

<b>Reference:</b>	17/01464/FULM
<b>Ward:</b>	Leigh
<b>Proposal:</b>	Convert existing hotel into mixed use comprising basement wine bar and health club, ground floor restaurants and terrace, 18 self-contained flats on three floors, demolish existing mansard roof and form new replacement mansard roof, erect three storey rear extension with mansard roof, install balconies to rear and sides at first floor and third floor level, external alterations, install extract/ventilation equipment and solar PV panels on roof, layout additional parking, associated landscaping and communal roof terrace and form vehicular access onto Broadway (Amended Proposal)
<b>Address:</b>	Grand Hotel, Broadway, Leigh-on-Sea, Essex, SS9 1PJ
<b>Applicant:</b>	460 Leisure Ltd
<b>Agent:</b>	Smart Planning
<b>Consultation Expiry:</b>	28 <sup>th</sup> September 2017
<b>Expiry Date:</b>	16 <sup>th</sup> November 2017
<b>Case Officer:</b>	Abbie Greenwood
<b>Plan No's:</b>	1391-14A, 1622-01; 1622-02G; 1622-03J; 1622-04K; 1622-05L; 1622-06H; 1622-07E; 1622-08D; 1622-09D; 1622-11B; 1622-12A; 1622-25, Soft Landscape Plan; Location Plan
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to completion of S106</b>



# 1 The Proposal

- 1.1 Planning permission is sought to convert the existing hotel into a mixed use building, comprising a wine bar and health club at basement level, a restaurant with external raised terrace at ground floor and 18 flats to the upper three floors. The works to the existing building include rebuilding the mansard floor with a slightly raised roof pitch (a change from 45 degrees to 55 degrees). A three storey extension with mansard roof and undercroft parking is also proposed to the rear. Overall the development will include 18 flats at 1<sup>st</sup> to 3<sup>rd</sup> floor. A large shared amenity terrace is proposed on the roof of the building which will be accessed by a central stairtower. Extract/ventilation equipment and 34 solar PV panels are also proposed to be installed at roof level.
- 1.2 Parking for the commercial uses is proposed at the front of the building. This area will provide 9 spaces including 2 disabled spaces. The visual impact of this parking area will be mitigated by soft and hard landscaping and a restoration of the existing boundary wall. It is also proposed to provide a terrace in this area to the front of the building to provide outside seating for the proposed restaurant and brasserie. This will be accessed by new full height timber glazed doors in place of the ground floor windows.
- 1.3 Parking for the residential units is located to the rear partly under the proposed rear extension. 19 spaces are proposed for 18 flats. Bin and cycle storage is also proposed in this area, mainly within the undercroft, as well as some soft landscaping. A new crossover is proposed to be formed along the eastern boundary of the application site (along Broadway), 6.6m wide. The crossover on the northernmost part of the west side of the application site, along Leighton Avenue, would be reinstated. The crossover will result in the loss of a small oak tree in this location which is covered by TPO 4/2007, however, it is noted that the principle of the loss of this tree has been agreed in previous applications, to facilitate the regeneration of the site.
- 1.4 The existing building is mainly rectangular in shape with single, two and three storey extensions to the rear, which are proposed to be demolished to make way for the proposed rear extension. The footprint of the main building would be retained. The proposed extension to the rear is three storeys with a mansard roof and would measure 14m deep x 18.3m wide, 11.8m to the parapet and 14.5m to the top of the mansard. The maximum height, which includes the staircase roof access, is 16.9m. These heights tie in with that of the main building. Balconies would be incorporated to the east and west elevations of the proposed rear extension at first floor, replicating the design of the existing front balconies.
- 1.5 The existing mansard roof of the existing building would be demolished and rebuilt with a pitch which is 10 degrees sharper than the existing feature, resulting in an amended form which has increased visibility to the corners of the building. However, the height of the roof itself remains the same as the existing although, it is proposed that this be topped with a balustrade to the proposed amenity space which will add 0.6m to the overall height of the building. The proposed balustrade will be decorative black metal of a design which matches the existing balconies at first floor.

- 1.6 To access the roof terrace a small stair tower is proposed which will be 2.4m tall, 2.9m wide and 4m deep. This is proposed to be clad in metal sheeting. It will be located above the rear extension and set back 1.4m from the edge of the mansard roof on the east side of the building. The existing iconic chimneys at this level will remain unchanged.
- 1.7 There is an existing basement which is proposed to be extended to the rear under the proposed rear extension which would measure approximately 733sqm. The basement would be used as a bar and health club.
- 1.8 Internally, the following uses are proposed:
- Basement: wine bar (approximately 40 covers) and health club
  - Ground floor: restaurant, brassiere and function room (approximately 144 covers) including terrace to front providing an additional 75 covers
  - First to third floors: 18 flats, including
    - 1 x 1person bedroom flat (47.9sqm)
    - 8 x 2 bed 3 person flats (varying between 60.1sqm and 108 sqm)
    - 9 x 2 bed 4 person flats (varying between 77.8 sqm and 107.8sqm).

The agent has provided the following information in relation to trading times for the commercial uses

- A3 Restaurant, Brasserie and Function Room
    - 9.00am -1.00am Monday to Saturday
    - 9.00am - 11.00pm Sunday and Bank Holidays
  - A4 – Wine Bar
    - 9.00am - 1.00am Monday to Saturday
    - 9.00am - 11.00pm Sunday and Bank Holidays
  - D2 – Health club
    - 7.00am - 11.00pm Monday to Sunday including Bank Holidays
- 1.9 The proposed basement wine bar would measure approximately 276sqm, while the proposed health club would cover an area of around 427sqm. The ground floor restaurant, brasserie and function room would measure 394sqm and the proposed front terrace would be around 193sqm. A kitchen, reception to the Health club, restaurant and apartments, cycle and bin storage, and three undercroft parking spaces would be located to the rear of the restaurant at ground floor.
- 1.10 A 231sqm communal amenity terrace would be provided for the flats on the roof of the historic building and four flats at first floor would benefit from private balconies measuring 6.5 sqm and six flats at mansard roof level would be provided with small balconies, with indoor opening doors, similar to Juliet balconies.
- 1.11 22 cycle parking spaces would be provided within the rear part of the building at ground floor, together refuse store, which would be separated for the commercial and residential uses.
- 1.12 A structural report has been submitted in support of the application detailing the renovation works required. It is noted that some of the defects are specific to the building and some common to renovation projects for all buildings of this age. The key issues in relation to the poor condition of the building relate mainly to the

differential movement to the northeast caused by a tree which has now been removed and water damage, coming through the ceiling to second and third floors which were caused by vandalism to the plant room at roof level. The rest of the issues that have affected the building mainly result from lack of maintenance of the building over many years. According to the report the following internal and external repairs are required:

- Repair to structural crack to the northeast corner.
- Replacement of defective flat roofs.
- Rebuilding one chimney and repairing/repainting the rest of the chimneys.
- Repointing of elevations and replacement of severely weathered brickwork and stonework.
- Repair/replacement of windows
- Repair of soil pipes.
- Resurfacing of car parks.
- Repair to boundary wall.
- Repair of damp proof course.
- Treatment and re-plastering walls that have suffered damp.
- Treatment of small area of dry rot in southeast corner floors 1 and 2.
- Replace ceilings.
- Replace water heaters, heating and boiler and missing pipework.
- Install new sanitary ware.
- Repair stained glass windows

1.13 The materials to be used to the external elevations of the building would include white painted timber framed windows and doors (to match the style and colour of the existing); red clay tiles to the mansard roof to match the existing mansard; and the external walls would be finished in red brick and stone detailing to match the existing. The proposed stair tower to the roof top amenity area is proposed to be finished in metal sheet cladding.

1.14 This proposal follows a recent refusal for a similar scheme for the renovation of the building, extension and 19 flats which included a steeper replacement mansard and an additional penthouse residential unit on the roof of the historic building ref 16/01475/FULM. This was refused for the following reasons:

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

02 The submission does not include a completed 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 and Policies KP2, KP3 and CP6 of the Southend Core Strategy (2007).

