor Drive. The inclusion of landscaping here is also welcomed.
- 4.27 There is no objection in principle to underground parking provided that ventilation grilles can be successfully integrated into the forecourt design and this could be controlled by condition has the application been deemed acceptable.
- 4.28 In respect of the upper floor layout it is noted that the amenity provision has been increased since pre application discussions which is to the benefit of the scheme and that the layouts of the flats and balcony designs of units to the east side have been amended to alleviate overlooking concerns. The use of the same obscured glass cladding for the privacy screens and for the projecting oriel window to the east elevation works well in containing outlook and providing cohesion with the upper floors.
- 4.29 Overall this proposal is considered on balance to be appropriately scaled for this location and well designed and detailed and should be a positive addition to the streetscene and the setting of the adjacent historic assets. In light of this, the proposed development satisfies the policies detailed above.

Impact on Neighbouring Occupiers

National Planning Policy Framework (2012); Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policies DM1 and DM3, and the Design and Townscape Guide (2009)

- 4.30 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities “*having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.*”

Overbearing nature, overshadowing, lighting, overlooking

- 4.31 With regard to the impact on the neighbouring property to the east (No. 5 Victor Drive), the ground, first and second floor would be 6m away from the property to the east, which is considered acceptable when taking account of the scale and height of the existing building at 114 Broadway and its proximity to the neighbouring property to the west. A minimum of 15.6m separation distance would be maintained between the third and fourth floors and the rear elevation of the adjacent property no. 5 Victor Drive. It is considered that this separation distance would be, on balance, sufficient to mitigate any overbearing impact onto the neighbours to the east. The daylight, sunlight and overshadowing study accompanying this application demonstrates that the

proposed development will not adversely affect the amenity area and will still from sunlight complying with the BRE Guidelines. Given that a reasonable level of separation would be retained between the highest parts of the development and the adjacent site, and the fact that there are no windows on the west elevation of the property to the east which would be adversely affected, it is considered that the impact would not be such that to warrant refusal of the application. The adjacent property has an existing terrace access from the roof, which it is not considered that it would be affected by the proposed development, in terms of dominance or loss of light to an extent that would justify a refusal of planning permission.

- 4.32 The proposed development would be sited close to the neighbouring new built mixed use building to the north (a minimum of 3m). Although there are windows and balconies to the south elevation of this building from first to fourth floor, they are not sole sources of light to habitable rooms or sole amenity spaces for the south facing flats. The daylight, sunlight and overshadowing study accompanying this application demonstrates that the proposed development will not adversely affect amenities of existing occupiers at 136 Broadway in terms of daylight or sunlight in accordance with the BRE Guidelines. On that basis, although it is accepted that the flats to the south of the neighbouring site (Grand View, 136 Broadway) would be affected by the proposed development, the overbearing and overshadowing impact would not be such that to justify refusal of the application.
- 4.33 The nearest residential properties to the west and south are sited approximately 17m and 15m away from the proposed development, respectively. As such, it is not considered that the proposal would result in a material harm on the residential amenity of nearby neighbours to the west and south, in any respect.
- 4.34 With regards to overlooking and loss of privacy, no windows are proposed to the north elevation adjacent to Grand View 136 Broadway, which is welcomed. There are a number of terraces serving the flats nearest to the north elevation, however apart from flat 19 on the fourth floor all the other terraces are enclosed within the building, with the exception of flat 19, whereby a 1.8m privacy screen is proposed to mitigate against overlooking and loss of privacy, which could be controlled by condition if the application is deemed acceptable. There are a number of balconies, private terraces and communal amenity deck at the first, second, third and fourth floors to the eastern elevation. A number of mitigation measures are proposed to prevent overlooking to the residential properties to the east in Victor Drive including a mix of glazed vertical louvers, obscure screens ranging from 1.8m to 2.4m high, which could be controlled by condition if this application is deemed acceptable.

Commercial Use

- 4.35 There is no objection in principle to the introduction of retail (Class A1) uses in this location as it is not considered that such use would have an adverse impact on the amenities of neighbouring occupiers. Should any external extraction/ventilation equipment be required, this would require separate

permission and an informative would remind the applicant of this requirement.

