

# Southend-on-Sea Borough Council

Agenda  
Item

Report of the Corporate Director of Place  
To  
Development Control Committee  
On  
13<sup>th</sup> January 2016

## Report(s) on Planning Applications

### A Part 1 Agenda Item

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<b>Reference:</b>	15/01743/FULM
<b>Ward:</b>	Westborough
<b>Proposal:</b>	Demolish existing building and erect four storey building comprising of 18 flats with ground floor retail unit (Class A1) and parking, layout cycle store, bin store and form vehicle access onto Fleetwood Avenue.
<b>Address:</b>	Les & Gary, 659 - 665 London Road, Westcliff-On-Sea, Essex, SS0 9PD
<b>Applicant:</b>	Mr J. Simon
<b>Agent:</b>	APS Designs Ltd
<b>Consultation Expiry:</b>	25/11/15
<b>Expiry Date:</b>	27/01/16
<b>Case Officer:</b>	Ian Harrison
<b>Plan Nos:</b>	01, 02, 03, 04, 05, 06, 07, 08 and 10.
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>



## **1 The Proposal**

- 1.1 Permission is sought to demolish an existing building at the junction of Fleetwood Avenue and London Road and its replacement with a four storey building comprising of 18 flats and a ground floor retail unit.
- 1.2 The existing building is mostly two storeys, with a footprint that measures 25.8 metres wide and a maximum of 29.5 metres deep. The existing building features a variety of pitched and flat roofs that are built to a maximum height of 9.5 metres.
- 1.3 The application proposes the erection of an 'L' shaped building that would have its long elevations facing London Road and Fleetwood Avenue . The main part of the building would measure 27 metres wide at the front elevation and 27 metres long at the side elevation that fronts Fleetwood Avenue. The front part of the building would measure a maximum of 17.5 metres deep at the West elevation and the North wing would measure 11.4 metres deep at the North elevation. The main part of the built would feature a flat roof built to a height of 10.3 metres and would contain 16 flats at first and second floor level.
- 1.4 At ground floor the front part of the building would contain a 223 square metre retail unit, refuse storage areas, cycle storage areas and stairs and a lift to the upper floors. The northern, rear wing of the building would contain a void area underneath the building that would provide access to the parking area at the rear of the site from Fleetwood Avenue. The front elevation would feature a heavily glazed shopfront and two entrance doors.
- 1.4 At third floor level, the built form would be recessed from the front elevation of the building by 2.2 metres and from the side elevation by 1.3 metres, except for the staircase which would project forward to the side elevation. The third floor accommodation would measure 25.4 metres long at the front elevation, 8.8 metres deep at the West elevation and 13.5 metres deep at the East elevation. Two flats would be provided at third floor with private terraces to the front that would measure 31 and 29 square metres and a communal terrace to the rear that would measure 132 square metres. Obscure glazed screens would be provided to the edge of the communal terrace that would measure 0.75 metres tall. The third storey element would feature a flat roof and the proposed building would be a maximum height of 13 metres.
- 1.5 As set out above, vehicular access is proposed from Fleetwood Avenue via an undercroft access. Nineteen parking spaces would be provided to serve the proposed development including one disabled parking space. Pedestrian access to the flats is via entrance doors at the Fleetwood Avenue frontage of the site with a second access being provided through the car park.
- 1.6 The dimensions of the proposed flats are fully set out at paragraph 4.17 below. The first and second floor flats would each feature balconies except for the Northernmost flats at the Fleetwood Avenue frontage.

## **2 Site and Surroundings**

- 2.1 The application site currently contains a two storey building with single storey rear projections that is described above and used for storage and furniture retail purposes. Vehicular access is currently provided off Fleetwood Avenue.
- 2.2 The site is located within an area of mixed uses and buildings built to a mix of architectural styles and different scale. To the North of the site is a residential area that consists of rows of two storey terrace residential buildings. To the East of the site is a single storey library building that is a Grade II listed building. To the South of the application site is a row of two and three storey commercial properties that are used for retail and other commercial purposes at ground floor and a mixture of office and residential uses above. The attached building to the West of the application site is a three storey building of Art Deco style that features a supermarket at ground floor and residential uses above.
- 2.3 The site is not the subject of any site specific policy designations.

## **3 Planning Considerations**

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

## **4 Appraisal**

### **Principle of Development**

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

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

- 4.2 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development. Policy CP8 requires that development proposals contribute to local housing needs and identifies that 80% of residential development shall be provided on previously developed land.
- 4.3 Policy DM3 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.”*
- 4.4 Policy DM7 of the Development Management Document states that all residential development is expected to provide a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing on appropriate sites, to reflect the Borough’s housing need and housing demand. The Council seek to promote a mix of dwellings types and sizes as detailed below:

Dwelling size:	1-bed	2-bed	3-bed	4-bed
No bedrooms				
Proportion of dwellings	9%	22%	49%*	20%*

- 4.5 44.4% of the units proposed by this application would be one bed roomed flats and 50% would be two bedroom flats, with just one flat having three bedrooms. It is therefore the case that the proposed development would not provide a development to reflect the Borough’s housing need and housing demand as set out in Policy DM7 of the Development Management Document DPD2. It is therefore considered that this should form a reason for the refusal of the application.
- 4.6 Policy DM13 seeks to protect the vitality and viability of the shopping frontages of the Southend Borough. Although the building is in retail use, it is not allocated as part of a designated shopping frontage and it is therefore considered that there is no policy requirement to provide retail space at the site. Its provision in place of the existing retail facility is not considered to be a basis for an objection to the application.

## Design and Impact on the Character of the Area

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

- 4.7 This section of London Road has a varied character, and is generally mixed use including commercial units at ground floor with some residential above. There is no consistent style of the buildings which vary in age and in size. The buildings are generally two and three storeys, some with flat roofs. In contrast Fleetwood Avenue has a much more consistent character. It is a residential street and consists predominately of two storey mainly Edwardian terraced housing with double height bay windows as the defining characteristic. The properties are located on a consistent building line set back from the pavement behind small front gardens.
- 4.8 The proposal consists of demolishing the existing building and the erection of a four storey block of flats with the fourth storey being provided in the form of a recessed floor. The footprint of the proposed building covers the majority of the site and has extensive frontages to both London Road and Fleetwood Avenue.
- 4.9 It is noted that the height of the three storey element of the building would align with the height of the neighbouring building to the West that would be attached to the development proposed by this application. Whereas the existing buildings at the application site are lower in height than the attached building, the development hereby proposed would introduce a degree of uniformity to the height of the front elevation, which would be of some visual benefit to the street block. This uniformity would be at odds with the varied scale of buildings within the surrounding area, but it is considered that the varied scale of the surrounding area does not contribute positively to the established character of the area.
- 4.10 With regard to where buildings of an increased height are proposed, the Design and Townscape Guide states that *“where larger buildings are considered appropriate, they can be designed in such a way so as they do not appear over dominant in the wider streetscene.”*
- 4.11 The provision of a fourth floor would represent the increase of the height of the building in comparison to the surrounding properties, but as the fourth floor of accommodation would be set back from the front and side elevations and feature significant glazing and timber rather than brickwork, it is considered that the fourth floor built form would accord with design guidance.
- 4.12 A detailed critique of the scale, layout and appearance of the development has been provided by the Council’s Design and Regeneration Team which is set out below. It is noted that no objection is raised to the proposal subject to details of the proposed development being agreed through the imposition of conditions. It is considered that the design advice is comprehensive and well-founded and its content should therefore be afforded significant weight. Accordingly, it is considered that the visual impact of the proposed development is acceptable at this site.



## **Impact on Residential Amenity.**

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

- 4.13 Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties. Policy DM1 of the Development Management DPD also states that development should “Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”
- 4.14 The residential property to the North of the application site (1 Fleetwood Avenue) is located 2.4 metres to the North of the boundary of the application site and 2.7 metres from the proposed North elevation which would be positioned to generally align with the main part of the neighbouring residential property, albeit being positioned forward of the building line of the properties of Fleetwood Avenue. A vehicle access leads between the side elevation of the neighbouring dwelling and the North boundary of the application site. Plans submitted for an application at the neighbouring dwelling (14/00176/FUL) shows that the two first floor windows in the side elevation of the neighbouring dwelling serve bedrooms, with the front bedroom also having much larger windows to the front elevation and the rear bedroom having a rear facing window of equal size. The proposed built form would have a significant impact on the light received through those windows and the outlook from those windows due to the small separation distance between the windows and the scale of the proposed development.
- 4.15 In the case of the front bedroom, it is considered that the impact would be reduced as the window would still be served by its dominant source of light and outlook to the front and it is therefore considered that no objection should be raised due to the impact on that bedroom. The enclosure of the rearmost window would have a significant impact on residential amenity due to that window being South facing and therefore the dominant source of sunlight and daylight to the room that is served. However, as the rear facing window within that room would still enable light to reach the bedroom and provide outlook from that bedroom it is considered that the resultant impact would not result in the worsening of residential amenity to an extent that would justify the refusal of the application on those grounds.

4.16 The proposed terraces to the roof of the building would be enclosed by obscure glazed screens that would measure 1.4 metres tall. At the North and West edges of terrace would be areas of planting which would prevent users from the terrace gaining easy access to the edges of the terrace, thereby reducing the opportunities to look over the screen and towards the neighbouring residential properties to the North. In addition, the West facing balconies would be enclosed with louvered screens to the North elevation and the North facing balconies of the proposed building would be 14.6 metres from the neighbouring residential property of 1 Fleetwood Avenue. Therefore, whilst there would be more overlooking than the existing situation and some loss of privacy within the amenity area of the neighbouring dwellings to the North, it is considered that the resultant impact of the proposed development would not be so harmful as to make the amenity space unusable and therefore it is considered that this should not form a reason for the refusal of the application.

**Standard of Accommodation:**

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

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

- Minimum property size for residential units shall be as follow:
  - (a) 1 bedroom (2 bed spaces) 50 square metres
  - (b) 2 bedroom (3 bed spaces) 61 square metres
  - (c) 2 bedroom (4 bed spaces) 70 square metres
  - (d) 3 bedrooms (5 bed spaces) 86 square metres
  
- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m<sup>2</sup> for a single bedroom with a minimum width of 2.15m<sup>2</sup>; and 11.5m<sup>2</sup> for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
  
- Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
  
- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

The following is also prescribed:

- Provision of a storage cupboard with a minimum floor area of 1.25m<sup>2</sup> should be provided for 1-2 person dwellings. A minimum of 0.5m<sup>2</sup> storage area should be provided for each additional bedspace.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7m<sup>2</sup> for a single bedroom with a minimum width of 2.15m<sup>2</sup>; and 12m<sup>2</sup> for a double/twin bedroom with a minimum width of 2.55m<sup>2</sup>.
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

4.18 The proposed flats would be built to the following dimensions:

Flat	Policy Requirement for Unit Size (Square Metres)	Total Floorspace (Square metres)	Policy Requirement for Bedroom Size (Square Metres)	Bedroom Sizes (Square metres)
1	50	45	11.5	12.2
2	61	56	11.5 & 7.5	13.4 & 8.7
3	61	64	11.5 & 7.5	13.15 & 9
4	61	64	11.5 & 7.5	13.15 & 9
5	50	45	11.5	12
6	50	51	11.5	13
7	70	68	11.5 & 11.5	14.5 & 12
8	50	46	11.5	14
9	50	45	11.5	12.2
10	61	56	11.5 & 7.5	13.4 & 8.7
11	61	64	11.5 & 7.5	13.15 & 9
12	61	64	11.5 & 7.5	13.15 & 9
13	50	45	11.5	12
14	50	51	11.5	13
15	70	68	11.5 & 11.5	14.5 & 12
16	50	46	11.5	14
17	86	82	11.5 & 11.5 & 7.5	16.3, 9.5 and 8.7
18	70	73	11.5 & 7.5	15.4 & 9.4

4.19 On the basis that the flats would serve the number of people stated on the submitted plans, eleven of the eighteen residential units would be below standard and one of the bedrooms in the three bedroom flat would be too small.

4.20 With regard to amenity space, a communal garden area is proposed to provide amenity space for the flats that would have an area of 132 square metres. This would equate to approximately 7.3 square metres per flat which would be small, but better than no amenity space provision. Except for flats 6 and 14, all flats would also be served by balconies or private terraces which, when combined with the communal terrace, would ensure that the overall provision of amenity space at the site would be appropriate for the occupants of the proposed flats. Bedrooms and main living areas are served by windows to provide adequate natural light and outlook and refuse and cycle storage facilities are provided.

- 4.21 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations and it is considered that these standards should now provide the basis for the determination of this application. Policy DM8 also requires that 10% of dwellings in 'major applications' should be built to be wheelchair accessible, thereby complying with Part M4 (3) of the Building Regulations. In this instance it is considered that there is no known reason why the proposed development could not accord with the abovementioned standards and it has not been demonstrated that the proposed development would comply with those standards. It is therefore considered that the proposed development should be refused on the grounds that it has not been demonstrated that the development would accord with Part M of the Building Regulations. Given that meeting Part M requirements may have design implications it is not considered that this matter can be addressed through the imposition of a condition.

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

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

- 4.22 Policy DM15 states that each flat should be served by a minimum of one parking space. This standard has been met by the proposed development and one additional space would be provided at the site.
- 4.23 It is noted that no parking is shown to be provided to serve the proposed retail unit, but as the site is in a relatively sustainable location that is accessible by public transport and the Council's parking standards are stated as a maximum of 1 space per 20 square metres of non-food retail floor space it is considered that the provision of no parking to serve the proposed retail unit is not contrary to the abovementioned policies of the Development Plan.
- 4.24 The Highway Authority has raised no objection to the application on the grounds that the number of vehicle movements associated with the proposed development would not have an adverse impact on highway safety or capacity. From this basis, it is considered that no objection should be raised to the proposal on the grounds of the level of parking provision that is proposed at the site or any impacts on highway safety.

## **Sustainability**

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

- 4.25 Policy KP2 of the Core Strategy states; “*All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources*” and that “*at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)*”. The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design
- 4.26 No details have been provided by the applicant to demonstrate how this matter will be addressed. It would however be possible to secure the submission and agreement of details of sustainable construction under the terms of a condition.

### **Community Infrastructure Levy.**

- 4.27 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material ‘local finance consideration’ in planning decisions. The proposed development will result in a net increase in gross internal area of 531 square metres (taking into account a deduction of 1024 square metres for existing ‘in-use’ floorspace that is being demolished). The CIL chargeable rate for residential units in this location is £20 per square metre and the rate for commercial development is £10 per square metre. Therefore, this equates to £9,834.60.

### **Other Planning Obligations**

#### **Planning Policies: NPPF; DPD1 (Core Strategy) policies KP3 and CP8 and SPD2.**

- 4.28 The Core Strategy Policy KP3 requires that In order to help the delivery of the Plan’s provisions the Borough Council will “*Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed. This includes provisions such as affordable housing.*”
- 4.29 It is considered necessary and reasonable to secure the provision of four affordable housing units at the application site, in accordance with Core Strategy policy CP8 and under the terms of a Section 106 Agreement.

4.30 The affordable housing obligation proposed to be sought is considered to meet the tests set out in the CIL Regulations 2010. Without the contributions that are set out above the development could not be considered acceptable. Therefore if the S106 agreement is not completed within the relevant timescale the application should be refused. A reason for the refusal of the application is included below to this affect.

### **Other Matters**

4.31 It is noted that planning permission was refused for a development with a similar description under the terms of application 08/00390/FULM. That application was refused on the grounds that the development would be of unsatisfactory design, would cause a loss of privacy within the neighbouring properties, would include inadequate amenity space, would have an unsafe access to an underground car park and the access would cause noise disturbance, would include inadequate sustainable construction and renewable energy installations and would represent overdevelopment of the site.

4.32 Each of these matters have been given due consideration above and in many respects it is considered that national and local planning policies have changed in the interim period and it is also noted that the development is different to the previous proposal in many respects, particularly as the windows, balconies and terraces have been located more carefully and provided with screens where necessary. The provision of an underground car park is no longer proposed and sustainable construction should not form a reason for the refusal of the application as this matter can be dealt with through the imposition of a condition. For these reasons, whilst the previous decision of the Local Planning Authority is noted, it is considered that the age of that decision and the differences between proposals means that the decision does not bind the Local Planning Authority.

## **5 Planning Policy Summary**

5.1 National Planning Policy Framework

5.2 DPD1 Core Strategy Policies CP4 (Environment & Urban Renaissance) and KP2 (Development Principles), KP3 (Implementation and Resources) CP8 (Dwelling Provision)

5.3 Development Management DPD Policies DM1, DM2, DM3, DM7, DM8 and DM15 including Housing Standards Transition Policy Statement dated 01/10/15.

5.4 Community Infrastructure Levy Charging Schedule

5.5 Design & Townscape Guide 2009 (SPD1).

5.6 Technical Housing Standards

## **6 Representation Summary**

### **Design & Regeneration**

- 6.1 London Road is a key route into the town centre and the principle public transport corridor. Its character varies greatly along its length but in this section the buildings are mixed uses with commercial premises to ground floor and some residential units above. The buildings are not uniform in their character but common characteristics include the commercial use to the ground floor directly fronting the pavement, the consistent building line, and a scale of 2-4 storeys. The exception to this is Westcliff Library, adjacent to the site which is a single storey building set back from the street behind a small landscaped forecourt. This is grade II listed and its community use and distinctive architecture justify the departure to the general character in this area.

The site consists of two attached 2 storey buildings fronting London Road at the junction of Fleetwood Avenue which are currently in use as a second hand furniture outlet. The buildings are a generous two storeys to the front dropping down slightly to the rear where they return into the residential side street. The buildings are not considered to not make a positive contribution to the streetscene or to the setting of the listed Westcliff library opposite and therefore there would be no objections to their redevelopment.

The proposal seeks to demolish the existing buildings and erect a mixed use building comprising retail uses to the ground floor and 3 additional floors of residential accommodation. The plans show the 3rd floor to be recessed from the front east side and from the rear to reduce the impact of the upper floor on the streetscene and on the residential properties to the rear. The proposal will therefore be taller than the existing buildings on the site and will be slightly taller than the attached neighbour on London Road to the west but given the mixed context of this area and the significant recessing of the upper floor, 4 storeys with a set back to the front dropping to 3 to the rear is considered reasonable. The building lines follow that of the existing and are consistent with the character of the area and this is the correct approach to take.

The scheme is a relatively simple modern design with a predominately glazed shopfront at ground level and a regular pattern of windows and recessed balconies above but it appears to be well balanced and detailed particularly in terms of the tall proportions to the windows offsetting the buff brickwork, the timber louvered screening detail to the balconies and the wrapping of these features round the key corner. The feature banding dividing the floors also helps to break up the massing of the proposal.

To Fleetwood Avenue the detailing is simplified with windows only recognising the secondary nature of this street, although this is offset by the residential entrance in this location which provides an alternative focus for the elevation. At the upper level the materials change and additional fenestration has been introduced to give a more lightweight appearance. The roof overhangs here to provide some shading.



Therefore on balance it is considered that, subject to good quality materials and detailing this proposal should enhance the character of London Road in this location and make a positive contribution to the setting of the listed building. However, in order to ensure that this is the case it will therefore be necessary to condition the following materials and elements of detail:

**Materials** - The proposed buff brick is considered acceptable provided it is a good match to the adjacent library from which it takes reference. A sample should be submitted. The other materials for the lower floors are also considered acceptable except for the proposal for upvc windows which would not be appropriate in this context and would devalue the design quality of the proposal. These should be aluminium to match the shopfront and further details of this along with other key elements of detail will need to be provided - see 'detailing' below. There is also a concern regarding the proposed grey render to the 3rd floor. It is considered that this would appear rather bland and weak in respect to the rest of the proposal and this should be replaced with a higher quality modern cladding material – sample to be submitted. There would be no objection to grey or off white for this element. Shopfront – this labelled as grey powder coated aluminium frame and fascia of a simple but well proportioned design which would be acceptable.

**Detailing** - given the sensitivity of the setting adjacent to a listed building the details of the following items should be requested or conditioned:

- The balconies – as the main decorative feature it is important that these are well designed and built and therefore details of the design including the fascia/ base and the featured louvered panels should be sought.
- Windows and doors – given the wide range of quality for this element product details should be conditioned so that the council can be assured that these are appropriate in this context.
- Roof details – a cross section and design detail of the proposed overhang to the 3rd floor should be requested or conditioned to ensure that this achieves a slim and elegant profile and will appear as a positive feature – how building control thermal requirements have been achieved should be explained. The proposed elevations appear to show a chamfered section to this element which may be an acceptable solution but details and materials need to be clarified.
- Entrance feature and porch canopy – it would be helpful to have further details of this as it will be a prominent feature.

The proposal will also need to demonstrate good landscaping to the rear and roof and that 10% renewables can be successfully integrated into the design.

There is some concern that a number of the units do not meet the new housing standards and it is noted that the 3 bed unit has a small living area in comparison with the other 1 and 2 bed units. It is pleasing to see a useable amount of amenity space which is proposed as a roof terrace. In this location, given the constraints of the site this would be considered acceptable subject to it being well landscaped.

### **Traffic & Highways Network**

- 6.2 The proposal provides 18 car parking spaces and 18 cycle spaces, one for each of the dwellings. This is considered acceptable given the sustainable location of the site which has good links in close proximity to the site. A bus stop is located in either direction within 150yds of the site. The applicant has provided TRICS analysis which has demonstrated that the impact on the public highway during the am and pm peak periods as a result of the proposed development does not have an adverse on capacity or safety when compared to the existing use.

The proposal does not provide any commercial parking, however this is no different to other commercial premises within London Road and it is considered that at highway objection cannot be raised as a result of this, as the site does benefit from being in a sustainable location with regard to public transport as mention above.

It should also be noted that the National Planning Policy framework advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

It is recommended that the applicant provides residential trip packs for potential residents which should provide local information relating to all aspects of sustainable transport within the Southend area

The plans shows the residential and commercial refuse storage doors opening out of highway this should be changed to a roller shutter type door.

All redundant vehicle crossovers to the front and the side of the site should be reinstated at the developer's expense.

Given the above information there are no highway objections to this proposal as the development will not have a detrimental impact upon the public highway.

### **Anglian Water**

- 6.3 No objection has been raised to the proposal subject to the imposition of a condition with respect to drainage due to the proximity of the site to a pumping station. The wastewater and foul sewage infrastructure has capacity to accommodate the proposed development. No comment is made with respect to surface water drainage as the drainage scheme does not affect Anglian Water assets.

## **Essex County Fire & Rescue**

- 6.4 No objection is raised provided that the development complies with Building Regulations.

### **Public Consultation**

- 6.5 Site notice displayed and neighbours notified

25 letters of objection (16 of which are identical but from different residents of the area) have been received which object on the following grounds:

- The flats must be accessible to fire and police services as emphasised by other fires within flats along London Road.
- The access is narrow and crosses a busy pedestrian pavement.
- The loss of retail units is a shame.
- The development would create a burden on the community as the population would be increased but without community facilities. The local doctor's surgery and schools are already over subscribed.
- There are no schools in Westborough and therefore this development will lead to parents having to drive which is not sustainable.
- The cumulative impact of the proposal in addition to other developments represents overdevelopment of the site.
- The developer is attempting to make profits.
- The number of bins proposed to serve the development would be inadequate.
- More cars will use the highways of Fleetwood Avenue and Westborough Road.
- The development would be out-of-keeping with the surrounding area.
- The surrounding area is subject to parking difficulties which would be made worse by the lack of parking within the development.
- The area cannot cope with significant rainfall and therefore a drainage solution should be provided.
- The sewage system is inadequate.
- The flats would be a noise source that would disturb neighbouring residents.
- The change of use of 1 Fleetwood Avenue from one dwelling to two was not supported and therefore this application should be refused as well.
- The proposed development would not have emergency exits and is therefore a fire risk.
- The parked cars will prevent access to the bikes.
- Construction work would cause disturbance.
- Overlooking of the properties of Fleetwood Avenue.
- The occupants would be unlikely to follow the 'one-way' rules of the road and therefore would pose a threat to highway safety.
- The buildings would be taller than the existing buildings at and near the site.

6.6 This application has been called in to the Development Control Committee by Councillor Robinson.

## **7 Relevant Planning History**

7.1 Application 08/00390/FULM proposed the demolition of the existing building, and the erection of a part 3/ part 4 storey building comprising 17 sheltered flats and commercial premises to ground floor along with the laying out of basement parking, cycle store, refuse store and amenity areas. That application was refused for eight reasons.

7.2 Application 14/00263/FUL was approved to allow the change of use of part of the first floor of the building from shop (class A1) to two self-contained flats (class C3) and the laying out of parking, cycle and refuse storage.

7.3 Application 00/00847/FUL was approved to allow the erection of a first floor rear extension to provide storage. The approval followed the refusal of similar application 99/0290.

## **8 Recommendation**

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

**01 The proposed units, by reason of their limited internal space, would fail to meet the requirements of the National Technical Housing Standards and policies DM1 and DM8 of DPD (Development Management). In addition, it has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed residential units would accord with the standards of Part M of the Building Regulations and the proposed development would result in a poor standard of accommodation for future occupiers, contrary to the NPPF, the National Housing Technical Standards and policies DM1 and DM8 of DPD2 (Development Management).**

**02 The proposal, by reason of the dwelling mix, would result in development that fails to contribute towards a mixed and balanced community. This is contrary to the NPPF, policy KP2 of the Core Strategy and policy DM7 of the Development Management DPD.**

**03 In the absence of a signed legal agreement, insufficient mechanisms are in place to secure the provision of four affordable housing units at the site. The proposal is therefore contrary to the National Planning Policy Framework and policies KP3 and CP8 of DPD1 (Core Strategy)**

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

### **Informative**

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

<b>Reference:</b>	15/01785/FULM
<b>Ward:</b>	Blenheim Park
<b>Proposal:</b>	Application to vary condition 11 of planning permission 10/00129/OUTM dated 29 April 2010 & 13/00061/EXTM dated 19 March 2013 (the development hereby approved is not to exceed four storey or 11.4m in height), excluding 1.8m high privacy screen to the roof garden and condition 14 (drawing numbers) to increase height of the building to 12.4m (13m high including lift shaft) plus a 1.8m high privacy screen to the roof garden
<b>Address:</b>	845 - 849 London Road, Westcliff-on-Sea, Essex
<b>Applicant:</b>	Venture Capital Associates Ltd
<b>Agent:</b>	Phase 2 Planning and Development
<b>Consultation Expiry:</b>	22.12.2015
<b>Expiry Date:</b>	22.02.2015
<b>Case Officer:</b>	Janine Rowley
<b>Plan Nos:</b>	356.207.00; 356.206.02; 356.207.00; 356.208.00
<b>Recommendation:</b>	<b>Members are recommended to DELEGATE AUTHORITY TO THE GROUP MANAGER OF PLANNING &amp; BUILDING CONTROL, HEAD OF PLANNING &amp; TRANSPORT or CORPORATE DIRECTOR FOR PLACE to GRANT PLANNING PERMISSION subject to the completion of a S106 legal agreement:</b>

## **1 The Proposal**

1.1 Permission was granted in 2013 for the erection of a 4 storey block including 22 flats, 2 commercial units. The application seeks to vary conditions 11 and 14 of applications 10/00129/OUTM dated 29 April 2010 & 13/00061/EXTM dated 19 March 2013.

1.2 Condition 11 of 10/00129/OUTM stated:

*“The development hereby approved is not to exceed four storeys or a maximum height of 11.4m”.*

Condition 14 of 13/00061/EXTM stated:

*“The development hereby permitted shall be carried out in accordance with the following approved plans: - 001, 200, 201, 202, 203, 204 and 205, or those approved pursuant to any condition relating to this permission”.*

1.3 The change sought is to increase the height of the building from 11.4m (excluding 1.8m high screen to the roof terrace) to 12.4m (13m high including lift shaft) plus a 1.8m high privacy screen to the roof garden.

1.4 A covering letter accompanies this application whereby the applicant states:

*“The reason behind the need to vary the height is due to significant tightening of the Building Regulations with regard to the thermal efficiency of buildings (Part L) and sound insulation between dwellings (Part E) since 2010. As a result, the need to accommodate additional inter-floor insulation has resulted in a notable increase in ceiling to floor depths so as to accommodate additional insulation which has been identified whilst preparing the construction plans. Consequently, whilst it is evident that the proposed height in relation to the street scene buildings, whilst materially larger, are not considered to be significant or result in any adverse neighbour or visual amenity impacts”.*

1.5 The development is of the same character, design, layout, unit numbers and as per the scheme originally approved under application 13/00061/EXTM, albeit with the changes discussed above.

## **2 Site and Surroundings**

2.1 The site is located on the northern side of London Road, 175m west of its junction with Southbourne Grove. It is a regular shaped site with a frontage of 30m and a maximum depth of 74m.

- 2.2 The site is currently empty following the demolition of the existing buildings. The streetscene on this side of London consists of a mix of properties with a variety of uses at ground floor and predominately ancillary offices and residential accommodation at first floor. The southern side of this part of London Road is bounded by Chalkwell Park. To the west of the site is a recently constructed flatted development including commercial premises to the ground floor.
- 2.3 The front of the units provide a forecourt area which is used for a mix of uses including the display of goods and informal car parking.

### **3 Planning Considerations**

- 3.1 The overall design, scale, layout and numbers of units of the development remain unaltered from 13/00061/EXTM. The only issues for consideration in relation to this application are therefore the direct impacts of the proposed amendments described in paragraph 1.3 above in relation to design and impact on the character of the area, impact on residential amenity and developer contributions.

### **4 Appraisal**

#### **Principle of the Development**

**The National Planning Policy Framework, DPD1 (Core Strategy) policies KP2, CP1, CP4 and CP8; DPD2 (Development Management Document) policies DM1, DM3, DM7**

- 4.1 The proposed development involves a comprehensive redevelopment of the site, through the construction of a four storey building comprising of commercial units at ground floor and residential accommodation at first, second and third floors. The principle of redeveloping this site has been previously considered acceptable under application 10/00129/OUTM and 13/00061/EXTM, thus no objection is raised in principle subject to the other material planning considerations discussed in detail below.

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

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

- 4.2 The design, layout, scale and height of 11.4m (excluding 1.8m high privacy screens) of the proposed flatted development have been previously considered acceptable under application 10/00129/OUTM and 13/00061/EXTM. This application seeks to increase the overall height of the development by 1m to 12.4m (13m high including lift shaft) plus a 1.8m high privacy screen to the roof garden.



4.3 The applicant contends since the original determination of the planning application 10/00129/OUTM, the building regulations have changed in relation to the requirement for thermal efficiency of buildings (Part L) and sound insulation between dwellings (Part E). The Councils Building Control Officer has confirmed since the original submission in 2010 the regulations have changed. As a result, the need to accommodate additional inter-floor insulation has resulted in a notable increase in ceiling to floor depths so as to accommodate additional insulation which has been identified whilst preparing the construction plans.

4.4 Although increased, the height the building would still be set down below 853-855 London Road to the immediate west of the site, although the 1.8m high privacy screen and lift shaft would project above 853-855 London Road. A recent appeal decision dismissed at the Toomey site 823-837 London Road (reference: 3030441) is of relevance to this application given that the Inspector considered the overall scale of 853 London Road in dismissing the appeal. The proposed development at the Toomey site (14/01052/FULM) ranged from 13.6m to the top of the fourth floor and a 16.5m maximum height would be harmful to the surrounding area. Paragraph 20 states:

*“853 London Road is also over 12.5 m in height, albeit that it appears to have been built considerably higher than approved. The Appellant has made the point that taking account of the higher land level, the difference in roof lines between it and the appeal building would only be about 0.3 m. Whilst this may be the case, No 853 is a much narrower building and is separated from the site of No 845 by the two storey building housing the Westcliff and Chalkwell Synagogue. The visual impact of No 853, which also stands well back from the road frontage, would not be comparable to the appeal scheme”.*

4.5 In light of the above, the inspector considered that whilst 853 London Road adjacent to this site is over 12.5m in height the visual impact of no. 853, is not harmful to the streetscene.

4.6 It is not considered the proposed increase by reason of its height and scale would appear out of character with the streetscene. The overall design and appearance of the building remains the same as the previously approved scheme albeit the increased height. The proposal is therefore considered in accordance with the NPPF, policies KP2 and CP4 of the Core Strategy, policy DM1 of the Development Management Document and the Design and Townscape Guide.

## **Traffic and Transport Issues**

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

- 4.7 The proposed amendments do not result in additional traffic generation or the need for additional parking. The proposal will include 23 off street parking spaces for the residential flats and cycle spaces together with provision for refuse storage, which has been previously accepted under application 13/00061/EXTM.

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

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

- 4.8 The development as proposed is four storeys with a maximum height of 12.4m (13.1m to the lift shaft) and will include a roof terrace fronting Chalkwell Park enclosed with a 1.8m high screen. Whilst the proposed building has increased in scale by 1m, on balance taking into account the separation distance of 11m to the rear boundary and a further 15m and overall separation distance of 26m in total from the proposed development to the nearest residential property to the rear of the site, it is not considered the proposed development would be overbearing to occupiers in Wellington Avenue. Furthermore, the development is stepped in from the edge of the roof 1.3m to 3m at third floor, which mitigates harm to the adjacent residential occupiers surrounding this site. It should be noted following a recent appeal decision at the Toomey site 823-837 London Road (reference: 3030441), whilst the appeal was dismissed the Inspector considered that the proposed development in terms of its height 13.6m to the top of the fourth floor with a maximum height of 16.5m incorporating the central roof projection, which was not considered to be harmful to the amenities of residents to the north of the site in Wellington Avenue taking into account the separation distance (which is similar to that of this development) nor would the building result in significant overshadowing. Taking into account the separation distance and given the height of this building is considerably lower than that refused at 823-827 London Road, it is considered that the proposal will not have an adverse impact on the residential amenities enjoyed by existing occupiers to the north.
- 4.9 Third floor windows would have restricted views down to the adjoining properties due to the set back from the edge of the building. It is considered reasonable to impose a condition to prevent the use of the space in front of these windows as any type of amenity space.

## **Developer contributions.**

### **Planning Policies: NPPF; DPD1 (Core Strategy) policies KP3, Community Infrastructure Levy Regulations**

- 4.10 The Core Strategy Policy KP3 requires that:  
*“In order to help the delivery of the Plan’s provisions the Borough Council will:  
2. Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed”.*
- 4.11 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
- As the application is made under S73 of the Town and Country Planning Act and does not result in the creation of any additional floorspace, although it is CIL Liable, it is not CIL chargeable. Thus a CIL contribution is not required.
- 4.12 Members of Development Control Committee on the 11<sup>th</sup> November 2015 resolved to grant a modification of the planning obligation (15/01304/DOV) dated 18/07/2013 (as modified by appeal decision dated 07/01/2015) pursuant to application 13/00061/EXTM to vary the affordable housing requirement to provide a financial contribution in lieu of on-site provision. The agreed financial contribution towards affordable housing is £134,673 (conditional upon the development being completed by 7<sup>th</sup> January 2018 i.e. within 3 years of the date of the S106BA appeal decision and as agreed with the applicant). In respect of the ‘trigger’ for payment of the contribution, this would be consistent with the existing S106 that requires the affordable housing to be provided prior to occupation of the 8<sup>th</sup> open market housing unit.
- 4.13 The site falls within the catchment of Darlinghurst Primary School. It is considered the education contribution of £37, 458.58 would be required in relation to the Primary and Secondary schools as previously requested. The applicant is willing to pay this contribution.
- 4.14 The conclusion is that the planning obligations agreed under application this report meets all the tests and so constitutes a reason for granting planning permission in respect of application 15/01785/FULM.