## **2 Site and Surroundings**

- 2.1 The application site is approximately 0.21 hectares in size and is located on the northwest corner of Broadway, east of Leighton Avenue, within Leigh Cliff Conservation Area and is an iconic building and the principle landmark of the conservation area. The property is a late Victorian baroque building built in 1899 and it is a three storey building with mansard roof and is locally listed. It is finished in red brick with decorative stone pediment details around the windows, characteristic prominent gables and chimneys and decorative metal balconies to the front elevation.
- 2.2 The property is set well back in relation to the properties along Broadway and is enclosed by a substantial brick boundary wall with pillars incorporating large terracotta copings. The original railings have been removed. There are a number of trees within the site close to the front boundary, the most distinctive of which is a cedar tree. At the time of the site visit the property was surrounded by hoarding and ground floor windows were boarded up.
- 2.3 In general, the property appears well preserved externally, although in some areas the brick and stonework is eroded and requires attention. The applicant also notes that Japanese Knotweed on site, now removed, has also caused cracks on the walls.
- 2.4 The site is located at the easternmost part of the Leigh Broadway and lies within a designated secondary shopping frontage area. To the west of the application site, lies the primary shopping frontage of Leigh Broadway, comprising predominantly two and three storey buildings with small shops at ground floors and flats above. Directly to the west of the site is an open car wash and a new built five-storey block of flats. The character of the area immediately to the north of the application site is mainly residential.

## **3 Planning Considerations**

- 3.1 The main considerations in relation to this application are the principle of the development, design and impact on the character of the locally listed building and the Leigh Cliff Conservation Area, living conditions for future occupiers, impact on neighbouring properties, any traffic and transport issues, sustainability and developer contributions/CIL and whether the application has overcome the previous reasons for refusal.

## 4 Appraisal

### Background to the application

4.1 It is noted that the site has a lengthy history; however, the most relevant and recent history is as follows:

- The recently refused proposal (ref 16/01475/FULM) to convert existing hotel into mixed use comprising of basement wine bar and health club, ground floor restaurants and terrace, 19 self-contained flats on three floors including forming a new mansard roof plus a penthouse roof extension and three storey rear extension with mansard roof, external alterations, install extract/ventilation equipment and solar PV panels, layout parking, associated landscaping and form new vehicular access onto Broadway - the reasons for refusal are set out in Section 1 above.
- An amended and approved proposal (ref. no. 12/01439/FUL) to erect a three-storey rear extension to form 3 additional bedrooms, enlarge existing kitchen facilities and form a basement to the existing hotel.
- An application (13/00477/EXT) to extend the time of the previously approved applications 10/00421/FUL and 10/01447/FUL, which involved alterations to elevation, installation of a disabled access ramp and formation of a terrace with seating area to the front, was approved in June 2013.

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

4.2 It is also relevant to note that a pre-application request was submitted in 2016 for a scheme which was proposal broadly similar to the recently refused proposal ref 16/01475/FULM and which included the larger mansard and penthouse addition and an even larger rear extension. A number of concerns were raised by officers during this process, including the following:

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

4.3 The pre application scheme was amended before the 2016 application (recently refused) and these amendments included a reduction in the scale of the rear extension and undercroft parking but maintained the enlarged mansard and penthouse addition which were found to be unacceptable on consideration of the 2016 application and subsequently refused on. The lack of amenity provision and mix were also noted as concerns but did not constitute a reason for refusal in this instance.

## Principle of Development

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

- 4.4 As noted above, the site previously had permission to be used as a hotel incorporating extensions of moderate scale in relation to the main building. The applicant has stated that because of a number of constraints to the site including the condition and structure of the building, the previously permitted hotel is not a commercially viable option. Therefore it is now proposed to convert the building to a mainly residential use incorporating a restaurant use at ground floor and health club and bar at basement.
- 4.5 One of the core planning policies of the NPPF is to *“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of environmental value”*. However, another core planning policy states that development should *“conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations”*.
- 4.6 The Grand Hotel is a locally listed landmark building, located on a prominent corner location within Leigh Cliff Conservation Area. This attractive late Victorian Baroque building was once vibrant but it has been left unoccupied and boarded up for a number of years and is considered to be at risk. The Council recognises that this is an important historic landmark and wishes to see the building brought back to use, however, it has a statutory duty to preserve or enhance its character and the character of the Conservation Area.
- 4.7 Policy DM3 of the Development Management DPD states that *“the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.”* Moreover, policy DM5 highlights that *“All development proposals that affect a heritage asset will be required to include an assessment of its significance, and to conserve and enhance its historic and architectural character, setting and townscape value”* and it continues stating that *“Development proposals that result in the loss of or harm to the significance of a non-designated heritage asset, such as a locally listed building or frontages of townscape merit, will normally be resisted, although a balanced judgement will be made, having regard to the scale of any harm or loss, the significance of the asset and any public benefits”*
- 4.8 An in principle objection was raised in relation to the penthouse in the previously refused scheme, however, this element has now been omitted from the proposal and therefore the principle of the conversion of the building to residential on the upper floors and an extension to the rear of the building are accepted subject to consideration of the design detail of the proposal which is discussed below.

- 4.9 Amongst other policies designed to support sustainable development, the NPPF seeks to boost the supply of housing by delivering a wide choice of high quality homes. Policy KP2 of the Core Strategy requires that *“all new development contributes to economic, social, physical and environmental regeneration in a sustainable way”*. This approach is enlarged upon in further policies within the Development Management Document. Furthermore, policy CP8 of the Core Strategy identifies the need of 6,500 homes to be delivered within the whole Borough between 2001 and 2021.
- 4.10 The site is located within a secondary shopping area and Policy DM13 requires 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.”*
- 4.11 It is recognised that whilst the building is within a shopping frontage, it has never been used as a shop and that the character of the area is not strictly for A1 uses. The proposed development would provide a restaurant/ brassiere use at ground floor as well as a wine bar and health centre within the basement. These uses would maintain an active and vibrant use on the lower floors and provide an attractive frontage to the street. It is therefore considered that the proposal conforms to the objectives of policy DM13.
- 4.12 Although the proposal would regrettably result in loss of an existing visitor accommodation use Policy DM12(3) states that *“Proposals for alternative uses on sites used (or last used) for visitor accommodation outside the Key Areas in (1) will generally be permitted provided that the proposal meets other relevant planning policies”*. The proposal would create residential accommodation (18 flats) to the upper floors, retaining an active leisure use at ground floor and basement and therefore, the proposal would accord with the objectives of the local plan in terms of the uses provided on site. Whilst the proposal would result in loss of a visitor accommodation, the applicant states that this is not a commercially viable use. It is also noted that the site is not located within a key area for visitor accommodation, therefore on balance, taking into consideration that the proposed use would bring a landmark building back to use, no objection is raised in terms of the loss of the hotel use. This is consistent with the advice provided at pre application stage.
- 4.13 Paragraph of the NPPF states that:

Paragraph 140 of the NPPF advises that *“Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.”*

And para 137 states that

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



4.14 It is noted that the existing building has been left vacant for a number years; it is currently in poor condition and considered to be at risk. The Council has received a number of complaints over the past few years regarding its deterioration. It is therefore considered that finding a viable use for the building and land is crucial to its long terms survival. Given that the proposed residential/commercial/leisure use of the building would be compatible with the mixed character of the area, no objection in raised to the principle of the proposed use in this location.

Dwelling Mix

4.15 Policy DM7 of the Development Management Document states that all residential development is expected to provide a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing on appropriate sites, to reflect the Borough’s housing need and housing demand. A range of dwelling types would provide greater choice for people living and working in Southend and it would promote social inclusion. The Council seek to promote a mix of dwellings types and sizes as detailed below. The dwelling mix of the application is 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	6%	94%	0%	0%

4.16 The proposed development would result in 1 x 1 bed 1 person flat, 8 x 2 bed 3 person flats and 9 x 2 bed 4 person flats. Whilst the proposed development does not accord with the dwelling mix identified in Policy DM7, the applicant has submitted evidence from a local estate agent stating that the demand in the area for flatted schemes is for mainly for 2 bed units, and the demand for 3 bed flats is very low. Paragraph 50 of the National Planning Policy Framework states that ‘*plan for a mix of housing should be based on current and future demographic trends, market trends and the needs of different groups in the community*’. Therefore, on balance, in this particular instance, the dwelling mix, as proposed, whilst not strictly in accordance with policy DM7, taking into account the fact that the parameters of the conversion are fixed (there is an existing building on site) as well as the market trend in the area and the fact that it is a relatively small scheme, is considered adequate. However, this noted as a negative element of the scheme.

Affordable Housing

4.17 Policy CP8 of the Core Strategy explains that residential development proposals will be expected to contribute to local housing needs, including affordable housing. It states that:

*“All residential developments of 10-49 dwellings will be expected to provide not less than 20% of the total number of units on site as affordable housing”*

4.18 The applicant is seeking not to provide any affordable housing on viability grounds. A viability statement has been submitted with the application. It is noted that a similar viability statement for the previous proposal, which included the penthouse, was independently appraised and it was accepted that the proposal could not viably make a contribution to affordable housing. The current proposal has omitted the penthouse and has less residential units.