- 4.36 The proposed development would reduce the overall impact of noise and disturbance in comparison to that associated with the current car wash facility and it is not considered the proposed development would adversely affect the amenities of residential occupiers in terms of noise and disturbance.
- 4.37 In light of the above, is not considered that the proposed development would be detrimental to the amenities of neighbouring occupiers and satisfies the policies detailed above.

Standard of Accommodation for Future Occupiers

National Planning Policy Framework (2007), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015), the Design and Townscape Guide (2009), National Technical Housing Standards

- 4.38 Paragraph 17 of the National Planning Policy Framework 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”*.
- 4.39 The National Technical Housing Standards require minimum property sizes for residential units shall be as follow:
- 1 bedroom (2 bed spaces) 50sqm
 - 2 bedroom (3 bed spaces) 61sqm
 - 2 bedroom (4 bed spaces) 70sqm
 - 3 bedroom (4 bed spaces) 74sqm
- 4.40 It is recognised that all of the proposed flats meet or are larger than the minimum internal space standards prescribed above and will provide a satisfactory standard of accommodation in line with the standards set out in the bullet point list above.
- 4.41 The proposed development will provide convenient, useable and effective room layouts with satisfactorily outlook and levels of natural light. As referred to impact on residential occupiers earlier in this report a noise impact assessment has been submitted for consideration (carried out by Cambridge Acoustics). There are specific mitigation measures required in relation to ventilation in accordance with Building Regulations BS8233:2014 to ensure all habitable rooms have adequate ventilation. Passive type acoustic ventilators or mechanically assisted ventilation are required and this can be controlled by condition if the application is deemed acceptable. The applicant has confirmed the new development will meet part M4 (2) and that 10% of units are M4 (3) compliant in accordance with Building Regulations and this could be controlled by condition if the application is deemed acceptable.

- 4.42 Adequate waste storage facilities, cycle parking and domestic storage facilities are proposed within the development and could be controlled by condition.

Noise and disturbance

- 4.43 A noise impact assessment has been submitted for consideration carried out by Cambridge Acoustics. The report assessed the ambient noise level for the proposed mixed use development with recommended noise mitigation measures in place.

External amenity areas and balconies

- 4.44 The applicant has demonstrated whilst some of the balcony areas at first and second floor will be affected by noise from the surrounding highway network and uses, this is expected given the urban location of the site within Leigh and the noise levels are similar to that affecting existing occupiers at Grand View to the immediate north of the site.
- 4.45 The remainder of the balconies at third floor level and above and communal garden areas are larger and taking into account the distance from the road and the shielding offered by the balcony floor itself and associated balustrade, would be below the upper threshold of noise levels set out in BS8233:2014 and therefore considered acceptable.

Amenity space provision

- 4.46 Whilst the Council has no set standard for amenity space, it is recognised that private outdoor space is an important amenity asset and all new residential units will be expected to have direct access to an area of private amenity space. This is recognised in Policy DM8 of the Development Management Document. Paragraph 4.43 of the Development Management Document states, “...*In the case of flats, balconies may take the place of a garden, although easily accessible semi-private communal areas will also be beneficial.*”
- 4.47 All flats benefit from either a private balcony or terrace and access to the communal amenity decks. The proposed balconies vary from 4sq.m to 5sq.m in size and the private terraces 14sq.m to 67sq.m in size. The communal amenity decks measure 36sq.m and 76sq.m. The decks will have 1.8m-2.4m high obscure glazed screens to prevent overlooking of neighbouring properties and be suitably landscaped. The size of the communal deck equates to 5.6sq.m per unit on top of the private balconies and terraces proposed. A lift runs through the building and therefore, all communal amenity decks are accessible to all occupiers.
- 4.48 It is considered that the standard of external amenity space is satisfactory. Full details of hard and soft landscaping to the communal amenity deck could be required by condition should planning permission be granted.

- 4.49 It is considered that the proposed development will provide an acceptable standard of accommodation, in accordance with Policy DM8 of the Development Management Document.