## 6 Planning Policy Summary

- 6.1 National Planning Policy Framework.
- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Accessibility and Transport), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure) and CP8 (Dwelling Provision).
- 6.4 Development Management Document 2: Development Management Document policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and effective use of land), DM7 (Dwelling Mix, size and type), DM8 (Residential Standards), DM14 (Environmental Management), DM15 (Sustainable Transport Management)
- 6.3 Supplementary Planning Document 1: Design & Townscape Guide (2009)

## 7 Representation Summary

### Design and Regeneration

- 7.1 No objections.

### Highway Authority

- 7.2 There are no highway objections to this proposal

### Public Consultation

- 7.3 A site notice displayed on the 01.12.2015 and 94 neighbours notified of the proposal.

Four letters of representation have been received stating:

- The further increase in height will cause the size and bulk of the building to appear more oppressive, overshadowing and robbing neighbours of more sunlight;
- Reduce the number of floors to three storeys to stay within the agreed height;
- The development will appear much higher the buildings in the streetscene;
- Views should be taken into consideration [**Officer Comment: Loss of a view is not a material planning consideration**].

49 pro forma letters have been received objecting to the proposed development stating:

- Rejecting this application would be consistent with the previous planning decisions 11/00975/OUTM 14.4m high and 08/01662/OUTM 14.4m **[Officer Comment: The overall height of this building is 12.4m excluding the privacy screens and lift shaft (13.6m)]**
- The building will appear significantly higher than other buildings in the area.
- Reference should be made to the recent appeal decision at 823-837 London Road as their application was 13.6m and considered materially higher than surrounding development **[Officer Comment the height of this building as proposed is 12.4m (excluding the privacy screens and lift shaft and is line with the adjacent property to the west of the site in terms of height of the building no. 853 London Road]**
- The 22 flats will result in additional noise and disturbance from the increased use of the flats and commercial premises;
- Overflow of parking to surrounding streets **[Officer Comment: The parking provision as proposed has been considered acceptable under applications 13/00061/EXTM 14/01458/RESM and 15/00305/RESM]**
- No provision for visitor parking **[Officer Comment: The parking provision as proposed has been considered acceptable under applications 13/00061/EXTM 14/01458/RESM and 15/00305/RESM].**
- **Additional smells and health and safety issues generated by waste [Officer Comment: Waste details have been submitted and agreed in accordance with the councils waste management guide. Please refer to condition 11 below]**
- Noise and car fumes affecting properties to the rear of the site **[Officer Comment: Please refer to condition 6 below]**
- Local businesses will be affected due to the inclusion of a commercial premises **[Officer Comment: The principle of this development has been previously accepted and this application solely relates to the increase in height].**

## 8 Relevant Planning History

- 8.1 Application for Approval of Details pursuant to condition 02 (details of materials), condition 06 (acoustic fence), condition 09 (refuse storage), condition 12 (details of the gate to the undercroft parking) of planning permission 13/00061/EXTM dated 19/03/2015- Agreed (15/01804/AD)
- 8.2 Application for Approval of Details pursuant to condition 02 (details of materials), condition 09 (privacy screen) of planning permission 15/00305/RESM dated 15/04/2015- Agreed (15/01465/AD)

- 8.3 Modification of planning obligation dated 18/07/2013 (as modified by appeal decision dated 07/01/2015) pursuant to application 13/00061/EXTM to vary the affordable housing requirement to provide a financial contribution in lieu of on-site provision- Granted (15/01304/DOV)
- 8.4 Demolish existing building and erect 4 storey block comprising of 22 flats, 2 commercial units, lay out parking, refuse and cycle stores (Approval of reserved matters following outline application 10/00129/OUTM which was granted extension of time under 13/00061/EXTM dated 19.03.2013)(Amended Proposal)- Reserved matters approved (15/00305/RESM)
- 8.5 Demolish existing building and erect 4 storey block comprising of 22 flats, 2 commercial units, lay out parking, refuse and cycle stores (Approval of reserved matters flowing outline application 10/00129/OUTM which was granted extension of time under 13/00061/EXTM dated 19.03.2013)- Refused (14/01458/RESM). Appeal allowed.
- 8.6 Demolish existing building and erect 4 storey block comprising of 22 flats, 2 commercial units, lay out parking, refuse and cycle stores (outline application) (application to extend the time limit for implementation following planning permission 10/00129/OUTM dated 29 April 2010)- Granted (13/00061/EXTM)
- 8.7 Demolish existing building and erect 5 storey block comprising of 24 flats, 2 commercial units, lay out parking, refuse and cycle stores (outline application)- Refused (11/00975/OUTM)
- 8.8 Demolish existing building and erect 4 storey block comprising of 22 flats, 2 commercial units, lay out parking, refuse and cycle stores (outline application)- Granted (10/00129/OUTM)

## 9 Recommendation

9.1 Members are recommended to DELEGATE AUTHORITY TO THE GROUP MANAGER OF PLANNING & BUILDING CONTROL, HEAD OF PLANNING & TRANSPORT or CORPORATE DIRECTOR FOR PLACE to GRANT PLANNING PERMISSION subject to the completion of a S106 legal agreement:

- a) a commuted sum payment for affordable housing of £134,673 in lieu of on-site provision (subject to the conditions set out in paragraph 4.11 above)
- b) £37, 458.58 education contribution
- c) S106 monitoring fee

b) The Head of Planning and Transport or the Group Manager (Development Control & 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 carried out in accordance with plans 356.207.00; 356.206.02; 356.207.00; 356.208.00.

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

02 The development shall be carried out in accordance with the details of materials approved under application 15/01804/AD on the 10.11.2015 including Facing Brickwork: Ibstock Atlas Smooth Blue (ref 2249); Cladding: Marley Eternit Equitone Natura Nimbus (ref N281); Render: White silicone based textured finish thin coat render system by K-Rend or similar; Flat Roof: I copal or similar, liquid waterproofing system colour grey. Composite decking to amenity areas. Low Pitched Roofs: Icopal Sureplan FPO or similar, single ply membrane waterproofing system colour Light Grey. Windows/Doors: Kawneer or similar Aluminium frames powder coated grey RAL 7000. Shop front glazing: Kwanzaa or similar Aluminium frames powder coated great RAL 7000. Paved Pathways: Marshalls 450x450 textured flag paving laid in straight line bond - Buff Driveway: Marshalls 200 x 100 Keyblok 80mm block paving laid in herringbone pattern - Natural. Car Parking Bays: Marshalls 200 x 100 Keyblok 80mm block paving laid in herringbone pattern - Charcoal. Boundary: Jackoustic Acoustic Fence. Balustrades: Bespoke Brushed Aluminium Balustrades on first and second floor. Frameless clear glass balustrades on top floor with aluminium circular top rail. Guttering-powder coated grey, Brise Soliel- Metal as shown on drawing 356.311.02 received 03.11.2015 unless otherwise agreed in writing by the local planning authority.

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

- 03** No flat shall be occupied until 23 car parking spaces have been provided, together with a properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans, unless otherwise agreed in writing by the Local Planning Authority. The car parking hereby approved shall be retained for the use of occupiers or visitors to the residential units in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

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

- 04** All planting in the approved landscaping as shown on drawing PR024-01B landscape plan, as part of the Reserved Matters (15/00305/RESM), scheme shall be carried out within the first planting season of first occupation of the development. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the local planning authority.

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

- 05** The details of renewable energy shall be implemented in accordance with the Sustainability and Energy Report by David Plant Architecture agreed under application 15/00305/RESM including and drawing 356.201.02, shall be implemented prior to occupation of the flats to provide at least 10% onsite renewable energy, unless otherwise agreed in writing by the local planning authority.



**Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2 and CP4, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).**

- 06 The acoustic fence shall be installed to the northern boundary as shown on drawing 356.205.00 and the supporting information from David Plant Architecture submitted on the 26.03.2015 shall be installed prior to the occupation of the flats hereby approved unless otherwise agreed in writing by the local planning authority.**

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

- 07 No flats hereby approved shall be occupied until cycle parking spaces has been provided in accordance with the approved plan 356.207.00, and cycle parking shall be retained in perpetuity unless otherwise agreed in writing with the Local Planning Authority.**

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

- 08 No flat roofed areas of the proposed development, with the exception of the roof terrace specified on plan 356.208.00, are to be used for sitting out or as any type of amenity space unless otherwise agreed in writing by the Local Planning Authority.**

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

- 09 The privacy screens as agreed under application 15/01465/AD shall be implemented out in accordance with drawings 356.306.03 and 356.304.03, and shall be installed prior to the first occupation of the residential flats hereby approved, unless otherwise agreed in writing by the local planning authority. The screens shall be permanently retained, thereafter.**

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

- 10 Prior to first occupation of the development the gate to the undercroft shall be installed in accordance with the detail approved on drawing 356.204.01 under application 15/01804/AD on the 10.11.2015 and shall be permanently retained thereafter unless otherwise agreed in writing by the local planning authority.**

**Reason: In the interests of visual amenity and to ensure the protection of residential amenities of surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Development Management DPD 2015 policy DM1.. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management Document) policy DM1, and SPD1 (Design and Townscape Guide).**

- 11 The waste management details submitted on the 27.10.2015 and drawing dapa\_356\_207.00 agreed under application 15/01804/AD on the 10.11.2015 shall be implemented prior to the first occupation of the development unless otherwise agreed in writing by the local planning authority.**

**Reason: In the interests of amenity and waste management in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide) and the Waste Management Guide.**

- 12 Prior to occupation of the development hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting, shall be submitted to the local planning authority for approval the development shall be carried out in accordance with the approved details.**

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

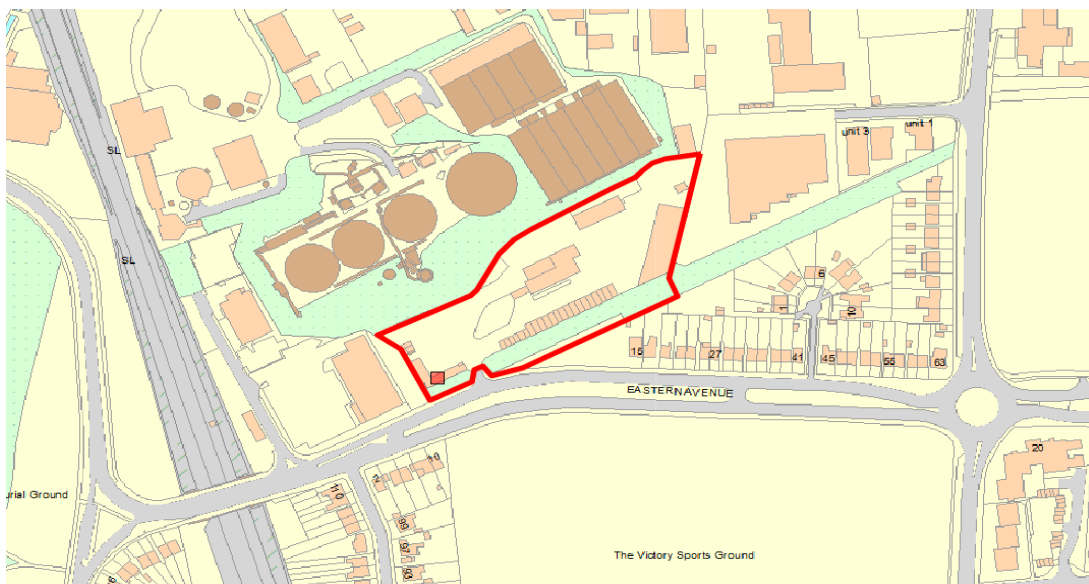
## **Informatives**

- 1 You are advised that as the proposed external alterations does not result in the creation of new floorspace under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.**
- 2 You are advised that the development hereby approved is likely to require approval under Building Regulations. Our Building Control Service can be contacted on 01702 215004 or alternatively visit our website [http://www.southend.gov.uk/info/200011/building\\_control](http://www.southend.gov.uk/info/200011/building_control) for further information.**

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

**c) In the event that the planning obligation referred to in part (a) above has not been completed by 22.02.2016 the Head of planning and Transport or Group Manager (Planning & Building Control) be authorised to refuse planning permission for the application on the grounds that the development fails to:- 1) provide for education facilities to serve the development, 2) provide affordable housing to meet the needs of the Borough. As such would result in increased pressure on public services and infrastructure to the detriment of the general amenities of the area, contrary to Policies KP2, KP3, CP3, CP4, CP6 and CP8 of the Core Strategy, Policies DM1, DM3, DM7, DM15 and the Design and Townscape Guide (2009).**

<b>Reference:</b>	15/01884/AMDT
<b>Ward:</b>	St. Lukes
<b>Proposal:</b>	Application to vary condition 02 (Amended Drawing Numbers) to enable the total demolition of an existing workshop building, the erection of 4 metre tall bunding, acoustic fences measuring 3 and 4 metres tall and the repositioning of the Waste Transfer Station building 6 metres to the East; and condition 12 (Contaminated Land) to amend the deadline for the discharge of condition 12. (Minor Material Amendment to Planning Permission 15/01129/AMDT)
<b>Address:</b>	Cory Environmental Cleansing Depot, Eastern Avenue, Southend-On-Sea, Essex, SS2 4BU
<b>Applicant:</b>	Veolia ES (UK) Ltd
<b>Agent:</b>	Mr O. Diamond (Veolia)
<b>Consultation Expiry:</b>	11/12/15
<b>Expiry Date:</b>	15/02/16
<b>Case Officer:</b>	Ian Harrison
<b>Plan Nos:</b>	1508-C02 F, 1508-C05 A, 37272/A/CVD/001/A and 37272/A/CVD/002/B
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## **1 The Proposal**

- 1.1 Planning permission is sought for a minor material amendment to a planning permission that was granted under the terms of application 15/01129/AMDT, which itself was a minor material amendment to planning permission 13/00055/BC3M. The application also seeks permission for the variation of a condition attached to planning permission 15/01129/AMDT.
- 1.2 Planning permission 15/01129/AMDT enables the erection of a Waste Transfer station at the site, the demolition of some of the existing buildings at the site, the erection of bunds and fencing and the laying out of parking and associated works. Earlier permission 13/00055/BC3M also approved alterations to the access to the site, the modification of the existing public highway including creation of new right hand turning lane, a pedestrian crossing and the provision of associated traffic signal control on Eastern Avenue and these works have already been undertaken.

### **Variation of Condition 02 - Minor Material Amendment**

- 1.3 The proposed variation to the previously approved development would see the Waste Transfer Station building being relocated 6 metres to the East. A building that was proposed shown to be partially demolished and partially retained, would now be entirely demolished and additional bunds and enclosures would be provided at the South and East boundaries of the site. The bunds and acoustic fences to the East of the building would be 4 metres tall and the acoustic fence to the South West would be 3 metres tall.

### **Variation of Condition 12 – Contaminated Land**

- 1.4 The application seeks the variation of condition 12 of planning permission 15/01129/AMDT which stated that:

*“Prior to the commencement of the development hereby approved remediation verification details to demonstrate that the remediation works that have occurred at the site have adequately mitigated the land contamination risk shall be submitted to and approved in writing by the Local Planning Authority. This shall include further soil tests where necessary to demonstrate that the land is suitably clear of contaminants. In the event that the remediation strategy as undertaken is considered insufficient, further remediation work shall be carried out to the satisfaction of the local planning authority including identifying any requirements for monitoring of pollutant linkages, maintenance and arrangements for contingency action. These requirements shall relate to hardstanding and groundwater in the west of the site in the vicinity of the former fuel tanks only.”*

The condition was imposed for the following reason:

“To protect and prevent pollution of the water environment and to ensure that the development does not cause pollution to Controlled Waters in accordance with DPD1 (Core Strategy) 2007 policy KP2 and DPD2 (Development Management) Policy DM14.”

- 1.5 The applicant seeks the variation of the condition to require its discharge prior to the first use of the Waste Transfer Station rather than prior to the commencement of its construction.

## **2 Site and Surroundings**

- 2.1 The 1.8 hectare site is located on the northern side of Eastern Avenue, it lies to the east of an existing Aldi store and there are residential properties to the East. The Anglian Water sewage pumping works lie to the north of the site. A single access point onto Eastern Avenue is situated towards the western end of the site. A bank of deciduous trees lies along the southern boundary of the site, providing screening. Ground level changes significantly across the site and is at its' lowest on the north east corner. Land to the north of the site falls away steeply towards the sewage treatment works. Access to the site is gained from Eastern Avenue.
- 2.2 The site currently contains a number of buildings and structures including: The former Material Recycling Facility (MRF) building approximately within the centre of the site, offices and canteen, storage sheds, wash down areas, a container storage area, vehicle workshops and vehicle inspection ramp, garages, and an electricity substation. The majority of the site is covered in hardstanding. There are 48 car parking spaces within the Depot.
- 2.3 The site was most recently used by the Council's contractor, Cory Environmental Municipal Services, who undertook the Council Waste Collection, Street Cleansing Services and Ancillary Services Contract. The site has an environmental permit for transferring, separating, sorting and processing up to 67,900 tonnes per year of municipal waste. The site has been in use for waste management and emergency services operations purposes since the late 1960's and is currently permitted to operate 24hours a day 7 days a week.
- 2.4 The formers operations at the site included: vehicle maintenance, fuelling parking and storage for the Councils fleet of Refuse Collection and Street Cleansing Vehicles, materials storage, waste transfer, offices, welfare facilities and staff car parking. In addition the local authority emergency responses related to winter gritting/snow clearance, marine oil pollution, flooding and other emergency situations have been dealt with on site.

### **3 Planning Considerations**

3.1 Each condition was imposed for reasons which are fully stated within the decision notice which is included as an appendix to this report. Section 73 of the Town and Country Planning Act 1990 states that applications to undertake developments without compliance with conditions that have previously been attached shall only consider the conditions by which the development shall be undertaken. The Local Planning Authority may determine to remove or vary the conditions or refuse the application. In each case it is considered appropriate to ensure that the conditions meet the tests of a condition that are set out within the National Planning Practice Guidance which requires that conditions are:

- Necessary,
- Relevant to planning,
- Relevant to the development to be permitted,
- Enforceable,
- Precise
- Reasonable in all other respects.

### **4 Appraisal**

#### **Minor Material Amendment of Approved Plans – Condition 2.**

##### Principle of amendments

4.1 Planning Practice Guidance states that one of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. It goes on to state that there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

4.2 The alterations proposed to this development effects the layout of development at the site, but the scale of the buildings and the nature of the development would not be substantially different to that which was proposed and approved previously. It has been possible to undertake public consultation in respect of this application and as such neighbouring residents have been able to comment on the proposed alterations. It is therefore considered that nobody has been disadvantaged through considering the proposed changes under the terms of a minor material amendment rather than insisting upon the submission of a new planning application.

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

- 4.3 As is the case with the previous applications at this site, the new Waste Transfer Station building that is proposed would be largely masked from the public domain by virtue of the dense vegetation that exists at the South boundary of the site and the presence of residential and retail properties to the South and West of the application site. It has previously been concluded that the buildings proposed “will not appear dominant within its surroundings. It is anticipated that any view of the building will be restricted to the upper sections of the roof of the building.” The building would be the same size as the previously approved building but would be positioned 6 metres further to the East, thereby being less visible from the public domain at the entrance of the site. It is considered that the building would be less prominent in views from the public domain, either in close views from Eastern Avenue or longer views of the site that would be possible from the public open space to the South. Where views of the building are possible, it is considered that the views will be fleeting and partially mitigated by the landscaping that exists at the site. It is therefore considered that the repositioning of the building would also not cause the development to have a materially greater impact on the character or appearance of the site or the surrounding area.
- 4.4 For these reasons, it is considered that the minor material amendments that are proposed by this application would not cause the development to have a materially different visual impact to the development that has been found acceptable at this site.

### Impact on Neighbouring Residents

- 4.5 Policy DM1 states that development should “*protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.*”
- 4.6 The proposal would result in the main WTS building being located no closer to the properties of Eastern Avenue. The building would remain 28 metres from the rear elevation of 15 Eastern Avenue, 33 metres from the rear elevation of 17 Eastern Avenue and 18 metres from the boundary that is shared with those properties.
- 4.7 A band of dense landscaping provides a buffer between the residential properties of Eastern Avenue and Eastern Close and the commercial, industrial and utility uses that are located to the North. Due to this landscaping, which would be enhanced under the terms of this proposal, the orientation of the neighbouring dwellings and the separation distance of 28 metres that would be retained, it is considered that the relocated building would not cause a loss of light or outlook within the neighbouring properties to an extent that would be materially worse than the previous proposal.



- 4.8 With respect to noise, it is noted that the relocation of the building means that the proposed WTS building will still provide a barrier between the vehicles that would be manoeuvring within the application site and the neighbouring properties. Where part of the building was previously to be retained, but would not be demolished it is considered that there is less built form to mitigate the transfer of noise from the site to the neighbouring residential properties. However, bunds and boundary screens would be formed at the site to provide an acoustic barrier between the application site and the neighbouring residential properties.
- 4.9 The relocation of the proposal is not considered to be likely to have any other impacts on the amenities of the neighbouring residents.

#### Traffic Generation

- 4.10 The proposed modification of the proposed development would not cause any increase in traffic movements to or from the site.

#### Other Matters

- 4.11 In respect of all other matters that were given consideration and weight in the determination of the original application, it is considered that the minor material amendments proposed by this application would not give rise to materially different impacts. The proposed amendments would not materially change the impacts of the development in respect of biodiversity, flood risk, contamination or sustainability. Conditions are in place to enable the further consideration of these matters as far as is relevant and these matters can be given further consideration below.
- 4.12 For these reasons it is considered that the minor material amendments can be found to be acceptable.

#### **Variation of Condition 12**

- 4.13 It was previously identified that the former fuel tanks at the West of the site were a potential source of contamination and as such it was considered that their presence needed to be mitigated through appropriate remediation of the land. The applicant advised that this has occurred and therefore the only outstanding requirement of the condition relates to the long term monitoring of the remediation works that have occurred. However, this could not be verified and therefore the Local Planning Authority retained a condition to address this matter.
- 4.14 That condition required works to be undertaken and the condition to be discharged prior to the commencement of the development. However, the applicant has made the case that the works only relate to part of the site which is separated from the location of the proposed building and therefore there is no need to restrict development on the remainder of the site. This is considered to be a reasonable approach to take in the circumstances where the majority of the development could occur without interfering with the area of potentially contaminated land.

- 4.15 It is considered that this approach should be found to be acceptable, particularly as condition 13 would remain in place to address any unforeseen contamination issues that arise from undertaking works at the site.

### **Other Matters**

- 4.16 With respect to the other conditions that were imposed, Planning Practice Guidance states:

*“Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.*

*A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. Further information about conditions can be found in the guidance for use of planning conditions.*

*As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission. If the original permission was subject to a planning obligation then this may need to be the subject of a deed of variation.”*

- 4.17 For these reasons it is considered appropriate to impose an amended set of conditions that is largely based on those previously used, but replacing those that are the subject of this application.
- 4.18 It is considered that plans 1508-C02 F, 1508-C05 A and 37272/A/CVD/002/B should replace plans and 37272/A/CVD/002/A, 37272/A/CVD/004/A and 21507/100 A in condition 2.

### **Community Infrastructure Levy**

- 4.19 The proposed development would not cause an increase in floorspace in comparison to the previously approved development and therefore the application is not considered to be CIL liable.

## *Summary*

- 4.31 For the reasons set out above, it is considered that the minor material amendments shown on the amended plans can be found acceptable. It is considered that conditions 02 and 12 can be varied without causing material harm to the amenities of neighbouring residents or the character of the area or posing an increased contamination risk at the site.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework
- 5.2 DPD1 Core Strategy Policies CP4 (Environment & Urban Renaissance) and KP2 (Development Principles).
- 5.3 Development Management DPD Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management).
- 5.4 Community Infrastructure Levy Charging Schedule
- 5.5 Essex and Southend Waste Local Plan 2001
- 5.6 Design & Townscape Guide 2009 (SPD1).

## **6 Representation Summary**

### **Design & Regeneration**

- 6.1 No comments received.

### **Traffic & Highways**

- 6.2 No comments received.

### **London Southend Airport**

- 6.3 London Southend Airport have no objection to the application. The permission of London Southend Airport would also be required if a piling rig or crane is used in the construction of the proposed development.

### **Essex County Fire and Rescue Service**

- 6.4 It has been advised that the access to the site is satisfactory. The need to comply with building regulations and the merits of including sprinkler systems within developments has also been highlighted.

## **Environment Agency**

- 6.5 The Environment Agency have advised that they have no comment to make on the application as they have not been provided with sufficient information.

## **Environmental Protection Team**

- 6.6 The Council's Environmental Protection Team have advised that conditions 17 and 18 are not in accordance with their previous recommendations and therefore do not provide adequate protection against noise. Similarly, they have concerns that there is potential for the site to be more contaminated than just in the corner of the site that is addressed by condition 12. **(Officer Note – The conditions imposed replicate or are strongly based on previous conditions that have been imposed at the site and it is therefore considered that, as before, it would be unreasonable to impose more stringent conditions in comparison to the previous permission)**

## **Public Consultation**

- 6.7 Site notices were displayed at the site and neighbours were notified of the application.
- 6.8 No letters of objection have been received.

## **7 Relevant Planning History**

- 7.1 Planning permission was granted for the erection of a Waste Transfer Station and associated developments under the terms of application 13/00055/BC3M.
- 7.2 That permission was amended by new planning permission 15/01129/AMDT which is fully discussed above. The conditions of that permission are the subject of this application.
- 7.2 In 2012 a request for a Screening Opinion in relation to the provision of a waste transfer station at the site was submitted (12/00414/RSE). The Local Planning Authority determined that an Environmental Impact Assessment would not be required.
- 7.3 Outline permission was granted for the erection of a waste transfer station at the site under the terms of application 06/00166/OUT.
- 7.4 The site has an established waste related use and has been operating since 1968.

## **8 Recommendation**

**Members are recommended to GRANT PLANNING PERMISSION subject to**

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the following conditions:

- 01 The development hereby permitted shall begin not later than three years from the date of the original decision (30 April 2013).

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990. (R01A)

- 02 Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan numbers:  
37272/A/CVD/001/A, 37272/A/CVD/002/B, 37272/A/CVD/003/B,  
37272/A/CVD/012/A, 37272/A/CVD/013/A, 37272/A/CVD/014/A,  
37272/A/CVD/026/G, 37272/A/CVD/027/A, 37272/A/CVD/029/A,  
37272/A/CVD/030/A, 37272/A/CVD/031/A, 21507/101 A, A034/01/012,  
A034/01/012, 3602530 (7 Plans), 1508-C02 F and 1508-C05 A.

Reason: In the interests of residential amenity and general environmental quality, in the interests of sustainability, amenity and highways efficiency and safety, in the interests of visual amenity in accordance with DPD1 (Core Strategy) policies KP1, KP2, CP1, CP3, CP4, CP6, DPD2 (Development Management) policies DM1, DM2, DM14 and DM15 and SPD1 (Design and Townscape Guide).

**03 Thirty Six (36) car parking space(s) shall be provided in accordance with plan 37272/A/CVD/003/B prior to first use of the building(s) hereby approved and shall thereafter be permanently retained for the parking of vehicles of people working in the building or calling there for business purposes unless otherwise agreed in writing by the local planning authority.**

**Reason: To ensure that satisfactory off-street car parking and turning provision is provided for people using the development in the interests of amenity and highways efficiency and safety, in accordance with DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management) policy DM15 and SPD1 (Design and Townscape Guide).**

**04 All hard and soft landscape works shall be carried out in accordance with the approved details submitted in accordance with 37272/A/CVD/012/A. The works shall be completed within the first planting season following practical completion of the development or in accordance with a programme submitted to and approved by the Local Planning Authority.**

**If any trees are removed or found to be dying, severely damaged or diseased within 3 years; of planting them, they must be replaced with trees of a similar size and species.**

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



**05 No part of the development shall be occupied until 20 secure, covered bicycle parking spaces have been provided in accordance with plans 37272/A/CVD/003/B and 37272/A/CVD/031/A and the spaces shall be permanently maintained thereafter unless otherwise agreed in writing by the local planning authority.**

**Reason: To ensure that satisfactory secure off-street bicycle parking is provided in the interests of sustainability, amenity and highways efficiency and safety, in accordance with DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management) policy DM15 and SPD1 (Design and Townscape Guide).**

**06 Demolition or construction works shall not take place outside 07.30 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.**

**Reason: To protect residential amenity and general environmental quality in accordance with, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and DPD2 (Development Management) policy DM1.**

**07 The hardstanding shown on the approved plans shall be installed prior to first occupation of the development and shall be permanently maintained thereafter. The condition of the hardstanding should be reviewed on a 6 monthly basis and any hardstanding which is in a poor state of repair should be replaced unless otherwise agreed in writing with the Local Planning Authority.**

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

**08 No burning of construction of demolition waste is to take place on the site.**

**Reason: To protect the amenities of neighbouring properties and general environmental quality in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4 and DPD2 (Development Management) Policy DM1.**

- 09 No lighting shall be installed at the site other than in accordance with the Lighting Plan Short Statement and plan 37272/A/CVD/027/A unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To protect the amenities of neighbouring properties and general environmental quality in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4 and DPD2 (Development Management) Policy DM1.**

- 10 Prior to first use of the buildings hereby approved photovoltaic cells shall be installed along the south facing roof of the WTS in accordance with details set out in the Renewable Energy Statement dated August 2012 and submitted with the application and shown on the roof plan drawing 37272/A/CVD/014/A and on elevation drawing 37272/A/CVD/004/A. The cells shall remain operational for the lifetime of the development unless otherwise agreed in writing by the local planning authority.**

**Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with DPD1 (Core Strategy) policy KP2 and CP4, and DPD2 (Development Management) Policy DM2 and SPD1 (Design and Townscape Guide).**

- 11 The use of the development hereby approved shall not commence until a Travel Plan has been submitted to and agreed in writing by the local planning authority, the Travel Plan shall be implemented in accordance with the approved details.**

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

- 12** Prior to the first occupation of the Waste Transfer Station hereby approved remediation verification details to demonstrate that the remediation works that have occurred at the site have adequately mitigated the land contamination risk shall be submitted to and approved in writing by the Local Planning Authority. This shall include further soil tests where necessary to demonstrate that the land is suitably clear of contaminants. In the event that the remediation strategy as undertaken is considered insufficient, further remediation work shall be carried out to the satisfaction of the local planning authority including identifying any requirements for monitoring of pollutant linkages, maintenance and arrangements for contingency action. These requirements shall relate to hardstanding and groundwater in the west of the site in the vicinity of the former fuel tanks only.”

**Reason:** To protect and prevent pollution of the water environment and to ensure that the development does not cause pollution to Controlled Waters in accordance with DPD1 (Core Strategy) 2007 policy KP2 and DPD2 (Development Management) Policy DM14.

- 13** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

**Reason:** To protect and prevent pollution of the water environment and to ensure that the development does not cause pollution to Controlled Waters in accordance with DPD1 (Core Strategy) 2007 policy KP2 and DPD2 (Development Management) Policy DM14.

- 14** No infiltration of surface water drainage into the ground at the site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to the water environment.

**Reason:** To prevent the mobilisation of contaminants within the made ground and to ensure that the development does not cause pollution to Controlled Waters in accordance with DPD1 (Core Strategy) 2007 policy KP2.

**15 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:**

**o Infiltration testing across the site in accordance with BRE365, and the infiltration test results.**

**o The scheme will fully investigate the feasibility of infiltration SuDS as a preference. Details of the location and sizing of the proposed infiltration drainage systems to dispose of the surface water.**

**o The discharge rate to the Anglian Water sewer will be at the agreed rate of 1.2l/s.**

**o Attenuation storage shall be provided to cater for the 1 in 100 year critical storm plus allowance for climate change.**

**o Details of how surface water will be conveyed within the proposed system and calculations demonstrating that conveyance networks are appropriately sized.**

**o A drainage plan for the site including the proposed location/size of any infiltration/attenuation device.**

**o Details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the proposed development.**

**The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.**

**Reason: To ensure surface water is adequately managed in the interests of flood prevention and pollution control, in accordance with DPD1 (Core Strategy) 2007 policy KP2.**

**16 The roller shutter doors to the Waste Transfer building shall be kept closed at all times except when vehicles are entering and exiting the building.**

**Reason: To prevent noise pollution of the environment and to protect the amenities of surrounding occupiers in accordance with DPD1 (Core Strategy) 2007 policy KP2 and DPD2 (Development Management) Policy DM1.**

- 17 The level of noise emitted from the site shall not exceed 55dB between 07:00-23:00 Monday to Saturday as determined at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS4142:1997.

Reason: To prevent noise pollution of the environment and to protect the amenities of surrounding occupiers in accordance with DPD1 (Core Strategy) 2007 policy KP2 and DPD2 (Development Management) Policy DM1.

- 18 The rating noise level of the noise emitted from the odour control plant, including the flue termination, shall not exceed the existing background noise level at night (23:00-07:00hrs) determined to be 32dB by more than 10dB. The noise levels shall be determined at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS4142:1997.

Reason: To protect and prevent noise pollution of the environment and to protect the amenities of surrounding occupiers in accordance with DPD1 (Core Strategy) 2007 policy KP2 and DPD2 (Development Management) Policy DM1.

- 19 An odour management system as described in the submitted Air Quality Assessment dated June 2015 shall be installed to the Waste Transfer building, prior to first use of that building and shall remain operational thereafter.

Reason: To prevent pollution of the environment and to protect the amenities of surrounding occupiers in accordance with DPD1 (Core Strategy) 2007 policy KP2 and DPD2 (Development Management) Policy DM1.

- 20 No building demolition shall take place until the buildings have been inspected by an ecologist to identify evidence of bird breeding activity. If such activity is found, works shall be delayed until young birds have fledged.

Reason: To minimise the risk of disturbance to nesting birds in accordance with DPD1 (Core Strategy) 2007 policies KP2 and CP4.

- 21 The "Recommendations" set out in section 5.2 paras 5.2.1 - , 5.2.3 of the submitted Extended Phase 1 Habitat Survey Report dated February 2012, shall be fully implemented during the demolition and construction phase of the development, and the Enhancement and Management requirements set out at para 5.2.4 shall be implemented prior to first use of the WTS building, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To minimise the risk of disturbance to protected wildlife and to enhance the biodiversity of the site in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4.