Officers accept that in this instance provision of affordable housing cannot be justified as part of the development, as proposed. However, this is not a positive element of the proposal. Details of the viability assessment and affordable housing provision are discussed in more detail in 'Developer contributions' section of this report.

- 4.19 In light of the above, it is considered that the principle of the proposed uses on site is acceptable. The issues relating to the design, as well as other material planning considerations, including impact on future neighbours' amenities, living conditions of future occupiers and parking standards are further discussed below.

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

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

- 4.20 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in the Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management DPD. The Design and Townscape Guide (SPD1) also states that *"the Borough Council is committed to good design and will seek to create attractive, high-quality living environments."*
- 4.21 Paragraph 56 of the NPPF states that *"good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."*
- 4.22 Policy DM1 of the Development Management DPD states that all development should *"add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features"*.
- 4.23 According to Policy KP2 of Core Strategy (CS) new development should *"respect the character and scale of the existing neighbourhood where appropriate"*. Policy CP4 of Core Strategy requires development proposals to *"maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development"*. It also states that *"development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend"* and *"promoting sustainable development of the highest quality and encouraging innovation and excellence in design to create places of distinction and a sense of place"*.
- 4.24 In respect of altering a heritage asset, such as a locally listed building and development in conservation areas, the NPPF states that Local Authorities should *"recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance."* (paragraph 126)

4.25 Policy DM5 of the Development Management DPD states that:

*“2. Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted, unless there is clear and convincing justification that outweighs the harm or loss. Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal, and will be resisted where there is no clear and convincing justification for this. High quality redevelopment of existing buildings within conservation areas which are considered to be of poor architectural quality will be encouraged.*

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

4.26 The proposed development is to extend, convert and reuse the existing locally listed building as eighteen self-contained flats, with ground floor restaurant/brassiere/function room and basement health club and wine bar. It is noted that the existing locally listed building is of high significance, but also that because of its deterioration, it requires significant restoration works which have the potential to regenerate the area. Therefore, it is considered that a scheme which restores this important historic building in an appropriate manner would preserve or enhance the building and the Leigh Cliff Conservation Area should be encouraged and supported.

4.27 This proposal is an amended scheme and follows a recent refusal for a similar development for the conversion and extension of the building but which included a steeper replacement mansard and an additional penthouse residential unit on the roof of the historic building ref 16/01475/FULM . This was refused for the following reason relating to the design and impact on the character of the building and conservation area :

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

4.28 In light of this refusal the application has been amended. The penthouse element has been removed and the pitch of the mansard has been decreased from 65 degrees to 55 degrees. In all other aspects the external alternations to the building remain essentially unchanged although there are some small variations to the internal layout and detailing, to address minor concerns previously raised by officers. This section of the report therefore focuses on the impact of these amendments on the proposed design although the other aspects of the proposal are also discussed as they were in the previous report.

#### Removal of the Penthouse

4.29 The most significant change between the previously refused application and the current proposal is the removal of the penthouse. This element was considered to be out of character with the existing building and harmful to its significance, in particular in relation to the roofscape and silhouette of the historic building and the omission of this element is therefore welcomed. The proposal now seeks to replace this with a communal amenity terrace, including the erection of a metal balustrade to the edge of the mansard, which matches the design of the metal balustrades to the existing front balconies. The plans show that this will be accessed by an extension of the existing stair core located within the proposed rear extension which will have modern detailing.

4.30 Historic photos of the building show that there was originally a viewing terrace on the roof of the building with decorative balustrade and this provides justification for this element. Overall this is a much more appropriate solution for the roof of this historic building and will have the added benefit of providing amenity provision for the residents which was previously very limited. This element of the proposal is therefore considered to be acceptable subject to the agreement of the balustrade detail and the detailing to the stair tower which can both be agreed by condition.

#### Alterations to Mansard Roof

4.31 The structural report submitted with the application states that the existing roof is in poor condition, including missing tiles and water leaks and it recommends that this element of the building is renewed and its thermal insulation enhanced in order to accommodate a residential use. No objections were raised to this in principle in the previously refused scheme however the reason for refusal sited the amended form of the mansard as being detrimental to the character of the historic building.

4.32 The current proposal has amended the design of the replacement mansard roof so that it has a shallower pitch, thus reducing its impact on the lower principle section of the building, the roof scape and in the wider streetscene. This has been achieved by reducing the pitch of the roof. The existing mansard has a pitch of 45 degrees and the refused scheme proposed a pitch of 65 degrees. The current proposal has amended this to 55 degrees to achieve a balance between reducing the impact of this element and achieving a more useable headroom. The elevations show that this change has significantly reduced the bulk of the roof and the new profile now appears more subservient and sits more comfortably with the shaping of the existing parapet. Overall therefore, the amended design of the mansard is now considered to be a reasonable and acceptable compromise for the design of this element of the proposal subject to the approval of appropriate materials.

- 4.33 It is noted that, as with the previous proposal, more dormers are proposed in the mansard than exist a present and that a number of these have small terraces set behind the historic parapet. The scale and design of the building is such that the dormers now proposed would have a positive relationship with the fenestration on lower floors and would not appear over dominant or out of character with the building as a whole. These are therefore accepted subject to the agreement of their details, including the decorative pediment and materials, which can be dealt with via a condition. It is also noted that the applicant has submitted detail of the replacement box gutter to demonstrate that it is achievable and fit for purpose when the mansard is rebuilt, easy to maintain and fully integrates with the existing downpipes.
- 4.34 The remainder of the alterations and extensions to the building are essentially similar to that submitted in the previously refused application and are discussed below, however, it should be noted that the reason for refusal only related to the penthouse and mansard discussed above.

#### Rear Extension

- 4.35 A three storey, plus mansard, extension is proposed to the rear of the historic building. The scale of this addition is much larger than the previously approved in 2010 and renewed in 2013, however, being located to the rear, it will not impact on the principle elevation or the all-important roofscape of the existing building although it will clearly have a significant impact in the streetscene from the rear and from Leigh Road. It is noted that the scale of this addition has been reduced from initially proposed in pre application discussions, which stretched to the rear boundary and included undercroft parking to the full depth of the site. This proposal was a matter for concern for the Council during the pre-application process.
- 4.36 The scale of the extension now proposed, which is unchanged from the previous proposal, is considered to be significant but it is set in from the side elevations to provide some subservience and to enable a better transition of materials and it provides a good level of articulation to all the elevations. The statements submitted with the application state that a larger extension than that initially approved is required to add enough value to the scheme to facilitate the refurbishment of the building.
- 4.37 The detailing of the extension is traditional and matches that of the existing building including the proposed windows and their surrounds, balconies and chimneys. Although there could be an option for a modern addition to this building there is no objection in principle to a traditionally detailed extension in this location and this was accepted in the previous approval
- 4.38 On balance it is considered that, in this instance, the scale of the addition proposed to the rear can be accepted as it facilitates the reuse and refurbishment of the historic building and is well detailed so that it achieves a good match to the exiting character. The current scale of extension is seen as the compromise which is required to enable the development to come forward. This is the same conclusion as was reached in the previously refused design in relation to this element of the proposal. Therefore, subject to the agreement of the detailing of the windows and doors, their surrounds, balconies and dormers and the materials, this aspect of the proposal is considered to be acceptable.

### External Alterations to the Existing Building

- 4.39 Part of the proposed development would involve the conversion of the ground floor to an A3 use (restaurant/brassiere/function room) and the application includes a proposal for an external terrace to the front to provide space for outside dining. This element of the proposal includes the replacement of the windows at ground floor to the front elevation with French doors, providing access to the outside seating area. The provision of a restaurant and external seating area was previously approved (10/00421/FUL and 10/01447/FUL) and thereafter the permission was extended (13/00477/EXT). It is considered that subject to agreement of the details of the how the terrace integrates with the building and detailing in relation to the French doors, the ramp and the part brick part metal railings boundary wall to the front of the terrace, which could be achieved by condition, the proposed alterations are considered acceptable in terms of their impact on the existing building and the conservation area.

### Windows

- 4.40 It is also the intention to replace the remaining windows within the historic building with matching timber designs. This is partly because they are in a poor state of repair but also because there is a need to ensure that the residential uses above are not unduly affected by noise from the A3 uses at ground floor. The agent has submitted details to show that the glazing required level of noise attenuation can be accommodated within a frame of very similar dimensions to the existing.
- 4.41 On balance therefore, seeing as the existing frames are in a poor state of repair, the replacement of the windows is accepted subject to the agreement of detailed designs via a condition.