Traffic and Transportation

National Planning Policy Framework (2012); Core Strategy (2007) Policies KP2, CP4, CP3; Policy DM15 of the Development Management Document (2015), the Design and Townscape Guide (2009)

- 4.50 Policy DM15 (Appendix 6) of the Development Management Document requires vehicle parking standards of a minimum of one space per flat. 21 basement car parking spaces are proposed and this scheme is policy compliant with regards to the residential use. A travel pack could be used (by condition) to encourage modes of sustainable transport. The car parking spaces will be accessed off Victor Drive via an existing vehicular crossover which will need to be widened. The vehicular crossover is sited in a position which not be detrimental to highway or pedestrian safety. The 21 car parking spaces include 1 disabled access bay and a visitor parking space. A lift is proposed to access the whole building from basement level. Cycle and refuse storage is proposed on the ground floor of the building. Separate residential and commercial stores are proposed.
- 4.51 With regard to the proposed commercial space which is described as class A1 (retail use) is proposed as set out on the application forms. The following maximum parking standards are required for this use:
- A1 (shops – food): 1 space per 14sq.m (32 spaces).
 - A1 (shops – non food): 1 space per 20sq.m (23 spaces).
- 4.52 No off-street parking is proposed for the retail space, however taking into account the location of the site with access to public transport, car parking in the vicinity of the site and the impact of the existing uses it is considered that this is acceptable in this instance. It should also be noted the vast majority of commercial premises in Leigh do not benefit from off street parking. The two existing vehicular crossovers are proposed to be removed, and the footway reinstated. 10 no. Sheffield cycle stands are proposed along the footway outside of the building for retail users.
- 4.53 The application is accompanied by a Transport Statement, which has taken into account TRICS data and Census information. The current uses on site generate 12 two-way vehicular trips during the am peak hour, 25 during the pm peak hour and a total of 298 over the course of a typical day. It is anticipated there would be negligible increase in vehicular trips during peaks hours with 25 vehicular movement in the am peak hour (13 extra movements compared to the existing use), 28 in the pm peak hour and a total of 237 over the course of a typical day from the proposed use. Whilst the assignment of vehicle trips have changed in terms of how the site is accessed which is now from Victor Drive it is not considered that this will be detrimental to the public highway. It is considered that there is no supportable reason for refusal of this

application on highway or transportation grounds given the applicant has demonstrated the overall vehicle trips will be reduced from the proposed development.

- 4.54 It is proposed to alter the existing TRO (Traffic Regulation Order) to allow sufficient space for a loading bay to the front of the building on the Broadway. This will be dealt with through a separate 278 highways agreement. The Council's Highway Officer has raised no objections to the development.
- 4.55 With regard to cycle parking for the proposed flats, appendix 6 of DM15 of the Development Management Document requires one secure covered cycle parking space per dwelling. A secure covered cycle parking area will provide space for 20 no. vertical stacked spaces and will meet the required standard.
- 4.56 In terms of cycle parking for the proposed commercial use, policy requires the provision of 4 spaces and ten 'Sheffield' cycle parking spaces are proposed to the front of the site which is considered to be acceptable.
- 4.57 The position, siting and size of both the commercial and residential refuse stores are considered to be acceptable. It is stated that the refuse store will be on secure key fob entry and the Council's refuse contractor will require a key fob to enable access. The waste will be collected. The applicant will be reminded of this by informative if the application is deemed acceptable.
- 4.58 Therefore, in light of the above, no objection is raised to the development on transport and highways grounds and the proposed development satisfies the policies detailed above in these respects.

Sustainable Construction

National Planning Policy Framework (2012); Core Strategy (2007) Policy KP2; Policy DM2 of the Development Management Document (2015) and the Design and Townscape Guide (2009)

- 4.59 Paragraph 97 of the National Planning Policy Framework states that Local Authorities should promote energy from renewable sources. Policy KP2 of the Core Strategy states that all new development proposals should demonstrate how they will maximise the use of renewable and recycle energy, water and other resources.
- 4.60 Policy DM2 of the Development Management Document requires new development to be energy and resource efficient.
- 4.61 Photovoltaic panels are proposed to be installed onto the roof of the building and will be sited away from the edges of the roof to allow them to be obscured from public view. Whilst no further details have been provided, should permission be granted, a condition can be imposed to ensure full details are submitted and agreed with the Local Planning Authority if this application is deemed acceptable to ensure the proposal complies with the National Planning Policy Framework 2012, Development Management Policy DM2,

Core Strategy Policy KP2, and advice contained within the Design & Townscape Guide SPD1.