- 22 The "Recommendations" set out at section 10.2 of the Executive Summary, contained within the Site Investigation (Interpretive Report) prepared by Amec Environmental and Infrastructure U.K dated August 2012 shall be implemented during construction and following first occupation of the WTS building as appropriate.**

**Reason: To ensure that the development does not cause pollution in accordance with DPD1 (Core Strategy) 2007 policy KP2.**

- 23 The existing boundary treatment along the eastern boundary of the site (with Aldi) shall be retained unless otherwise agreed in writing with the Local Planning Authority.**

**Reason: To maintain screening of the adjacent site in order to protect the amenities of occupiers in accordance with DPD1 (Core Strategy) 2007 Policies KP2 and CP4 and DPD2 (Development Management) policy DM1**

- 24 Prior to their installation, details of the appearance and materials of the acoustic screens shall be submitted to an approved in writing by the Local Planning Authority. The approved screens shall be installed prior to the first use of the Waste Transfer Station and shall be permanently retained.**

**Reason: To maintain screening of the adjacent site in order to protect the amenities of occupiers in accordance with DPD1 (Core Strategy) 2007 Policies KP2 and CP4 and DPD2 (Development Management) policy DM1.**

- 25 Prior to the formation of the bunds that are shown on the plans at the East boundary of the site (referred to as "Top Soil Stock Piles on plan 215075/100A), details of the proposed maximum height, gradients and soft landscaping of the bunds shall be submitted to and approved in writing by the Local Planning Authority.**

**Reason: To maintain screening of the adjacent site in order to protect the amenities of occupiers in accordance with DPD1 (Core Strategy) 2007 Policies KP2 and CP4 and DPD2 (Development Management) policy DM1**

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



## **Informative**

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

<b>Reference:</b>	15/01917/FUL
<b>Ward:</b>	St Laurence
<b>Proposal:</b>	Erect two storey extension to hotel, form 24 additional car parking spaces and form new access on to Thanet Grange
<b>Address:</b>	Premier Inn, Thanet Grange, Westcliff-on-Sea, Essex, SS2 6GB
<b>Applicant:</b>	Premier Inn Hotels Limited
<b>Agent:</b>	Walsingham Planning
<b>Consultation Expiry:</b>	31/12/15
<b>Expiry Date:</b>	25/01/16
<b>Case Officer:</b>	Ian Harrison
<b>Plan No's:</b>	Location Plan, 11477:SK01, 614-01, 3899/P1, 3899/P3, 3899/P4, 3899/P5, 3899/P6, 3899/P12A, 3899/P13, 3899/P14, 3899/P15, 3899/P16A and 3899/P17A.
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## **1 The Proposal**

- 1.1 The application seeks planning permission for the erection of an extension to the existing Premier Inn hotel at Thanet Grange, Westcliff-on-Sea.
- 1.2 The existing 80 bedroom hotel building is formed of two linked buildings. The main building is a three storey building that measures 45 metres wide and 14.5 metres deep with a pitched roof built to an eaves height of 8.2 metres and a main ridge height of 12.2 metres. Connected to the main building by a 5.3 metre wide, 6.7 metre tall link is a two storey 'outcrop' wing that measures 14 metres deep and 22 metre wide with a pitched roof built to a maximum eaves height of 6 metres and a ridge height of 10.4 metres. Subservient gable end projections exist on the front and rear elevations of the main building and the South East elevation of the smaller wing.
- 1.3 The applicant proposes the extension of the smaller wing with a two storey extension at the North East side that would project from the side of the existing building by 12 metres and be 28 metres wide, thereby projecting forward of the front elevation of the existing wing by 16 metres. The main part of the extension would be built to an eaves height of 6 metres and a ridge height of 10 metres, with the roof returning to the existing building with a ridge that matches the main part of the extension.
- 1.4 The extension would be 'L' shaped, thereby returning 3.2 metres towards the main building at the South West side with a two storey projection that would be built to an eaves height of 6 metres and a ridge height of 10.3 metres. A two storey projection would be provided at the South East corner of the building that would measure 8.3 metres by 1.5 metres and a subservient gable end projection would be provided at the North East elevation. The extension would feature a mixture of red and yellow brickwork to the elevations and grey concrete tiles to the roof. A staircase would be provided to all elevations, except for the North East elevation, to link the ground floor to the lower ground level of the car park.
- 1.5 The extension would provide 24 new bedrooms and 2 additional bedrooms would be formed within the existing hotel building through the conversion of a staircase.
- 1.6 The application also proposes the re-configuration and enlargement of the car park at the site to enable the provision of 24 additional car parking spaces, thereby resulting in a total provision of 141 spaces at the application site. The submitted plans show that shrubs and 14 trees would be removed, with 15 replacement trees being provided. The means of accessing the site would also be modified with the access being relocated 11 metres closer to the Thanet Grange roundabout.

## **2 Site and Surroundings**

- 2.1 The application site is located to the North of Thanet Grange and contains a two storey hotel building that is described above. To the South West of the main hotel building is a single storey public house/restaurant that is linked to the hotel by a single storey enclosed walkway, with a small amount of ancillary first floor accommodation. The site is currently served by 114 parking spaces.
- 2.2 The site is part of a cluster of commercial buildings that were built in the 1990s, including a large supermarket and a large office building.
- 2.3 The site is located within the Area Action Plan Boundary for London Southend Airport and Environs and outside the Airport Public Safety Zone but within the safeguarding area. The site is not the subject of any other site specific planning policies.

## **3 Planning Considerations**

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

## **4 Appraisal**

### **Principle of Development**

#### **National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Development Management DPD Policy DM12 and SPD1**

- 4.1 Policy DM12 states that “new visitor accommodation will be focused within the Southend Central Area, London Southend Airport Area and at locations with good access and a clear and strong relationship with the Seafront.” The site is located within the Joint Area Action Plan Boundary for London Southend Airport and Environs and it is therefore considered that the provision of visitor accommodation at this site is in accordance with policy DM12.
- 4.2 The Joint Area Action Plan for London Southend Airport does not provide any specific proposals for the application site and does not promote the provision of additional accommodation outside the airport and its business parks. However, neither does it prevent the provision of additional visitor accommodation at the application site. Therefore, given the content of policy DM12, it is considered that no objection should be raised to the proposed development.
- 4.3 The proposed development does not represent the creation of a new hotel, but the provision of additional visitor accommodation through the expansion of an existing hotel. It is considered that this is in accordance with the content of the development plan and as such, no objection should be raised to the proposal subject to the following detailed considerations.

## Design

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

- 4.4 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policy DM1 of the Council's Development management DPD and in the Policies KP2 and CP4 of the Core Strategy. The Design and Townscape Guide (SPD1) also states that *"the Borough Council is committed to good design and will seek to create attractive, high-quality living environments."*
- 4.5 In the NPPF it is stated that *"good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."*
- 4.6 In the Council's Development Management DPD, policy DM1 states that development should "add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features."
- 4.7 Policy KP2 of Core Strategy (CS) states that new development should *"respect the character and scale of the existing neighbourhood where appropriate"*. Policy CP4 of CS requires that development proposals should *"maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development"*.
- 4.8 The Council's Design and Regeneration Officer has provided a detailed critique of the proposal which is set out below. In it concern is raised with continuing the existing design through to the extension. The existing design is not of a particularly high quality, however regard must be given to the existing situation.
- 4.9 Concern is also raised with respect to the loss of landscaping at the site, including the removal of all established trees that front Thanet Grange and provide a buffer that mitigates the visual impact of the car park at the application site and softens the impact of the built form at the site and within the surrounding area. Although replacement planting will take time to establish, it is considered that suitable replacement landscaping could be sought and provided under the terms of a condition and this negative aspect of the proposal can be addressed.

- 4.10 It is considered that the scale of the proposed development is suitably in-keeping with the scale of the existing built form at the application site and that there is scope to extend the buildings at the application site without it representing the overdevelopment of the site or resulting in the built form appearing cramped at the site. Whilst there are concerns about the layout of the development for the reasons that are set out within the design comments, on balance, it is considered that the proposed development would not cause significant visual harm to an extent that would justify the refusal of the application.

### **Impact on Neighbouring Properties**

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

- 4.11 Policy DM1 of the Development Management DPD also states that development should “Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”
- 4.12 The application site is located a significant distance from any residential dwellings, and it is therefore considered that the proposed development would not cause harm to the amenities of nearby residential properties. The manager’s accommodation within the Strawberry Fields restaurant is located 30 metres from the proposed extension and it is therefore considered that the proposed development would not have a materially harmful impact on the residential amenity within that accommodation.

### **Highways and Parking**

#### **National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy, Development Management DPD Policies DM1, DM12 and DM15 and the Design and Townscape Guide.**

- 4.13 Policy DM15 states that hotels should be served by parking at a maximum rate of 1 space per bedroom. As set out above, the proposed development would see the creation of 26 additional bedrooms at the site through the extension and the modification of two rooms within the existing hotel. 26 additional parking spaces would be provided at the site through the enlargement and alteration the existing car park and as such it is considered that the application makes suitable parking provision for the additional bedrooms that would be formed at the application site, in accordance with the maximum standards of policy DM15. Evidence of parking usage at the application site and surveys of other comparable sites Premier Inn hotels has also been provided which demonstrates that the proposed parking provision at the site would be adequate to meet the parking needs at the application site. The evidence provided by the applicant is considered to be robust and when twinned with the fact that the development complies with the Council’s parking standards, it is considered that there is no basis to object to the application on the grounds of the level of parking that would be available at the application site.

- 4.14 The applicant also proposes the modification of the access to the site from Thanet Grange and it is noted that the additional accommodation would generate some additional vehicle movements to and from the site. In this respect it is noted that the appellant's transport statement states that comparable accommodation at other locations causes a maximum of 7 vehicle movements within the busiest 'peak' hour and a total of 62 vehicle movements a day. They therefore consider that the proposed development would not cause a significant increase in vehicle movements at the site that could not be handled by the existing highway network..
- 4.15 The Highway Authority have raised no objection to the proposal on those grounds and in this instance it is considered that the likely additional vehicle movements to and from the site that would be caused by 26 additional bedrooms, would not materially change the level or character of the use of the surrounding highways. It is therefore considered that no objection should be raised to the proposal on highway safety or parking grounds.
- 4.16 A travel plan document has been provided by the applicant. Whilst the content of the applicant's submissions are noted, it is considered that as no travel plan was required when the hotel was extended under the terms of application 02/00597/FUL, it would be unreasonable to impose a condition to require one to be implemented for the development that is proposed by this application as it could not reasonably seek to control the use of the remainder of the hotel and could not therefore be implemented holistically.

### **Sustainable Construction**

#### **National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Development Management DPD Policy DM2 and SPD1**

- 4.17 Policy KP2 of the Core Strategy states; *"All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources"* and that *"at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)"*. The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design.
- 4.18 The applicant has demonstrated that the proposed development would comply with Part L of the Building Regulations and provided an assessment of the various options that exist to incorporate renewable energy generating equipment at the site. However, the submissions do not demonstrate that 10% of the energy used at the site would be generated from on-site renewable energy generating installations. It is however noted that a condition could be imposed to require a scheme to be submitted and agreed to meet the energy generating requirements in a visually acceptable manner. It is therefore considered that the application should not be refused on the grounds that insufficient information has been provided with respect to on-site renewable energy generation.

## **Community Infrastructure Levy**

- 4.19 This application is CIL liable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. The proposed development will result in the formation of a building that measures 717 square metres in internal area. The proposed development would therefore require a CIL payment of £7,170.

## **Other Matters**

- 4.20 The applicant has provided a Drainage Strategy Plan which shows that additional surface water storage tanks would be provided within the car park area of the application site. It has not however been demonstrated that this provision would off-set the permeability lost at the site through additional areas of hardstanding and the extension of the building onto an existing grassed area. In this instance it is considered reasonable to impose a condition to require evidence to be provided of the surface water run-off rate that currently exists and the amount of temporary water storage that would be needed to be provided at the site to ensure that the resultant situation is no worse than the existing situation.
- 4.21 The applicant has submitted a Heritage Assessment with the application, at the request of Officers on the grounds that evidence of Early Iron Age and Roman occupation of land to the North of the application site has previously been identified. The applicant's submission states that there are likely to be elements of archaeological interest at the site, but that it is not possible to be certain in this respect due to the lack of previous investigations at the site. At the time of writing, no archaeological advice has been received by the Local Planning Authority, but it is expected that it would be possible to address this matter through the imposition of a condition which could require a scheme of archaeological investigation to be agreed and undertaken prior to the construction of the extension that is proposed. Therefore any impacts on matters of archaeological interest at the site should not form a reason for the refusal of the application.
- 4.22 The heritage assessment also concludes that the proposed extension would have a limited impact on nearby listed buildings. Due to the location of the proposed extension within a cluster of modern buildings, it is considered that the extension would not have an impact on the setting of any listed buildings and therefore the conclusion of the appellant's Heritage Statement is considered to be correct.



## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework 2012.
- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (Environment & Urban Renaissance).
- 5.3 Development Plan Document 2: Development Management Policy DM1 (Design Quality) DM2 (Low Carbon Development and Efficient Use of Resources), DM12 (Visitor Accommodation) and DM15 (Sustainable Transport Management).
- 5.4 Supplementary Planning Document 1: Design & Townscape Guide, 2009.
- 5.5 Community Infrastructure Levy
- 5.6 London Southend Airport & Environs Joint Area Action Plan.

## **6 Representation Summary**

### **Design and Regeneration Officer**

- 6.1 The proposal seeks to build a two storey extension to the existing premier inn building at Thanet Grange. The existing building is a basic standard design and is considered to be rather bland however its impact in the streetscene and the expanse of associated car parking is mitigated by the substantial landscaping around and within the site including a number of trees and its position set back from the road frontage. This planting also provides a buffer between the users of the hotel and the adjacent pub and the busy A127.

The proposal is a substantial extension which will be located on the south eastern corner of the existing building close to the entrance of the site. The design of the proposal continues that of the existing building with rooms facing north and south only. The application also includes an additional 24 car parking spaces to the front of the site.

Whilst there would be no objection in principle to an extension to the hotel on this site there is a concern that the decision to replicate the existing low quality design approach of the existing building but in a more prominent position will not be an enhancement to the streetscene on this key route into Southend town centre. This basic design and standard configuration means that the proposal will have blank elevations to the approaches to the site on the east and west and very flat and monotonous elevations facing Thanet Grange to the south and the entrance to the hotel to the north. Whilst replicating the existing building is often a viable option where this is a poor quality design this is not recommended and a substantial extension such as this one is an opportunity to uplift the site with a higher quality scheme.

This would be an opportunity to provide an enhanced entrance to the hotel which at present is rather low key and this would also give the building a much needed focus and an opportunity for an enhancement of the setting around the building. As it stands the design quality of the proposal is considered to be detrimental to the streetscene and is therefore unacceptable. It should be noted that the original proposal was approved before the adoption of the Design and Townscape Guide and the Council now expects a higher quality of design for new developments.

There is also a concern that the extension and the associated car parking will result in the loss of all the 10 trees around and within the car park to the front of the site, will require a significant loss of the shrub planting around the edge of the site and removal of the landscaped pub garden which provides a buffer between the pub and the car park. Whilst it is noted that new trees are proposed, these will take many years to establish and the proposed site plan contains large areas of unbroken parking which will affect the setting of the building and the wider streetscene and open up views of the building from the A127. Overall the proposed landscaping does not replicate the existing levels. A balance needs to be achieved between the scale of the extension and associated parking requirement and ensuring that the setting of the buildings adds value to the scheme and the wider streetscene.

The substantial shrub borders are an important unifying characteristic of this area and help to provide a common landscape setting and therefore some cohesion between the 3 very different styles of architecture of premier inn, RBS and Tesco's. Any proposal should seek to retain this important feature, it should not be significantly diminished.

Renewable Energy - The proposal will be required to provide 10% of the energy requirement for the new extension from on site renewables. It seems that pvs on the restaurant roof are recommended in the energy statement but the accompanying document does not include any figures for renewables therefore this requirement has not been met.

## **Highway Authority**

- 6.2 The applicant has provided 24 car parking spaces for the additional 24 bedrooms associated with the hotel this complies with current parking policy contained within the Development Management Plan.

The applicant has received pre-application advice relating to the proposal, which advised the need to ensure the proposal met with current vehicle parking policy and the need to provide detailed traffic assessment, travel plan and demonstrate that the proposal would result in undue traffic generation or on street parking demand.

The applicant has provided a detailed transport statement which has included parking surveys, trip generation and parking provision. This information confirms that the impact of the development would result in total of 62 two-way vehicle movements over the course of a typical weekday and will generate approximately 13 two-way vehicle movements in the peak hours. This is not considered to have a detrimental impact or significant impact on the capacity of the local highway network. The total car park capacity on site will be 138 which is adequate to accommodate the proposed extension. The proposal does not alter the frequency of servicing arrangements.

The site is considered to be in a sustainable location with regard to public transport infrastructure which has good bus, cycle and rail links in close proximity. The applicant has provided a detailed travel plan which provides information relating to sustainable modes of transport and other incentives to encourage alternative travel options. The travel plan information will be monitored by a travel plan co-ordinator and should be conditioned to ensure effective monitoring.

Given the above information that has been supplied within the applicants submission it is not considered that the proposal will have a detrimental impact upon the public highway in terms of safety or capacity. The National Planning Policy states development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Therefore given the above information there are no highway objections raised to this proposal.

## **Archaeology**

- 6.3 No comments have been received at the time of writing this report. Any advice received will be presented to the Council's Development Control Committee in the form of a Supplementary Report.

## **London Southend Airport**

- 6.4 No comments have been received at the time of writing this report. Any advice received will be presented to the Council's Development Control Committee in the form of a Supplementary Report.

- 6.5 8 neighbouring properties were notified of the proposal and a site notice was posted at the site. No letters of objection have been received. One letter has been received asking questions with respect to the access road that is shared with the RBS building to the North of the application site.
- 6.6 This application has been called in to the Development Control Committee by Councillor Flewitt.

## **7 Relevant Planning History**

- 7.1 Application 03/00186/FUL proposed a three storey 21 bedroom extension to the hotel and the laying out of additional parking. That application was withdrawn.
- 7.2 Application 02/00597/FUL granted planning permission for the erection of a two storey, 22 bedroom extension to the hotel and lay out 19 parking spaces.
- 7.3 Application 95/1016 granted permission for the erection of a 60 bedroom three storey hotel and a linked restaurant/public house with associated parking, landscaping and amenity areas.

## **8 Recommendation**

**Members are recommended to GRANT planning permission subject to the following conditions:**

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

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

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 11477:SK01, 614-01, 3899/P1, 3899/P3, 3899/P4, 3899/P5, 3899/P6, 3899/P12A, 3899/P13, 3899/P14, 3899/P15, 3899/P16A and 3899/P17A.**

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

- 03 The extension hereby approved shall not be used until the access to the site and all parking spaces have been provided in accordance with plan 3899/P12 Revision A.**

**Reason: To ensure the adequate provision of parking and vehicle access in accordance with the National Planning Policy Framework, policies CP3 of DPD1 (Core Strategy) and policy DM15 of DPD2 (Development Management)**

**04 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and the approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the local planning authority. These details shall include, for example:-**

- i. hard surfacing materials;**
- ii. details of the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established, details of measures to enhance biodiversity within the site and tree protection measures to be employed during demolition and construction.**

**Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD2.**

**05 The drainage measures shown on plan 11477:SK01 shall be installed prior to the first use of the extension hereby approved.**

**Reason: To ensure the adequate management of surface water drainage at the site in accordance with the National Planning Policy Framework and policy KP2 of the Core Strategy (DM1).**

**06 A scheme detailing how at least 10% of the total energy needs of the extension hereby approved will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first use of the extension hereby approved. 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 (DPD1) and policy DM2 of the Development Management DPD.**

**07 Prior to the commencement of the development hereby approved, a scheme of archaeological investigation, including a timetable for the proposed investigation works and the means of reporting any findings and subsequently acting, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be undertaken in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.**

**Reason:** In the interests of protecting the archaeological assets of the Borough in accordance with the National Planning Policy Framework and policy DM5 of the Development Management DPD.

- 08** No development shall take place until samples of the materials to be used on all the external elevations have been submitted to and approved by the local planning authority. The development shall only be carried out in accordance with the approved details.

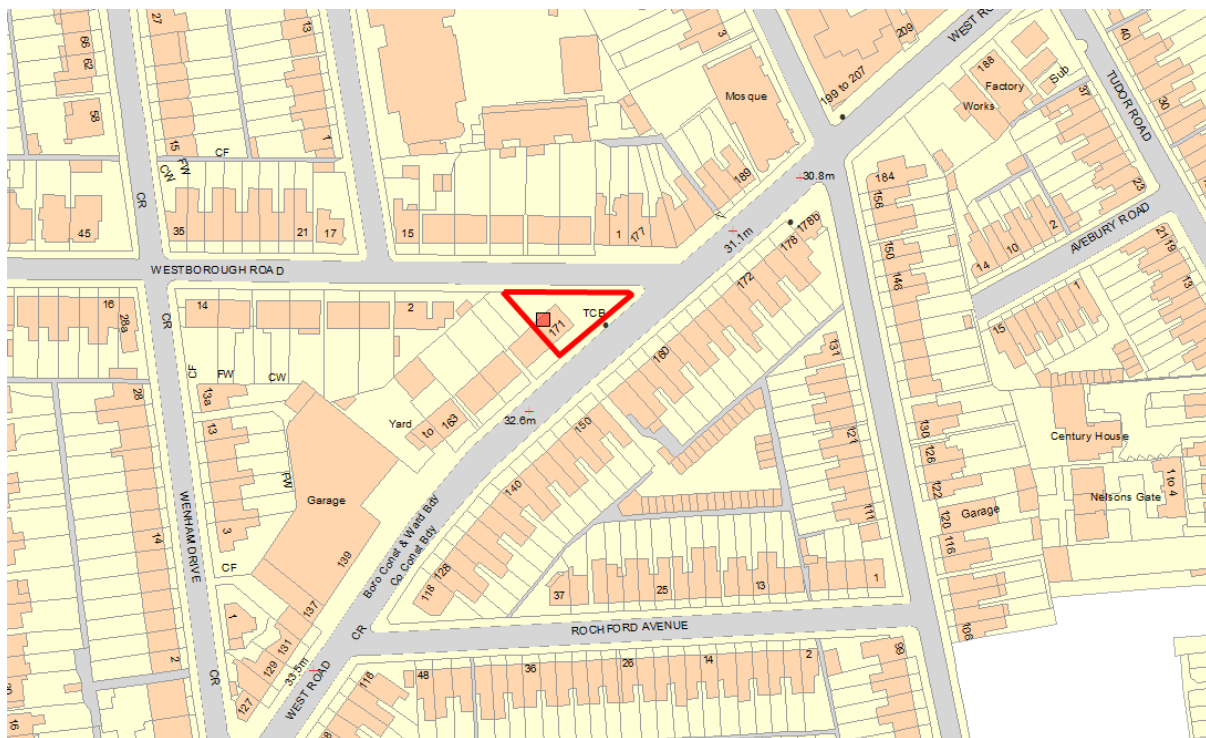
**Reason:** To safeguard character and appearance of surrounding area in accordance with policy DM1 of the Development Management DPD and policies KP2 and CP4 of the BLP

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

#### **Informative**

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

<b>Reference:</b>	15/01763/FUL
<b>Ward:</b>	Prittlewell
<b>Proposal:</b>	Erect two storey dwellinghouse on land adjacent to 171 West Road, layout parking and form vehicular crossover on to Westborough Road
<b>Address:</b>	171 West Road, Westcliff-On-Sea, Essex, SS0 9DH
<b>Applicant:</b>	Mr George Zinonos
<b>Agent:</b>	Mr Maz Rahman
<b>Consultation Expiry:</b>	18 <sup>th</sup> December 2015
<b>Expiry Date:</b>	13 <sup>th</sup> January 2015
<b>Case Officer:</b>	Anna Tastsoglou
<b>Plan No's:</b>	1456/A101/P6 & 1456/A202/P6
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## 1 The Proposal

- 1.1 Planning permission is sought to erect a two storey, two bedroom, gabled roof dwelling attached to No. 171 West Road, with associated amenity space, layout parking for one vehicle and form vehicular crossover onto Westborough Road.
- 1.2 The application site is triangular in shape and forms a corner plot. The proposed dwellings would be attached to the existing Victorian dwelling No. 171 West Road, away from the corner of the junction of West Road with Westborough Road. The frontage of the property is proposed to be in line with the rest of the terraced dwellings to the east, with its front elevation facing south.
- 1.3 The dwelling is proposed to match the design of the existing terraces to the east, providing a front gabled bay window feature and a detailed entrance surround. However, given the shape of the plot, a full replication of the rear elevation and a full depth of the side elevation cannot be achieved. A double storey bay window is proposed to the flank (east) elevation. The proposed parking space to the rear would partially be under the first floor of the proposed dwelling, creating an undercroft parking space.
- 1.4 The footprint of the dwelling would be of an irregular shape and it would measure a maximum of 6.9m wide x 8.2m deep. The dwelling would be 6.4m high to the eaves, with a maximum height of 9m.
- 1.5 The dwelling would have a 74.9m<sup>2</sup> (34.5 m<sup>2</sup> at ground floor and 40.4m<sup>2</sup> at first floor) internal floor area, providing a private amenity space of approximately 90m<sup>2</sup>. The approximate size of the bedrooms would be:
  - Double Bedroom : 14m<sup>2</sup> and
  - Single Bedroom : 11m<sup>2</sup>

A 1.3m<sup>2</sup> built-in storage space is provided separate from the wardrobes inside the proposed bedrooms.

- 1.6 The internal layout of the proposed end-of-terrace dwelling would be in the form of an open kitchen/dining/living area plan, a WC, a utility and a storage at ground floor and a single bedroom, a double bedroom, a bathroom and a storage at first floor. One parking space would be provided to the rear of the dwelling to a hard surfaced area of 2.5m x 5.5m. A 3.6m wide vehicular crossover is proposed to be formed onto Westborough Road.



- 1.7 The front curtilage of the dwelling is proposed to be soft landscaped and enclosed by a low front boundary wall, similar to the front walls of the adjacent terraced dwellings to the east. The private amenity space to the east side of the proposed dwelling would be bounded by an existing 1.6m high timber boundary fence. Refuse storage would be provided to the east of the front bay window. Step-free access would be provided to the main front entrance of the dwelling, the amenity space and the rear car parking space.
- 1.8 Materials to be used would include a mixture of white UPVC and white timber framed sash windows, brown clay tiled roof, stone window and door surroundings, a mixture of traditional black and white tiles to the front hard surfaced area and the external walls would be finished in red face brick to match an existing.
- 1.9 Following discussion with the applicant amended drawings have been submitted showing the following:
- The windows in the rear elevation at first floor have been elongated to match the windows of the neighbouring properties to the west.
  - The height of the undercroft parking has been reduced 400mm to be in line with the top cill of the ground floor window, in order to reduce the void size.
  - Additional information has been submitted in relation to M4 (2) Building Regulations requirements for adaptable and accessible dwellings.

## **2 Site and Surroundings**

- 2.1 The site is currently used as amenity space of No. 171 West Road, located on the northern side of West Road on the corner of its junction with Westborough Road. This section of the West Road comprises of two storey, semi-detached and terraced dwellinghouses of similar mass, form and design. Particularly, the northern side of the road is made of a neat run of five two storey (two pairs of semi-detached and one detached) gabled roof Victorian style dwellings of uniform design, with front gable projecting features and detailed windows and doors surroundings, finished predominantly in red brick.
- 2.2 Unlike the other properties in this run of terraced dwellings, No. 171 West Road benefits from having a large amenity space wrapping around the property.
- 2.3 The area is mainly residential in character. There are also some retail and commercial uses within the wider area. The site is located just outside Southend Central Area.

## **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 area, living conditions for future occupiers, impact on neighbouring properties, any traffic and transport issues, sustainability and CIL.

## 4 Appraisal

### Principle of Development

#### **National Planning Policy Framework 2012; Core Strategy Policies KP2, CP4, and CP8; Policies DM1, DM3, DM8 and DM15 of the Development Management DPD**

- 4.1 The property is located within a residential area and is currently amenity space serving No.171 West Road. Amongst other policies to support sustainable development, the NPPF requires to boost the supply of housing by delivering a wide choice of high quality homes.
- 4.2 Policy KP2 of the Core Strategy requires that *“all new development contributes to economic, social, physical and environmental regeneration in a sustainable way”*. Policy CP8 of the Core Strategy identifies the need of 6,500 homes to be delivered within the whole Borough between 2001 and 2021.
- 4.3 Policy DM3 of the Development Management DPD promotes *“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.”*
- 4.4 Policy DM3 (2) requires that all development on a land that constitutes backland and infill development will be resisted where the proposal:
- “(i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or*
  - (ii) Conflict with the character and grain of the local area; or*
  - (iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or*
  - (iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees.”*
- 4.5 Paragraph 201 of the Design and Townscape Guide advises that *“Infill sites are development sites on the street frontage between existing buildings. These areas are usually spaces left over after earlier development or the redevelopment of small industrial units or garages. The size of the site together with an analysis of local character and grain will determine whether these sites are suitable for development. In some cases the site may be too small or narrow to accommodate a completely new dwelling (including usable amenity space and parking) and trying to squeeze a house onto the site would significantly compromise its design quality and be detrimental to neighbouring properties and local character. In these circumstances, unless an exceptional design solution can be found, infill development will be considered unacceptable. Other options, such as an extension to an adjacent building or a garage may be more achievable. However, in certain situations, where the density, grain and openness of an area are integral to its special character, infill development of any kind will not be appropriate in principle.”*

- 4.6 The application site is located within a residential area and as such, the provision of a residential use within the area is considered acceptable in principle. The site abuts a highway to the southeast and north and therefore, it is not considered backland development. In terms of its size, it is considered capable to accommodate a new dwelling. Living conditions, residential amenity, design and parking availability is assessed below. With regard to the siting of the dwelling, as noted above, care should be taken to ensure that the development would retain the existing building lines and also the strong character of the adjacent terraced dwellings. The development is proposed to be sited in line with the neighbouring properties to the west. Therefore, no objection is raised in relation to the retention of existing building lines. The properties within the vicinity are predominantly terraced properties, without spacious gaps between them and as such, there is no objection to a terraced dwelling in this location.
- 4.7 The area is currently grassed over and used as amenity space for No. 171 West Road. No protected trees are planted within the application site and hence, it is not considered to be a significant local ecological asset, which deserves protection from development.
- 4.8 Policy DM 8.1(iii) requires all new dwellings to meet the Lifetime Homes Standards. From October 2015 this should be interpreted as meeting building regulation M4 (2) – ‘accessible and adaptable dwellings’.
- 4.9 The applicant has submitted information in order to demonstrate that the proposed two storey dwelling meets the building regulation M4 (2) requirements. As shown in the plans, the proposal would provide a step-free access to the main entrance of the dwelling, the amenity space and the proposed parking space. The clear opening width of the entrance door would be 850mm and it would therefore comply with the minimum entrance requirements. Whilst the proposed WC at ground floor cannot be wheelchair accessible, a future floor lift and a potential future stair lift have been shown in the plans that can be provided in order to give access to the wheelchair accessible first floor bathroom and first floor bedroom. It is therefore considered that the proposed two storey dwelling can be an accessible and adaptable dwelling.
- 4.10 In light of the above, the provision of a residential use in this location is considered acceptable in principle however, it is required to respect the overall character of the locality and also meet the minimum residential and parking standards. Other material planning considerations are discussed below.

## Design and Impact on the Character of the Area

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

- 4.11 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.”*
- 4.12 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.”* One of the core planning principles of stated in the NPPF requires *“to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*.
- 4.13 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”*.
- 4.14 According to Policy KP2 of the Core Strategy states that new development should *“respect the character and scale of the existing neighbourhood where appropriate”*. Policy CP4 of the Core Strategy requires that development proposals should *“maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”*.
- 4.15 Paragraph 201 of the Design and Townscape Guide states that *“where it is considered acceptable in principle, the key to successful integration of these sites into the existing character is to draw strong references from the surrounding buildings. For example, maintaining the scale, materials, frontage lines and rooflines of the neighbouring properties reinforces the rhythm and enclosure of the street. This does not necessarily mean replicating the local townscape, although this may be an option.”*
- 4.16 It is noted that an infill development of the application site in this location, is considered acceptable and not out of keeping with the character of the area.

- 4.17 The proposal involves the erection of a two storey dwelling attached to No. 171 West Road and as noted above, there is no objection to a terraced dwelling in this location. The existing frontage line would be maintained, while to the rear given the shape of the triangular shape of the plot the rear elevation would be set in from the rear building of the adjacent dwellings to the west. Although the eaves height would be in line with the existing run of terraces to the west, the ridge height of the property would be set lower than the neighbouring dwellings, given the reduced width of the proposed dwelling. This matter has been raised in the pre-application stage, when the height difference was significant and it has been considered detrimental to the appearance of the streetscene. However, this difference has now been reduced to 300mm only and hence, although the proposed dwelling would be readily visible from the public domain, it is not considered that the difference would be overly apparent. Therefore, the visual impact caused by this limited shortfall is not considered to be such detrimental to justify a refusal.
- 4.18 With regard to the proposed elevational design, the proposed dwelling would be narrower than the neighbouring dwellings, containing a single bay feature rather than two and a porch of same design as the neighbouring properties. A window is proposed at first floor above the main entrance, unlike the squared detailed plaster that the adjoining properties have in the front elevation over the recessed porch. However, on balance, this is not considered to be detrimental to the front elevation of the dwelling and the rest of the proportions and detailing proposed in the front elevation would match the adjoining dwelling; thus, no objection is raised, in design terms to the front elevation of the proposed dwelling.
- 4.19 A double storey bay, of same design with the front bay, is proposed to the east flank elevation of the proposed dwelling. It is considered that this gives architectural interest and enhances this elevation, which is readily visible from the public realm and also preserves long views from West Road.
- 4.20 The proposed first floor windows in the rear elevation have been elongated in order to replicate the proportions and design of the rear windows of neighbouring properties. Whilst the proposed parking arrangement will result in a void at ground floor, given that the height of this undercroft has been reduced and the views of this void would be restricted by the high fence, on balance, it is not considered that the visual impact would be materially harmful to the appearance of the dwelling or the wider area.
- 4.21 Paragraph 145 of the Design and Townscape Guide requires that landscaping should *“enhance the setting and appearance of a building and help to soften new development”*.
- 4.22 The dwelling would be orientated with the front elevation facing south onto West Road. A front low brick boundary wall of similar design to the adjoining front walls and to a soft landscaped front garden is proposed, which is considered would positively contribute to the appearance of the property and it would be in keeping with the character of the area.

- 4.23 There is an existing 1.6m fence around the boundary of the existing dwelling and as such, maintaining part of this fence is not considered to result in an unacceptable visual impact on the area.

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

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

- 4.24 Delivering high quality homes is one of the Government's requirements according to the NPPF. Policy DM8 of the Development Management DPD, includes residential space requirements. The minimum internal floor area required for a two storey two bedrooms (3 bed spaces) dwelling is 70m<sup>2</sup>, according to the National Housing Standards.
- 4.25 The proposal is to form a two bedroom (one double, one single) two storey dwelling, which would be approximately 74.9m<sup>2</sup> (34.5 m<sup>2</sup> at ground floor and 40.4m<sup>2</sup> at first floor). The minimum size of internal floor area for bedrooms is 11.5m<sup>2</sup> for a double and 7.5m<sup>2</sup> for a single bedroom. The proposed bedrooms would exceed with the minimum internal floorspace standards and adequate light and outlook would be provided to all habitable rooms. The development therefore meets the national Housing Standards.
- 4.26 With regard to the amenity space, the dwelling would have an average sized rear garden amenity space, relative to the surrounding area and it would retain adequate amenity space for the No. 171 West Road. The private amenity space for the proposed dwelling would be approximately 90m<sup>2</sup>. This is considered a sufficient and usable amenity space to meet the outdoor requirements of the occupants of the proposed dwelling. The amenity space retained for the existing dwelling (No. 171 West Road) would be approximately 86m<sup>2</sup>, which is considered that it would meet the outdoor requirements of the current occupants.
- 4.27 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. Bin storage would be sited adjacent to the east of the front bay window. Although the bin would be behind the bay window and the front soft landscaping, it is considered that refuse storage should be sited to the rear and as such a condition regarding the bin storage position would be imposed. Insufficient information has been submitted regarding cycle storage. However, there is enough space to the proposed side garden for bicycles to be stored and as such, their exact position can be agreed by condition.