### Chimneys

- 4.42 One of the main features of the historic building and in particular the roof is the prominent chimneys, which are some of the largest and most distinctive chimneys within the Borough. Their scale, predominantly the one in the centre and front of the building, and their prominent and dramatic silhouette is a characteristic of the locally listed building and therefore, it is important that this is maintained. Unlike the rest of the chimneys which sit directly on the top of the parapet, the main central chimney is set back and the chimney breast currently runs through the plant room at roof level and the every floor below it. Given the extent of alteration to the internal layout it is necessary to ensure that the stability and future retention of these chimneys is not compromised. It is noted that the internal layout of the development has been amended to ensure that the existing chimney breasts which currently provide restraint for the chimneys are maintained to a suitable level through the building and a statement has been submitted from a chartered engineer to confirm that these important feature are not compromised.

### Internal Layout and Proposed Uses

- 4.43 The existing basement is proposed to be extended to the rear under the proposed extension and reused as a wine bar and health club. This element of the proposal would have limited impact on the appearance and character of the existing building or the wider conservation area and therefore, no objection is raised in design terms.

- 4.44 It is noted that these two facilities would share the main access from the eastern side and share sanitary facilities but the agent has explained that the wine bar will operate as a café for the health spa during the day but revert to a wine bar in the evening. This seems an efficient use of space and does not impact on the character of the historic building or the wider conservation area. The implications for neighbours are discussed in more detail below and it is suggested that a condition restricting opening times be imposed.
- 4.45 At ground floor, A3 uses are proposed which will require extraction and ventilation systems. The plans shown that these will be ducted through the building to the cycle store and undercroft parking and to the roof where the main plant will be screened by the proposed parapet so will have no impact on the character of the building. No objections are therefore raised in respect of the design of the plan. The impact on neighbours of the proposed plant is discussed below.

#### Renewables

- 4.46 34 Solar panels are proposed to be installed to the rear of the proposed rear extension. This is welcomed and this location behind the parapet and balustrade should ensure that the panels are not visible from the street. No information has been provided to confirm if this meets the 10% requirement for renewable energy, however, there is no objection in principle to PVs in this location and there seems to be plenty of space for them to be accommodated. It is therefore considered that the detail in relation to renewable energy could be agreed by condition.

#### Landscaping and trees

- 4.47 An indicative landscaping plan and document has been submitted for the proposal. This shows a good level of planting around the building which should help to screen and soften the parking proposed to the front and rear and enhance the setting of the building generally. There are some concerns in relation to the proposed landscaping. Particular concern is raised in respect of the proposal to use tarmac for all parking areas. Although it is noted that there is some tarmac on site already, this would not normally be acceptable in a historic setting and it is considered that a higher quality permeable material should be sought.
- 4.48 There is also a concern that some of the planting may not be appropriate for a town centre location and this should be revised to something more appropriate to this context. It will also be necessary to ensure the protection of existing trees to be retained including the cedar to the front which makes a positive contribution to the streetscene and the wider conservation area. It is however considered that these details could be agreed by condition.
- 4.49 It is noted that the proposal includes the removal of a protected tree to the rear to facilitate the car parking and vehicular access for the flats, however, the removal of this tree has been agreed in the past to enable parking to be accommodated to the rear so this is again accepted subject to the agreement of landscaping including replacement tree planting.

4.50 It is therefore considered that the proposed amendments have overcome the reason for refusal 01 of 16/ 01475/FULM in relation to the impact of the previously proposed penthouse and mansard design on the character of the locally listed building and wider Leigh Cliff Conservation Area and that the design of the amended proposal is now considered to be acceptable subject to the appropriate conditions relating to the design detailing of the proposal as noted above.

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

#### **National Planning Policy Framework 2012, Core Strategy Policies KP2, CP4 and CP8; SPD1; Policies DM3 and DM8 of the Development Management DPD and National Housing Standards**

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

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

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

- Single bedrooms 7.5sqm
- Double bedrooms 11.5sqm

4.52 Generally the flat sizes are generous and the internal floor layout has been amended to ensure that it accords with the requirements of the National Technical Housing Standards.

4.53 Policy DM8 states that all new dwellings should *"make provision for usable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space. Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances, the reasons for which will need to be fully justified and clearly demonstrated"*.

4.54 The current proposal is to form 18 self-contained flats. The removal of the penthouse has enabled a 231sqm communal amenity terrace to be provided for the flats on the roof of the historic building. In addition to this four flats at first floor would benefit from private balconies measuring 6.5 sqm and six flats at mansard roof level would be provided with small balconies, with indoor opening doors, similar to Juliet balconies. Overall this is considered to provide a good level of amenity space for this type of development and has overcome and concerns previously raised in relation to this issue. .



- 4.55 According to SPD1 refuse storage and recycling should not be visible from the streetscene and as such, it should be located either internally to the development or to the rear of the property, to minimise the adverse visual impact. Refuse facilities for both the residential and commercial units will be provided to the northwest of the building. Part of the refuse storage facilities would be within the building, while part would be provided in an enclosed area to the west of the building adjacent to the western boundary.
- 4.56 The bins would be located to the rear of a high wall along the western boundary and therefore, they would not be visible from public vantage points. The position of the bin store, both for the residential and commercial uses is considered to be reasonably located to an easily accessible location and therefore, no objection is raised in relation to the position of the proposed refuse.
- 4.57 Policy DM8 of the Development management DPD states that all new dwellings should meet the Lifetime Homes Standards, this requirement has now been substituted by building regulation M4 (2). These include a step-free access to the residential units and any associated parking space, a step-free access to a WC and any private outdoor space, accessible accommodation and sanitary facilities for older people or wheelchair users and socket outlets and other controls reasonably accessible to people with reduced reach.
- 4.58 The parameters of the conversion are fixed by the existing building and on balance, it is considered that, in this particular instance, the proposal should not be required to fully accord with the M4(2) standards. However, an internal lift would be provided to give access to all proposed flats and a ramp would be formed giving access to the raised entrance of the building and access to the restaurants. It is also noted that 2 disabled parking spaces are proposed to serve the commercial uses at the front of the site but although the access to the rear car parking area would be levelled and therefore accessible, there is no provision of disabled parking for the residential units. On balance, given the constraints of the site, the accessibility of the building is considered to be acceptable.

### **Impact on Neighbouring Properties**

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

- 4.59 The Design and Townscape Guide (SPD1) states that *“extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.”* (Paragraph 343 - Alterations and Additions to Existing Residential Buildings). Policy DM1 of the Development Management DPD requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities *“having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”*
- 4.60 The proposal would result in some increased activity and associated noise from the proposed flats; however, given the last use of the building was unrestricted and as a hotel/restaurant/bar, it is not considered that the impact from the activity associated with the proposed residential units would be materially greater or harmful to the residential amenity of the nearby neighbours.

#### Impact on properties to the north Southdown Court

- 4.61 The site is located at the southern end of a residential block, having no attachment to any other building. However, it is surrounded by residential properties. The proposed rear extension would be sited approximately 13.7m away from the neighbouring building to the north (Southdown Court). Whilst there are windows in the southern elevation of this building which face the site, it appears that the main habitable room windows are on the east and west elevations of the building. It is also noted that there is an increase of the ground levels towards the north of the site and the neighbouring building to the north sits at a higher level than the application site.
- 4.62 Given that the level of separation of the extension to the rear and the building to the north, the marginally increased levels towards the north and the fact that primary windows are not sited to the south elevation of the adjacent building (no. 133 Broadway), on balance, it is not considered that the proposed development would result in unacceptable overshadowing or have an overbearing impact on the occupants of the properties to the north. In addition, the proposed windows and balconies are not considered capable of materially increasing overlooking, given the separation distances involved. The proposed roof terrace would be sited to the front of the historic building away from the neighbouring property to the north and given this separation, it is not considered that it would result in overlooking or loss of privacy.

#### Impact on properties to the west Leighton Avenue

- 4.63 The development would be located around 17.7m away from the properties to the west, along Leighton Avenue. This separation distance is considered sufficient to protect from any unacceptable loss of light or domination. The proposed roof terrace, balconies and Juliet balconies would overlook the highway and the neighbouring front gardens, which is considered acceptable.

#### Impact on properties to the east Broadway

- 4.64 A marginally larger (approximately 21m) separation distance would be maintained to the maintained to the neighbouring properties to the east, along Broadway. As noted above, this separation distance is considered to be a reasonable to mitigate against overshadowing and to ensure that the proposed extensions would not overbearing upon neighbouring occupiers. The neighbouring block of flats to the east has existing balconies facing the application site. However, it is considered that balconies to the elevations facing the highway are semi-private amenity areas and that a level of overlooking is acceptable. The application site would have balconies, windows and Juliet balconies opposite the windows and balconies of the property to the east; however, on the basis of the above, in this instance, this is considered acceptable.