- 4.62 A Sustainable Urban Drainage surface water drainage strategy has been submitted. The report details that it is proposed to utilise permeable paving for the collection of all surface water run-off from the car parking area. Surface water from the site will then be collected and attenuated below ground in attenuation crates or permeable sub-base storage could be used.
- 4.63 The Council's Coastal Defence Engineer has commented on the SUDs strategy and raises no objections subject to the final method of on-site attenuation of run-off being agreed. This can be dealt with by condition should permission be granted.
- 4.64 Therefore, it is considered that the details of renewables and SUDs are acceptable, in accordance with the policies detailed above.

Other matters

Land Contamination

- 4.65 A Geo-Environmental Assessment (desk study and ground investigation report) carried out by Jomas Associates Limited dated 8th July 2015 has been submitted for consideration. The Council's Environmental Health Officer has requested the use of a contaminated land condition should planning permission be granted.

Developer Contributions

National Planning Policy Framework (2012); Core Strategy (2007) Policies KP3, CP6 and CP8; Policy DM3 of the Development Management Document (2015); Supplementary Planning Document 2 "Planning Obligations", Community Infrastructure Levy Charging Schedule

- 4.66 This application is CIL liable. If the application had been recommended for approval, a CIL charge would have been payable. If an appeal is lodged and allowed the development will be CIL liable. Any revised application may also be CIL liable.

- 4.67 The Core Strategy Policy KP3 requires that:

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

- 4.68 In this instance, affordable housing and a contribution towards secondary education are of relevance. For information, primary education is covered by the Community Infrastructure Levy, as set out in the Council's Infrastructure Delivery Plan and CIL Regulation 123 Infrastructure List, but the impact on secondary education is currently addressed through planning obligations (subject to complying with statutory tests and the pooling restriction). The Council's Education Officer has confirmed a sum of £20,345 is required and this can be secured through a Section 106 agreement. However, no such agreement has been provided. In the absence of such an agreement, the proposal is found to be unacceptable in this regard and in conflict with development plan policy.
- 4.69 Policy CP8 of the Core Strategy requires 20% affordable housing (4 units in this instance) to be provided within the development. Where on-site provision is not practical, the Council will negotiate with developers to obtain a financial contribution to fund off-site provision.
- 4.70 The applicant has sought to demonstrate that the scheme cannot deliver a policy compliant provision of affordable housing either on-site, off-site or as an equivalent financial contribution in lieu of such provision.
- 4.71 Evidence has been provided to show that the applicant has approached 9 Registered Providers for expressions of interest in providing on-site affordable housing. As has been found to be the case for other development in the Borough, 7 of these providers have stated that they are not interested in acquiring such a small number of affordable housing units. In the context of the Council's guidance "Interim Affordable Housing Policy (September 2016)", this position is considered reasonable. However, an equivalent financial contribution for affordable housing, based on the approach set out in this guidance, would be approximately £450,000 (subject to confirmation in respect of sales values).
- 4.72 Initially, the applicant submitted a viability assessment that sought to demonstrate that the proposed scheme could only support a payment in lieu of £73,000. The applicant's viability assessment was then independently appraised on the Council's behalf by BNP Paribas, experts in providing town planning and viability advice. On receipt of this independent appraisal, the applicant submitted a rebuttal, which reassessed some of the viability inputs in light of BNP Paribas' comments and accepted that the scheme is viable and is able to contribute £175,000 towards affordable housing in lieu of onsite provision (plus £78,181 CIL contribution, although it is noted that this figure deducts existing floorspace from the chargeable area and that evidence to support this approach has not yet been provided in full. However, this viability position is predicated on the fact that an Alternative Use Value (AUV) has been applied as the benchmark land value against which the Residual Land Value (RLV) of the scheme has been compared. Hence, the key point of difference between BNP Paribas' assessment and the applicant's is whether the AUV or Existing Use Value (EUV) should be adopted as the benchmark land value.

This makes up the vast majority of the variance between the applicant's and BNP Paribas' appraisals and the surplus shown to be available for an affordable housing contribution.