## **Impact on Neighbouring Properties**

### **NPPF; Borough Local Plan Policies C11 and H5; SPD 1 (Design & Townscape Guide (2009)); Policy DM1 of the emerging Development Management DPD**

- 4.28 Policy DM1 of the emerging Development Management DPD and policy H5 of the BLP 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.*” The Design and Townscape Guide (SPD1) also quotes 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).
- 4.29 The proposed dwellings would not project beyond the front and rear walls of the adjoining dwelling No. 171 West Road to the west. The property has no windows in the east flank elevation which will be adversely affected by the proposal. As such, the proposed dwelling would not result in a loss of light to habitable rooms or sense of enclosure to the adjacent dwelling No 171 West Road.
- 4.30 The proposed site forms a corner plot and as such, the highway would separate the application site with the neighbouring properties to the north and south. The proposal would be sited a minimum of 15m and 21m to the nearest properties to the north and south, respectively. This is considered a reasonable separation distance to prevent from any unacceptable overshadowing or overlooking.
- 4.31 The windows would overlook the highway and the front gardens of the neighbouring dwelling, which is considered acceptable.

## **Traffic and Transport Issues**

### **NPPF; Development Management DPD Policy DM15**

- 4.32 Policy DM15 of the Development Management DPD requires that all development should meet the minimum off-street parking standards. The provision of a minimum of two off-street parking spaces is required for a two bedroom two storey dwelling, located outside Southend Central Area.
- 4.33 The proposed dwelling would be sited just outside the Southend Central Area (approximately 70 m) and one parking space is proposed to be provided. The site is located within close proximity to local amenities and frequent and extensive public transportation links and the town centre where only one parking space is required per dwelling, and as such, given also that the proposed dwelling would be a three person dwelling only, it is considered that, on balance, one parking space would be acceptable in this location. It is also considered that the positive impact of a needed new dwelling would outweigh the impact of one less parking space in this instance.

- 4.34 A crossover and associated hardstanding are proposed to be formed onto Westborough Road, which is not a classified road and therefore, there is no requirement for a vehicle to enter and leave the site in forward gear. Both the proposed hardstanding and crossover would comply with the standards, as set in the Vehicle Crossing Policy. With regard to the impact on the availability of the on-street parking, whilst it is accepted that the road is stressed, the proposed crossover would not result in loss of any on-street parking spaces.

### **Use of on Site Renewable Energy Resources and Sustainable Construction**

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

- 4.35 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”*.
- 4.36 The proposal does not include details of how provision for renewables can be made on-site and as such, it has not been demonstrated that this could be achieved. Moreover, no information has been submitted with regard to the Sustainable Urban Drainage System. A condition regarding submission of details for Renewables and Sustainable Urban Drainage System would be imposed.
- 4.37 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, this can be dealt with by condition.

### **Community Infrastructure Levy**

#### **CIL Charging Schedule 2015**

- 4.38 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has receive, will, or could receive, in payment of CIL is a material ‘local finance consideration’ in planning decisions. The application site is located within CIL charging Zone 1 and therefore, the CIL rate would be of £20 per sqm. The proposed dwellinghouse would have a gross internal area of 76sqm and as such, the CIL liability equates to (74.9sqm x £20) £1498.



## **5 Conclusion**

- 5.1 The proposed development, subject to appropriate conditions, is considered to be in accordance with the Development Plan.

## **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) and Section 7 (Requiring good design)
- 6.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance), and 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), DM8 (Residential Standards) and DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide, 2009.
- 6.5 CIL Charging Schedule 2015
- 6.6 National Housing Standards 2015
- 6.7 The Building Regulations 2010

## **7 Representation Summary**

### **Transport & Highways**

- 7.1 There are no highway objections to this proposal. Whilst the applicant has only provided 1 car parking space consideration has been given to the sustainable location of the site and the close proximity to the town centre area which would only require 1 car parking space per dwelling. Therefore it is considered that 1 space is sufficient at this location.

## Design and Regeneration

- 7.2 The proposal seeks to erect a new dwelling on the end of an existing Victorian Terrace at the junction of West Road and Westborough Road. The existing terrace is an attractive group of houses each having a pair of two storey bay windows with rich decoration and tall sash windows flanking the central entrance porch.

There is no objection in principle to a terracing a new dwelling onto the existing houses and the proposal to match the existing design seems reasonable however the tapering site to the rear prevents a full replication of the existing form to be achieved. The applicant has chosen therefore to provide a reduced width property containing a single bay and porch feature of the same design with an additional feature bay on the flank elevation facing the junction. The proportions of these features remains the same as the adjacent property and this lesser arrangement is not objected to in this case. However, the reduced width of the site means that it is not possible to match the depth of the existing properties and this has impacted on the ridge height of the proposal which falls slightly short of the rest of the terrace. This issue was raised at pre app where the shortfall was significant and considered to be detrimental to the streetscene, however, this difference now is much less and this change will not be so apparent.

The ultimate success of this proposal and its integration into the streetscene will therefore depend on how well the detailing of the frontage can be replicated in the new dwelling. A dumbed down version of the existing townscape will only draw attention to the differences in scale and form and would be detrimental. It will therefore be important to condition details of the stonework (bays and porch) and windows to be submitted or at least to match that of the existing terrace.

The proposal to provide an additional bay to the flank is welcomed as this is a prominent elevation on the approach from the east along West Road and this feature, if well detailed to match the front, will enhance the view which is currently a blank wall.

The sites location on this convergence of two street means also that the rear elevation is also very visible particularly at the upper level. It is therefore important for the integrity of the project that this elevation also replicates some of the detailing of the attached terrace. There is particular concern that the proportions of the windows here are too short and would appear out of place in comparison to the neighbours. These windows, particularly at first floor should be elongated so that they replicate the proportion of the neighbouring property. It is not considered necessary to replicate the rear bay given the reduced length of the proposal. **[Officer comment: It is noted that amended plans have been submitted showing the first floor rear windows elongated.]**

It is also noted that the revised design proposes the parking to the rear which is partly under the building. This will create an unattractive void in the rear elevation, which certainly would not be acceptable on a front, however, in this case, given that views of this area will be restricted by the tall boundary fence this will not be prominent in the streetscene and is accepted in this instance.

It will also be important to ensure that the materials match those of the existing terrace.

### **Parks**

7.3 No comments received.

### **Public Consultation**

7.4 25 neighbours have been consulted and a site notice posted on site and two letters of objection have been received, as follows:

- The area is extremely built up already and the recent houses converted into flats have resulted in additional parking implications.
- Tenants of other properties use more than one parking space in order to park larger sized vehicles.
- When the school runs the residents cannot park in the area.
- The proposal would result in additional parking need, potentially in 4 additional parking spaces. **[Officer Comment: Please see paragraphs 4.33 -4.35]**
- The area currently provides some open green space.

7.5 Cllr Davidson has raised the following concerns regarding the proposal:

A number of local residents have expressed concerns that the proposed development will increase parking congestion to unacceptable levels in Westborough Road. Recent developments in the immediate vicinity have included 171 West Road, a house rented out as 4 bedsits, adding 4 cars to local parking demand. Also, the former doctor's surgery has been converted into 4 flats: this has added another 4 cars to local parking demand. There are parking restrictions on West Road itself and very little off street parking for residents living in the stretch of Westborough Road near the junction with West Road.

The actual development does have one off-street parking space but this will require a PVX from Westborough Road thus reducing on-street parking capacity by one space.

7.6 Councillor Betson has requested that this planning application go before the Development Control Committee for consideration.

## **8 Relevant Planning History**

8.1 No relevant planning history.

## **9 Recommendation**

**9.1 GRANT PLANNING PERMISSION subject to the following conditions:**

**01 The development hereby permitted shall begin not later than three years from the date of this decision. (C01A)**

**Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990. (R01A)**

**02 The development hereby permitted shall be carried out in accordance with the following approved plans: 1456/A101/P6 & 1456/A202/P6 (C01D)**

**Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan. (R01D)**

**03 No development shall take place until samples/details of materials to be used on the external elevations including details of any boundary walls, fences, gates, stonework on bays and porch and windows have been submitted to and approved by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.**

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

**04 The dwelling hereby approved shall not be occupied until details of the waste and cycle storage have been submitted to and approved by the local planning authority.**

**Reason: To ensure that satisfactory secure off-street bicycle parking is provided and to protect the environment and provide suitable storage for waste and materials for recycling in accordance with DPD1 (Core Strategy) 2007 policies KP2 and CP4, Development Management DPD policy DM1, and SPD1 (Design and Townscape Guide).**

- 05 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008, or any order revoking and re-enacting that Order with or without modification, no development shall be carried out within Schedule 2, Part 1, Class A, B, C, D, E and F to those Orders.**

**Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework, DPD1 (Core Strategy) Policies KP2 and CP4, DPD2 (Development Management Document) Policy DM1 and SPD1 (Design and Townscape Guide).**

- 06 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 dwelling houses. 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, the Design and Townscape Guide (SPD1) and Development Management Document Policy DM2.**

- 07 The dwelling hereby approved shall not be occupied until details soft and hard landscape works have been submitted to and approved by the local planning authority. The approved landscaping scheme shall be implemented within the first planting season following first occupation of the dwelling.**

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

- 08 Permeable paving shall be used for the hardstanding area unless otherwise agreed by the Local Planning Authority.**

**Reason: To ensure that the development is completed and used as agreed, and to ensure that it meets DPD1 (Core Strategy) 2007 policy CP4, Development Management DPD policy DM1 and SPD1.**

- 09** Details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting, shall be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development.

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

- 10** The proposed refuse storage should only be position to the rear or to the side enclosed garden of the proposed dwelling.

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

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**

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

<b>Reference:</b>	15/01741/FUL
<b>Ward:</b>	West Leigh
<b>Proposal:</b>	Erect new fourth floors to Legra Grange (1525 London Road) & Brushes Warren (1527 London Road) to form 2 additional self contained flats per block
<b>Address:</b>	Legra Grange, 1525 London Road, Leigh-on-Sea, Essex
<b>Applicant:</b>	Willaim Limited
<b>Agent:</b>	BBD Architecture
<b>Consultation Expiry:</b>	31.12.2015
<b>Expiry Date:</b>	25.01.2016
<b>Case Officer:</b>	Janine Rowley
<b>Plan No's:</b>	14035-07 P1; 14035-09 P1; 14035-08 P1; 14035-06 P1; 14035-04 P1; 14035-01 P1; 14035-03 P1; 14035-P-01-P2; 14035-00 P1
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## 1 The Proposal

- 1.1 Planning permission is sought to erect a fourth storey to Legra Grange (1525 London Road) and Brushes Warren (1527 London Road) to form 2 additional self-contained flats per block. There are currently 24 flats on site.
- 1.2 The proposed additional storey on Legra Grange would increase its maximum height from 8.5m high to 10.7m. No new building footprint would be formed. On Brushes Warren the proposed additional fourth storey would increase the maximum height from 8.8m to 10.7m. The internal sizes for each flat are as follows:

### *Brushes Warren*

- Flat A: 64sqm 2 bedrooms (3 bed spaces)
- Flat B: 50sqm 1 bedroom (2 bed spaces)

### *Legra Grange*

- Flat C: 58sqm 2 bedrooms (3 bed spaces)
- Flat D: 58sqm 2 bedrooms (3 bed spaces)

Each flat include separate kitchen, living/dining room, and storage area.

- 1.3 The proposed materials for the additional floor to the two blocks are vertical zinc cladding, grey coated brise soleil, grey coated aluminium windows and door, glass balustrading around decking sections (1.1m high). The existing building to the lower floors includes cream facing brickwork, render and upvc windows.
- 1.4 There are 30 car parking spaces on site for the existing 24 x 2 bed units. The parking layout will be altered and number of spaces will increase to 34. The existing amenity space on site is 1070sq overall (44.5sqm per unit) (24 units). The proposed four flats will include roof terraces equating to 24sqm per unit on Legra Grange and 27sqm to 32sqm on Brushes Warren. The new parking layout will result in the reduction of amenity space to 1018sqm equating to 29.9sqm per unit (34 units).



1.5 It should be noted application 14/01055/FUL o erect additional floors to Legra Grange and Brushes Warren was refused by Development Control Committee on the 12<sup>th</sup> November 2014 t for the following reasons:

1. *“The proposed increase in scale of the building would be out of character with and harmful to the streetscene to the detriment of the character of the area contrary to the NPPF, policy CP4 of the Core Strategy, policies C11 and H7 of the Borough Local Plan and the Design and Townscape Guide (SPD1)”.*
2. *“The site is not considered to be in a sustainable location in terms of access to public transport and fails to provide sufficient off street parking in an area of parking stress to the detriment of the free flow of traffic in the local highway network contrary to policy T8 and T11 of the Borough Local Plan”.*
3. *“The proposal would result in a loss of amenity space to the detriment of the living conditions of occupiers of the flats contrary to the NPPF, policy CP4 of the Core Strategy, policy H7 of the Borough Local Plan and the Design and Townscape Guide (SPD1)”.*

1.6 The applicant subsequently appealed (reference:3008355) and the appeal was dismissed because the inspector concluded that the siting of parking spaces A & B was harmful to existing occupiers; the Inspector in paragraph 6 of the appeal decision states:

*“The area of planting for proposed spaces A and B is located directly outside the floor to ceiling height windows and Juliet balcony of one of the flats within Brushes Warren. Whilst I consider this area of planting serves no purpose in terms of useable amenity space and its loss would not cause harm in this regard, it serves an important function to protect the living conditions of the occupiers of one of the flats by preventing cars parking directly outside the window and preventing the resultant harmful effects of noise and loss of privacy. As such, its removal and replacement with car parking would cause significant harm in this regard”.*

1.7 It is important to note that the Inspector raised no objections on any other grounds.

1.8 The main differences between the refused application and that now proposed include the resiting of the car parking spaces to the east of the existing car parking spaces resulting the reduction of amenity space from 1070sqm (44.5sqm per unit) to 1018sqm (29.9sqm). The design, size and height of the additional storeys and number of parking spaces proposed remains unchanged from the previously refused application 14/01055/FUL.

## **2 Site and Surroundings**

- 2.1 The application site contains two, three storey flat roof flatted blocks totalling 24 flats. The surrounding location is residential in character, mixed in scale with examples of large three storey development circa 1970's; Victorian/Edwardian scale domestic housing (large two storey); maisonette style dwellings directly to the west with prominent two storey flat roof front elements and other properties nearby of a more domestic two and single storey construction. Vehicle access to the site is via Fairview Gardens leading to a car park with 30 parking spaces and cycle storage and amenity space.

## **3 Planning Considerations**

- 3.1 The main considerations in relation to this application are the principle of the development, design (including the impact of the proposed works on the character and appearance of the building), impact on neighbouring properties, living conditions for existing/future occupiers and traffic, sustainable construction, parking issues, whether the application is CIL liable and the proposal has overcome the previous reasons for refusal 14/01055/FUL.

## **4 Appraisal**

### **Principle of Development**

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

- 4.1 The principle has been accepted under application 14/01055/FUL and the subsequent appeal, subject to the other material planning considerations discussed in detail below.

### **Design**

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

- 4.2 Paragraph 56 of the NPPF states

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

4.3 Paragraph 60 of the NPPF states:

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

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

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

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

4.7 The Inspector considered the design and scale of the additional storeys and the impact on the character and appearance of the area under appeal (reference:3008355), and states in paragraph 12:

*12. “The Council highlights that the existing three storey blocks of flats along London Road appear as the same height as surrounding two storey residential properties with pitched roofs. However, given the set back of the proposal from the edge of the existing roofs, its glazed and lightweight structure and the relative isolation of Brushes Warren and Legra Grange from surrounding two storey properties, I consider that the proposal would not result in an overly dominant feature of the skyline to the detriment of the character and appearance of the streetscape or surrounding area. On the contrary, the proposal would add an element of architectural interest to the otherwise horizontal and uniform appearance of the host buildings that would integrate well with the character and appearance of the streetscape and surrounding area. This would be in the context of London Road as a busy route through the Borough that I consider has the ability to accommodate the level of change proposed without harm”.*

4.8 The Inspector further goes on to state in paragraph 13:

*“In this context, the proposal would comply with the requirements of Core Strategy policy CP4; DMD policies DM1 and DM3; and Supplementary Planning Document 1- Design and Townscape Guide 2009, that seek amongst other things, to ensure development is compatible with and respects local character”.*

4.9 The recent appeal decision is afforded significant weight. It is not considered the proposal will have an adverse impact on the character and appearance of this part of London Road. The additional floors have not changed from the previously refused application (14/01055/FUL) and are the same as considered by the Inspector on appeal.

4.10 In terms of site layout, whilst additional floors are proposed to both blocks with the formation of four flats the layout to the front in terms of soft landscaping fronting London Road will remain unchanged. The parking layout will alter whereby two additional spaces are now proposed to the eastern side of the car park resulting in the removal of some of the existing lawn.

4.11 In light of the above, the design and scale of the proposed development is considered acceptable in accordance with the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy and policy DM1 of the Development Management Document and the Design and Townscape Guide is an accepted by the Inspector on appeal.

### **Impact on Neighbouring Properties**

#### **National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Development Management Document policy DM1 and Design and Townscape Guide (SPD1)**

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

4.13 In relation to overlooking, the additional floor on Brushes Warren at the nearest point to the surrounding residential properties at the northwest side of the building would be located 14m from the rear boundary abutting no. 28 Fairview Gardens. The decking area proposed to the front of the flats would be located 33m away from the nearest property to the south and 19m to the nearest property to the west which includes obscure windows to the flank elevation.

4.14 With respect to impact from the additional floor to Legra Grange, the additional floor will be sited 22m from the rear boundary to the north and a further 19m to the rear elevation of no. 18 Fairview Gardens to the North (therefore 41m separation distance) which is considered sufficient to mitigate against any potential overlooking or loss of privacy. The proposed decking area to the additional flats on Legra Grange fronts London Road and is set 9.5m away from the public house to the east and 35m from the flatted development to the south, which is considered sufficient to mitigate against any potential overlooking and loss of privacy.

4.15 The Inspector on appeal considered that the additional floors to Legra Grange and Brushes Warren would not be overbearing or result in overlooking or loss of privacy to any neighbouring properties. The Inspector in paragraph 14 of the recent appeal decision states:

*“Surrounding neighbours, particularly those to the north of the Site along Fairview Gardens, have expressed concerns regarding the effects of the proposal on their living conditions, with particular reference to loss of privacy as a result of overlooking. Whilst I appreciate these concerns, despite the additional height, the distance between the proposal and surrounding properties is considered sufficient to minimise effects of overlooking. Furthermore, existing vegetation along the rear boundaries of these properties would further assist in maintaining privacy.*”

4.16 The Inspector considered that that the siting of A & B as shown on drawing 14035-P-01 Revision P1 adjacent to a ground floor flat within Brushes Warren was unacceptable and would cause significant harm in terms of the impact on the existing occupiers of the flat. However, this amended proposal has sought to relocate the parking spaces to the existing lawn area to the east of the site and therefore the proposal will no longer have a detrimental result in impact on the existing occupiers of Brushes Warren. No objections were previously raised in relation to the siting of parking spaces C and D in relation to amenity of existing occupiers. Therefore the proposal has overcome the previous concerns of the Inspector in relation to 14/01055/FUL.

4.17 The proposal in terms of impact on surrounding residential properties is considered to be in accordance with policy CP4 of the Core Strategy and policy DM1 of the Development Management Document DPD2. The proposal has therefore addressed reason 03 of 14/01055/FUL.

## Living Conditions for Future Occupiers

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

- 4.18 The National Technical Housing Standards as set out by DCLG 2015 were adopted 1<sup>st</sup> October 2015. The standards require at least 50sqm internal floor space for a one bedroom flat (2 bed spaces), 61sqm internal floor space for a two bedroom flat (3 bed spaces). The proposed internal floorspace for the new flats is as follows:

#### *Brushes Warren*

- Flat A: 64sqm 2 bedrooms (3 bed spaces)
- Flat B: 50sqm 1 bedroom (2 bed spaces)

#### *Legra Grange*

- Flat C: 58sqm 2 bedrooms (3 bed spaces)
- Flat D: 58sqm 2 bedrooms (3 bed spaces)

- 4.19 The proposed units are therefore policy compliant. All habitable rooms would be served by sufficient windows which would provide acceptable light and outlook for potential future occupiers. Policy DM8 of the Development Management Document requires all new dwellings to meet the Lifetime Home Standards, this has now been superseded by the National Housing Standards however, in this instance it is not considered reasonable to enforce building regulation M4 (2) given that the current building does not meet standards.
- 4.20 Policy DM8 of the Development Management Document DPD2 states that all new dwellings must make provision for adequate useable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this can take the form of a balcony or semi-private communal amenity space.
- 4.21 In relation to amenity space, the 4 flats proposed will have private terraces ranging from 24sqm to 32sqm which is considered acceptable taking into account the site location and given the nature of the flatted development. Whilst the amenity space of the overall site would reduce from 1070sqm (45sqm) per unit for the existing 30 units, to 1018sqm (a 52sqm reduction) for the 34 units, this equates to 30sqm per unit. The amenity space provision proposed is still considered useable amenity space for existing and future occupiers therefore in accordance with policy DM8 of the Development Management Document.

- 4.22 The Councils' Design and Townscape Guide requires that safe, secure, weatherproof and convenient cycle parking be provided as part of developments. It is also required that refuse storage and recycling should be integral to development, and should be: accessible within reasonable carrying distance from the highway; not dominate the frontage, and to be well screened and ventilated. The existing refuse area and cycle store meets these requirements and has capacity to be used for the additional flats.

### **Traffic and Parking**

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

- 4.23 The existing development of 24 flats includes 30 parking spaces equating to 125% of parking provision. However, it was accepted during determination of the original application 03/01293/FUL that only one parking space would be required per unit taking into account the site location on London Road with access to public transport.
- 4.24 Policy DM15 appendix 6 of the Development Management Document states that one parking space per flat (whether it is 1 or 2 bedroom) should be provided on site. This proposal will increase the parking spaces provided on site from 30 to 34 spaces, which would therefore be policy compliant for the 28 flats. The previously refused application 14/01055/FUL included legal documentation in relation to the parking arrangement on site whereby 20 spaces are allocated to 17 of the existing flats in Brushes Warren and Legra Grange. As a result, the 7 remaining flats would have access to 10 of the existing parking spaces and 4 additional spaces are proposed as part of this application resulting in 34 car parking spaces available to 28 flats. The proposal would therefore comply with policy DM15 of the Development Management Document.
- 4.25 Consideration also has to be given to the Inspectors comments in relation to this issue. The inspector concluded the four additional spaces together with the existing parking provision on site would comply with policy DM15 of the Development Management Document. Furthermore, taking into account the site location along London Road with access to public transport it is not considered the proposal will have any impact on the highway network or parking in surrounding streets.

## **Renewable Energy**

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

- 4.26 Policy KP2 of the DPD1 and the SPD1 require that 10% of the energy needs of a new development should come from onsite renewable resources, and also promotes the minimisation of consumption of resources. The Design and Townscape Guide advises that options for renewable power must be considered at the beginning of the design process so that they are an integral part of the design scheme. This application is accompanied by details of 11 photovoltaic panels 250w which will be installed to the roof which will provide at least 12% of renewable energy requirements. Although no specific report of how the calculations have been provided to demonstrate how the proposal is policy compliant however, this can be dealt with by condition. The panels will have no adverse impact on the overall character and appearance of the building.
- 4.27 Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff. The proposal will result in the creation of four additional parking spaces and details of the hardstanding will be required by condition to ensure the proposal will not result in any increased surface water runoff.
- 4.28 Policy DM2 of the Development Management Document requires all new development to include water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. This will be dealt with by condition.

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

This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. The proposed development for 4 flats will create approximately 256.7sqm of additional floorspace (Class C3). The CIL rate for the residential use is £60 per sqm which equates to approximately £15402.00.



## **5 Conclusion**

- 5.1 The principle of an additional storey to each block of flats is acceptable. The proposed development by reason of its design and scale will not have a detrimental impact on the overall character on the existing building nor the streetscene. The revised development safeguards the amenities of nearby residents and this has been accepted by the Inspector on appeal in accordance with the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policy DM1 of the Development Management Document and the Design and Townscape Guide. The proposal will provide sufficient car parking to meet the needs of occupiers and this has been accepted by the Inspector on appeal and will not result in on street parking. The application has now addressed the concerns raised by the Inspector in relation to application 14/01055/FUL and is now acceptable.

## **6 National Planning Policy Framework**

- 6.1 National Planning Policy Framework 2012.
- 6.2 Development Plan Document 1: Core Strategy 2007 Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance), CP3 (Transport and Accessibility), CP6 (Community Infrastructure), CP8 (Dwelling Provision)
- 6.3 Development Management DPD2 policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix), DM8 (Residential Standards), DM15 (Sustainable Transport Management).
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide, 2009.
- 6.5 The National Technical Housing Standards DCLG 2015
- 6.6 Community Infrastructure Levy (CIL) Charging Schedule

## **7 Representation Summary**

### **Design and Regeneration**

- 7.1 The set back and overall design has helped to mitigate against any potential impact in terms of views within the streetscene, whilst longer views of the extensions will be possible from the east and west where the increase in height will be more apparent. It is however considered that the London Road in general, as a principle route into the town, is more suited to scale increases than the more domestic side streets.

The detailed design of the proposal includes extensive corner windows and brise soleil to provide sun shading. These features add interest to the elevations and to the buildings as a whole which is considered to be rather flat. This is also an improvement over the pre app design which was bulkier and more solid in appearance.

The large set back has enabled good sized roof terraces around the flats which should provide useable amenity for the units. Glass balustrading is proposed to the edges and it will be important to ensure that these are well detailed and kept simple to ensure that they do not add unnecessary bulk to the proposal close and draw unnecessary attention to the additional floor.

#### **Materials**

The proposed materials are vertical zinc cladding, grey powder coated brise soleil, grey powder coated windows and doors, glass balustrading. There are no objections to these.

#### **Sustainability**

Pvs are proposed to the roof. These are acceptable in principle although detailed calculations will be required to demonstrate that they would provide 10% of energy needs.

### **Traffic and Highways**

- 7.2 The proposal provides 4 additional flats to the existing blocks of flats. 1 parking space per flat which meets the current vehicle parking standards as set out in the Development Management Document DPD2. The site benefits from being in a sustainable location with regard to public transport which has good links in close proximity. It is not considered that the additional dwelling would result in a detrimental impact upon the public highway in teams of safety or capacity. Therefore no highway objections are raised.

## Leigh on Sea Town Council

- 7.3 This stretch of London Road is predominantly traditional single or 2 storey house there are no existing 4 storey buildings in the vicinity of the area. To create on here would change the character of the area and be detrimental to the streetscene, particularly in view of the stark box like style of the existing building.

### Public Consultation

- 7.4 Site notice displayed on the 10<sup>th</sup> December 2015 and 44 neighbours notified of the proposal. 22 letters of representation have been received objecting to the proposal:

- Lack of parking within the area already and this will make it much worse **[Officer Comment: One space per flat is provided (4 in total) in accordance with policy DM15 of the Development Management Document DPD2].**
- Additional 4<sup>th</sup> floor would be totally out of keeping with other flats in the area;
- exacerbate parking problems in this locality;
- it is out of character;
- represents over development;
- it will result in excessive height causing loss of Autumn and Winter sunshine
- it will tower above this property;
- will intrude on our privacy;
- No vacant parking spaces in Legra Grange;
- Two houses have changed ownership resulting in three extra cars being parked in the road there is also a vacant bungalow which if sold may result in more additional parking requirements;
- The proposal will take away children's play area;
- The appeal of Leigh on Sea will be lost if we continue to build in this densely populated area;
- Flats are not being maintained as it is;
- Extra flats would create extra revenue for the management company but they cannot service or communicate with us adequately as it is;
- The bin sheds cannot cope with another four flats worth of rubbish;
- If this application is approved the Council should enforce controlled hours of operation; how and where construction vehicles would gain access to the site for parking and unloading without causing a highways hazard or inconveniencing neighbours and any other restrictions that might make the duration of works more bearable to all the current residents of both properties;
- Lease parking plan for individual flats differs from the available parking spaces shown;
- The existing 30 car parking spaces have already been sold off on site;
- The design of the proposal in terms of its overall bulk will be overbearing and oppressive to occupants of surrounding properties;

- The proposed materials will not provide a lightweight appearance;
- Bedrooms of the additional floors will overlook properties to the rear of the site from both blocks and have an adverse impact on privacy;
- The decking areas proposed will also result in overlooking and loss of privacy.

7.4 Councillor Evans has requested this application be dealt with by Development Control Committee.

### **Relevant Planning History**

7.1 Erect new fourth floors to Legra Grange (1525 London Road) & Brushes Warren (1527 London Road) to form 2 additional self contained flats per block- Refused (14/01055/FUL) and dismissed at appeal (reference:3008355).

7.2 Demolish dwellinghouses, erect 2 three storey blocks comprising a total of 24 flats, lay out 30 parking spaces at rear, amenity area and form vehicular access onto Fairview Gardens- Granted (03/01293/FUL)

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

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

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

**02 The development hereby permitted shall be carried out in accordance with the approved plans 14035-07 P1; 14035-09 P1; 14035-08 P1; 14035-06 P1; 14035-04 P1; 14035-01 P1; 14035-03 P1; 14035-P-01-P2; 14035-00 P1.**

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

**03 No development shall take place until samples of the materials to be used on the external elevations including walls, roof, windows, and balustrading shall be submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved materials unless otherwise agreed in writing by the local planning authority.**

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

- 04 The refuse storage and cycle storage shall be carried out in accordance with plan no. 14035-P-01 prior to occupation of the flats hereby approved and shall thereafter be permanently retained for the occupants of the flats and their visitors unless otherwise agreed in writing by the local planning authority.**

**Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and DPD2 (Development Management Document) policies DM8 and DM15.**

- 05 Parking as per plan 14035-01 P2 shall be provided prior to first occupation of the development and retained permanently is provided for residential occupiers at Legra Grange and Brushes Warren and for no other purpose unless otherwise agreed in writing by the local planning authority.**

**Reason: To ensure that satisfactory off-street parking is provided for occupants of the flats and interests of residential amenity and highway efficiency and safety, in accordance with DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management Document) policy DM15 and SPD1 (Design and Townscape Guide).**

- 06 With the exception of balcony's shown hatched on drawing 14035-04 Revision P1 and 14035-03 Revision P1. No other area of the roof shall be used as a balcony, roof garden or similar amenity area or for any other purpose unless otherwise agreed in writing by the local planning authority. The roof can however be used for the purposes of maintenance or to escape in an emergency.**

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

- 07 No development shall commence until details of surface water attenuation for the site, based on SUDS principles, have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.**

**Reason: To ensure satisfactory drainage of the site in accordance with policy KP2 of the Core Strategy DPD1 and DPD2 (Development Management) policy DM2.**

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

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

- 09** Prior to the commencement of development a renewable energy assessment shall be submitted to and agreed in writing with the Council to demonstrate how at least 10% of the energy needs of the development will come from onsite renewable options (and/or decentralised renewable or low carbon energy sources. The scheme as approved shall be implemented and brought into use on first occupation of the development unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2 and CP4, DPD2 (Development Management) policy DM2 and SPD1 (Design and Townscape Guide).

- 10 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 throughout the construction period. The Statement shall provide 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 including decorative displays and facilities for public viewing, where appropriate**
  - v. details of drainage/surface water to ensure the proposal does not discharge onto Network Rail land including foul drainage.**
  - vi. measures to control the emission of dust and dirt during construction**
  - vii. plant and materials**
  - viii. scaffolding**
  - ix. piling**
  - x. lighting**
  - xi. a scheme for recycling/disposing of waste resulting from demolition and construction works**
  - xii. future maintenance of the site**

**Reason: To minimise the environmental impact and disturbance to existing residents, during construction of the development in accordance NPPF; DPD1 (Core Strategy) 2007 policy KP2 and CP4; DPD2 (Development Management) policy.**

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

**Reason: In the interests of the character and amenity of the area in accordance with Policy DM1 of the Development Management Document.**

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

**Reason: In the interests of the character and amenity of the area in accordance with Policy DM1 of the Development Management Document.**

## Informative

- 1 Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a CIL Liability Notice for the applicant's attention and any other person who has an interest in the land. This contains details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) .**
- 2 You are advised that the development hereby approved is likely to require approval under Building Regulations. Our Building Control Service can be contacted on 01702 215004 or alternatively visit our website [http://www.southend.gov.uk/info/200011/building\\_control](http://www.southend.gov.uk/info/200011/building_control) for further information.**

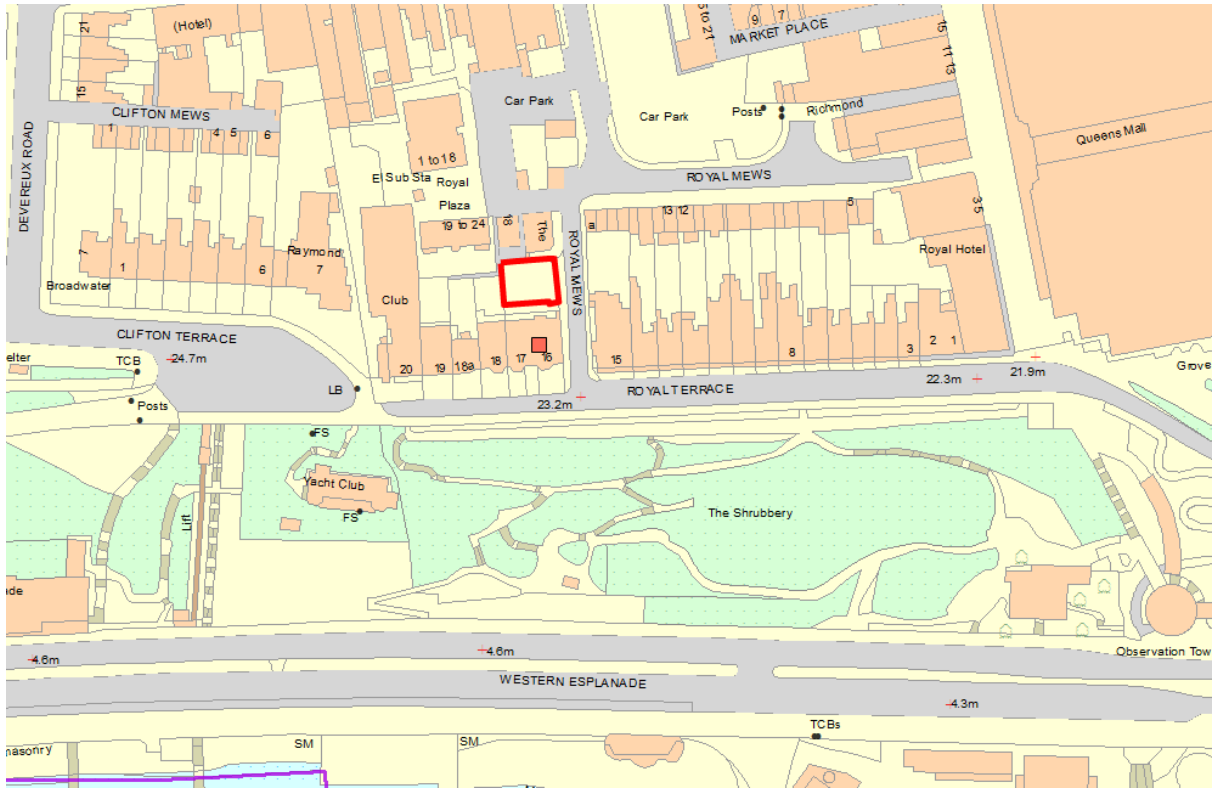
**The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission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

<b>Reference:</b>	15/01493/FUL
<b>Ward:</b>	Milton
<b>Proposal:</b>	Erect two 3 storey dwellinghouses with balconies to front at second floor on land at rear of Clifton Court
<b>Address:</b>	Clifton Court, Royal Terrace, Southend-On-Sea, Essex, SS1 1DX
<b>Applicant:</b>	Spurdown Ltd
<b>Agent:</b>	Glen Eldridge Architects
<b>Consultation Expiry:</b>	11.12.2015
<b>Expiry Date:</b>	07.01.2016
<b>Case Officer:</b>	Janine Rowley
<b>Plan Nos:</b>	GE1508/P01; GE1508/P02



**Recommendation:**

**REFUSE PLANNING PERMISSION**



## 1 The Proposal

- 1.1 Planning permission is sought to erect two 3 storey dwellinghouses with balconies to the front at second floor on land at the rear of Clifton Court, Royal Terrace.
- 1.2 The pair of semi-detached dwellings would be 11.3m wide x 9.6m deep x 10m high. The proposed materials would include red brickwork and vertical zinc cladding, blue/grey slate and dark grey aluminium windows and doors.
- 1.3 The three dwellings would include the following internal floorspace and amenity area to the rear:

House	Bedroom	Internal floorspace	Garden
1	3 bed (5 bed spaces)	92sqm excluding the garage as not a habitable room (108sqm including garage)	30sqm
2	3 bed (5 bed spaces)	92sqm excluding the garage as not a habitable room (108sqm including garage)	30sqm

- 1.4 One off street parking space in a garage is proposed per dwelling and refuse storage will be located to the side of each dwelling.