#### Impact on properties to the south Broadway

- 4.65 The separation distance to the properties to the south would be around 40m. As such, by reason of the position of the building, the relationship with the properties to the south would not be materially harmful in terms of loss of light, overlooking, overbearing impact or sense of enclosure.

Noise generated by commercial units, associated plant and traffic

- 4.66 With regard to the noise generated by the proposed fixed plant, the outdoor seating area and traffic movement, the applicant has submitted an acoustic statement, concluding that the plant would not increase noise levels to a degree that would exceed the typical quietest background noise levels. Whilst the Environmental Health Officer raised some concerns in relation to this and other noise sources, such as the function room and health club not included in the assessment, it is considered that this issue could be dealt with by condition relating to detailed assessment, management and opening hours. The Council's Environmental Health Officer has not raised any objections to the applicants proposed opening times for these uses as noted in para1.9.
- 4.67 The Council's Environmental Health Officer has also raised concerns in relation to the potential impact that the noise and disturbance generated by the use of the outside terrace restaurant seating area would have to the occupants of the upper floors of the application building and possibly the impact on the occupants of the properties along Leighton Avenue. In relation to this issue the acoustic report submitted with the application comments that some mitigation measures will be required to protect the flats above from unreasonable noise nuisance from the use of the terrace. These measures include the use of high performance glazing for the replacement windows and a management plan for the terrace to control hours of use. The agent has submitted details in relation to the glazing for the replacement windows on this elevation to demonstrate that high specification glazing can be used to provide noise insulation without compromising the design or dimensions of the window frames and this offers sufficient comfort that a solution to this issue can be satisfactorily dealt with via a condition.
- 4.68 It is also noted that permission has previously been granted to erect a front restaurant terrace of a similar size to the proposed terrace in this location. The impacts of the potential noise generation of the previously approved scheme were dealt with by conditions requesting the submission of a noise management plan and the restriction of hours of use. It is therefore considered that these matters can be dealt with via a similar condition.

**Traffic and Transport Issues**

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

- 4.69 Policy DM15 of the Development Management DPD requires all development to provide adequate parking. The parking requirement for the proposed uses is the following:
- A3 (Restaurants & Cafes) - 1 space per 5sq.m. A maximum of 83 parking spaces.
  - A4 (Drinking Establishments) - 1 space per 5sq.m. A maximum of 61 parking spaces.
  - D2 (Health club) - 1 space per 10sq.m. A maximum of 43 parking spaces.
  - D2 (Function room) -1 space per 20sqm. A maximum of 3 parking spaces.
  - C3 (Flats) - 1 per flat. A minimum of 18 parking spaces.

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

Residential element

- 4.71 Nineteen parking spaces would be provided for the proposed flats, which will accord with the requirements as set in Policy DM15. Access to the residential parking is via a new vehicular access onto Broadway. There is on street parking along this part of Broadway and the proposal would result in loss of at least one parking space; therefore, the existing traffic regulation order will require amending. Should permission be granted, this amendment will need to be carried out prior to development and the cost of these works can be secured via a Section 106 Agreement as recommended in subsequent sections of this report.
- 4.72 Normally it would be necessary for a travel pack to be provided to the future occupiers of flats, notifying them about sustainable travel choices. In this instance it is considered unnecessary, taking into account that the proposal would accord with the minimum parking requirements as set out in policy DM15 for the residential element of the development. However, it is noted that paragraph 5.26 of the Transport Statement suggest that Travel Information Packs and “how to get here” information would be provided to first residents, staff and visitors of other uses and this is welcomed.

Commercial/leisure element

- 4.73 As noted above the amount of parking provided to serve the commercial/leisure element of the development is below the maximum parking standards. However, it is noted that similar uses and scale of commercial development has previously approved on site (12/01439/FUL) and no objection was raised in relation to the level of parking proposed in the development. It is also noted that the ground floor has an existing restaurant/bar use. The current proposal would increase the size of the commercial/leisure uses at ground floor and basement, however, the applicant has submitted a robust Transport Statement, including a TRICs Assessment which compares predicted trip generation at AM and PM peak hours between the previously approved extended hotel/spa/restaurant/bar and the current mixed use residential/restaurant/bar/spa. The TRICs assessment concludes that the additional vehicle movements (3 in the morning hours and 22 in the evening hours) would be unlikely to cause a significant capacity issues on the local highway network. It is noted that the on-street parking is available in the vicinity and a temporary car park is located adjacent to the junction of Leigh Road and Leigham Court Drive which can be used by the restaurant/bar users. It is also considered likely that the ground floor and basement uses would be part of linked trips or be used by local residents, which would not further increase the vehicle movements. In light of the above, it is considered that, on balance, the proposed development including the ground floor and basement commercial/leisure uses would not have a detrimental impact on the highway network, nearby local roads and parking availability which would warrant refusal of the application. However, it is noted that, given the level of lack of parking provision for the commercial element of the development, a Travel Plan encouraging sustainable travel for the users and staff of the commercial uses is considered to be necessary and this can be agreed in a Section 106 Agreement.

- 4.74 Refuse collection would be undertaken from Leighton Avenue. This would be consistent with the previous use of the building and it is therefore, considered acceptable. It is noted that the design of the refuse store door has been amended so that the door opens inwards to ensure that it does not cause an obstruction to pedestrians which was raised as a concern in the previous application.
- 4.75 Servicing would be undertaken from the car parking area to the front of the building, accessed from Leighton Avenue. This proposal would not require the formation of a loading bay and no objection is raised in terms of the impact of the proposal on the local highway network.

#### Construction Traffic

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

#### Sustainable Transport

- 4.77 Twenty-two cycle parking spaces are proposed to be provided to the rear of the property for the prospective occupiers. Although it has not been confirmed, it is assumed that the proposed cycle store would be used from both the future occupiers of the residential units and the staff of the commercial/leisure uses. It is noted that the Development Management standards for cycle parking is as follows:
- C3 (flats) – 1 secure covered space per dwelling. A minimum of 18 cycle spaces.
  - A3 (Restaurants & Cafes) – 1 space per 100sq.m for staff & 1 space per 100sq.m for customers. A minimum of 8 cycle spaces.
  - A4 (Drinking Establishments) – 1 space per 100sq.m for staff & 1 space per 100sq.m for customers. A minimum of 6 cycle spaces.
  - Health club – 10 spaces plus 1 space per 10 vehicle space. A minimum of 10 cycle spaces.
  - Function room - there are no set standards for this particular use.
- 4.78 22 cycle parking spaces would be provided and therefore, the proposal would not accord with the minimum cycle parking standards and there is a concern that the cycle store as proposed is shared between the commercial and residential uses and this is not considered to be acceptable. Furthermore, there is no provision for cycle parking for visitors. However, it is considered that this issue could be dealt with via a planning condition. It is also noted that Travel Information Packs and “how to get here” information would be provided to first residents, staff and visitors of other uses which is welcomed.
- 4.79 In light of all the above, it is considered that on balance the impacts of the proposed development on the highways network, vehicle and pedestrian safety and parking provision would not be such that to warrant refusal of the application on these grounds with the controls recommended.

## Use of on Site Renewable Energy Resources and SUDs

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

- 4.80 Policy KP2 of the Core Strategy requires that *“at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in SPD 1 Design and Townscape Guide, wherever feasible. How the development will provide for the collection of re-usable and recyclable waste will also be a consideration”*. Policy DM2 of the Development Management DPD also states that *“to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions”*
- 4.81 As noted above 34 PV panels are proposed to be installed on the roof of the building. No information has been provided to determine what percentage of energy needs this will provide but there is no objection to the PVs in this location and it is noted that if a lesser amount can be justified in terms of impact on the building and viability a lesser percentage could be accepted. It is therefore considered that as the principle of this is agreed, the details in relation to renewable energy provision can be dealt with via a condition.
- 4.82 The applicant has submitted a Sustainable Strategy Report stating that the water would be disposed from the site via a gravity drain connected to public sewer system, as existing. Surface water runoff would be restricted to below pre-development discharge and use of SuDS techniques would be introduced on site to reduce potential increase of flooding. Permeable paving would be used to the hard surfaced areas. Anglia Water has been consulted and they have raised no objection however they have requested that a condition requiring a sustainable drainage strategy to be agreed be imposed.
- 4.83 Policy DM2 (iv) of the Development Management Document requires all new development to provide *“water efficient design measures that limit internal water consumption to 105 litres per person per day (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, officers are satisfied this matter can be dealt with by condition.