4.73 The implications of significant differences to the Benchmark Land Value are explained as follows:

- RLV (i.e. Gross Development Value minus Development Costs incl. profit) has to be greater than the BLV (i.e. the pre-development value of the site) for a scheme to be considered viable and a development to come forward.
- A developer will often seek as high a BLV as possible because there is a greater chance that the RLV will come out lower than the BLV.

e.g. RLV £1m – BLV £2m = £1m Deficit

RLV £1m – BLV £0.5m = £0.5m Surplus

- If the RLV comes out lower than the BLV then the scheme will show a deficit and be considered unviable, and a developer may then seek to justify removal/reduction of planning obligations.
- In this instance, it would seem that an over inflated BLV is being used, thus making the scheme appear less viable with insufficient surplus to cover policy compliant developer contributions.

4.74 BNP Paribas' assessment of the proposed scheme generates a financial surplus of £870,000 with what is considered to be a more appropriate benchmark land value based on the EUV of the site as a car wash. The applicant's position in respect of the proposed AUV being a policy compliant and deliverable alternative scheme is not accepted, and has been found to be inappropriate in BNP Paribas' assessment for the reasons set out below.

4.75 The applicant has benchmarked the land value on the basis of an alternative residential scheme for 9 units, which is considered to represent a significant under development of the site compared to the proposed scheme.

4.76 The key issue is whether or not the AUV proposed is an alternative scheme that is likely to be given planning permission and whether or not the scheme has a realistic prospect of being delivered in other relevant regards. In this instance, the applicant believes a proposal for 9 units on this site, rather than 20 units, represents an acceptable level of development which is compatible and consistent with the character of the area and policy compliant in terms of density. The applicant has suggested that it is the basement addition that enables the 20 unit scheme, and that without this, only 9 units could be delivered on the site with adequate parking. However, it is considered that possible reconfiguration of the scheme's layout, to potentially enable more parking at ground floor level and facilitate more residential units, has not been sufficiently explored.

- 4.77 Officers consider the objective of both national and local planning policy is clearly to optimise and efficiently and effectively use previously developed land, particularly for housing, which is in short supply. It is noted that the policies do not dictate densities as there are many variables between one site and another. However, in light of national and local policy on the subject, and given the need to maximise the use of our limited available land for housing it is appropriate to look at relevant comparable approved developments as a basis for assessment, when trying to establish the acceptability of a proposed density. Comparable schemes include:
- Rileys, Leigh Road (16/02045/FULM) approved with 22 flats – 0.0992ha, which equates to a density of 222dph
 - 177 London Road (16/02281/FULM), Southend has just been approved with 16 flats – 0.05ha, which equates to a density of 320dph
 - 136 The Broadway, Leigh-on-Sea (06/01039/FUL) has been constructed with 14 flats – 0.06ha, which equates to a density of 228dph
 - More broadly Annual Monitoring (2015-16) shows that the average density for major residential schemes in the Borough was 177dph (Flats = 201dph).
- 4.78 The applicant does not consider the above schemes relevant and comparable to this site given that the other sites are not located within the conservation area or adjacent to locally listed buildings and are less prominent or isolated sites.
- 4.79 In the context of the densities that are being achieved for flat developments elsewhere in the Borough, the proposed 90 units/ha (proposed 9 unit AUV scheme) is clearly extremely low. The AUV scheme as proposed by the applicant would not represent an efficient or optimal use of this site, which has the potential to deliver significantly more housing in a manner that is fully compliant with broader development plan policies. This is further illustrated by the proposed density being very significantly below the density of relevant comparable schemes in the area. Given that the AUV scheme for 9 units has not been taken forward to an application stage, and the fact that comparable projects have significantly higher densities, brings into question whether or not there is a realistic prospect of the site being delivered in line with the AUV scheme more generally. It is further noted that such a proposal was not put forward during pre-application discussions on the site. In addition, the site is not specifically identified for residential purposes in a local planning policy document and there are no existing residential planning permissions for the site establishing an AUV.
- 4.80 Whilst the applicant suggests that they would deliver the AUV scheme of 9 units, officers do not accept the applicant's position. There are no appeal decisions that support the applicant's approach to AUV that the Council is aware of and the applicant has not provided evidence in this respect. Officers are of the opinion that planning permission would likely be refused for a 9 unit mixed use scheme, and that it is not likely to come forward in any event.