## 2 Site and Surroundings

- 2.1 The site lies within the boundary of Clifftown Conservation Area and is surrounded by a number of historic buildings. Opposite is 15 Royal Terrace, part of the grade II listed Georgian Terrace and its associated former coach house to the rear. Directly south are the former houses at Clifton Court, a substantial red brick Arts and Crafts style building now converted to flats and which ties in the with architectural style of The Cottage, a smaller 2 storey, former house to the north of the site and together these two buildings form a cohesive streetscene on this side of Royal Mews. All these historic buildings are considered to make a positive contribution to the character of the conservation area although it is noted that number 15 Royal Terrace and the associated mews building opposite are in need of renovation.
- 2.2 The site is an area of hardstanding that currently serves as a car park to the dental surgery to the immediate north of the site. The streetscene is characterised two storey buildings with roof accommodation to the north and four storey buildings to the immediate south, which are Grade II listed. The surrounding area is residential and to the north of the site are public car parks serving the town centre. To the south of the site is Royal Terrace and access to the Cliffs open space.

### 3 Planning Considerations

- 3.1 The main considerations in relation to this application are the principle of the development, design (including the impact of the proposed works on the character and appearance of the building) character and appearance of the conservation area and adjacent listed buildings, and impact on neighbouring properties, living conditions for existing/future occupiers, CIL, sustainable construction SUDs and traffic and parking issues.

### 4 Appraisal

#### **National Planning Policy Framework; DPD1 (Core Strategy) policies KP1, KP2, CP4, CP8; DPD2 (Development Management) policies DM1, DM3, DM5, DM7, and the Design and Townscape Guide SPD1 (2009)**

- 4.1 This proposal is considered in the context of the National Planning Policy Framework 2012 and Core Strategy Policies KP2 and CP8. The NPPF states that *“Housing applications should be considered in the context of the presumption in favour of sustainable development”*.
- 4.2 Policy DM3 of the Development Management Document states: *“All development on land that constitutes backland and infill development will be considered on a site-by-site basis. Development within these locations will be resisted where the proposals:*
- (i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or*
  - (ii) Conflict with the character and grain of the local area; or*
  - (iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or*
  - (iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees.*
- 4.3 Paragraph 201 of the Design and Townscape Guide SPD1

*“Infill sites are development sites on the street frontage between existing buildings. These areas are usually spaces left over after earlier development or the redevelopment of small industrial units or garages. The size of the site together with an analysis of local character and grain will determine whether these sites are suitable for development. In some cases the site may be too small or narrow to accommodate a completely new dwelling (including usable amenity space and parking) and trying to squeeze a house onto the site would significantly compromise its design quality and be detrimental to neighbouring properties and local character. In these circumstances, unless an exceptional design solution can be found, infill development will be considered unacceptable. Other options, such as an extension to an adjacent building or a garage may be more achievable. However, in certain situations, where the density, grain and openness of an area are integral to its special character, infill development of any kind will not be appropriate in principle”*.

- 4.4 Each of the points detailed in Policy DM3 and the aforementioned policies are discussed below. There is concern that the proposed development constitutes overdevelopment of the site and the principle of development in this location is unacceptable, as the proposal by reason of the location, size of the site, relationship with surrounding properties, impact on local character and urban grain of the area would be detrimental to the character and appearance of the area. Thus infill development in this location is not considered appropriate. Each of the points detailed in Policy DM3 and the aforementioned policies are discussed below.
- 4.5 Policy DM5 of the Development Management Document states that all development proposals 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. It is considered in this instance, the proposed development fails to conserve or enhance the historic character, setting and townscape and thus objected to in principle.

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

#### **National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4; DPD2 (Development Management) policies DM1, DM3, DM5 and the Design and Townscape Guide SPD1 (2009)**

- 4.6 The existing site is a car park that currently appears to serve the Royal Mews Dental Practice to the north. The surrounding streetscene includes two three and four storey buildings to the north and south. A number of the buildings surrounding the site are historic buildings located within the Clifftown Conservation Area.
- 4.7 It is noted there are some recent modern developments to the west of the Cottage to the north including a modest house at number 18 Royal Mews and The Plaza flats development further to the west. These developments have been arranged to pick up on the depth of 'The Cottage' so that the grain and building pattern of the area is respected and a gap is maintained between the buildings fronting Royal Terrace and those facing the secondary frontage on Royal Mews.
- 4.8 Whilst the existing car park does not make a positive contribution to the streetscene at present; it does maintain the openness between these two blocks of buildings and therefore respects the grain of the area. There is therefore an objection in principle to development on this site as it would conflict with the character and grain of the conservation area.
- 4.9 The proposed three storey dwellings would have an overall height of 10m. Whilst it is acknowledged there are three and four storey properties surrounding the site the overall scale appears inappropriate given the limited width of the site and will result in domaint form of development out of keeping with the surrounding area and Clifftown Conservation Area.

- 4.10 The proposal has attempted to maximise the overall coverage of the site and resulted in a number of awkward design features. The garages to the ground level will present an inactive and unattractive frontage to the street and an awkward area of negative space in between the properties to the north and south. The footprint has been stepped in slightly from the sides and front (between 1m and 1.3m) at the upper floors in an attempt to lessen the impact on the neighbouring buildings and the streetscene but this creates awkward relationship between the upper and ground floor further emphasising the dominance of the garages.
- 4.11 The overall design itself is an odd combination of disparate elements including large areas of blank brickwork, a fully glazed staircase element and a large zinc clad double gable feature and triangular shaped balconies. To the sides, which are visible in the streetscene, the proposal is essentially blank which will appear quite dominant and overbearing. To the rear, the design appears to be a mix of 3 different window types with significant glazing to the top level overlooking the neighbouring gardens.
- 4.12 The Heritage Statement accompanying this planning application states “*that the design is looking to provide an industrial character to the building to reference local area*” however this has resulted in an unresolved and top heavy design which is considered to be detrimental to the character of the conservation area and the wider streetscene. The reference to the local ‘industrial character’ is not clear as the only buildings with an element of industrial use in the area are the small historic coach houses with their modest scale, simple design and timber barn style doors and the proposal has none of these features.
- 4.13 For these reasons it is considered that the proposed development by reason of its excessive scale, height, bulk, mass, siting, detailed design and materials would appear incongruous and out of keeping within the streetscene to the detriment of the appearance and character of the Clifftown Conservation Area in which it is located and represents overdevelopment of the site contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Core Strategy DPD1; Policies DM1, DM3 and DM5 of the Development Management Document DPD2 and advice contained within the adopted Design and Townscape Guide (SPD1).

## Living conditions for future occupiers

### National Planning Policy Framework, Development Management Document policy DM8, The National Technical Housing Standards DCLG 2015 and Design and Townscape Guide (SPD1)

- 4.14 It should be noted on the 1<sup>st</sup> October 2015 the National Housing Standards were adopted and require 99sqm internal floorspace per three bedroom dwellinghouses (5 bed spaces) over three storeys. The proposed internal sizes of the flats are given at paragraph 1.3 above. Based on the bedroom sizes proposed both dwellings would provide 3 bedrooms with 5 bed spaces and would therefore fall short of the current standards resulting in an unacceptable living environment for future occupiers. Furthermore, the internal layout appears contrived with bedroom 3 only benefitting from a high level window, which will restrict daylight and outlook for potential future occupiers. The development is contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policy DM8 of the Development Management Document, National Housing Standards and the Design and Townscape Guide SPD1.
- 4.15 Policy DM8 (iii) states that all new dwellings should meet the Lifetime Home Standards, unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Home Standards has now been superseded by the National Technical Housing Standards, and all new dwellings are required to meet building regulation M4 (2)- 'accessible and adaptable dwellings'. The applicant has not submitted information demonstrating that the two dwellings meet the building regulation M4(2) requirements and therefore, an objection is raised in relation to the submission of insufficient information which demonstrates that the two dwellings can be accessible and adaptable for older people or wheelchair users.
- 4.16 Policy DM8 of the Development Management Document DPD2 states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this can take the form of a balcony or semi-private communal amenity space.
- 4.17 Paragraph 143 of the Design and Townscape Guide, 2009 (SPD1) states:
- “There is no fixed quantitative requirement for the amount of amenity space as each site is assessed on a site by site basis according to local character and constraints. However, all residential schemes will normally be required to provide useable amenity space for the enjoyment of occupiers in some form...”*
- 4.18 The level of amenity space each proposed is detailed in paragraph 1.3 above. Whilst it is acknowledged there are also 'sun terraces' to the third floor they are not sufficient as amenity space for these types of family dwellings. It is therefore, considered that the limited amount and nature of amenity space proposed would be to the detriment of the living conditions of the future occupiers.

- 4.19 Refuse storage is proposed to the side of the dwelling to the south, which is welcomed however it is unclear how the other dwelling to the north of the site will be able to provide suitable storage, which would harm the amenities of surrounding and future residents and to the surrounding character of the area.

### **Traffic and Transport Issues**

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

- 4.20 The existing site appears to provide off street parking serving the current Royal Mews dental surgery to the immediate north of the site.
- 4.21 The site falls inside of the town centre as designated by the Development Management Documents. Policy DM15 of the Development Management Document requires 1 parking space per dwelling. This proposal includes the provision of one off street parking space for each dwelling within a garage. Policy DM15 requires all new garages to have an internal dimension of 7m x 3m and will not be considered or counted as a parking space if less. The proposed garages are 2.7m wide x 4.9m and therefore below the current standard and would not provide acceptable off street parking to serve the new dwellings.
- 4.22 The site is located within the Southend Central Area as designated by the Development Management Document and greater flexibility is given to sites within sustainable locations. The site is within walking distance of the bus interchange, High Street as well as stations for both mainline railway lines. However, given the nature of the proposal with 3 bedroom family units it is not considered acceptable to have no useable provision of off street parking given the garages as proposed fall below standard. The proposed development by reason of unsatisfactory level of parking will cause additional on street parking in an area of parking stress to the detriment highway safety and the local highway network contrary to guidance contained within the NPPF, Policy CP3 of the DPD1 (Core Strategy), Policy DM15 of the Development Management DPD2, and the Design and Townscape Guide (SPD1).

## **Impact on residential amenity**

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

- 4.23 Policy DM1 of the Development Management Document states that any new development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.
- 4.24 The proposed dwellings would be set on the boundaries with properties to the north, 18 Royal Mews and the Royal Mews Dental Surgery and to the south nos. 16 and 17 Royal Terrace. Whilst it is acknowledged the first and second floors have been stepped into away from the boundary, the limited separation distance and overall height of 10m will mean that the development and will have a detrimental impact on the surrounding residents. Due to its height, bulk and position in relation to the surrounding residential occupiers would result in an unreasonable sense of enclosure and loss of privacy through unmitigated overlooking. Furthermore it is considered that the development would not result in a material loss of daylight and sunlight to the detriment of the amenities of occupiers of these properties contrary to the provisions of Policy CP4 of the Core Strategy, policies DM1 and DM3 of the Development Management Document and the Design and Townscape Guide.

## **Sustainable Construction**

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

- 4.25 Policy KP2 of the DPD1 and the SPD1 requires that 10% of the energy needs of a new development should come from onsite renewable resources, and also promotes the minimisation of consumption of resources. Policy DM2 of the Development Management Document states that all new development should contribute to minimising energy demand and carbon dioxide emissions. The Design and Townscape Guide advises that options for renewable power must be considered at the beginning of the design process so that they are an integral part of the design scheme. It is considered any proposed renewable technologies could have a significant impact upon design, scale and overall appearance of the development together with impact on the surrounding neighbouring properties and Clifftown Conservation Area given the site location of this site.



Therefore it is not acceptable in this instance condition these details and they would need to be agreed as part of the application. This is contrary to the National Planning Policy Framework, Policy KP2 of the Core Strategy (DPD1) and the Design and Townscape Guide, 2009 (SPD1).

- 4.26 Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk. The applicant contends the hardstanding surface to be installed will be constructed from a permeable paving however, no further details have been provided but officers are satisfied this matter can be dealt with by condition if the application is deemed acceptable.
- 4.27 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lppd) (1110 lppd) when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. Whilst details have not been submitted for consideration at this time, this can be dealt with by condition.

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

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

#### **Conclusion**

- 4.29 In light of the above, it is considered that the proposed development by way of its size, siting, scale, design and layout would be out of keeping with the existing layout and grain of development in the area and visually harmful addition to the streetscene and Clifftown Conservation Area. The proposed dwellings will result in overbearing form of development to the detriment of amenities enjoyed by existing occupiers surrounding the site. The poor internal floorspace, lack of amenity space and insufficient information to demonstrate adaptability and accessibility of the dwellings will result in a poor standard of living accommodation for future occupiers. The parking provision is unacceptable and will result in on street parking and the lack of information relating to renewable energy will harm the overall scale of the development.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework
- 5.2 Development Plan Document 1: Core Strategy policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance) and CP8 (Housing)
- 5.3 Development Management Document 2: Development Management Document policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and effective use of land), DM5 (Southend on Sea Historic Environment01), DM7 (Dwelling Mix, size and type), DM8 (Residential Standards), DM11 (Employment Areas), DM14 (Environmental Management), DM15 (Sustainable Transport Management)
- 5.4 Supplementary Planning Document 1: Design and Townscape Guide 2009
- 5.5 Waste Management Guide
- 5.6 Community Infrastructure Levy CIL Charging Schedule

## **6 Representation Summary**

### **Design and Regeneration**

- 6.1 The proposal seeks to erect a pair of 3 storey houses on the land between Clifton Court and The Cottage on Royal Mews. The land is currently being used as a car park for The Cottage which is a dentist's surgery.

The site lies within the boundary of Clifftown Conservation Area and is surrounded by a number of historic buildings. Opposite is 15 Royal Terrace, part of the grade II listed Georgian Terrace and its associated former coach house to the rear. Directly south is the former houses at Clifton Court, a substantial red brick Arts and Crafts style building now converted to flats and which ties in the with architectural style of The Cottage a smaller 2 storey former house to the north of the site and together these two buildings form a cohesive streetscene on this side of Royal Mews. All these historic buildings are considered to make a positive contribution to the character of the conservation area although it is noted that number 15 Royal Terrace and the associated mews building opposite are in need of renovation.

There are also some more recent development close to the site to the west of The Cottage including a modest house at number 18 Royal Mews and The Plaza flats development further to the west. These developments have been arranged to pick up on the depth of 'The Cottage' so that the grain and building pattern of the area is respected and a gap is maintained between the buildings fronting Royal Terrace and those facing the secondary frontage on Royal Mews.

Whilst there is no doubt that the existing car park does not make a positive contribution to the streetscene at present it does maintain the openness between these two blocks of buildings and therefore respects the grain of the area. There would be scope for enhancement of the site but it is considered that this would be best achieved with a landscaping scheme and improved boundary treatment rather than infilling with development. There is therefore an objection in principle to development on this site as it would conflict with the character and grain of the conservation area.

Notwithstanding this issue of principle, there are also concerns regarding the scale and design of the development in relation to the surrounding area. The proposal fills the width of the site bringing it within a few metres of the buildings either side. This will result in a crowded streetscene at this point and will no doubt have a significant overbearing impact on these neighbours especially where they are residential uses. It seems that the proposal has been designed to maximise the footprint without due regard for the surroundings and this has also resulted in a number of awkward design details. Firstly the building is dominated by the garages at ground level which will present an inactive and unattractive frontage to the street and an awkward area of negative space in between. The footprint has then been stepping in slightly from the sides and front (between 1m and 1.3m) for the upper floors in an attempt to lessen the impact on the neighbouring buildings and the streetscene but this creates awkward joins where it meets the ground floor further emphasising the dominance of the garages. Above the design itself is an odd combination of disparate elements including large areas of blank brickwork, a fully glazed staircase element and a large conjoined zinc clad double gable feature which has an awkward valley through the middle and triangular shaped balconies. The Heritage Statement comments that the design is looking to provide an industrial character to the building to reference local area however this has resulted in an unresolved and top heavy design which it is considered to be detrimental to the character of the conservation area and the wider streetscene and the reference to the local 'industrial character' is not clear as the only industrial buildings in the area are the small historic coach houses with their modest scale, simple design and timber barn style doors and the proposal has none of these features. The only reference to local character seems to be the shape of the gable which is the same proportions to the side gable to Clifton Court but as the top has been compromised this reference is compromised.

To the sides, which are visible in the streetscene, the proposal is essentially blank which will appear quite dominant and overbearing. To the rear, which will not be prominent in the streetscene, the design appears to be a mix of 3 different window types with significant glazing to the top level overlooking the neighbouring gardens.

Internally the layout has resulted in an under provision of living space, a sub-standard garage space and does not conform to the NHS space requirements. It is also noted that bed 3 only has a small high level window which is not considered to be adequate nor is the amenity provision (30m<sup>2</sup> garden plus 5m<sup>2</sup> balcony) which is well below what would be considered acceptable for a large family home even in a town centre location.

Therefore aside for the fundamental objection to the principle of development on this site which will conflict with the historic grain of the area, the external design of the scheme and the internal layout is considered to be poor and will be detrimental to the historic character of the conservation area and the wider streetscene.

### **Traffic and Highways**

- 6.2 There is a highway objection to this proposal due to the lack of parking associated with the development. The proposal has included a garage however this cannot be considered a parking space due to not meeting the 7m x 3m size requirement. Therefore a highway objection is raised due to the proposal not meeting policy DM15 parking policy criteria.

### **Public Consultation**

- 6.3 A site notice displayed on the 20<sup>th</sup> November 2015 and neighbours notified of the proposal. 6 letters of representation have been received objecting to the proposal for the following reasons:

- Block daylight to surrounding residents;
- Loss of privacy;
- Buildings would not integrate with the surrounding area;
- Materials out of keeping;
- Development is not similar to existing industrial units surrounding the site
- The protection of residents and the character of the conservation area has been ignored;
- Overbearing;
- Insufficient parking;
- Not only do the proposals demonstrate a lack of awareness for their surroundings, they detract from the distinctiveness of place
- The proposals display an ignorance for the historical context of the location, show no relationship to policy DM5 and the guidance documents relating to development within the Clifftown conservation area, and no thought to the scale of features or the appropriateness of materials proposed:
- The protection of amenity to the immediate neighbours in Clifton Court has been completely ignored in these proposals.
- Despite the applicants desire to 'complete Royal Mews', it is worth noting that the reason this would not have been done originally would have been to preserve this amenity. For this reason, it is rare to find a continuation of property around a corner.
- This would also imply a violation of the Right to Light for this property
- Overcrowded

Clifton Court Residents Association object to the proposed development on the following grounds:

- Out of character with the surrounding area
- Ridge height of the development appears much higher than the neighbours to the north 'The Cottage';
- Development appears too bulky and too big for the site;
- Reversing from the garages does not appear to be safe and could result in implications for highway safety given cars come round the corner
- 2 off street parking spaces are not provided per dwelling;
- The proposal will obstruct emergency access to the site

6.4 Councillor Ware-Lane, Councillor Garston and Councillor Nevin have requested this application be dealt with by Development Control Committee.

## **7 Relevant Planning History**

7.1 None

## **8 Recommendation**

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

- 1 The proposed development, by reason of its position, scale, bulk, mass, design and materials would be out of keeping with the existing layout and grain of development in the area failing to integrate with the streetscene and would fail to preserve or enhance the character of the Clifftown Conservation Area to the detriment of the character of the area contrary to the NPPF, Policies KP1, KP2 and CP4 of the Core Strategy (DPD1), Policies DM1, DM3 and DM5 of the Development Management Document and the Design and Townscape Guide (SPD1).**
- 2 The proposed development by reason of its height, bulk and siting in relation to neighbouring properties would result in an overbearing dominant form of development and result in a sense of enclosure, loss of privacy, loss of outlook and loss of light to surrounding residential occupiers contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policy DM1 of Development Management Document DPD2, and the Design and Townscape Guide.**

- 3 The proposal, by reason of the limited internal size of the units, poor outlook, the lack of information to demonstrate accessibility and adaptability of the units, and insufficient outdoor amenity space, and refuse storage would result in a poor quality living environment and is indicative of overdevelopment. This would be contrary to the NPPF, policies KP2 and CP4 of the Core Strategy, policy DM3 and DM8 of the Development Management DPD2 and National Technical Housing Standards 2015 DCLG 2015.
- 4 The proposed development by reason of unsatisfactory provision of parking will cause additional on street parking in an area of parking stress to the detriment highway safety and the local highway network contrary to guidance contained within the NPPF, Policy CP3 of the DPD1 (Core Strategy), Policy DM15 of the Development Management DPD2, and the Design and Townscape Guide (SPD1).
- 5 The proposed development fails to provide adequate information regarding the use of renewable energy resources which given the scale of the proposal could have a significant impact on design, the appearance, surrounding Clifftown Conservation area and impact on surroundings residential properties. This is contrary to the National Planning Policy Framework, Policy KP2 of the Core Strategy, Policy DM2 of Development Management Document DPD2, and the Design and Townscape Guide, 2009 (SPD1).

#### **Informative**

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

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

<b>Reference:</b>	15/01859/FUL
<b>Ward:</b>	Belfairs
<b>Proposal:</b>	Demolish existing buildings, erect three two storey terraced houses with associated parking and bin stores, form vehicular accesses on to Woodside
<b>Address:</b>	Woodside Parade, Woodside, Leigh-on-Sea, Essex
<b>Applicant:</b>	Mr Julian Griffiths
<b>Agent:</b>	N/A
<b>Consultation Expiry:</b>	11.12.2015
<b>Expiry Date:</b>	01.01.2015
<b>Case Officer:</b>	Janine Rowley
<b>Plan Nos:</b>	850:09; 850:08
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>



## 1 The Proposal

- 1.1 Planning permission is sought to demolish the existing buildings and erect three two storey terraced houses with associated parking and bin storage.
- 1.2 The block of three terraced properties is 23.6m wide x 6.9m high x 10.8m deep (11.5m including front bay window).
- 1.3 The three dwellings would include the following internal floorspace and amenity area to the rear:

House	Bedroom	Internal Floorspace	Garden
1	4 bed	119.4sqm	121sqm
2	4 bed	118.3sqm	81.6sqm
3	3 bed	93.1sqm	71.8sqm

- 1.4 Two off street parking spaces are proposed per dwelling and refuse storage will be located to the rear of each dwelling.
- 1.5 The proposed materials to be used in the construction of the development include render and timber boarding to the walls, interlocking concrete tiles, upvc double glazed windows, timber doors, 0.67m high brick walls to the front and 1.8m closed boarded fence to the boundaries, water permeable brick pavers and automatic lighting beneath the car ports.
- 1.6 It should be noted the applicant sought pre application in 2014 to redevelop the site for 3 dwellings (14/01164/PREAPF). Since the advice was given the Development Management Document has been adopted and National Housing Standards introduced.

## 2 Site and Surroundings

- 2.1 The site is located on the southern side of Woodside Parade approximately 5m north of the intersection with Hicking Close. The units are single storey and have flat roofs which step down in height from west to east following the gradient of the street. The units are set back some way from the street, and have a generous front curtilage. Bollards are in place along the edge of the pavement immediately to the front of the site. The existing uses of the buildings include hairdresser, retail unit and offices.
- 2.2 The surrounding area is residential and is characterised by detached and semi-detached bungalows with hipped roofs.
- 2.3 The site is not designated by the Development Management Document as a defined shopping frontage.



### 3 Planning Considerations

- 3.1 The main considerations in relation to this application are the principle of the development, design (including the impact of the proposed works on the character and appearance of the building), and impact on neighbouring properties, living conditions for existing/future occupiers, CIL, sustainable construction SUDs and traffic and parking issues.

### 4 Appraisal

**National Planning Policy Framework; DPD1 (Core Strategy) policies KP1, KP2, CP1, KP2, CP4, CP8; DPD2 (Development Management) policies DM1, DM3, DM7, and the Design and Townscape Guide SPD1 (2009)**

- 4.1 The site is located in an area of previously developed land, and in a residential area. Amongst the core planning principles of the NPPF include to:

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

- 4.2 The existing site includes the premises of a model boat builder, property developer, disability equipment supplier, and hairdresser and disability transport services provider.

- 4.3 Policy CP1 of the Core Strategy states that permission will not be granted for proposals involving the loss of business use. Part 5 of policy DM11 of the Development Management Document DPD2 states that outside of employment areas, proposals for alternative uses on sites used (or last used) for employment purposes, including sites for sui-generis uses of an employment nature will only be permitted which it can be demonstrated that:

- (i) it will no longer be effective or viable to accommodate the continued use of the site for employment purposes; or
- (ii) Use of the site for B2 or B8 purposes gives rise to unacceptable environmental problems.

It will need to be demonstrated that an alternative use or mix of uses will give greater potential benefits to the community and environment than continued employment use. This is in accordance with the NPPF.

- 4.4 Policy CP1 of the Core Strategy states that permission will not normally granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposals will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area.

- 4.5 Part C, Appendix 4 of the Development Management Document requires an analysis of identifying the advantages and limitations of the site or premises in question to accommodate employment uses. For each limitation that is identified, a justification should be provided as to why it could not be overcome having regard to the introduction of alternative employment uses, general investment or improvements, or through competitive rental levels.
- 4.6 In addition, the appraisal should include, but is not limited to, the following analysis:
1. The relevant national, regional, local planning and economic policy context;
  2. The quality of the buildings/ site;
  3. The accessibility of the site and its ability to serve a range of employment uses having regard to private and public transport; and
  4. Any constraints that will limit the future use of the site or premises for employment uses.

Additional marketing and market demand information, reflecting Part A and/ or Part B as set out above, may be used to support the appraisal.

Comparison with other employment sites or areas within the locality should discuss issues that are relevant to the site or premises.

- 4.7 With regard to the loss of the existing units, the site is not within a defined shopping frontage in accordance with the Development Management Document DPD2. The units currently on site are occupied and include a model boat builder, two offices, retail shop and hairdresser. Whilst the units are relatively small the proposal will result in the loss of 64.8sqmsqm of B1(a) offices and 32.4sqm B1(c) light industrial together with 32.4sqm of retail (A1) and 32sqm of (A2). Pre-application advice given by officers stated that the principle of redeveloping this site (14/01164/PREAPF), was considered acceptable subject to the applicant providing evidence to justify the loss of such units and whilst the size of the units are limited the applicant was advised to provide supporting information to demonstrate the redevelopment of the site and loss of such uses would not be harmful to the surrounding area. No details of marketing or viability of the units have been provided. The proposal is therefore contrary to policy CP1 of the Core Strategy, Policy DM11 of the Development Management Document.
- 4.8 The principle of the provision of additional housing in this area is supported by policy CP8 of the Core Strategy and policy DM7 of the Development Management Document, however the provision of 3 dwellings is outweighed by the loss of employment uses.

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

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

- 4.9 The existing block of commercial premises on site are currently single storey small scale, 25.7m wide x 3.9m in height x 8.4m deep with a number of existing outbuildings to the rear of the site.
- 4.10 The area is generally characterised by well-spaced semi-detached bungalows of various styles, but generally traditional designs with red hipped roofs, feature bays or projections and generous frontages. There are also a few detached bungalows interspersed with the semidetached properties but these are not common. A few of the bungalows in the wider area have small dormer windows visible from the street but this is relatively uncommon. There are no two storey houses in the streetscene surrounding the site.
- 4.11 The proposed two storey dwellings would have an overall height of 6.9m (3m higher than existing buildings on site) and the dwellings would be higher than the existing bungalows surrounding the site and be out of keeping with the scale of the surrounding streetscene.
- 4.12 The dwellings would be set approximately 2m from the frontage compared to the existing buildings, which are set back 9.6m. The proposed development fails to satisfactorily relate to the grain of the surrounding area given that the local character is for generously spaced detached and semi-detached bungalows. The dwellings are not only set forward of the existing buildings, but also the properties in the wider streetscene and will appear out of place in this context. Furthermore, the properties appear narrower than those in the surrounding streetscene and have shallow rear gardens and therefore not consistent with the local character.
- 4.13 In terms of detailed design, the dwellings appear bland in terms of their fenestration and lack of articulation. The shallow roof pitches appear unresolved, weak and incongruous in the streetscene. The car ports would create a dark void, which would also be detrimental to the character and appearance of the streetscene.
- 4.14 For the reasons above, the proposed development by reason of its siting, design and scale would result in dominant form of development within the streetscene contrary to the existing urban grain and consequently and unacceptable in this location, which is characterised by predominantly single storey bungalows set back within the site. The proposal is therefore contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy DPD1, policies DM1 and DM3 of the Development Management Document DPD2 and the Design and Townscape Guide.

## Living conditions for future occupiers

### **National Planning Policy Framework, Development Management Document policy DM8, The National Technical Housing Standards DCLG 2015 and Design and Townscape Guide (SPD1)**

- 4.15 It should be noted on the 1<sup>st</sup> October 2015 the National Housing Standards were adopted. All of the dwellings would be in excess of the required standards and therefore no objection is raised. Furthermore, all houses will have sufficient outlook and daylight for future occupiers in all habitable rooms.
- 4.16 Policy DM8 (iii) states that all new dwellings should meet the Lifetime Home Standards, unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Home Standards has now been superseded by the National Technical Housing Standards and all new dwellings are required to meet building regulation M4 (2)- 'accessible and adaptable dwellings'. The applicant has not submitted information demonstrating that the three dwellings meet the building regulation M4(2) requirements and which demonstrates that the three dwellings can be accessible and adaptable for older people or wheelchair users, an objection is revised on that basis.
- 4.17 Policy DM8 of the Development Management Document DPD2 states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers.
- 4.18 Paragraph 143 of the Design and Townscape Guide, 2009 (SPD1) states:
- “There is no fixed quantitative requirement for the amount of amenity space as each site is assessed on a site by site basis according to local character and constraints. However, all residential schemes will normally be required to provide useable amenity space for the enjoyment of occupiers in some form...”*
- 4.19 The level of amenity space proposed is detailed in paragraph 1.3 above and is considered sufficient useable amenity space and therefore no objection is raised on this element.
- 4.20 Refuse storage is proposed to the rear of the buildings, which is welcomed and further details can be sought by condition if this application is deemed acceptable to ensure the bin storage is enclosed to protect amenities of surrounding residents.

## **Traffic and Transport Issues**

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

- 4.21 The existing site has no off street parking to the front of the units and there are bollards in place along the edge of the pavement to the front of the site. The applicant would be required to remove these if this application was deemed acceptable.
- 4.22 Policy DM15 of the Development Management Document states that 2 parking spaces per dwelling are required, and this proposal complies with policy. Cycle provision can be successfully accommodated within the rear gardens and dealt with by condition.

## **Impact on residential amenity**

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

- 4.23 Policy DM1 of the Development Management Document states that any new development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.
- 4.24 It is considered the proposed dwellings by reason of their siting some 10m from the side boundary of 7 Hickling Close will result in overlooking and loss of privacy to the detriment of existing occupiers, which would be materially greater than the existing situation and therefore would be detrimental to the residential amenities of this property contrary to policy CP4 of the Core Strategy, policies DM1 and DM3 of the Development Management Document and the Design and Townscape Guide.
- 4.25 Given the forward projection of the dwellinghouses, it is considered the proposal will have an overbearing impact on the amenities enjoyed by occupiers at no. 2-5 Hickling Close contrary policy CP4 of the Core Strategy, policies DM1 and DM3 of the Development Management Document and the Design and Townscape Guide.
- 4.26 It is not considered the proposal will have an overbearing impact on the residential amenities enjoyed by existing occupiers at nos. 214 and 216 Eastwood Old Road, taking into account the separation distance from the flank elevation of the dwelling and rear elevations of the aforementioned properties.

## **Sustainable Construction**

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

- 4.27 Policy KP2 of the DPD1 and the SPD1 require that 10% of the energy needs of a new development should come from onsite renewable resources, and also promotes the minimisation of consumption of resources. Policy DM2 of the Development Management Document states that all new development should contribute to minimising energy demand and carbon dioxide emissions. The Design and Townscape Guide advises that options for renewable power must be considered at the beginning of the design process so that they are an integral part of the design scheme. The applicant has confirmed that three houses will be equipped with solar panels on the roofs and air source heat pumps. Indicative details of the positions of such technologies has been provided however, further details in terms of the calculations will be required by condition if the application is deemed acceptable.
- 4.28 Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk. The applicant contends the hardstanding surface to be installed will be constructed from a permeable paving however, no further details have been provided to ensure the proposed development will not result in surface water runoff, however this can be dealt with by condition if the application is deemed acceptable.
- 4.29 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lppd) (1110 lppd) when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. Whilst details have not been submitted for consideration at this time, this can be dealt with by condition.