## Developer Contributions

### CIL Charging Schedule 2015

- 4.84 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material ‘local finance consideration’ for the purpose of planning decisions. The proposed development includes a gross internal area of 1251 sqm of commercial uses and 1853 sqm of residential use, which may equate to a CIL charge of approximately £136,059.00 (subject to confirmation).

It is noted that any existing floor area that is being retained/demolished that satisfies the “in-use building” test, as set out in CIL Regulation 40, may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount, however, in this case the building has been vacant for many years so this is unlikely to be applicable.

## **Planning Obligations**

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

4.85 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*

4.86 The Core Strategy Policy KP3 requires that:

*“In order to help the delivery of the Plan’s provisions the Borough Council will:*

*2. Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed.”*

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

#### *Affordable housing*

4.87 The Council and the applicant undertook lengthy discussions during the course of the previously refused application in relation to the schemes ability to provide affordable housing. There were initially a number of concerns regarding the approach taken by the applicant, given that the viability assessment and in particular the Benchmark Land Value (BLV) of the scheme which was based on an unviable development (previously approved hotel and restaurant), that the construction costs were not based on a market value but on the personal specifications of the applicant and that the finance of the scheme was based on the personal circumstances of the applicant. Viability best practice directs that finance should reflect a ‘market-based approach’ and finance costs are not developer specific as the planning permission is attached to the site and not the developer. Similarly, construction costs for the commercial and leisure uses should be based on a shell and core standards and should not be developer specific.

4.88 Following negotiations, the approach taken by the applicant in terms of the viability of the scheme was amended and a new viability report submitted which, in addition to the amended methodology, also included a revision to sales values based on the potential impact from the development of 114-120 Broadway. This second report also concluded that the proposal would result in a deficit and thus, the proposal would be unable to support the provision of affordable housing.

- 4.89 An independent assessment of the viability of the original scheme was undertaken by the Council. This included a contingency for unforeseen works relating to the historic renovations and some consideration for the potential impact of the development of the neighbouring site. This also concluded that the development was indeed not able to support the provision of affordable housing.
- 4.90 A revised viability appraisal has been submitted with the current proposal. This too concludes that affordable housing is unviable; however, this is not unexpected given that the previous scheme for a larger development, which included the penthouse (now omitted), was also unable to support affordable housing. It is considered that the absence of a contribution to affordable housing has been successfully demonstrated in this instance. However, this is not found to be a positive element of the scheme.

#### Education Contribution

- 4.91 The second reason for refusal for the previous application related to the lack of any formal agreement to secure a financial contribution towards the provision of education facilities in the Borough to mitigate for the impact of the proposed development. The applicant has now agreed to undertake a S106 agreement to cover this. The education contribution calculated as £9607.57.

#### Highways Contribution

- 4.92 As noted above there are two items relating to highways and transport which also need to be included in the S106 agreement which are:
- Costs in relation to the amendment of the Traffic Regulation Order for the installation of the vehicular access estimated at £2500
  - The provisions of Travel Packs for the commercial uses
- 4.93 A draft S106 is being progressed on this basis and it will be implemented should permission be granted.

## **5 Conclusion**

- 5.1 Having taken into consideration the particular circumstances of this case, including the condition of the building, the length of time it has been derelict and its importance to the character and significance of Leigh Cliff Conservation Area, it is considered that, on balance, the current proposal, which still includes the large rear extension but which as omitted the penthouse addition and reduced the scale of the mansard, which were previously found to be unacceptable under application ref 16/01475/FULM, will bring this important historic building back into use and is now found to be acceptable in terms of its design and impact on Leigh Cliff Conservation Area. The proposal has also addressed the second reason for refusal relating to the failure to agree the education contribution. In relation to other matters it is considered that the proposal would have an acceptable impact on the amenities of neighbours, the highways and transportation network and create a satisfactory quality of accommodation for future occupiers. Members are therefore recommended to grant planning permission for this proposal subject to conditions and the completion of a suitable S106 agreement in accordance with the recommendation set out in Section 9 of this report.



## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework (2012): Section 4 (Promoting sustainable transport), Section 6 (Delivering a wide choice of high quality homes), Section 7 (Requiring good design) and 12 (Conserving and enhancing the historic environment)
- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP1 (Employment Generating Development); CP2 (Town Centre and Retail Development) CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure); CP8 (Dwelling Provision)
- 6.3 Development Management DPD 2015: Policies DM1(Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), Policy DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM10 (Employment Sectors), Policy DM12 (Visitor Accommodation), Policy DM13 (Shopping Frontage Management outside the Town Centre) and DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide, 2009.
- 6.5 CIL Charging Schedule 2015
- 6.6 National Technical Housing Standards 2015
- 6.7 Leigh Cliff Conservation Area Appraisal 2010.

## **7 Representation Summary**

### **The Leigh Society**

- 7.1 No objections, this proposal seems to have addressed the previous concerns.

### **Leigh Town Council**

- 7.2 No objections

### **The Airport Director**

Our calculations show that, at the given position and height, the proposal will have no effect upon our operations. We therefore have no safeguarding objections

Suggested informative

*'Please note that if you require crane or piling rig to construct the proposal, this will need to be safeguarded separately and dependant on location may be restricted in height and may also require full coordination with the Airport Authority.'*

### 7.3 Anglia Water

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

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

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

Surface Water Disposal - 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. 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.

Recommended condition

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

Reason

*To prevent environmental and amenity problems arising from flooding.*

Trade Effluent - The planning application includes employment/commercial use. To discharge trade effluent from trade premises to a public sewer vested in Anglian Water requires our consent. It is an offence under section 118 of the Water Industry Act 1991 to discharge trade effluent to sewer without consent. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Recommended informative

*An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments.*

*Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.*

## **Housing Strategy and Affordable Housing**

- 7.5 There is no affordable housing on site we have no comment to make.

## **Environmental Protection**

- 7.6 The acoustic report prepared by SRL Technical Services Ltd. and dated 20/7/16 (rev. 22/7/16) refers to the assessment and control of noise from fixed plant, the outdoor terrace and traffic. No reference has been made to the generation of noise from other sources, most notably the function room and the health club.

Assumptions have been made with regard to the likely containment of noise from the terminals of the air extract ducts by virtue of being located in semi-closed areas. The location of the (24 hour) refrigeration plant seems yet to be finally determined.

The report indicated that noise levels arising from the use of the terrace were based on an occupancy of 40 persons, yet the plan reveals that 72 covers are to be provided in that area. Whilst the report states that diners generally generate less noise than drinkers, which may be true, numbers on the terrace, and adjacent outside areas, will inevitably be swelled by smokers from within the building and drinkers from the brasserie and, possibly, the wine bar. It might be assumed that the number of people resorting to the front external area could approach 100. Breakout of noise from this area beyond the site boundary could, therefore, be significant. I therefore recommend a condition restricting the use of the terrace by diners and drinkers (to end at 21:00). Whilst smokers may, inevitably, continue to use the terrace after that time, the prohibition of drinking after 21:00 should significantly reduce the dwell time of patrons in that area.

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

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

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

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

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

It is recommended that that details of how the acoustic transmission beyond the envelope of the function room, particularly through the ceiling and into the first floor flat located above, is to be prevented. A condition prohibiting the opening of external doors and windows whilst the function room is in use should also be imposed and unless an undertaking can be obtained to the effect that music shall not be played in the health club, similar information to that regarding the function room should also be sought.

I'm as satisfied as maybe that, subject to the attachment of the recommended condition to any consent, and the enforcement thereof, the applicants suggested closing times in relation to the commercial uses are acceptable.

**[Officer comment: Consideration has been given to the above comments from the Environmental Health Officer; however, as noted in the relevant section, it is considered that the principle of the proposed ground floor and basement uses and the external seating area were previously accepted until 11pm and thus, no objection is considered reasonable to be raised for the current uses in principle. The impacts that the development would have to the nearby occupants can be minimised by the imposition of time limits and acoustic conditions. It is also noted that the Councils Environmental Health Officer has requested that the use of the terrace be limited to 21.00 hrs, however, it is noted that a proposal for the same scale and use of terrace has been previously consented until 23.00hrs under refs 10/01447/FUL and 13/00477/EXT so it is considered that it would be unreasonable to now restrict this to 21.00hrs.]**

### **Waste Management**

- 7.7 No comments received.