Therefore, the proposed benchmark value based on the applicant's AUV is inappropriate as it would be unacceptable in planning terms and is unlikely to come forward in any event.

- 4.81 Based on BNP Paribas' independent assessment, it is clear that the scheme is likely to generate a financial surplus, which would enable policy compliant developer contributions to be made.

5 Conclusion

- 5.1 In light of the above, the principle of a mixed use development is considered to be acceptable and will improve the condition of the site. The design of the proposed development is considered to be acceptable and the scheme is found to have an acceptable impact upon the character and appearance of the streetscene and upon the amenities of neighbouring occupiers. The proposed development will provide a satisfactory standard of accommodation and off-street parking in accordance with policy.
- 5.2 However, in the absence of a formal undertaking to secure appropriate contributions to affordable housing and secondary education facilities, or adequate evidence to demonstrate that policy compliant developer contributions cannot be supported by the scheme, the proposed development fails to provide affordable housing to meet local need and mitigate the resulting increased pressure on local education infrastructure. This is unacceptable and is contrary to the National Planning Policy Framework, Strategic Objective SO7 and SO13, and policies KP3, CP6 and CP8 of the Core Strategy, and Supplementary Planning Document 2 "Planning Obligations". The benefits of the proposal are not found to outweigh the harm that is caused by this conflict.

6 Development Plan

- 6.1 National Planning Policy Framework, 2012.
- 6.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure) and CP8 (Dwelling Provision).
- 6.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low Carbon and Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Historic Buildings) DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM11 (Employment Areas), DM13 (Shopping Frontage Management outside the town centre), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management).
- 6.4 Design and Townscape Guide (2009)

- 6.5 The Community Infrastructure Levy Charging Schedule (2015)
- 6.6 DCLG Technical Housing Standards, 2015.
- 6.7 Planning Obligations: A Guide to Developer Contributions
- 6.8 Waste Storage, Collection and Management Guide for New Developments (October 2014).
- 6.9 Corporate Policy: Interim Affordable Housing Policy (September 2016)

7 Relevant Planning History

- 7.1 None.

8 Representation Summary

Highways

8.1 Parking

1 car parking space has been provided for each of the 20 dwellings and 1 visitor space which is policy DM15 compliant. Therefore no highway objections are raised. 1 cycle parking space has been provided per dwelling which is policy compliant. Access to the underground parking area would be via Victor Drive. The entrance to the car park is suitable to allow vehicles to pass. The internal layout of the car park allows vehicles to manoeuvre effectively.

Refuse collection

The proposed refuse collection for commercial and residential waste will be carried out on Victor Drive this will not interfere with the flow of traffic within Victor Drive. However the collection of the residential waste is outside of collection guidance therefore alternative arrangements will need to be made on the day of collection.

Commercial Element

No formal commercial parking is provided as part of the proposal however this is no different to other commercial offers within the vicinity. It should be noted that no commercial parking is currently available for the existing use. Parking is available within the Broadway with limited waiting bays along the extent. A public car parking area is also located in North Street. A loading bay is proposed at the front of the site, which is considered acceptable and has provided half a bay on the highway and footway the applicant has confirmed that they will enter into a Section 278 agreement to ensure an adequate footway is still retained. This would involve the applicant making part of their land suitable for highway adoption.

Trip Generation / Impact on Public Highway

TRICS database has been used to demonstrate an overall vehicle reduction in

the number of trips associated with the proposed use. 237 2 way (in/out) vehicle movements are anticipated for the proposal compared to the existing use of 298 2 way (in/out) vehicle movements. The applicants transport statement is considered to be robust. The applicant has used the latest TRICS Data and Census Data to confirm that a reduction in vehicle trips within the local area will occur as a result of the proposal. Whilst the assignment of trips have changed in terms of how the site is accessed which is now from Victor Drive it is not considered that this will be detrimental to the public highway.

Given the above information and that contained within the transport assessment it is not considered a highway objection can be raised.

The applicant is advised to provide travel packs to future occupiers which will detail sustainable travel choices within the local area.