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

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

## **5 Conclusion**

- 5.1 To conclude, insufficient evidence has been submitted to demonstrate the loss of commercial units is justified and is therefore would be contrary to policy DM11 of the Development Management Document DPD2. The proposed development by reason of its siting, design and scale would appear out of keeping with the surrounding area is contrary to policies DM1, DM3 of the Development Management Document DPD2, policies KP2 and CP4 of the Core Strategy. The proposed dwellings will result in overlooking and loss of privacy to the rear of the site and insufficient information has been submitted to demonstrate the proposal will meet the building regulations part M4(2) in accordance with policy DM8(iii). The development is the unacceptable.

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework
- 6.2 Development Plan Document 1: Core Strategy policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP1 (Employment Generation), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance) and CP8 (Housing)
- 6.3 Development Management Document 2: Development Management Document policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and effective use of land), DM7 (Dwelling Mix, size and type), DM8 (Residential Standards), DM11 (Employment Areas), DM14 (Environmental Management), DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document 1: Design and Townscape Guide 2009
- 6.5 Waste Management Guide
- 6.6 Community Infrastructure Levy CIL Charging Schedule

## **7 Representation Summary**

### **Design and Regeneration**

- 7.1 The proposal seeks to erect a terrace of 3 houses on land currently occupied by a parade of single storey flat roofed shops at the northern end of Woodside. The shops appear to be in good condition and occupied however this is a residential area and dwellings would not be out of character in this location generally.

The area is generally characterised by well-spaced semi-detached bungalows of various but generally traditional designs with red hipped roofs, feature bays or projections and generous frontages. There are also a few detached bungalows interspersed with the semis but these are not common. A few of the bungalows in the wider area have small dormer windows visible from the street but this is relatively uncommon. There are no two storey houses in the streetscene surrounding the site.

Whilst there is no objection in principle to redevelopment of this site in design terms, there is a concern that the proposal for 3 terraced houses would conflict with the grain and form of the area as outlined above and the proposal, which is a full two storeys would appear squashed on the site and out of scale with the surrounding properties.

Notwithstanding the scale and form of the proposal there are also a number of other concerns with the design of the proposal. Firstly the proposal is set around 2m from the front boundary. This is much further forward than the existing building which is set back around 6m and the surrounding houses which range from 6-12m and are generally in the region of 8-10m. This will have an impact on the openness of the streetscene at this point and will appear out of place in this context. It is noted that the site depth is a bit less than that of the surrounding properties but it is long enough to enable a balance to be achieved between development of an appropriate scale and amenity.

Concerns are also raised in respect of the proposed car ports which will create large dark voids in the front of the terrace which will be detrimental to the streetscene and are unacceptable and in respect of the proportions of the roof (the main section of roof is 1.6m and 228 measures 2.6m) resulting in a rather weak proportion to this element and squashed appearance generally.

Internally the layout seems reasonable aside from the parking arrangement mentioned above and the amenity space useable for a family dwelling however, this does not mitigate the issues raised with the design and scale of the proposal in relation to the wider area.



## Traffic and Highways

- 7.2 There are no highway objections to this proposal the application provides 2 car parking spaces for each dwelling which is in line with the current DM15 Policy. The proposal would represent a reduction in vehicle traffic given the nature of the existing use and the traffic movements associated with the use class. The applicant will be required to remove the existing highway bollards at their own cost.

## Public Consultation

- 7.3 A site notice displayed on the 20.11.2015 and neighbours notified of the proposal. 7 letters of representation have been received stating:
- Development unsympathetic to the surrounding bungalows;
  - Would result in overlooking to at least four properties;
  - The area is called bungalow city to build houses is out of character and detrimental to the area;
  - The alleyway has been cordoned off with a gate and has been running to the rear and in use since 1988;
  - The alleyway should be accessible for all;
  - Proposal will result in increased drainage;
  - Overlooking;
  - Loss of privacy;
  - Noise from the development and air source heat pumps
  - Affect property values in the surrounding area [**Officer Comment: This is not a material planning consideration**];
  - Location of bin stores will affect surrounding properties;

- 7.4 Councillor Walker and Councillor Aylen have requested this application be dealt with by Development Control Committee.

## 8 Relevant Planning History

- 8.1 2014- To demolish a row of 5 lock-up shops and replace with 3 dwelling houses, each with four bedrooms, one detached and two semi-detached (1 - 5 Woodside Parade)- 14/01664/PREAPF

## 9 Recommendation

**Members are recommended to REFUSE PLANNING PERMISSION for the reasons set out below:**

- 1 **The proposal would result in the loss of floorspace for employment use, which would impair economic led regeneration contrary to the National Planning Policy Framework, Policy CP1 of the Southend on Sea Core Strategy DPD1, Policy DM11 of the Development Management Document DPD2, which seek to promote building a strong, competitive economy.**

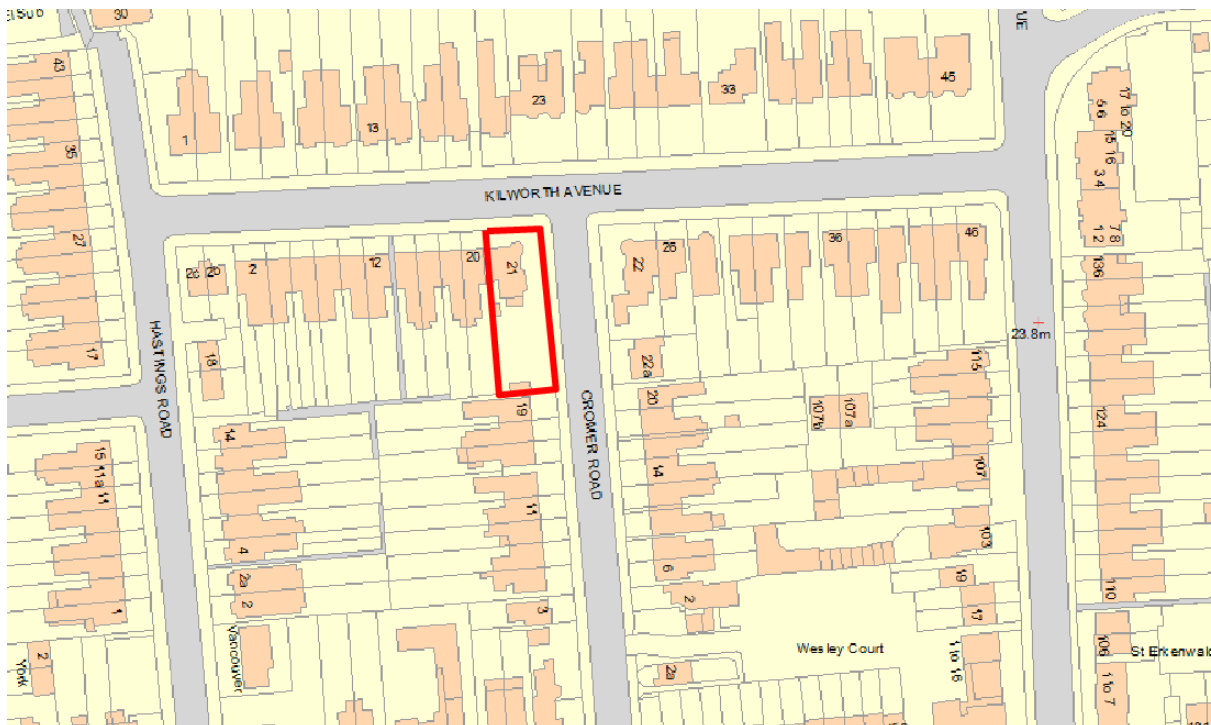
- 2 The proposed development by reason of its siting, layout, design, height and scale would appear incongruous and out of keeping within the streetscene to the detriment of the character and appearance of the area contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Core Strategy; Policy DM1 of the Development Management Document DPD2 and advice contained within the adopted Design and Townscape Guide (SPD1).
- 3 The proposed development by reason of its siting and scale would result in an overbearing form of development and result in loss of privacy to nearby residential occupiers at 2-5 Hickling Close and 7 Hickling Close through unmitigated overlooking contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policy DM1 of Development Management Document DPD2, and the Design and Townscape Guide.
- 4 Insufficient information has been submitted to demonstrate that the proposal meets the criteria for the Building Regulation M4 (2). Thus the development fails to prove that it will provide accessible and adaptable dwellings for older people or wheelchair users, contrary to the NPPF, Policy DM8 of the Development Management DPD and National Technical Housing Standards 2015.

#### **Informative**

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

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

<b>Reference:</b>	15/01877/FUL
<b>Ward:</b>	Kursaal
<b>Proposal:</b>	Change of use from existing Care Home (Class C2) to form 5 self contained flats (Class C3), erect single storey rear extension and balcony at first floor and layout parking to rear
<b>Address:</b>	Willowdale Lodge, 21 Cromer Road, Southend-On-Sea, Essex, SS1 2DU
<b>Applicant:</b>	Dr H Siddique
<b>Agent:</b>	SKArchitects
<b>Consultation Expiry:</b>	11.12.2015
<b>Expiry Date:</b>	07.01.2016
<b>Case Officer:</b>	Janine Rowley
<b>Plan Nos:</b>	Existing and Proposed Site and Block Plans Revision 02; Proposed Elevations Revision 02; Proposed Plan- Ground Revision 02; Proposed Plan-First Floor Revision 02; Existing and Proposed Sections Revision 02
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>



## 1 The Proposal

- 1.1 Planning permission is sought to change the use of an existing Care Home (Class C2) to form 5 self-contained flats (Class C3), erect single storey rear extensions and layout parking to rear together with amenity space.
- 1.2 The single storey rear extension nearest to no. 20 Kilworth Avenue to the west is 4.6m wide x 6m deep x 3.2m high flat roof. The single storey rear extension to the rear of the building facing Cromer Road is 6.2m wide x 3.6m deep x 3.1m high. The external alterations proposed include the erection of a balcony at first floor, 6.2m wide x 3.6m deep x 4.2m high above ground level (area of 21sqm). The other external alterations include new windows and doors to the rear elevation and replacement of windows to the side elevation at first floor to introduce 3 pane windows rather than 2 panes.
- 1.3 The five flats would have an internal floorspace as follows:

Flats	Bedroom	Bed spaces	Internal Floorspace
1	1	2	50
2	1	2	52
3	2	3	61
4	1	2	54
5	2	3	64

- 1.4 One parking space is proposed per flat and all flats will have access to a communal garden area to the rear equating to 109sqm (21.8sqm per flat). Refuse storage is also proposed to rear of the site. Flats 5 and 4 to the first floor benefit from balconies.
- 1.5 The proposed materials to be used in the construction of the single storey rear extension and replacement doors and windows would match existing.

## 2 Site and Surroundings

- 2.1 The site is located on the corner of Cromer Road and Kilworth Avenue. The existing building is an Edwardian villa on the junction of Cromer Road and Kilworth Avenue that has been altered to the side facing Cromer Road, to form a new entrance and ancillary rooms to the nursing home. These changes, including the use of small modern casement windows none not enhanced the building but nevertheless it sits comfortably in the wider streetscene.
- 2.2 The surrounding area is residential and is characterised by terraced and semi-detached dwellings.

### **3 Planning Considerations**

- 3.1 The main considerations in relation to this application are the principle of the development, design (including the impact of the proposed works on the character and appearance of the building), impact on neighbouring properties, living conditions for existing/future occupiers, traffic and parking issues and CIL.

### **4 Appraisal**

#### **Principle**

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

- 4.1 The existing property is currently in use as a residential care home. There are no policies contained within the Core Strategy DPD1 or the Development Management Document DPD2 that seek the retention of such uses. Policy DM3 of DPD2 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.
- 4.2 Notwithstanding the above, the principle of the provision of additional housing is supported by policy CP8 of the Core Strategy and policy DM7 of the Development Management Document. Subject to other material planning considerations discussed in detail below no objection is raised to the principle of change of use to residential.

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

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

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

- 4.4 Policy KP2 of the Core Strategy advocates the need for all new development to respect the character and scale of the existing neighbourhood where appropriate and secure urban improvements through quality design. Policy CP4 of the Core Strategy states that development proposals will be expected to contribute to the creation of a high quality, sustainable, urban environment which enhances and complements the natural and built assets of Southend by maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development.
- 4.5 Policy DM1 of the Development Management DPD2 advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.
- 4.6 The proposal seeks to erect two single storey rear extensions. The flat roof extensions by reason of their design and scale appear disproportionate to the existing building. There are also concerns in relation to the single storey rear extension nearest to Cromer Road, by reason of its flat roof design and bland façade resulting in an incongruous form of development to the detriment of the character and appearance of the area.
- 4.7 The proposal includes a number of alterations including the replacement of doors at first floor with three paned windows, which are welcomed. The windows to the ground floor facing Cromer Road, will remain unchanged. Details of landscaping to the front and rear of the site will be dealt with by condition if this application is deemed acceptable.
- 4.8 The proposed single storey extensions by reason of their design and scale fail to satisfactorily relate to the existing building and would appear incongruous to the detriment of the character and appearance of this building, streetscene and surrounding area contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policy DM1 of the Development Management Document DPD2, and the advice contained with the Design and Townscape Guide SPD1.

## **Living conditions for future occupiers**

### **National Planning Policy Framework, Development Management Document policy DM8, The National Technical Housing Standards DCLG 2015 and Design and Townscape Guide (SPD1)**

- 4.9 It should be noted from the 1<sup>st</sup> October 2015 the National Technical Housing Standards have been adopted and require 50sqm internal floorspace (2 bed spaces) for 1 bed units and 61sqm internal floorspace (3 bed spaces) for 2 bed units. The proposed internal sizes of the flats are given at paragraph 1.3 above. All of the dwellings would be in excess of the required standards and therefore no objection is raised.
- 4.10 There are concerns in relation to the poor outlook for future occupiers. There is concern in relation to the living arrangement and limited outlook for flat 1 to the ground floor. Whilst the existing windows to the flank elevation facing Cromer Road are to be retained the windows sizes are small and will restrict outlook for future occupiers particularly in the habitable rooms including the bedroom and lounge area. This is further exacerbated by the balcony at first floor which will overhang further restrict daylight entering the habitable rooms. These windows would also be open to public view and would therefore suffer from lack of privacy, whilst the look of privacy could be addressed by the use of boundary fencing, this would further restrict light and outlook and have an impact in the streetscene. Furthermore, whilst no objection is raised to the replacement of doors at first floor with windows occupiers of flat 5 occupiers will not be able to access the balcony facing onto Cromer Road. There is also concern in relation to the kitchen serving of flat 3, which will not benefit from any daylight.
- 4.11 Therefore it is considered that the proposal by reason of the poor internal layout, poor outlook, and restricted access to daylight and sunlight, would result in an unacceptable standard of living accommodation for future occupants contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policy DM8 of the Development Management Document and advice contained within the Design and Townscape Guide SPD1.
- 4.12 Policy DM8 of the Development Management Document requires all new dwellings to meet the Lifetime Home Standards, this has now been superseded by the National Housing Standards however in this instance, because this is a conversion of an existing building which does not meet standard, it is considered there is reasonable justification not to enforce building regulation M4 (2).
- 4.13 Policy DM8 of the Development Management Document DPD2 states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this can take the form of a balcony or semi-private communal amenity space.

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

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

Communal amenity space should be a useable size and shape.

4.15 The level of amenity space proposed is detailed in paragraph 1.3 above whereby the communal garden area to the rear equates to 109sqm (21.8sqm per unit), which considered a satisfactory provision for future occupiers.

4.16 Refuse storage is proposed to the rear of the buildings, which is welcomed and further details can be sought by condition if this application is deemed acceptable to ensure the bin storage is sufficient and is enclosed to protect amenities of surrounding residents.

### **Traffic and Transport Issues**

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

4.17 The site is located on Cromer Road with the junction with Kilworth Avenue to the north of the site. The site benefits from 5 off street parking spaces. Policy DM15 of the Development Management Document states that 1 parking space per dwelling is required in this location and the proposed is therefore policy compliant. Cycle provision can be successfully accommodated to the rear of the site alongside the refuse storage and further details will be required to be dealt with by condition if this application is deemed acceptable.

### **Impact on residential amenity**

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

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



- 4.19 The proposed single storey rear extension by reason of its rearward depth and siting on the boundary of 20 Kilworth Avenue will result in a loss of light and an undue sense of enclosure to the detriment of the residential amenities of the occupiers at No. 20 Kilworth Avenue contrary to the NPPF, Policies KP2 and CP4 of the Core Strategy DPD1, policy DM1 of Development Management Document DPD2, and advice contained within the Design and Townscape Guide (SPD1).
- 4.20 It is considered the proposed first floor rear balcony, set 4.6m from the boundary to the west, will result in overlooking and loss of privacy to the detriment of amenities enjoyed by existing occupiers at no. 20 Kilworth Avenue contrary to policy CP4 of the Core Strategy, policy DM1 of the Development Management Document and the Design and Townscape Guide.
- 4.21 The level of activity, noise and disturbance generated by 5 flats is not considered to be greater than that generated by the existing nursing home and therefore it is not considered the proposed change of use will have an adverse impact on the residential amenities enjoyed by existing occupiers to the east, south and north of the site.

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

- 4.22 This application is CIL liable. If an appeal is lodged and allowed the development will be CIL liable. Any revised application may also be CIL liable.

## **5 Conclusion**

- 5.1 To conclude, the proposed extensions by reason of their design and scale appear disproportionate to the existing building. The extension to the western boundary with no. 20 Kilworth Avenue by reason of rearward projection would have a harmful impact on the amenities enjoyed by existing residents in terms of a sense of enclosure and loss of light. The internal layout will result in a limited outlook and limited daylight for future occupiers of the flats. The first floor balcony to the rear will result in overlooking and loss of privacy to the detriment of the amenities enjoyed by existing occupiers to the west of the site. For these reasons the development is considered to be unacceptable.

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework
- 6.2 Development Plan Document 1: Core Strategy policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance) and CP8 (Housing)

- 6.3 Development Management Document 2: Development Management Document policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and effective use of land), DM7 (Dwelling Mix, size and type), DM8 (Residential Standards), DM14 (Environmental Management), DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document 1: Design and Townscape Guide 2009
- 6.5 Waste Management Guide
- 6.6 Community Infrastructure Levy CIL Charging Schedule

## **7 Representation Summary**

### **Design and Regeneration**

- 7.1 The proposal seeks to convert an existing nursing home into 5 flats including a flat roofed extension to the rear.

The existing building is an Edwardian villa on the junction of Cromer Road and Killworth Avenue that has been altered to the side facing Cromer Road to form a new entrance and ancillary rooms to the nursing home. These changes, including the use of small modern casement windows has not enhanced the building but nevertheless it sits comfortably in the wider streetscene.

There is no objection in principle to conversion to residential but there are some concerns regarding the proposed extension and general arrangement. Firstly the proposed extension is a basic flat roofed addition to the rear, the blank side of which will be prominent in the streetscene. Although this has been topped with a matching balustrade it is essentially just a big box and could integrate better with the existing building or the wider streetscene.

This extension has also had implications for the internal layout as it has blocked off the windows to the rear room at this point, therefore the lounge in flat 1 now only has a very small window and there is a concern that this will have limited daylight and outlook. The proposed extension is also set very close to the rear boundary and this also has implications for the outlook of the lounge to flat 2.

At first floor it appears that the existing balcony doors and windows are to be replaced with windows only. This seems to be a mistake as there would then be no access to the balconies. There would be no objection in principle a change here and the thinner proportion proposed better relates to the original windows to the front, but these will need to be amended to include a door. A similar approach should be adopted at ground floor where it seems that the existing windows are to remain unchanged. At present this seems to be rather disjointed in its approach.

It is noted that it is proposed to use the existing concrete hardstanding for 5 parking space and 1 additional garage. There is no objection to this provided it does not impact on the large street tree which appears to block access. It is also recommended that this proposal takes the opportunity to upgrade the concrete hardstanding to higher quality materials.

The amenity provision for the proposal seems reasonable although there are some areas of the garden around flat 2 which seem isolated and unoverlooked. There would be scope for this area to be used as a more private area to flat 2 if additional openings were introduced or as a landscaped frontage for the development if the wall was lowered.

It is unclear where the cycle spaces would be located? In the garage is suggested. Overall whilst the flats seem to be of a reasonable size the proposal has not sought to make the best of the existing building. It is considered that there would be scope for significant improvement to the side elevation facing Cromer Road where the introduction of larger openings that pick up on the proportions and detailing of the original fenestration to the front. This would significantly enhance the streetscene and the internal environment in terms of daylight and outlook.

There may be scope for some form of extension to the rear but this should be designed to better integrate with the existing building and the wider streetscene especially in this prominent location.

### **Traffic and Highways**

- 7.2 5 parking spaces are being provided for the proposed change of use from care home to flats. This is considered acceptable given the sustainable location of the site with regard to public transport with good bus and rail links in close proximity. Consideration has also been given to the existing use of the site and the potential traffic movements associated with it. The proposal would result in a vehicle movements being reduced and therefore reducing the impact of traffic within the local area. it should also be noted that the national planning policy framework document states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Therefore given the above information no highway objections are raised.

## Public Consultation

7.3 A site notice displayed on the 20.11.2015 and neighbours notified of the proposal. 1 letter of representation has been received stating:

- The balcony proposed above the new extension will directly breach no. 20 Kilworth Avenue in terms of privacy and everyone else that lives in Kilworth Avenue;
- This balcony will also reduce light to my property, which is already very limited;
- There is a side window that is opposite my lounge, this is there toilet at present and has frosted glass, my concern is that any windows on that side of the property will be changed to clear glass and will be looking directly into no. 20 Kilworth Avenue **[Officer Comment: A condition can be imposed to ensure the amenities of neighbours are safeguarded if this application is deemed acceptable]**
- There is limited parking in the area and 1 space per unit is not sufficient'
- Due to lots of drug activity in the area, a secure entry system be implemented to stop any social behaviour.

## Ward Councillor

7.4 Councillor McMahon has requested this application be dealt with by Development Control Committee.

## 8 Relevant Planning History

- 8.1 Erect a single storey front extension, two storey side and rear extensions, first floor balcony side and rear, roof extension at rear convert dwellinghouse into a nursing home and layout parking at the rear with new widened vehicular access onto Cromer Road- Refused (90/0484)
- 8.2 Erect a conservatory to the rear- Granted (90/0853)

## 9 Recommendation

**Members are recommended to REFUSE PLANNING PERMISSION subject to the reasons set out below:**

- 1 The proposed extensions to the building by virtue of their size, design and scale and the cumulative impact of the further extensions of the building would be out of proportion with the existing building and out of character with the area. This would result in harm to the character and appearance of the existing building and the character of the area contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy and policy DM1 and the advice contained within the adopted Design and Townscape Guide (SPD1).**

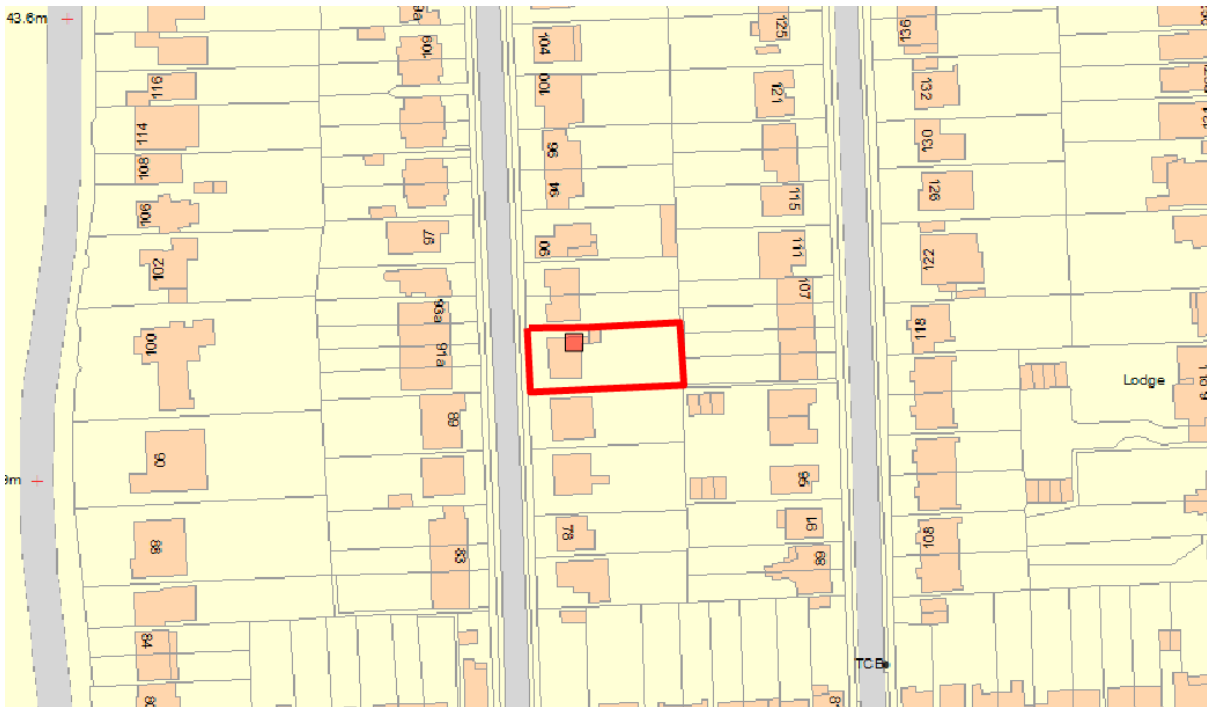
- 2** The single storey rear extension to the western boundary by reason of its rearward depth and siting on the boundary will result in a loss of light and an undue sense of enclosure to the detriment of the residential amenities of the occupiers at No. 20 Kilworth Avenue contrary to the NPPF, Policies KP2 and CP4 of the Core Strategy DPD1, policy DM1 of Development Management Document DPD2, and advice contained within the Design and Townscape Guide (SPD1).
- 3** The proposal, by reason of its cramped internal layout, poor outlook, and restricted access to daylight and sunlight, would result in an unacceptable standard of living accommodation for future occupants contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policies DM1 and DM8 of the Development Management Document and within the Design and Townscape Guide SPD1.
- 4** The proposed first floor rear balcony by reason of its siting would result in loss of privacy to nearby residential occupiers through unmitigated overlooking contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policy DM1 of Development Management Document DPD2, and the Design and Townscape Guide.

#### **Informative**

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

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

<b>Reference:</b>	15/01713/FUL
<b>Ward:</b>	Belfairs
<b>Proposal:</b>	Demolish existing bungalow and erect two storey dwelling house
<b>Address:</b>	84 Flemming Avenue, Leigh-On-Sea, SS9 3AX
<b>Applicant:</b>	Mr Edward Ford
<b>Agent:</b>	N/A
<b>Consultation Expiry:</b>	17.12.15
<b>Expiry Date:</b>	08.01.16
<b>Case Officer:</b>	Louise Cook
<b>Plan numbers:</b>	FAH 201 (existing and proposed elevations), FAH 200 Rev P01-A, FAH 102, FAH 101 Rev B, FAH 100 Rev B, FAH 010 Rev B, FAH 001 Rev P01, FAH 002
<b>Recommendation:</b>	<b>Grant Planning Permission</b>



## **1 The Proposal**

- 1.1 Planning permission is sought to demolish the existing bungalow and to erect a two storey dwellinghouse.
- 1.2 The proposed dwellinghouse will measure a maximum of 9.9m wide x 10.1m deep x 7.3m high and have a flat roof with a lantern style roof light.
- 1.3 The proposed dwellinghouse will be finished in cedar or larch timber cladding, single ply membrane roof, double glazed wood and aluminium (composite) windows, solid wood doors and a glazed rooflight to the roof.
- 1.4 The proposed dwellinghouse will have three bedrooms, an internal floorspace of 173sq.m, a private rear garden of 275sq.m and off-street parking for two cars.

## **2 Site and Surroundings**

- 2.1 The application site relates to a detached bungalow located on the eastern side of Flemming Avenue. The site has a rear garden 20m in depth.
- 2.2 Flemming Avenue is a residential street comprising mainly of houses, of various designs and eras, interspersed with a few chalets and bungalows. Unlike many streets in the Borough it does not have a strong uniform character.
- 2.3 Immediately to the north of the site is a two storey pair of semi-detached properties and to the south is a detached bungalow.

## **3 Planning Considerations**

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

## **4 Appraisal**

### **Principle of Development**

#### **National Planning Policy Framework; DPD1 (Core Strategy) Policies KP2, CP4; the Development Management Document Policies DM1, DM3 and DM8 and the Design and Townscape Guide SPD1 (2009)**

- 4.1 The principle of the development is assessed against National Planning Policy Framework; DPD (Core Strategy) Policies KP2, CP4; the Design and Townscape Guide SPD1 and Development Management Document Policies DM1, DM3 and DM8. Government guidance contained within the National Planning Policy Framework (NPPF) encourages effective use of land by re-using land that has been previously developed.

4.2 In respect of the conversion or redevelopment of single storey dwellings (bungalows), Policy DM3 states that this would normally be resisted. *“Exceptions will be considered where the proposal:*

- (i) Does not create an unacceptable juxtaposition within the streetscene that would harm the character and appearance of the area; and*
- (ii) Will not result in a new loss of housing accommodation suitable for the needs of Southend’s older residents having regard to the Lifetime Homes Standards.”*

Lifetime Homes Standards as referred to above, have been recently superseded by The Building Regulations 2010 Volume 1: Dwellings, M4(2): Accessible and adaptable dwellings (2015 edition).

4.3 With regard to point (i) above, this will be addressed in the ‘Design and Impact on the Streetscene’ detailed below.

4.4 The proposed development meets The Building Regulations Part M4(2) and has been designed to meet the needs of a future occupier who has cerebral palsy.

4.5 A report has been submitted alongside the application which details that the existing bungalow is in poor condition with rising damp and decay due to the absence of a damp proof course, together with slight infestations of the common furniture beetle in the rafters, ceiling joists, flooring and staircase timbers.

4.6 Therefore, there is no objection to the principle of the replacement of the bungalow with a two storey house. The development is considered to be acceptable and satisfies the policies detailed above.

### **Design and Impact on the Streetscene**

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

4.7 The proposal is considered in the context of the Borough Council policies relating to design including Core Strategy DPD Policy KP2 and CP4, Development Management Document Policies DM1 and DM3 and the Design and Townscape Guide.

4.8 Policy CP4 of the Core Strategy seeks development which contributes to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend through maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the nature and scale of that development.



- 4.9 Policy DM1 details that all new development should reinforce local distinctiveness 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.
- 4.10 Policy DM3 of the Development Management document states:
- “The conversion and redevelopment of single storey dwellings (bungalows) will generally be resisted. Exceptions will be considered where the proposal:*
- (i) Does not create an unacceptable juxtaposition within the streetscene that would harm the character and appearance of the area; and*
- (ii) Will not result in a net loss of housing accommodation suitable for the needs of Southend’s Older residents having regard to Lifetime Homes Standards.”*
- 4.11 The proposed development will result in the demolition of the existing bungalow and the erection of a replacement two storey dwellinghouse, built in its place using the same sized frontage and with a marginally smaller footprint than the existing building. The proposed dwellinghouse will retain the same building line as the existing bungalow.
- 4.12 The height of the proposed dwelling will provide a satisfactory transition between the taller two storey property to the north and the smaller bungalow to the south of the site together with the gradual drop in land level in the street, when heading south.
- 4.13 The proposed dwellinghouse will be constructed using a light weight timber building construction and cladding as this is a sustainable and natural material. Cedar or Larch timber cladding is proposed to be used on the outside of the building.
- 4.14 Flemming Avenue is a mixed residential street mostly comprising of houses of various designs interspersed with a few chalets and bungalows. Unlike many streets in the Borough it does not have a strong uniform character, the design and form of the properties and the materials vary greatly and this is part of its character. The properties, however, all have deep and relatively consistent frontages and clear gaps to the neighbours which contribute to the sense of openness.
- 4.15 The proposal is for a simple two storey contemporary box like form punctuated with large picture windows. This will be a marked contrast to the other properties in the street, however, as noted above, variety in design and form is part of its character and a modern proposal of this type is not objected to, subject to good quality detailing to counterbalance the simplicity of the design.

- 4.16 The proposal has maintained the deep frontage and good gaps to neighbours which will continue the feeling of openness in the street and provide a separation buffer between the neighbouring more traditional properties and the modern form of the proposal.
- 4.17 The deep frontage will also enable the opportunity for significant planting to the front which will help to soften the bold form of the proposal in the streetscene.
- 4.18 Overall, it is recognised that the proposed development will be a contrast to the existing housing in the street however, subject to good detailing and high quality materials which can be dealt with by condition should permission be granted, it is considered that the proposal will be a bold piece of architecture which will enrich the varied streetscene in this location. For these reasons, no objection is raised to the design and appearance of the dwellinghouse and its impact in the streetscene and it is considered that it satisfies the policies set out above.

### **Standard of Accommodation for Future Occupiers**

#### **National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy, Development Management Document Policy DM8, the Design and Townscape Guide, 2009 (SPD1) and National Technical Housing Standards, October 2015**

- 4.19 Policy DM8 of the Development Management Document states:

*“The internal environment of all new dwellings must be high quality and flexible to meet the changing needs of residents. To achieve this all new dwellings should:*

- (i) Provide convenient, useable and effective room layouts; and*
- (ii) Meet, if not exceed, the residential space standards set out in Policy Table 4 and meet the requirements of residential bedroom and amenity standards set out in Policy Table 5; and*
- (iii) Meet the Lifetime Homes Standards, unless it can be clearly demonstrated that it is not viable and feasible to do so; and*
- (iv) Ensure that at least 10% of new dwellings on major\* development sites are wheelchair accessible, or easily adaptable for residents who are wheelchair users; and*
- (v) 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.”*

- 4.20 The internal floorspace standards set out in Policy DM8 of the Development Management Document have been superseded by the National Technical Housing Standards introduced in October 2015. These require a three bedroom, 6 person dwellinghouse to have a minimum internal floorspace of 102sq.m. The proposed dwellinghouse will satisfactorily meet this standard and also provide sufficient internal storage space.
- 4.21 The proposed dwellinghouse will provide spacious accommodation with all habitable rooms having a good outlook and level of natural light.
- 4.22 The proposed dwellinghouse will have a private rear garden area of 275sq.m which is satisfactory and consistent in size with other gardens locally.
- 4.23 As detailed in the principle of development section above, the Lifetime Homes Standards referred to above, have been recently superseded by The Building Regulations 2010 Volume 1: Dwellings, M4(2) which will be achieved. As detailed above, the dwellinghouse has been designed for an occupier with cerebral palsy, for example by providing step free access, a downstairs bathroom and potential for a downstairs bedroom.
- 4.24 Therefore, the standard of accommodation is considered to be acceptable and satisfies the above policies.

#### **Impact on Neighbouring Occupiers**

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

- 4.25 The proposal is considered in the context of Policy CP4 of the Core Strategy (DPD1) and Policies DM1 and DM3, which requires all development within residential streets to be appropriate in its setting by respecting neighbouring development, existing residential amenities and overall character of the locality.
- 4.26 With regard to the impact on the neighbouring property to the north of the site (no. 86 Flemming Avenue), this is a two storey semi-detached dwellinghouse located on higher ground (approximately 500mm) than the application site. This property has two small clear glazed windows on the southern elevation facing the application site which appear to serve a kitchen. These are primary windows. A kitchen is a non-habitable room which affords limited protection under planning. There are no first floor side windows in the neighbouring property. To the rear of the no. 86 is a single storey lean-to extension. A separation distance of 970mm will be retained to the adjoining boundary and 2.7m between the proposed dwellinghouse and no. 86. Whilst the proposed dwellinghouse will be higher than the existing bungalow which is will replace, it will be 2.2m lower in height than no. 86 when taken from the parapet height of the proposed dwellinghouse. The proposed dwellinghouse will be 900mm higher than the existing bungalow on site (taken from ground level to parapet height, i.e. excluding the proposed rooflight).