### **Education**

- 7.8 This application sites with the catchment areas of Leigh North Street Primary School and Belfairs Academy (Secondary). Whilst Leigh North Street Primary School is full there are places at Darlinghurst Primary that is within acceptable travel distances, Belfairs Academy is full. At this time places are only available for secondary at Futures Community College (changing name to Southchurch School) for secondary which is approx. 4 miles away and over the DfE recommended travel distance. A contribution for the secondary impact at Belfairs Academy would therefore be expected. On the breakdown of the number of bedroom per unit this would be £9,607.57

## **Transport and Highways**

### **7.9 Residential Element**

18 dwellings are proposed each benefiting from 1 car parking space the layout of the car park allows vehicles to manoeuvre effectively; cycle parking has also been provided which is policy compliant. Access to the residential parking is via The Broadway a traffic regulation order will require amending to create the entrance/exit. This is the same location as previous application therefore no highway objections are raised to this proposal. Refuse storage that has been proposed is acceptable.

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

#### *Commercial Element*

##### *Servicing*

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

##### *Refuse Collection*

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

##### *Parking Provision*

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

##### *Traffic Generation*

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

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

Consideration has also been given to the previous use of the site in relation to trip generation and also to the more recent approved applications.

### *Highways Conclusion*

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

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

### **Drainage Engineer**

7.10 No comments received.

### **Parks**

7.11 No comments received.

### **Asset Management**

7.12 An application has been made by a local community group for the building to be designated as an Asset of Community Value under the 2012 Regulations. This has been refused because the existing use of the building as a hotel does not qualify for consideration under this legislation.

### **Public Notification**

7.13 Sixty-eight neighbours have been consulted and site notices posted on site and 6 letters have been received. 6 in support of the application and 41 representations objecting to the application making the following comments:

Comments made in support (6 received):

- Wish to see restoration of the historic building
- The reasons for refusal have been addressed
- The proposal will also provide facilities for local residents and have an economic benefit for the area
- Housing is in short supply
- This is a sustainable location
- Regeneration of the building will be good for local traders

In addition to the letters of support a petition of 523 names has been submitted in support of the application.

Comments made in objection (40 received):

- Flats not needed in Leigh
- Impact on historic building and local character
- Loss of garden
- Insufficient Parking
- Impact on 'on-street' parking
- Noise and disturbance
- Loss of outlook
- Density too high
- Over development
- Design
- The building should be retained for community use
- Lack of school places
- Loss of pub
- Increased traffic
- Burden on local facilities
- Loss of hotel
- Extension over scaled
- Loss of openness
- Loss of employment use (hotel)
- The condition of the building is not a justification for over development
- Unacceptable impact on residential amenity
- Impact of night time uses on residents
- Traffic and parking

**[Officer comment – all the issues raised by residents in objection to the application are addressed in Section 4 above]**

7.14 A public information leaflet has also been received from the Grand Again Campaign highlighting their concerns with the proposal. This can be found in the appendix to this report.

**[Officer comment – all the issues raised in this leaflet in objection to the application are addressed in Section 4 above]**

## **8 Relevant Planning History**

- 8.1 16/01475/FULM - Convert existing hotel into mixed use comprising of basement wine bar and health club, ground floor restaurants and terrace, 19 self-contained flats on three floors, form new mansard roof and penthouse roof extension and three storey rear extension with mansard roof, external alterations, install extract/ventilation equipment and solar PV panels, layout parking, associated landscaping and form new vehicular access onto Broadway – refused
- 8.2 15/01696/AD - Application for Approval of Details pursuant to condition 04 (samples of materials) condition 05 (details of panel of pointing profile, copings, mortar mix, bricks, brick bond) and condition 07 (detailed drawings of pediment feature, materials of windows, doors and glazed lantern) of planning permission 12/01439/FUL dated 12/12/2012. Details approved.

- 8.3 14/01033/AD - Application for approval of details pursuant to condition 3 (Brick Samples), 4 (Materials), 5 (Pointing) and 6 (Terrace) of planning permission 10/00421/FUL dated 04/05/2010. Details approved.
- 8.4 13/00477/EXT - Alterations to elevations, form disabled access ramp to side elevation, form terrace with seating areas and form additional vehicular access onto Leighton Avenue (application to extend the time limit for implementation following planning permission 10/00421/FUL dated 04/05/2010 and 10/0144/FUL dated 23/09/2010). Permission granted.
- 8.5 12/01439/FUL - Erect three-storey rear extension to form 3 additional bedrooms, enlarged kitchen facilities, form basement spa, alter car parking at rear and form new vehicular accesses (Amended proposals). Permission granted.
- 8.6 12/00719/FUL - Erect two storey rear extension to form 2 additional bedrooms and enlarged kitchen facilities, form basement spa, alter car parking at rear and form new vehicular accesses (amended proposal). Permission granted.
- 8.7 12/00069/FUL - Create Basement Spa, erect single storey rear extension, alter car parking at rear, lay out car parking spaces and form new vehicular access onto Broadway. Permission granted.
- 8.8 11/01723/NON - Enlarge first floor extension at rear (Non Material Amendment following planning permission 10/00741/FUL dated 17/06/10). Allowed.
- 8.9 10/01447/FUL - Variation of condition 02 of planning permission 10/00421/FUL to allow use of the outdoor terrace area at front until 23:00 hours Monday to Sunday and Bank Holidays. Permission granted.
- 8.10 10/00741/FUL - Erect single storey rear extension, alterations to fenestration at rear, three storey infill extension and external staircase to western elevation from basement to ground floor level. Permission granted.
- 8.11 10/00421/FUL - Alterations to elevations, form disabled access ramp to side elevation, form terrace with seating areas and form additional vehicular access onto Leighton Avenue. Permission granted.

## **9 Recommendation**

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

- **A financial contribution towards secondary education provision of £9,607.57 (index-linked), specifically providing increased capacity at Belfairs Academy which is payable prior to commencement.**
- **A financial contribution of £2500 to cover the cost of amending the Traffic Regulation Order to accommodate the new vehicular access**
- **The provision of Travel Packs for the commercial uses**



**(b) The Director 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: 1391-14A, 1622-01; 1622-02G; 1622-03J; 1622-04K; 1622-05L; 1622-06H; 1622-07E; 1622-08D; 1622-09D; 1622-11B; 1622-12A; 1622-25, Soft Landscape Plan; Location Plan**

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

**03 Prior to the commencement of development samples and / or product details of the materials to be used in the construction / alteration of the external elevations of the development hereby permitted, including bricks (sample required), tiles (sample required), roof materials, stonework (sample required) cladding (sample required) balconies and balustrades, windows and doors including doors and gates to storage areas, dormers, hardstanding and terrace paving, steps and ramp, boundary railings and boundary wall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before it is brought into use.**

**Reason: To safeguard character and appearance of the locally listed building surrounding Leigh Cliff Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).**

**04 Prior to the commencement of development, a sample panel showing the pointing profile, copings, mortar mix, bricks and brick bond to be used on the extension and brick wall shall be submitted to and agreed in writing by the local planning authority. The works shall be carried out only in accordance with the agreed details unless otherwise first agreed in writing with the Local Planning Authority.**

**Reason: To safeguard character and appearance of the locally listed building surrounding Leigh Cliff Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).**

**05 Prior to the commencement of development, detailed drawings, including all styles of doors and windows, balustrades, balconies and railings, dormers, mansard ridge detail, stonework (window surrounds and boundary wall copings), dormer details including decorative pediments, chimney and parapet detail for the extension and details of the staircase access/lift shaft at roof level at scales of 1:20, 1:10 or 1:1 as appropriate shall be submitted to and agreed in writing by the local planning authority. The development shall only be carried out and in accordance with the approved details.**

**Reason: To safeguard character and appearance of the locally listed building surrounding Leigh Cliff Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).**

**06 Prior to the commencement of development of the front terrace hereby approved, details of the junction between the existing building and the proposed terrace, the ramp and the terrace wall/balustrade shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out only in accordance with the approved details.**

**Reason: To safeguard character and appearance of the locally listed building surrounding Leigh Cliff Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).**

**07 No electricity, gas or water meter boxes, soil ventilation pipes, air extraction pipes, air conditioning units, boiler flues, ventilation grills or ducting shall be fixed to the exterior of the building other than in accordance with details that have been submitted to and approved in writing by the local planning authority.**

**Reason: To safeguard character and appearance of the locally listed building surrounding Leigh Cliff Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).**

**08 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above a lower ground floor slab level shall take place until full details of both hard and soft landscape works and proposed boundary treatment have been submitted to and approved in writing by the local planning authority. These details shall include: proposed finished levels or contours; means of enclosure, car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting etc.) Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification and the initial tree planting and tree staking details.**

**The hard landscaping shall be implemented in full accordance with the approved details before the development is occupied or brought into use. The soft landscaping shall be completed before the end of the first planting season following first occupation of the building.**

**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 (2007) and policies DM1, DM3 and DM5 of the Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).**

**09 No construction works above a lower ground floor slab level shall take place until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, has been submitted to and approved by the Local Planning Authority prior to the occupation of the development. The landscaping of the site shall be managed in accordance with the approved plan from occupation in perpetuity.**

**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 (2007) and policies DM1, DM3 and DM5 of the Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).**

**10 Prior to the commencement of the development details of tree protection measures, in relation to the cedar tree to the front, shall be submitted to and approved by the local planning authority. The approved tree protection measures shall be implemented in full prior to commencement of the development and be retained throughout construction unless otherwise agreed in writing with the local planning authority.**

**Reason: To ensure the cedar tree to the front of the site is adequately protected during building works in the interests of visual amenity and in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).**

**11 The development shall not be occupied or brought into use until space has been laid out within the site in accordance with drawing No. 1622-02G for 28 cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear. The parking spaces shown in the approved plans shall be permanently retained only 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 Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management (2015).**

**12 The development shall not be occupied or brought into use until the refuse and recycling storage facilities are provided in full within the details shown on approved site in accordance with drawing No. 1622-02G . The refuse and recycling facilities shall be permanently retained as such thereafter.**

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

**13** The development shall not be occupied or brought into use until a waste management plan and service plan has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall thereafter only 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.