Design and Regeneration

- 8.2 Overall this proposal is considered to be appropriately scaled for this location and well designed and detailed and should be a positive addition to the streetscene and the setting of the adjacent historic assets.

Strategic Housing (Affordable Housing)

- 8.3 The Strategic Housing team support the approach taken in relation to the viability and further comments will be reported in the supplemental report.

School Development Manager

- 8.4 This application site falls with the catchment areas of Leigh North Street Primary School and Belfairs Academy (Secondary). Both are full. Places are only available for Primary at Darlinghurst Primary School (0.6 miles away) and at Futures Community College (changing name to Southchurch High School) for secondary which is 3.94 miles away. A contribution to secondary school impact would be expected against the secondary impact. On the breakdown of the number of bedrooms per unit, a contribution towards increasing capacity at Futures College/Southchurch High School of £20,345 is requested.

Environmental Protection

- 8.5 During the construction phase noise issues may arise which could lead to the hours of work being restricted. The site has been identified as historically having been put to a potentially contamination use. It is recommended hours of work, burning of waste, contamination, remediation scheme, plant equipment on site controlled by condition.

Leigh Town Council

- 8.6 Objection – for the following reasons:
- It would be an overdevelopment, and out of keeping with the streetscene

- This is a very busy 4 way junction, which includes a 1 way street. Extra traffic movement could be hazardous to other road users and pedestrians.
- Deliveries to the ground floor commercial businesses could cause an issue with blocking the road, as there would be no parking available for this.
- The materials used for the 4th and 5th floor are also out of keeping. We would prefer there not to be a 4th and 5th floor.
- It would have an effect on neighbouring properties with regards to a loss of privacy, and they would be overlooked.

Anglian Water

- 8.7 The surface water/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable. We request that the agreed strategy is reflected in the planning approval. Should planning permission be granted, the following condition is recommended:

Condition: No hardstanding areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

Coastal Defences Engineer

- 8.8 The SUDs strategy is acceptable provided the scheme is installed in accordance with the proposals. Options are presented in the strategy document for achieving the necessary on-site attenuation of run-off but no final method is defined. This should be subject to final confirmation.

The Airport Director

- 8.9 No comments received.

Public Consultation

- 8.10 A site notice was displayed on the 15th November 2017 and 38 residents notified of the proposal. Nine letters of objection have been received stating:

- The redevelopment of the car wash site will be like living in a tunnel
- Commercial floorspace under the Grand View development is still empty and there is no need for 20 flats or additional commercial floorspace to be built
- Loss of desirable views of the Thames Estuary and Southend Pier to the Grand Hotel for the proposed residential uses
- If the application is approved this would significantly damage prospects of the Grand Hotel being restored

- Detrimental to the Grand Hotel and conflicts with a defining element of the conservation area, a designated heritage asset, within which it is located
- The building will dominate the Grand Hotel
- Overlooking
- Loss of privacy
- Too many flats
- Increased traffic movements
- Character of Leigh changing for the worse
- Loss of employment
- Out of scale with the surrounding area
- Design unacceptable
- Overshadowing
- Environmental impact
- Disruption during construction

A petition with 102 signatures objecting to the proposed development for the following reasons:

- More flats
- More congestion
- Loss of 20 full time jobs

These concerns are noted and they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

8.11 Councillor Mulroney has requested this application be dealt with by Development Control Committee.

9 Recommendation

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

- 1 The submission does not include a formal undertaking to secure an appropriate contribution to affordable housing provision to meet the demand for such housing in the area despite it having been found financially viable for the development proposed to make such a contribution. The application is therefore unacceptable and contrary to the National Planning Policy Framework; Strategic Objective SO7, and policies KP3 and CP8 of the Core Strategy (2007); and the advice contained within Supplementary Planning Document 2 Planning Obligations (2015).**
- 2 The submission does not include a formal undertaking to secure an appropriate financial contribution to the provision of education facilities in the borough, to mitigate the demand for such facilities generated by**

the development proposed. The application is therefore unacceptable and contrary to the National Planning Policy Framework; Strategic Objective SO13, and Policies KP2, KP3 and CP6 of the Core Strategy (2007), and the advice contained within Supplementary Planning Document 2 Planning Obligations (2015).

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