- 4.27 The front of the proposed dwellinghouse will be sited in line with no. 86 and therefore have no material impact on habitable rooms to the front of no. 86. At the rear, the proposed dwellinghouse will extend beyond the original rear wall of no. 86 by 1.9m. The proposed dwellinghouse will not extend beyond an indicative 45 degree angle when taken from the nearest rear corner of the neighbouring property. It should also be noted that the neighbour's lean-to extension is set away from the proposed dwellinghouse and there are no ground floor rear windows between the lean-to and the side of the property (the southern flank wall).
- 4.28 A first floor window is proposed in the northern flank of the proposed dwellinghouse. This will serve a bathroom and be obscure glazed. It is not considered that this would give rise to overlooking. There are no first floor windows in the opposite flank wall of the neighbouring property.
- 4.29 Therefore, taking into account each of the above factors, it is not considered that the proposed dwellinghouse would result in undue loss of light, overlooking, be overbearing upon or be detrimental to the amenities of no. 86 Flemming Avenue.
- 4.30 With regard to the impact on the neighbouring property to the south of the site (no. 82 Flemming Avenue), this property is a detached bungalow with a flat roof single storey side extension and conservatory at the rear. At the side of this property are two small obscure glazed windows, one in the flat roof extension facing the front of the property and one in the side flank facing the application site. There are no clear glazed habitable room windows on the side of no. 82 facing the application site.
- 4.31 The proposed dwellinghouse will extend fractionally beyond the rear of no. 82 by 330mm. A separation distance to the adjoining boundary of 2.5m will be retained and a maximum 4.5m separation between the two properties. The proposed dwellinghouse will be sited in line with the front of no. 82 and therefore, have no impact on front habitable rooms in no. 82. The parapet of the proposed dwellinghouse will be 690mm higher than no. 82 and the overall height to the rooflight proposed in the roof of the proposed dwellinghouse, 1.2m higher than the neighbouring property at no. 82.
- 4.32 Two first floor windows are proposed in the southern elevation which will serve a bedroom and study. The outlook from these windows will face out onto the roof of the neighbouring property and will not give rise to overlooking.
- 4.33 Therefore, taking into account each of the above factors, it is not considered that the proposed dwellinghouse would result in undue loss of light, be overbearing upon or be detrimental to the amenities of no. 86 Flemming Avenue.
- 4.34 A separation distance of 20m will be retained to the rear boundary to properties at the rear in Tankerville Drive which have similar depth rear gardens. Therefore, taking into account the significant level of separation between the proposed dwellinghouse and properties at the rear, it is not considered that the proposal would give rise to overlooking or material harm to the amenities of those occupiers at the rear.

- 4.35 It is not considered that the proposed dwellinghouse would have any material impact upon the amenities of neighbouring occupiers opposite the application site in Flemming Avenue.
- 4.36 Therefore, it is considered that the proposed development would not be detrimental to the amenities of neighbouring occupiers and satisfies the policies detailed above.

### **Traffic and Transportation**

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

- 4.37 Policy DM15 of the Development Management document requires a dwellinghouse of this size and location to provide a minimum parking standard of two off-street parking spaces.
- 4.38 Two off-street car parking spaces are proposed on the front driveway and therefore, meets these parking standards.
- 4.39 The proposed development will not be detrimental to highway or pedestrian safety. No objections have been raised by the Highways Officer and the proposed development satisfies the policies detailed above.

### **Sustainable Construction**

#### **National Planning Policy Framework; DPD1 (Core Strategy) Policy KP2; Development Management Document Policy DM2 and the Design and Townscape Guide SPD1**

- 4.40 Paragraph 97 of the NPPF states that local authorities should promote energy from renewable sources. Policy KP2 of the Core Strategy states that all new development proposals should demonstrate how they will maximise the use of renewable and recycle energy, water and other resources. A minimum of 10% of the energy demands of the dwellinghouse should be provided by renewables in order to meet Policy KP2.
- 4.41 The roof of the proposed development has been designed with adequate south facing area to accommodate up to 10sq.m of photovoltaic panels generating 1.8KW/h providing up to 30% of the dwellings expected electricity demand. Further details can be required by condition should permission be granted in order to meet the requirements of Policy KP2.
- 4.42 The design of the proposed dwellinghouse includes passive design measures to make full use of natural light and ventilation.

- 4.43 Rainwater harvesting will be installed on site incorporating a 4,800 litre tank in the rear garden to store rain from the roofs and landscaped areas. The harvested water will supply recycled water to washing machines and toilets and be used for garden irrigation. Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Full details to ensure this requirement is achieved can be dealt with by condition.
- 4.44 Permeable surfaces will be provided externally and further details can be dealt with by condition.
- 4.45 Therefore, the proposed development satisfies the policies set out above.

### **Developer Contributions**

#### **National Planning Policy Framework; DPD1 (Core Strategy) Policies KP3, CP4 and CP8; SPD2 (Planning Obligations), Community Infrastructure Levy Charging Schedule**

- 4.46 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has receive, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions.
- 4.47 The application site is located within Zone 1 therefore a CIL rate of £20 per sqm is required for the proposed development. The proposed dwellinghouse has a gross internal area of 173sq.m and the existing dwellinghouse 70sq.m. Therefore, the CIL charge normally required is £2,060. However, the applicant has applied for 'Self Build Exemption' and therefore, no CIL charge is required.

### **5 Development Plan**

- 5.1 National Planning Policy Framework.
- 5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP8 (Dwelling Provision).
- 5.3 Development Management Document Policies DM1 (Design Quality), DM2 (Low Carbon and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM8 (Residential Standards) and DM15 (Sustainable Transport Management).
- 5.4 Design and Townscape Guide, 2009 (SPD1).

## **6 Relevant Planning History**

6.1 None.

## **7 Representation Summary**

### **Design and Regeneration**

- 7.1 The proposal seeks to replace the existing bungalow with a modern two storey house. Given the mixed character of the street and the properties location adjacent to a two storey house this would not be out of character in the streetscene and there would be no objection on principle or policy grounds provided that the property conforms to lifetime homes standards (or equivalent building regs).
- 7.2 The proposal is for a simple two storey box like form punctuated with large picture windows. This will be a marked contrast to the other properties in the street, however, variety in design and form is part of its character and a modern proposal of this type is not objected to subject to good quality detailing to counterbalance the simplicity of the design.
- 7.3 The proposal has maintained the deep frontage and good gaps to neighbours which will continue the feeling of openness in the street and provide a separation buffer between the neighbouring more traditional properties and the modern form of the proposal. It is also noted that the overall depth of the proposal is similar to the neighbouring properties and the height has a corresponds to the main two storey living areas of the surrounding houses rather than their ridge height and this should ensure that the overall bulk of the scheme does not appear over dominant in the streetscene. The deep frontage will also enable the opportunity for significant planting to the front which will help to soften the bold form of the proposal in the streetscene. It is pleasing to see that the required parking has been efficiently located to the side of the property so that it does not dominate the frontage.
- 7.4 As noted above the design itself is very simple and the success of this will rely on the detailing and materials and this should be conditioned including cladding details, windows and doors including product details, reveal design and materials. It was noted at the pre app meeting that a horizontal thin timber cladding would be preferred to a vertical timber cladding as this would counterbalance the more vertical shapes of the fenestration and help to reduce the perceived scale of the proposal in the streetscene and this would still be the preference although it is noted that the applicant still proposes the vertical style which it is claimed is more durable. It is pleasing to see that some additional glazing has been added to the front since the pre-app meeting and this will help to ensure that an active and attractive frontage is presented to the street.
- 7.5 Overall this proposal will be a contrast to the existing housing in the street but if well detailed with high quality materials will be a bold piece of architecture which should enrich the varied streetscene in this location.

- 7.6 It is pleasing to see that the proposal seeks to provide a highly sustainable building utilising many techniques and technologies including the proposed timber framed construction, high levels of insulation and air tightness and the integrations of solar thermal and PV panels as well as the enhancement of local biodiversity. This will also help to justify the alternative nature of the proposal in the streetscene and should be promoted as part of the application.

### **Highways**

- 7.7 No objection. Two off-street car parking spaces will be provided in accordance with policy.

### **Parks**

- 7.8 No comments received.

### **Public Consultation**

- 7.9 Neighbours notified and a site notice displayed – Four letters of representation have been received, one in support of the application and three of which object to the proposed development/raise concern on the following grounds:

- Out of character with streetscene.
- No bay windows – most of the street have bay windows.
- Cedar wood finish unattractive.
- The front elevation could do with some amendments to better blend in with the surrounding houses.

- 7.10 The application has been called into committee by Cllr Mulronev.

## **8 Recommendation**

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

**01. The development hereby permitted shall begin no later than 3 (three) years from the date of this decision. (C01A)**

**Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990. (R01A)**

**02. The development hereby permitted shall be carried out in accordance with the approved plans: FAH 201 (existing and proposed elevations), FAH 200 Rev P01-A, FAH 102, FAH 101 Rev B, FAH 100 Rev B, FAH 010 Rev B, FAH 001 Rev P01, FAH 002.**

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



**03. No development shall take place until samples of the materials to be used on the external elevations of the dwellinghouse, and details of windows (including product details, reveal details and materials), guttering, screen/boundary walls, fences and gates and on any driveway have been submitted to and approved by the Local Planning Authority. Details of the proposed cladding (including proportion, alignment and fixing) shall also be provided. Details of the proposed front garden and boundary treatments shall be provided. The development shall only be carried out in accordance with the approved details.**

**Reason: To safeguard character and appearance of the area and amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document and the Design and Townscape Guide, 2009 (SPD1).**

**04. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping. This shall include details of all the existing trees and hedgerows on the site and details of any to be retained, together with measures for their protection in the course of development; details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established; details of measures to enhance biodiversity within the site and details of the treatment of all hard and soft surfaces (including any earthworks to be carried out). The landscaping shall be implemented in accordance with the agreed details, unless otherwise first agreed in writing by the Local Planning Authority.**

**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, Policy DM1 of the Development Management Document and the Design and Townscape Guide, 2009.**

**05. All planting in the approved landscaping scheme shall be carried out within the first available planting season following first occupation of the development. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.**

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

**06. 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 and implemented in full prior to the first occupation of the development unless otherwise agreed in writing by the Local Planning Authority. This provision shall be made for the lifetime of the development and in accordance with the agreed details.**

**Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy, the Design and Townscape Guide (SPD1) and Development Management Document Policy DM2.**

**07. Details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lppd) (110 lppd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting, shall be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development.**

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

**08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any order revoking or re-enacting that Order with or without modification, no development shall be carried out on the new dwellinghouse within Schedule 2, Part 1, Classes A, B, C, D or E to those Orders.**

**Reason: To safeguard the design and appearance of the proposed development in the interest of visual amenities of the locality in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) Policies KP2 and CP4, DPD2 (Development Management Document) Policy DM1 and SPD1 (Design and Townscape Guide).**

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

## **Informative**

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

<b>Reference:</b>	15/01927/FULH
<b>Ward:</b>	Blenheim Park
<b>Proposal:</b>	Erect fence to part boundary wall fronting Elmsleigh Drive and Blenheim Chase (Retrospective)
<b>Address:</b>	127 Blenheim Chase, Leigh-On-Sea, Essex, SS9 3BX
<b>Applicant:</b>	Ms Janice Oliver
<b>Agent:</b>	N/A
<b>Consultation Expiry:</b>	15/12/15
<b>Expiry Date:</b>	19/01/16
<b>Case Officer:</b>	Ian Harrison
<b>Plan Nos:</b>	984/1
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION AND AUTHROISE ENFORCEMENT ACTION.</b>



## **1 The Proposal**

- 1.1 The application seeks retrospective planning permission for the erection of a wall and fences at the South and West boundaries of the application site that front Blenheim Chase and Elmsleigh Drive respectively.
- 1.2 The submitted plan show that the enclosures at the South and West boundaries of the site consist of walls built to a height of 0.92 metres. Above the main part of the wall are brick piers built at regular, 2.6 metre intervals along the wall, separated by feather edged, timber fence panels. The total height of the boundary enclosures is 1.6 metres.
- 1.3 This application follows the refusal of 10/01609/FULH that sought permission for the erection of a similar fence and wall at the site that would have consisted of a fence built above a wall, without piers, to a maximum height of 1.9 metres. The application was refused for the following reason:

*The proposed fence by virtue of its height and design would be an over-bearing, dominant, and alien feature of the street scene and would detract from the verdant open and spacious character of the area, and would therefore be contrary to Policies C11 and H5 of the Borough Local Plan, Policies KP2 and CP4 of the Core Strategy, and advice contained within the Design & Townscape Guide SPD1.*

- 1.4 A subsequent appeal was dismissed with the Inspector stating that although there are examples of enclosures of similar height in the surrounding area, the dominant front garden treatment at prominent corner locations are low solid enclosures with additional screening being provided by planting. It was stated that the means of enclosure would appear unacceptably dominant and visually intrusive in this otherwise open and landscaped context, thereby being contrary to the policies of the Development Plan that were in place at that time. In reaching this conclusion the Inspector noted the appellant's case which highlighted the European Convention on Human Rights, the occurrence of anti-social behaviour and trespassing and the presence of other similar boundary enclosures within the surrounding area. However, the Inspector balanced these various factors and concluded that the visual impact of the development on the character and appearance of the area was significant and outweighed the other considerations.

## **2 Site and Surroundings**

- 2.1 The site is located to the East of Elmsleigh Drive and to the North of Blenheim Chase. The site contains a detached dwelling with gardens to the South and a small courtyard garden to the North.
- 2.2 The site is not the subject of any site specific planning policies.

### **3 Planning Considerations**

- 3.1 The key considerations of this application are the principle of the development, the design and impact on the character of the area highway safety and the impact on residential amenity. The conclusions of the Planning Inspectorate are considered to be relevant to each of these considerations.

### **4 Appraisal**

#### **Principle of Development**

#### **National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Development Management DPD Policy DM1 and DM15 and SPD1**

- 4.1 This proposal is considered in the context of the National Planning Policy Framework 2012 and Core Strategy Policies KP2 and CP4. Also of relevance is Development Management DPD Policy DM1 which relates to design quality. These policies and guidance support alterations to properties and developments within residential curtilages in most cases, but require that such developments respect the existing character and appearance of the building, respect the amenities of existing residents and do not reduce highway safety. Subject to detailed considerations, some form of enclosure of the site is considered to be acceptable in principle. In the abovementioned planning appeal for a similar development, the Planning Inspector did not raise an objection to the principle of providing some form of enclosure at the site and it is considered that the above stance is therefore consistent with the conclusion reached previously.

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

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

- 4.2 In the Council's Development Management DPD, policy DM1 states that development should "add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features."
- 4.3 In the time since the previous application and appeal was determined, the policies of the development plan have been updated with policy DM1 replacing policy H5 of the Southend-on-Sea Borough Local Plan 1994. Although the policies have changed, it is considered that the direction and intention of the policies remains the same and the circumstances of the site remain the same. It is therefore considered that the conclusions of the Inspector remain relevant and should be afforded significant weight in the determination of this application, which proposes fences that are lower in height than the previous application.

- 4.4 Like the previous proposal, it is considered that the means of enclosure appear unacceptably dominant and visually intrusive in this otherwise open and landscaped context. It was previously stated that the examples of other boundary treatments within the surrounding area, that were highlighted by the applicant during the appeal process, demonstrate the harm that can be caused by inappropriate boundary treatments and should not therefore provide a basis for supporting the development that was proposed.
- 4.5 The tall, solid form of enclosing the application site is a dominant feature of the street-scene and is located in a prominent position at the junction of two intensively used highways. It is therefore considered that the concerns of the Planning Inspector in respect of a similar development, which should always carry weight in the assessment of a subsequent application, were well-founded and are equally applicable to the enclosures that now exist at the site.
- 4.6 It is considered that the overall circumstances of the site and the character of the area have not changed in the interim period and therefore, given the findings of the Planning Inspector, it has to be concluded, although the enclosures are lower in height, the visual impact of the development that has occurred is significant and harmful and contrary to the abovementioned policy.

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

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

- 4.7 Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties. It is considered that this should be equally applicable to developments within the curtilage of a residential property. Policy DM1 of the Development Management DPD also states that development should “Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”
- 4.8 Due to the height of the boundary enclosures, their positioning at the site and the relationship with the neighbouring properties of 170 Elmsleigh Drive and 129 Blenheim Chase, it is considered that the impact of the enclosures on residential amenity is minimal.

#### **Community Infrastructure Levy**

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

## **Highway Safety**

### **National Planning Policy Framework, policies DM1 and DM15 of the Development Management DPD and SPD1.**

- 4.10 Although the fencing is located within close proximity of the public highway, the presence of footpaths and highway verges means that the enclosures that have been erected are set a sufficient distance from the carriageway to not have an impact on visibility. The signal-controlled nature of the junction of Blenheim Chase and Elmsleigh Drive also satisfies Officers that the fencing does not have an impact on highway safety that would be worse than formerly existed due to the presence of landscaping at the South and West boundaries of the application site.
- 4.11 No concerns have been raised previously.

### **Other Matters**

- 4.12 The Planning Inspector clearly gave weight to concerns raised by the appellant with respect to anti-social behaviour and trespass by stating that more discreet forms of boundary enclosure could have a similar effect and other legislation is in place to deal with these matters. Moreover, whilst the European Convention on Human Rights was noted, it was concluded that this factor did not outweigh the visual harm caused to the wider public by the proposed development.
- 4.13 From this basis, whilst it is noted that the applicant has produced a detailed list of anti-social behaviour that has occurred at the site and raised many concerns with respect to safety and security, it is considered that these matters were previously given due consideration and weight by the Planning Inspector. It is considered that there is no reason to conclude that the findings of the Planning Inspector were incorrect and therefore the case provided by the applicant does not present a change of circumstances or other such ground to reach a different decision to that reached by the Planning Inspector.
- 4.14 Taking enforcement action in this case may amount to an interference with the owners' and/or occupiers' Human Rights. However, it is necessary for the Council to balance the rights of the owners and/or occupiers against its legitimate aims to regulate and control land within its area. In this particular case it is considered reasonable, expedient, proportionate and in the public interest to pursue enforcement action on the grounds set out in the formal recommendation.



## **5 Conclusion**

- 5.1 For the reasons set out above, whilst the concerns of the applicant are noted and the development is considered to be acceptable in some respects, it is considered that these positive factors in favour of the development do not outweigh the visual harm that has been caused by the erection of unauthorised, tall, solid boundary enclosures at the application site, which are considered to be visually intrusive and unduly dominant of a prominent location. The proposal is therefore considered to be contrary to the policies of the Development Plan.

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework

National Planning Practice Guidance.

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

Development Management DPD Policy DM1 (Design Quality) and DM15 (Sustainable Transport Management)

Design and Townscape Guide SPD (adopted December 2009)

Community Infrastructure Levy Charging Schedule

## **7 Representation Summary**

### **Public Consultation**

- 7.1 Seven neighbouring properties were notified of the application. No letters of objection have been received. Two letters of support have been received which support the proposal on the grounds that the enclosures would provide privacy to the small garden area that serves the dwelling and is not visually harmful.
- 7.2 The application has been called in to the Council's Development Control Committee by Councillor Courtenay.

### **Highway Authority**

- 7.2 No comments have been received.

## **8 Relevant Planning History**

- 8.1 As set out above, this application follows the refusal of application 10/01609/FULH (on 29/10/10) which proposed a similar development. That application was refused and a subsequent appeal was dismissed (on 09/03/11) for the reasons that are set out above.

## **9 Planning Recommendation**

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

**01 The proposed fence by virtue of its height and design would be an over-bearing, dominant, and alien feature of the street scene and would detract from the verdant open and spacious character of the area, and would therefore be contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policy DM1 of the Development Management DPD, and advice contained within the Design & Townscape Guide SPD1.**

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

### **Informative**

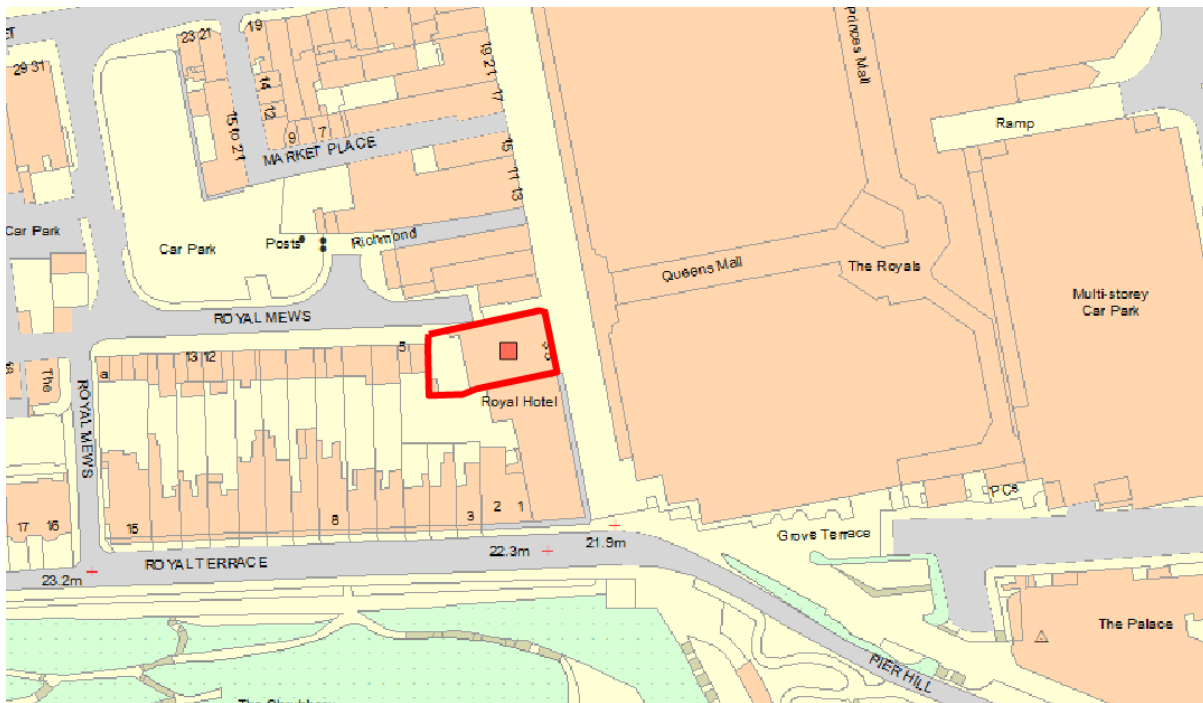
You are advised that as the proposed alterations equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)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

## **10 Enforcement Recommendation**

**10.1 Members are also recommend to AUTHORISE ENFORCEMENT ACTION to require the removal of the boundary wall and fences or the lowering of the height of the boundary enclosure to a height of no more than 1 metre above ground level on the grounds that the existing boundary treatments are harmful to visual amenity, contrary to the National Planning Policy Framework, policies KP2 and CP4 of DPD1 (Core Strategy), policy DM1 of DPD2 (Development Management) and advice contained within the Design & Townscape Guide (SPD1).**

- 10.2 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice**
- 10.3 When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable for compliance. It is considered that a three month compliance period for the removal or lowering of the boundary enclosures is reasonable in these circumstances**

<b>Reference:</b>	<b>15/01496/AMDT</b>
<b>Ward:</b>	<b>Milton</b>
<b>Proposal:</b>	<b>Application to vary condition 02 to amend plans to include external walkways, external access to plots 3 and 8, amend balcony details, shopfront layout and elevations, increase overall height and install lift housing (Minor Material Amendment to planning permission 13/00438/FULM Convert first, second and third floors into nine self contained flats, erect four storey rear extension and roof extension containing nine further flats and ground floor commercial unit (total 18 flats), layout cycle storage and waste storage at ground floor, layout roof terraces and balconies, allowed on appeal 17th December 2014)</b>
<b>Address:</b>	<b>3 - 5 High Street, Southend-on-Sea, SS1 1JE</b>
<b>Applicant:</b>	<b>Harding Homes</b>
<b>Agent:</b>	<b>E And M Design Partnership</b>
<b>Consultation Expiry:</b>	<b>24<sup>th</sup> December 2015</b>
<b>Expiry Date:</b>	<b>26<sup>th</sup> February 2016</b>
<b>Case Officer:</b>	<b>Charlotte Galforg</b>
<b>Plan Nos:</b>	<b>Site/Location Plan, 2614/200A Basement plan; 2614/201A Ground floor plan; 2614/202A first floor plan; 2614/203B Second floor plan; 2614/204B Third floor plan; 2614/205B penthouse floor plan; 2614/206A roof plan; 2614/207B south elevation; 2614/208 B north elevation; 2614/209 B west elevation; 2614/210 East elevation.</b>
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to completion of a S106 Agreement.</b>



## 1 The Proposal

- 1.1 Planning permission is sought to amend the plans approved under application 13/00438/FULM, which was allowed on appeal. That application proposed to erect an additional storey to the existing building, bringing it to 5 storeys, to erect a five storey rear extension in the existing yard, together with a change of use of the upper floors of the building to create a total of 18 residential flats. The ground floor would remain in commercial use, with an additional commercial retail unit created to the rear, together with cycle storage for 30 cycles and refuse storage facility.
- 1.2 As approved the rear extension had a mansard type roof which is continued onto the roof extension to the main building. This element of the development would be constructed from glass curtain walling, with glazing and a matt stainless steel fascia. The roof extension will be set back some 1.2m from the existing parapet, allowing retention of existing features including the turret feature.
- 1.3 As approved the rear extension would be clad with brickwork, with render to the south elevation adjacent to Princess Caroline House. Windows are shown to be a mix of styles, but are generally rectangular. Full height French doors are proposed serving the balconies. Balconies are proposed to the south elevations projecting out from the building. Windows are shown as being timber and comprise a mix of styles.

1.4 The proposed changes are as follows and the applicant states that the changes result from Building Regulations requirements:

- Provision of external walkways to the rear of plots 13 and 17 along with external access to plots 3 and 8 for fire safety. Retention of area around removed lantern lights at second floor as required by building control for means of escape, also provide access from flat 3 to the base of the lightwell for similar purpose. These are to external elevations, but within a closed courtyard (lightwell).
- The balconies to the rear of plots 4, 9 and 14 are proposed to be constructed from etched glazing rather than facing brickwork, because , the applicant states, this is a more structurally practical method of construction.
- A small element of boxing is proposed within the roof structure to allow for the approved lift enclosure. Alterations to the shopfront to the commercial unit, to include full length glazing and bi fold doors;
- Minor alteration to entrance to flats for purposes of mobility
- Installation of handrails behind terrace balcony at roof level for health and safety.
- Increase in overall height of the roof extension by approximately 700mm, due to structural requirements and addition of small upstand to accommodate lift over-run.

## **2 Site and Surroundings**

2.1 The application site is located on the western side of the High Street at its junction with Royal Mews. It is occupied by a four storey red brick and stone building, which has a parapet roof with a corner cupola feature. The ground floor is currently occupied at ground floor by a retail unit run by the British Heart Foundation. The first floor is currently used for ancillary storage and the upper floors are currently unoccupied, however they were previously used as a gymnasium. To the rear of the site lies a small service yard which is enclosed by a high brick wall. There is a large internal light well adjacent to the southern boundary of the property.

2.2 The site fronts onto the High Street, opposite The Royals. It lies adjacent to the four storey (with rooms in the mansard roof) Princess Caroline House and in the same Parade as The Royal Hotel. The buildings to the east are of contemporary design. To the west of the site lies Royal Mews and its small scale two storey mews buildings, and a public car park. To the south of the site lies the rear of the buildings in Royal Terrace, and a further private car parking area.

2.3 The application property is a Locally Listed Building. The adjacent Princess Caroline House and Royal Hotel, together with all the properties in Royal Terrace are Listed Buildings. The application site lies within the Clifftown Conservation Area. The site is also located within designated Town Centre within the Core Strategy and DMDPD.

### **3 Planning Considerations**

- 3.1 The principle of the extension and residential use have previously been found acceptable, as has the nil parking provision for the development. The considerations are therefore solely relating to the impact of the amendments on design and impact on the surrounding area, the impact on the locally listed building and conservation area and the impact on adjacent listed buildings, the impact on the amenities of neighbouring properties, impact on the amenities of future occupants, servicing, renewable energy and developer contributions.

### **4 Appraisal**

#### **Background to the application**

- 4.1 In 2014 Permission was granted on appeal to erect an additional storey to the existing building, bringing it to 5 storeys, to erect a five storey rear extension in the existing yard, together with a change of use of the upper floors of the building to create a total of 18 residential flats, with an additional commercial retail unit created to the rear, together with cycle storage for 30 cycles and refuse storage facility. 15/01496/AMDT.

#### **Visual impact and impact on character of the area, including the locally listed building, Clifftown Conservation Area and adjacent Listed Buildings.**

#### **Planning Policies: NPPF Sections 7 and 12, DPD1 Core Strategy Policy CP4, DMDPD Policies DM1, DM3, DM5; SPD1 Design and Townscape Guide.**

- 4.2 Policy CP4 of the Core Strategy states

*“Development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend” and “promoting sustainable development of the highest quality and encouraging innovation and excellence in design to create places of distinction and a sense of place”*

4.3 Policy DM1 of the DMDPD states inter alia:

In order to reinforce local distinctiveness all development should:

*(i) 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 giving appropriate weight to the preservation of a heritage asset based on its significance in accordance with Policy DM5 where applicable;*

*(ii) Provide appropriate detailing that contributes to and enhances the distinctiveness of place;*

*(iii) Contribute positively to the space between buildings and their relationship to the public realm*

4.4. Policy DM3 section 5 reinforces this requirement.

4.5 Policy DM5 refers to Southend's Historic environment and states (inter alia):

*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.*

*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. Any alterations and additions to a heritage asset will need be evidenced. They should be informed by a heritage statement explaining the significance of the building, including any contribution made by its setting, giving a justification for the works, and clearly identifying their impact on the building's fabric and character in a manner appropriate to the significance of the heritage asset.*



- 4.6 The amendments are for the most part relatively minor in nature in respect of the impact on the design of the building, as they relate to changes within an internal light well and a change in materials for the balconies. These changes are considered acceptable both in the context of the building and the addition of photovoltaic cells and a lift over run on the roof affect only the south elevation which is the least prominent in the streetscene. The pvs on the roof and the proposed over run have been positioned in the centre and south sides away from the more public elevations and this should ensure that they are not visible in the streetscene. This change too is considered to be acceptable. The changes to the shopfront and entrance to the flats are similar to what has already been approved as a Non Material amendment to the approved development, and are acceptable in the context of the building and streetscene.
- 4.7 The increase in overall roof height could potentially have the most visual impact, however given that views of the roof of the building from the street are generally limited by its proximity to other development the impact of the increase in height will be limited, and on balance is considered to be acceptable. The character of the Conservation Area will be preserved.
- 4.8 The development is therefore considered to be in accordance with Policies CP4 of the Core Strategy and Policies DM1, DM3 and DM5 of the Development Management DPD and no objections are therefore raised in relation to the design of the development as amended or its impact on the conservation area or adjacent listed buildings.

### **Traffic and Transport Issues**

**Planning Policies: NPPF: Section 4, DPD1 (Core Strategy) policies: KP1, KP2, KP3; CP3; Development Management DPD Policy DM15.**

- 4.9 The Inspector considered traffic generation and parking demand during the appeal for the original development and found the development to be acceptable as proposed. The proposed amendments do not result in increase in the number of units or bedspaces and therefore the development as amended has no additional impact on traffic generation or parking demand associated with the development.

### **Impact on the amenities of adjacent properties and future occupiers.**

**Planning Policies: NPPF: DPD1 (Core Strategy) policies, KP2, CP4; Development Management DPD policies DM1, DM3; Design and Townscape Guide SPD1**

- 4.10 Policies DM1 of the DMDPD states that: *“High quality development by definition should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours.”*

Policy DM3 reinforces this requirement.

- 4.11 The surrounding properties are in a mixture of commercial and residential uses. Princess Caroline House is in office/education use, the mews buildings closest to the site are in commercial/museum use. However the buildings in Royal Terrace closest to the site are in residential use and it is necessary to ensure the amenities of those residents are not detrimentally impacted by the proposed development.
- 4.12 The number of units and bedspaces within the development will not increase, therefore there will be no increase in activity over and above that of the approved development.
- 4.13 Given the distance between the development and the nearest residential properties, the minor changes to the exterior of the building and the slight increase in overall height will not have a material impact on nearby residents.
- 4.14 Internally the addition of walkways within the light well could mean that if occupiers use them for amenity purposes, there would be the potential for internal overlooking between units. However given that these walkways are for fire exit purposes, and the space is a lightwell with no external views, their amenity value is limited. This taken together with the fact that the future occupiers would be aware of the situation before purchasing a unit, means that the impact of the change on the amenities of future occupiers is considered to minor and acceptable.
- 4.15 The layout of the flats is proposed to be amended, internal walls resited and room layouts changed. This is largely to comply with building regulations in respect of fire escape. The size of the units has varied slightly, but all unit sizes meet the recently adopted National Housing Standards and thus it would not materially impact upon unit sizes of the amenities of future occupiers. It is noted that built in storage falls slightly below that required by the NHS however, all storage areas are equal to or larger than that shown in the approved scheme and therefore, no objection is raised on that basis.
- 4.16 The proposed extension to the rear of 3-5 High Street is located hard up to the southern boundary at ground floor and set back by approximately 1m at upper floors. There are habitable room windows and balconies proposed on the south elevation, including the roof terrace. The proposed extension lies some 10.8m from the rear boundary of the properties in Royal Terrace, 13.36m from the rear of the forward most outrigger and some 21.5 metres from the main rear elevations of the buildings in Royal Terrace. There was originally concern that the extended building would result in overlooking of those properties. Screens were therefore added to the balconies on the south elevation to prevent that. This application seeks to change the screens so that they are glazed rather than made constructed from brick. This change will still prevent overlooking of the building to the south and is considered acceptable. The habitable room windows that look south will be obscure glazed up to a height of at least 1.7m, to avoid overlooking. The roof terrace to flat 18 at fourth floor level has been restricted so that it cannot be accessed where it is closest to the southern boundary. Officers remain satisfied that the development as amended would not result in overlooking of the residential properties to the south.

- 4.17 The built form of the development is considered to be sited sufficiently distant from the nearest residential properties so as to avoid being unduly overbearing or to result in loss of light.

### **Sustainable Construction**

**Planning Policy: NPPF Achieving sustainable development, Section 10 DPD1 (Core Strategy) policies: Key Policies: KP2, KP3, CP4, CP8; Development Management DPD Policy DM2**

- 4.18 Policy KP2 sets out development principles for the Borough and states that:

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

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

- 4.19 This requirement is reiterated in Policy DM2 of the DMDPD.
- 4.20 The original application included proposals to install Air Source Heat Pumps (ASHPs). These are still intended to be installed on the roof terraces of the upper floor flats. The application now also includes installation of Photovoltaic Cells. These are visually acceptable, and the use of additional sustainable means of energy production is supported.
- 4.21 The original application included a requirement to employ SuDs, however the applicant has pointed out that the development has no external space at ground level and therefore officers agree that it is not reasonable to require SuDs.