**14** A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of the development and implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development.

**Reason:** In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) policy DM2.

**15** Prior to the commencement of the development details of any extraction and ventilation equipment to be installed at the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented before the basement and ground floor commercial space is brought into use. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

**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.

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

**Reason:** In order to protect the amenities of occupiers of the development and surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy (207) and Policies DM1 and DM3 of the Development Management Document 2015.

**17 A Noise Management Plan in respect of the non-residential uses hereby approved shall be submitted to and agreed in writing by the Local Planning Authority prior to the first use of non-residential uses hereby approved. The Noise Management Plan shall include measures to reduce noise transmission from the outdoor terrace area which may cause a nuisance to neighbouring properties including a prohibition on amplified music being played within this terrace area. The non-residential uses at the site shall be managed and operated in full accordance with the measures in the approved Noise Management Plan from them being first brought into use and in perpetuity thereafter.**

**Reason: In order to protect the amenities of occupiers of the development and surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (207) and Policies DM1 and DM3 of the Development Management Document 2015.**

**18 There shall be no new orders for dining on the front terrace from 22:30 until the close of business that day and the entire front terrace area cleared of all customers by 23:00 until the close of business that day. Additionally all doors accessing the terrace shall be closed, except temporarily for access and egress, from 23:00 to 08:30.**

**Reason: In order to protect the amenities of occupiers of the development and surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (207) and Policies DM1 and DM3 of the Development Management Document (2015).**

**19 Notwithstanding the details specified in the submitted acoustic report by SRL dated 20<sup>th</sup> July 2016, prior to the commencement of the development, an amended acoustic report that also includes an assessment of the noise potential of the function room and health club and which includes recommendations for mitigation measures for these areas shall be submitted and agreed in writing with the local planning authority. These uses in the scheme shall be managed and operated in full accordance with the measures in the approved report from them being first brought into use and in perpetuity thereafter.**

**Reason: In order to protect the amenities of the first floor flat occupiers of the development and surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (207) and Policies DM1 and DM3 of the Development Management Document 2015.**

**20 The class A4 (wine bar) use hereby permitted in the basement shall not be open to customers outside the following times: 09:00 to 01:00 on Monday to Saturdays and 09:00 to 23:00 on Sundays and Bank Holidays.**

**Reason: In order to protect the amenities of occupiers of the development and surrounding residential area from noise associated with patrons leaving the establishment and smokers congregating outside during opening times in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.**

**21 The restaurant, brasserie and function room use hereby permitted at ground floor shall not be open to customers outside the following times: 09:00 to 01:00 on Mondays to Saturdays and 09:00 to 23:00 on Sundays and bank holidays and the French doors to access these areas shall be kept closed from 23:00 to 09:00.**

**Reason: In order to protect the amenities of occupiers of the development and surrounding residential area from noise associated with patrons leaving the establishment and smokers congregating outside during opening times in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.**

**22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any revocation, amendment or adaptation of this legislation of for the time being maybe in force, the basement floorspace hereby approved and identified as the Health Club area, as shown on plan No 1662-.9D, shall only be used as a health club (class D2) and for no other purpose whatsoever.**

**Reason: In order to protect the amenities of occupiers of the development and surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (207) and Policies DM1 and DM3 of the Development Management Document (2015).**

**23 The basement floorspace hereby approved and identified as the Health Club, as shown on plan No 1662-.9D shall not be used outside of the following hours: 07:00 to 23:00 Mondays to Sundays.**

**Reason: In order to protect the amenities of occupiers of the development and surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (207) and Policies DM1 and DM3 of the Development Management Document (2015).**

**24 No deliveries or refuse collection shall be taken at or despatched from the non-residential uses hereby approved outside the hours of 07:00 to 19:00 hours Mondays to Fridays and 08:00 to 13:00 hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.**

**Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and amenities of the area in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).**

**25 No external lighting shall be installed on the building other than in accordance with details that have previously been submitted to and approved in writing by the local planning authority. No additional external lighting shall be installed on the building or within the site without the prior written consent of the Local Planning Authority.**

**Reason: In the interest of the visual amenities and character of the conservation area, and to protect the amenities of surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM5 of the Development Management Document (2015).**

**26 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development shall not be occupied until details of the secure, covered cycle parking spaces to serve the residential development and separate secure covered cycle parking spaces to serve the commercial uses and additional external visitor cycle parking have been submitted to and agreed in writing by the local planning authority. The approved cycle parking shall be implemented in full prior to first occupation of the development and shall be permanently retained thereafter for the storage of cycles.**

**Reason: To ensure that adequate cycle parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).**

**27 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to in full throughout the construction period. The Statement shall provide, amongst other things, for:**

- i) the parking of vehicles of site operatives and visitors**
- ii) loading and unloading of plant and materials**
- iii) storage of plant and materials used in constructing the development**
- iv) the erection and maintenance of security hoarding**
- v) measures to control the emission of dust and dirt during construction**
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.**

**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 (2007) and Policy DM1 of the Development Management Document (2015).**

**28 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time Sundays or Bank Holidays.**

**Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).**

**29 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no structures such as canopies, fences, loggias, trellises or satellite or radio antennae shall be installed within the development or on the buildings hereby approved unless otherwise previously agreed in writing by the Local Planning Authority.**

**Reason:** In order to protect the character and visual amenities of the locally listed building and surrounding conservation area and airport safety in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

**30** No development shall take place until details of the implementation, maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SuDs) Principles) have been submitted to and approved by the local planning authority. The approved scheme shall be implemented, in accordance with the approved details before the development is occupied or brought into use and be maintained as such thereafter in perpetuity. Those details shall include:

- i) An investigation of the feasibility of infiltration SUDS as the preferred approach to establish if the principles of any infiltration based surface water drainage strategy are achievable across the site, based on 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;
- ii) 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 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;
- iii) a timetable for its implementation; and
- vii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

**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 Policy DM2 of the Development Management Document (2015)

**31** Prior to occupation of the flats hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to not more than 105 litres per person per day (lppd) (110 lppd when including external water consumption), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the development and thereafter retained in perpetuity.

**Reason:** To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and Design and Townscape Guide (2009).



**32 Prior to the commencement of the development details shall be submitted to the local planning authority and approved in writing specifying the measure that shall be put in place to ensure that the chimneys on the existing building shall be able to be retained in full. The development shall be implemented only in accordance with the details approved under this condition.**

**Reason: To safeguard character and appearance of the locally listed building surrounding Leigh Cliff Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).**

**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.**

#### **Informatives**

**01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil).**

**02 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.**

**03 The applicant is advised that an application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991**

**04 Please note that if you require crane or piling rig to construct the proposal, this will need to be safeguarded separately and dependant on location may be restricted in height and may also require full coordination with the Airport Authority.**

**05 This permission is governed by a legal agreement between the applicant and the Borough Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to a financial contribution towards affordable housing and secondary education.**

**06 In the event that the planning obligation referred to in part (a) above has not been completed by 16<sup>th</sup> November or an extension of this time as may be agreed the Director 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 provide for education provision. As such, the proposal would be contrary to Policies KP2, KP3 and CP6**

**07 The applicant is advised that 18 cycle spaces are required for the residential cycle store and 1 space per 100 sqm for the staff of the A3 and A4 uses (which equates to 6 spaces) as well as 10 spaces for the staff of the D2 use which need to be provided within a segregated secure store. In addition to this there is also a requirement for 1 space per 100 sqm for visitors of A3 and A4 uses which may be located in the external area.**