### **Developer contributions**

**Planning Policy: NPPF sections 2, 6, 8, 12; DPD1 (Core Strategy) policy KP3.**

The Core Strategy Policy KP3 requires that:

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

The S106 requirements for the development have not changed since the original grant of planning permission and subsequent Deed of Variation (15/01070/DOV)

*Education contribution*

- 4.38 The applicant has agreed to an Education contribution of £7,086

*Affordable Housing*

- 4.39 A financial contribution of £187,914 for off site Affordable Housing provision has previously been accepted by Members.

*Public Realm Improvements*

- 4.40 The site is located at the junction of High Street and Royal Mews. There is a fairly narrow access between the application property and Tomassi's and the environment is not welcoming to those using it. Occupiers of the proposed flats will gain access to the building from this side of the building. Given the scale, location and details of the proposals, the application should include as part of the S106 Agreement a sum for public art and the enhancement of the public realm in the vicinity of the site and in particular to enhance this access way. The applicant has agreed to fund works (details have yet to be agreed, but the applicant has suggested improved street lighting and uplighting of the application building) and to make a contribution of £10,180, and this is welcomed. It remains the case that the detail of the art/public realm works are reserved for full consideration as part of the S106 agreement to ensure that it is appropriate in its detail and carried out in an appropriate manner.
- 4.41 A monitoring fee of £1,441 has previously been agreed to cover the cost of monitoring the S106 agreement. This will remain.
- 4.42 Without the contributions that are set out above the development could not be considered acceptable. Therefore, if the S106 agreement is not completed within the relevant timescale the application should be refused. An option to this effect is included within the recommendation in section 10.

## **5.0 Community Infrastructure Levy Regulations**

5.1 The Community Infrastructure Levy Regulations 2010 came into force on 6 April 2010. The planning obligation discussed above and as outlined in the recommendation below has been fully considered in the context of Part 11 Section 122 (2) of the Regulations, namely that planning obligations are:

- a) necessary to make the development acceptable in planning terms; and
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development

The conclusion is that the planning obligation outlined in this report meets all the tests and so constitutes a reason for granting planning permission in respect of application 15/0146/AMDT

This application is CIL liable however the application is not chargeable because there is no net increase in floorspace from the approved scheme.

## **6.0 Conclusion**

6.1 The principle and amount of proposed development has previously been granted planning permission. The proposed amendments as set out at para 1.4 of this report are considered to be acceptable in terms of design and the impact on the Conservation Area and would not impact upon traffic generation or parking requirements. The development as amended would not result in material harm to the occupiers of nearby residential properties. The standard of accommodation that will be provided remains acceptable. The development will be constructed in a sustainable manner. The proposals are therefore considered to accord with policy and to be acceptable.

## **7.0 Planning Policy Summary**

7.1 National Planning Policy Framework: Achieving sustainable development, Policies: 1. Building a strong, competitive economy; 2. Ensuring the vitality of town centres; 4. Promoting sustainable transport, 6. Delivering a wide choice of high quality homes; 7. Requiring good design; 8. Promoting healthy communities; 10. Meeting the challenge of climate change, flooding and coastal change; 12. Conserving and enhancing the historic environment.

7.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources); CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP8 (Dwelling Provision), SPD1 Design and Townscape Guide: EPOA Vehicle Parking Standards

7.3 Development Management DPD Policies: DM1 (Design Quality); DM2 (Low Carbon Development and efficient use of resources); DM3 (Effective and Efficient Use of Land); Policy DM5 (Southend's Historic Environment); DM7 (Dwelling Mix, Size and Type); DM8 (Residential standards); DM15 (Sustainable Transport Management)

7.4 SPD1 Design and Townscape Guide

7.5 SPD 2 Planning Obligations

## **8.0 Representation Summary**

8.1 **The Southend Society** – no comments received

### **8.2 Design and Regeneration**

#### Changes to penthouse

It is a shame that the roof does not align with the coping of the cupola but from ground level this will not be very apparent providing the edge is well detailed. It is noted on the original plans that this is to be mat stainless steel fascia which would be acceptable.

The change in window arrangement generally line up with the fenestration below which is positive. It is regrettable however that the western most window has been omitted as this is a prominent corner and related well to the window below. Additional well positioned windows will add interest and transparency and this would be to the benefit of the scheme.

It is noted that previously the lighter cladding was proposed to align with the column details below but the cladding sections have been realigned so it is unclear whether this is still proposed and this should be clarified. It would seem rather weak just to do this at the very corners so if this is to be retained the cladding should be applied as the approved plans.

#### Lightwell, decking and walkways

The lightwell and lantern are located halfway down the southern elevation so has no public impact. The proposal therefore to deck over this and install walkways and handrails at the upper levels is a shame but it will have no impact on the public character of the building and the wider conservation area. This element is therefore considered to be acceptable.

#### Balcony changes north elevation

The changes to the north elevation include a change of materials for the balconies from brick and etched glass to all etched glass and the addition of walkways in the 'well' and these are considered to be of a minor nature and will not have a significant impact on the building.

### Ground floor Shopfront and entrance door changes

The plans here have changed the shopfront to bi fold doors here which would be fine subject to the decorative top detailing being replicated to relate to the rest of the shopfront (as proposed) and matching stallriser height. These should be timber. The remaining shopfront should match the existing.

No objections to changing the position of the door to the flats within the glazed screen or setting back the gate.

### Pvs

The pvs on the roof and the proposed over run have been positioned in the centre and south sides away from the more public elevations and this should ensure that they are not visible in the streetscene. This change too is considered to be acceptable.

### 8.3 Parks – no comments received

#### **Public Consultation**

### 8.4 Site notice posted and 9 neighbours consulted. No comments received.

## **9 Relevant Planning History**

### 9.1 2014 - Convert first, second and third floors into nine self contained flats, erect four storey rear extension and roof extension containing nine further flats and ground floor commercial unit (total 18 flats), layout cycle storage and waste storage at ground floor, layout roof terraces and balconies. Allowed on appeal. (13/00438/FULM).

2015 – Modification of planning obligation (Section 106 agreement) dated 17/04/2014 pursuant to application 13/00438/FULM allowed on appeal dated 17/12/2014 to vary the requirement to provide affordable housing. Modification agreed. (15/01070/DOV)

### 9.2 Current application – Application for Approval of Details pursuant to condition 03 (Details of materials), condition 04 (Details of sustainable drainage), condition 08 (Details of style and design of windows and doors), condition 10 (Details of gates), condition 12 (Details of heat pumps) and condition 13 (Details of waste storage) of planning permission 13/00438/FULM allowed on appeal dated 29/10/2014 – under consideration.

## 10 Recommendation

Members are recommended to:

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

- **Contribution of £187,914 for off site Affordable Housing provision**
- **Education contribution of £7086**
- **Public realm contribution of £10,000**
- **S106 Monitoring fee**

b) **The Head of Planning and Transport or the Group Manager (Development Control & 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 begin not later than 17th December 2017).**

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

**02 With the exception of cycle storage details, the development hereby permitted shall be carried out in accordance with the following approved plans: Site/Location Plan, 2614/200A Basement plan; 2614/201A Ground floor plan; 2614/202A first floor plan; 2614/203B Second floor plan; 2614/204B Third floor plan; 2614/205B penthouse floor plan; 2614/206A roof plan; 2614/207B south elevation; 2614/208 B north elevation; 2614/209 B west elevation; 2614/210 East elevation.**

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

**03 No development shall take place until samples of the materials to be used on all the external elevations, and on all external surfaces have been submitted to and approved by the Local Planning Authority. The development shall only be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.**



**Reason: In the interests of visual amenity and to ensure that the appearance of the locally listed building makes a positive contribution to the character and appearance of the Clifftown Conservation Area. This is as set out in DPD1 (Core Strategy) 2007 policy KP2 and CP4, Development Management DPD policies DM1, DM2, DM3, DM5, and SPD1 (Design and Townscape Guide).**

**04. The sustainability measures set out in the Energy Strategy by pemxq dated 17<sup>th</sup> June 2013, and details submitted with application 15/01363/AD and those shown on plan 2614/206A shall be implemented in accordance with the submitted details during the course of development and brought into use on first occupation of the development unless otherwise agreed in writing with the Local Planning Authority.**

**Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with DPD1 (Core Strategy) 2007 policies KP2 and CP4, Development Management DPD policy DM2 and SPD1 (Design and Townscape Guide).**

**05. No meter boxes shall be installed on the external elevations of the premises.**

**Reason: In the interests of the visual amenity and to protect the character of the Clifftown Conservation Area and this locally listed building in accordance with Policy CP4 of DPD1 (Core Strategy) 2007, Borough Local Plan Policies , Development Management DPD policies DM1, DM3 and DM5 and SPD1 (Design and Townscape Guide)**

**06. Notwithstanding the provisions of the Town and Country Planning Act (General Permitted Development) Order 2015, or any order revoking and re-enacting that Order with or without modification, no development shall be carried out within Part 16 to those Orders unless previously agreed in writing by the LPA.**

**Reason: In the interests of visual amenity and to protect the character of this locally listed building and the Clifftown Conservation Area in accordance with policy CP4 of the Core Strategy DPD1, Development Management DPD policies DM1 and DM5 and SPD1 (Design and Townscape Guide).**

**07. The development shall not commence until details of the style, design, profile and materials of the windows, doors other joinery has been submitted to and approved by the local planning authority on plans of not more than 1:20. The development shall only be carried out in accordance with the approved details.**

**Reason: In the interests of visual amenity and to protect the character of this locally listed building and the Clifftown Conservation Area in accordance with policy CP4 of the Core Strategy DPD1, Development Management DPD policies DM1, DM3 and DM5 and SPD1 (Design and Townscape Guide).**

**08. All new outside rainwater and soil pipes must be cast iron and painted black and must then be permanently retained in those materials and that colour unless otherwise agreed in writing by the local planning authority.**

**Reason: In the interests of visual amenity and to protect the character of this locally listed building and the Clifftown Conservation Area in accordance with policy CP4 of the Core Strategy DPD1, Development Management DPD policies DM1, DM3 and DM5 and SPD1 (Design and Townscape Guide).**

**09. Prior to first occupation gates to the waste and cycle storage area shall be installed in accordance with details shown on plan 2614/PL/20 (submitted with application 15/01363/AD) and shall permanently thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.**

**Reason: In the interests of visual amenity and to protect the character of this locally listed building and the Clifftown Conservation Area in accordance with policy CP4 of the Core Strategy DPD1, Development Management DPD policies DM1, DM2, DM5 and SPD1 (Design and Townscape Guide).**

**10. No part of the development shall be occupied until space has been laid out within the site for at least 21 bicycles to be parked in accordance with plan 2614/PL/20 (submitted with application 15/01363/AD) unless otherwise agreed in writing by the local planning authority.**

**Reason: To ensure that satisfactory secure off-street bicycle parking is provided in the interests of sustainability, amenity and highways efficiency and safety, in accordance with DPD1 (Core Strategy) 2007 policy KP2, Development Management DPD policies DM1, DM15 and SPD1 (Design and Townscape Guide).**

**11. The cycle parking spaces provided in relation to condition 10 shall be permanently reserved for the parking of cycles of occupiers and callers to the premises and not used for any other purposes, whether or not permitted by the Town and Country Planning (General Permitted Development Order) 2015 (or any other Order amending, revoking or re-enacting that Order).**

**Reason: To ensure that satisfactory secure off-street bicycle parking is retained in the interests of sustainability, amenity and highways efficiency and safety, in accordance with DPD1 (Core Strategy) 2007 policy KP2 Development Management DPD policy DM15 and SPD1 (Design and Townscape Guide).**

**12 Prior to first occupation of the development waste storage shall be provided in accordance with plan 2614/PL/20 (submitted with application 15/01363/AD). Waste storage shall be permanently retained in accordance with the approved details unless otherwise agreed in writing with the LPA.**

**Reason: To protect the environment and ensure adequate and appropriate storage, recycling and collection of waste resulting from the development in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4 and Development Management DPD policy DM15.**

**13. Windows marked as “etched glass” on approved plan 2614/207B shall only be glazed in obscure glass (the glass to be obscure glazed to at least Level 4 on the Pilkington Levels of Privacy, or such equivalents as may be agreed in writing with the local planning authority) and shall be fixed and unopenable except for clear glazed, top hung vents, no part of which shall be less than 1.7m above the floor level in the room. In the case of double or multiple glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass.**

**Reason: To prevent overlooking and consequent loss of privacy to neighbouring occupiers in accordance with , Development Management DPD policies DM1 and DM3 and SPD1 (Design and Townscape Guide)**

**14. The balustrades marked on plans on approved plan 2614/207B shall only be glazed in obscure glass (the glass to be obscure glazed to at least Level 4 on the Pilkington Levels of Privacy, or such equivalents as may be agreed in writing with the local planning authority), shall be installed prior to first occupation of the development and shall be permanently retained thereafter.**

**Reason: To prevent overlooking and consequent loss of privacy to neighbouring occupiers in accordance with policy DM1 and DM3 of the Borough Local Plan and SPD1 (Design and Townscape Guide)**

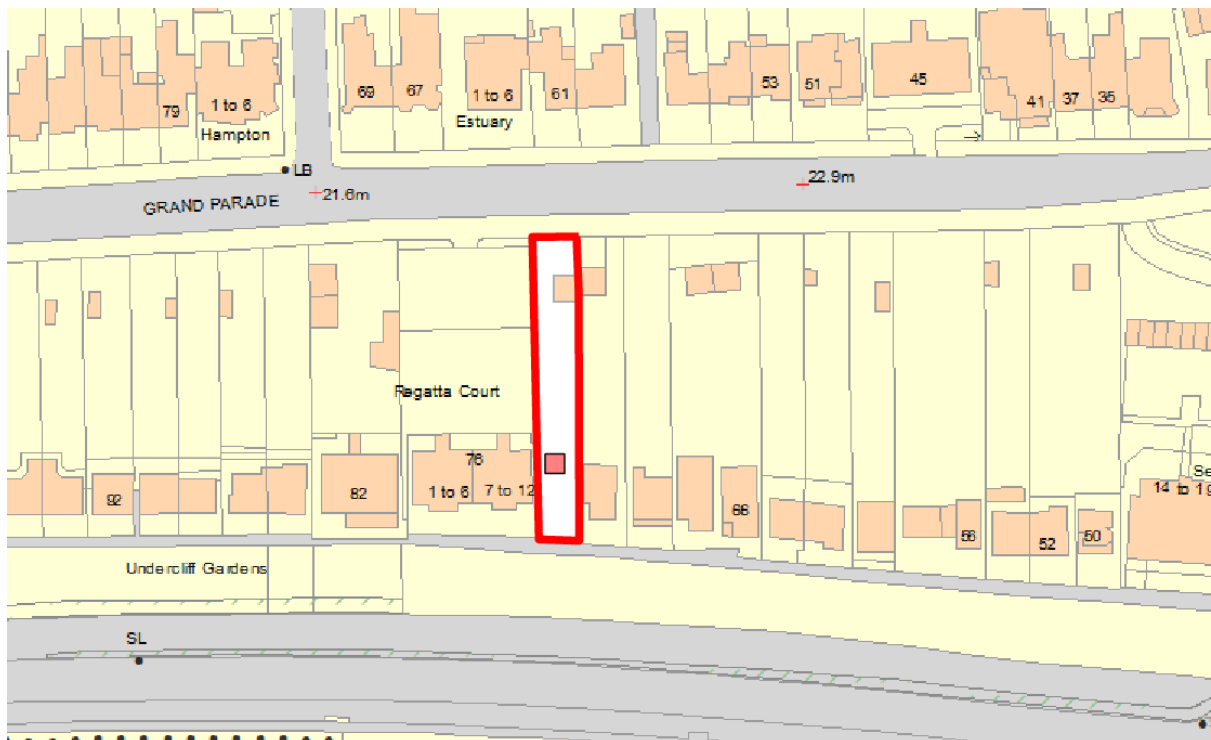
**15. The balustrade to the balcony to serve flat 18 shown on plan 2614/207B and 2614/205 B, shall be permanently retained at a height of not less than 1.2m unless otherwise agreed in writing with the Local Planning authority.**

**Reason: To prevent overlooking and consequent loss of privacy to neighbouring occupiers in accordance with policy DM1 and DM3 of the Development Management DPD and SPD1 (Design and Townscape Guide).**

**In the event that the planning obligation referred to in part (a) above has not been completed by 26<sup>th</sup> February 2016 the Director for Place, Head of Planning and Transport or Group Manager Planning & Building Control be authorised to consider whether permission should be refused on the grounds that it has not proved possible to complete a S106 agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the obligation that would have been secured; if so, the Head of Planning & Transport or Group Manager of Development Control & Building Control are authorised to determine the application and agree appropriate reasons for refusal under delegated authority.**

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

<b>Reference:</b>	15/01606/AMDT
<b>Ward:</b>	Leigh
<b>Proposal:</b>	Application to vary condition 10 (Approved Plans) to replace drawings numbered b100h, b 110h and b111h with drawing numbered b500, to increase the depth of the ground and first floor rear (estuary facing) balconies of planning permission 10/00554/FUL dated 25th May 2010 (Retrospective)
<b>Address:</b>	Land At Former 74, Undercliff Gardens, Leigh-On-Sea, Essex
<b>Applicant:</b>	Mr A. Brown
<b>Agent:</b>	Mr P. Andrews (WvH Planning Ltd)
<b>Consultation Expiry:</b>	10/11/15
<b>Expiry Date:</b>	25/01/16
<b>Case Officer:</b>	Ian Harrison
<b>Plan Nos:</b>	b121h and b500.
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## **1 The Proposal**

- 1.1 The application seeks permission for a Minor Material Amendment to the plans that were approved under the terms of planning permission 10/00554/FUL. That permission approved the erection of a three storey dwelling and associated parking. The three floors of accommodation were labelled on the approved plans as Basement, Ground Floor and First Floor and these references will be used throughout this report.
- 1.2 Of particular relevance to this application is the permission that was granted allowed the creation of two balconies on each of the front and rear elevations. The approved South facing balconies projected by 1.8 metres at ground floor and 1.3 metres at first floor. It is also considered relevant to note that planning permission was granted subject to a condition which addressed the provision of obscured-screens at the side of both balconies, reading as follows:
- “The vertical glazing screens shall be obscure glazed. No development shall take place until samples of the obscure glazing for the glazed screens to the balconies to the front and rear of the development hereby approved have been submitted to and approved by the local planning authority. The development shall only be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority and such details as approved shall be permanently retained.”*
- 1.3 The dwelling that has been partially built features ground and first floor balconies that project by 2 metres. Glazed screens are shown to be positioned at both sides of the balconies, projecting from the wall of the dwelling by 1.78 metres on each floor. The glazed screens are yet to have been installed.
- 1.4 This application was originally submitted on 28/09/15 but was found to be invalid as the condition that the applicant sought to vary to enable the amendment of the approved development did not exist. The applicant therefore had to seek a non-material amendment to application 10/00554/FUL, under the terms of application 15/01801/NON, to add condition 10 which listed the previously approved plans, in accordance with which the development should have been undertaken. Approving that application has enabled this application to be validated and there has therefore been an unavoidable delay in the determination of this application.

## **2 Site and Surroundings**

- 2.1 The application site is located to the North of the footpath that runs to the North of the London to Shoebury railway line and to the South of Grand Parade. The site contains a partially built replacement dwelling that is described above, as far as is relevant to this application.

2.2 The buildings of the surrounding area are in residential use with the dwellings featuring a mixture of two, three and four storey buildings that contain dwellings and flats, with ground levels changing from higher ground to the North to lower ground to the South.

### **3. History of Balconies at the Application site.**

3.1 Each of the replacement dwelling applications at this site has proposed balconies to the South elevation. The two applications from 2009 were withdrawn and it is therefore the case that no balconies have formally been refused by the Local Planning Authority.

3.2 Submitted plans show that the former dwelling had a 1.8 metre deep first floor balcony with enclosures that only measured 1.1 metre tall above the finished floor level.

3.3 Planning permission 08/01046/FUL allowed ground and first floor balconies that would have measured 2.4 metres deep.

3.4 Application 09/01277/FUL proposed a 1.8 metre deep ground floor balcony and a 1.9 metre deep first floor balcony, with walls to the side that would have featured large windows or openings to the side. That application was withdrawn.

3.5 Application 09/01970/FUL proposed a 1.8 metre deep ground floor balcony with a 1.3 metre deep glazed screen and a 1.3 metre deep first floor balcony and screen. That application was withdrawn.

3.6 Planning permission was granted under the terms of application 10/00554/FUL for balconies that are described in section 1. Details were agreed with respect to conditions 4 and 5 of that permission which show balconies that were larger than those approved under the terms of the planning permission. However, agreeing details as part of a condition does not have the effect of changing the development that was granted planning permission and therefore, the balconies shown on the submitted plans for the 'approval of details' application are not considered to be relevant to the determination of this application

### **4 Planning Considerations**

4.1 The key considerations of this application are the principle of the development, the design and impact on the character of the area and the impact on residential amenity.

## 5 Appraisal

### Principle of Development

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

- 5.1 The application seeks a Minor Material Amendment to previously approved plans. Planning Practice Guidance states that one of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. It goes on to state that there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.
- 5.2 The alterations proposed to this development affect the balconies that are proposed to serve the dwelling, but the overall scale and layout of the buildings and the nature of the development would not be the same as that which was proposed and approved previously.
- 5.3 This proposal is considered in the context of the National Planning Policy Framework 2012 and Core Strategy Policies KP2 and CP4. Also of relevance is Development Management DPD Policy DM1 which relates to design quality. These policies and guidance support extensions to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building. Subject to detailed considerations, the proposed amendment of the previously approved development is considered to be acceptable in principle.

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

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

- 5.4 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in policy DM1 Policy of the Council's Development Management DPD which states that development should "add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features." 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.*"



- 5.5 In the NPPF it is stated that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*
- 5.6 In this instance it is considered that it is only relevant and necessary to consider the visual impact of the amendment for which planning permission is sought. The development shown on the submitted plans matches the previously approved development in all other respects and is not proposed to be changed by this application. The fallback position of the approved development is considered relevant insofar as it establishes that the dwelling, with balconies, is acceptable at the application site.
- 5.7 The increased depth of the balconies by 0.2 metres at ground floor and 0.7 metres at first floor would increase their impact on the character and appearance of the building and in turn would have a greater visual impact on the character of the street-scene of Undercliff Gardens, which is visible from the public vantage points to the South of the site which are described above.
- 5.8 The properties of Undercliff Gardens are not built to a consistent scale, design or layout and as such there is not a uniform building line to the South elevation. It is considered to be particularly relevant to note that balconies are a common feature of the area, although there is no uniformity to the size and scale of the balconies of the area. It is considered particularly relevant to note the depth and open sided design of the balconies at 82 Undercliff Gardens which are equally prominent and have a comparable impact on the character of the area.
- 5.9 In this context it is considered that the increase of the depth of the balconies and the glazed screens, in comparison to the previously approved development, would not be obvious to most viewers. The alteration does not result in the development having a materially greater impact on the character or appearance of the site or the surrounding area to an extent that would justify its refusal in comparison to the development that has been found acceptable at this site.
- 5.10 For these reasons it is considered that increasing the size of the balconies does not cause visual impact that is materially different to that which has previously been found acceptable at the application site and has not caused harm to the character or appearance of the site or the surrounding area.

## Impact on Residential Amenity:

### **NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; DPD2 (Development Management) Policy DM1 and SPD 1 (Design & Townscape Guide (2009))**

- 5.11 Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties. Similarly, policy DM1 states that development should “*protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.*”
- 5.12 As set out above, the majority of the development has previously been found acceptable and is not affected by this application. The amendments relate solely to the increase of the depth of the balconies at the South elevation of the building and therefore it is considered that the assessment of the impact of the proposal on the amenities of neighbouring residents should relate solely to the impacts of the enlarged balconies.
- 5.13 The history of balconies at the site is fully discussed above and in this instance it is considered relevant to note that a balcony existed on the original dwelling with no screening to either side. It is therefore considered relevant to note that there is a history of balconies at the application site and the amenity areas of the neighbouring dwellings would always have been subject to some degree of overlooking and views partially restricted by balconies.
- 5.14 It is considered relevant to note that the first floor balcony that was previously approved would have been fitted with screens that would not have protruded as far as the edge of the balcony. It was therefore the case that the last 46cm of the balcony would not have been screened. This design feature would be included in the balconies for which permission is hereby sought where the balconies would project 22cm further than the glazed screens that are proposed. The provision of screens in the manner shown on the submitted plans would ensure that the privacy afforded to neighbouring residents would not be materially different from that which has previously been found acceptable. It is therefore considered that it would be unreasonable to raise an objection to this proposal on those grounds.
- 5.15 By projecting further forward it is the case that the balconies would have a slightly increased impact on the outlook from the neighbouring properties. However, it is considered that this impact would not cause a visual intrusion to the extent that it would have an unacceptable impact on the amenities of the neighbouring residential properties. The balconies would be a minimum of 2.8 metres from the South facing doors of Regatta Court and 3 metres from the first floor doors of 172 Undercliff Gardens.

- 5.16 From this basis, notwithstanding the concerns that have been raised by residents of neighbouring properties, it is considered that the proposed amendment would not cause additional harm to the amenities of neighbouring residents to an extent that would justify the refusal of this application.
- 5.17 Notwithstanding the wishes of a third party group, it is not possible to change established planning case law which dictates that there is no 'right to a view' and as such this is not a matter that can be given any weight in the assessment of this application.

### **Community Infrastructure Levy**

- 5.18 The proposed alteration to the development represents a net increase in floorspace of less than 100 square metres in comparison to the extant permission at the site. It is therefore the case that the development is not CIL liable.

## **6 Conclusion**

- 6.1 In this instance it is considered that significant weight has to be afforded to the development that was previously granted planning permission at this site. Despite being deeper than the previously approved balconies, it is considered that the provision of screens at the side of the balconies would ensure that there is no greater loss of privacy within the neighbouring properties than the previously approved schemes. The additional impact of the larger balconies on the outlook of the neighbouring properties would be negligible and not harmful to an extent that would justify the refusal of the application.
- 6.2 Moreover, it is considered that despite the increased depth of the balconies, the visual impact of the balconies would not be out-of-keeping with the established character of the surrounding area or the appearance of the dwelling that was approved at the application site. It is therefore considered that the implications of the alteration would not result in the development at the site being contrary to the abovementioned policies.

## **7 Planning Policy Summary**

### **7.1 National Planning Policy Framework**

Development Management DPD Policy DM1 (Design Quality)

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

Community Infrastructure Levy Charging Schedule.

Design and Townscape Guide SPD (adopted December 2009)

## **8 Representation Summary**

### **Design and Regeneration Team**

8.1 No comments received.

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

8.2 No comments have been received.

### **Public Consultation**

8.3 36 neighbouring properties were notified of the application and a site notice was posted at the site. 11 letters of objection have been received which object to the application on the following grounds:

- The balcony is intrusive and invasive to the neighbouring properties and has an occluding (obstructing) impact on the outlook from neighbouring gardens.
- The amendments would cause the loss of privacy to the neighbouring properties.
- The increased depth of the balconies and the glazed screens would blight the open aspect of the area.
- The development should have been undertaken in accordance with approved plans and enforcement action should be taken.

The Society for the Protection of Undercliff Gardens consider that the application be refused for several reasons that have been summarised above. It is also considered that the applicant's submissions are incorrect on the following grounds:

- The agreement of details under the terms of a condition should not be allowed to amend the original planning permission.
- Some of the measurements stated within the applicant's submissions are incorrect. The use of plans drawn to scale is also considered to be unfortunate and the plans should have been annotated.
- Any reference to the balconies that formerly existed at the site should be disregarded as they were in a different position and therefore did not need to be screened.
- Although it is noted that legally it is not the case, the loss of a view should be a material planning consideration as it contributes to residential amenity.
- The balconies and roof are visually disruptive, unsympathetic, overbearing and out-of-character with the surrounding area. They increase the bulk of the building and cause the building to extend beyond the building line.

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

## **8 Relevant Planning History**

- 8.1 Planning permission was granted for the erection of a three storey replacement dwelling at the application site under the terms of application 10/00554/FUL. Earlier applications 08/00391/FUL, 08/01046/FUL, 09/01277/FUL and 09/01970/FUL proposed replacement dwellings but were withdrawn or refused.
- 8.2 Details were submitted to address conditions 2 (samples of materials) 4 (details of obscured glazing to balconies) and 5 (existing and proposed ground levels) under the terms of application 11/01650/AD. The submitted details were agreed by the Local Planning Authority.
- 8.3 Application 15/01801/NON was approved on 24/11/15 to enable the addition of a condition to planning permission 10/00554/FUL to list the conditions by which the development should have been undertaken in accordance with.
- 8.4 Planning permission was granted under the terms of planning application 11/00927/FULH for the erection of a detached garage, following the refusal of earlier application 10/01868/FULH which proposed a similar development. The design of the approved garage was subsequently amended under the terms of application 15/00798/AMDT.
- 8.5 Extensions to the former dwelling were approved under the terms of application 95/0036 and 02/01471/FUL, but refused under the terms of applications 03/00255/FUL and 07/00585/FUL.
- 8.6 The abovementioned applications are discussed within the above report as far as they are considered to be relevant to this application.

## **9 Recommendation**

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

- 01 The development shall be undertaken using materials agreed by the Local Planning Authority under the terms of discharge of condition application 11/01650/AD, unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To safeguard the visual amenities of the area, in accordance with policies KP2 and CP4 of DPD1 (Core Strategy) and policy DM1 of DPD2 (Development Management).**

- 02 All proposed first and second floor side windows shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.**

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

- 03 The vertical glazing screens shall be obscure glazed (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority), shall be fixed in position prior to the first use of the balconies hereby approved and shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.**

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

- 04 The development shall be undertaken in accordance with the ground level details agreed by the Local Planning Authority under the terms of discharge of condition application 11/01650/AD, unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To safeguard the visual amenities of the area and the amenities of neighbouring residents in accordance with policies KP2 and CP4 of DPD1 (Core Strategy) and policy DM1 of DPD2 (Development Management).**

- 05 The development hereby approved shall not be occupied until there has been submitted to and approved by the local planning authority a scheme of landscaping. This shall include details of all the existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development; details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established; and details of the treatment of all hard and soft surfaces (including any earthworks to be carried out).**

**Reason:** To protect the level of amenity enjoyed by occupiers of the development hereby permitted and those of neighbouring residents, in accordance with policy DM1 of DPD1 (Development Management).

- 06** All planting in the approved landscaping scheme) shall be carried out within 12 calendar months of the completion of the development. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the local planning authority.

**Reason:** To protect the level of amenity enjoyed by occupiers of the development hereby permitted and those of neighbouring residents, in accordance with policy DM1 of DPD1 (Development Management).

- 07** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any Order revoking and re-enacting that Order with or without modification, no development shall be carried out within Class A to E of Part 1 of Schedule 2 to those Orders.

**Reason:** To safeguard the amenities of the adjoining residential properties and the character of the area in accordance with Policy DM1 of DPD2 (Development Management).

- 08** The development hereby permitted shall be carried out in accordance with the following approved plans: b121h, b124h, b120h, b114i and b500.

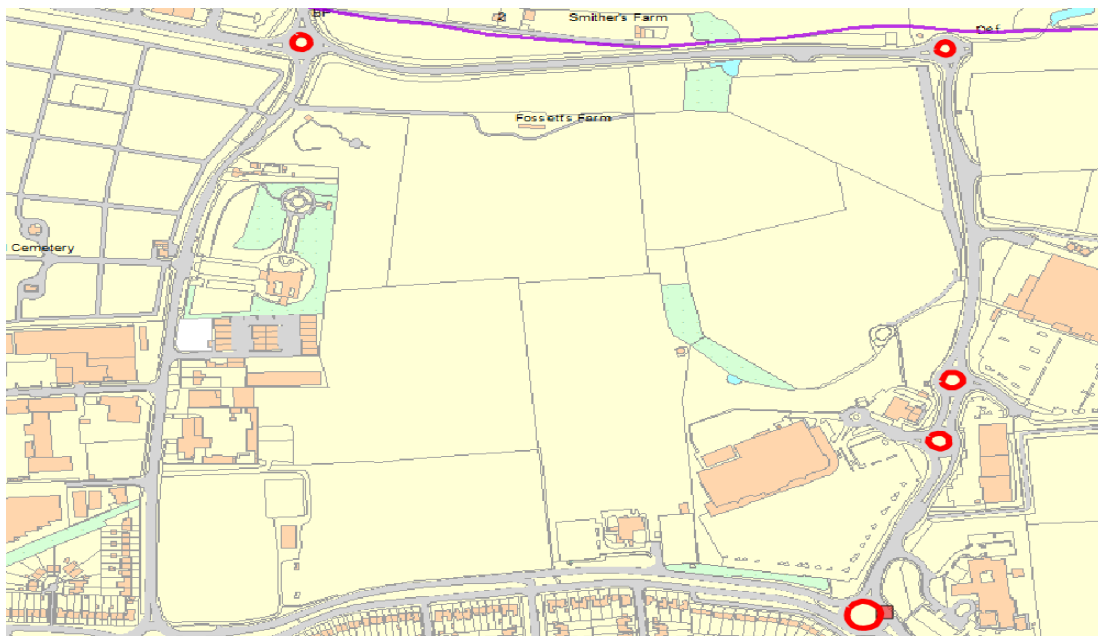
**Reason:** To ensure that the development is carried out in accordance with provisions of the Development Plan.

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

#### **Informative**

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

<b>Reference:</b>	15/01040/ADV
<b>Ward:</b>	St Lukes
<b>Proposal:</b>	Install 16 freestanding non-illuminated signs to Chandlers Way, Fossetts Way and Sutton Road roundabouts
<b>Address:</b>	Street Record , Eastern Avenue Roundabout (Fossetts Way), Southend-On-Sea, Essex
<b>Applicant:</b>	Southend Borough Council
<b>Agent:</b>	N/A
<b>Consultation Expiry:</b>	04.09.2015
<b>Expiry Date:</b>	14.01.2016
<b>Case Officer:</b>	Anna Tastsoglou
<b>Plan Nos:</b>	Location Plan; Chandlers Way Roundabout Site Plan; Fossetts Way (A) Roundabout Site Plan; Fossetts Way (B & C) Roundabout Site Plan; Sponsored signage drawing; Chandlers Way Roundabout 14.12.2015; Fossetts Way (A) Roundabout 14.12.2015; Fossetts Way (B & C) Roundabout 14.12.2015; Eastern Avenue Roundabout 14.12.2015
<b>Recommendation:</b>	<b>GRANT ADVERTISEMENT CONSENT</b>





## **1 The Proposal**

1.1 This application proposes to install 16 non-illuminated signs to the following roundabouts:

- Roundabout on the junction of Fossetts Way with Sutton Road: four non-illuminated signs 0.5m high x 1m wide.
- Roundabout on Fossetts Way (northern roundabout): three non-illuminated signs 0.5m high x 1m wide.
- Roundabouts on Fossetts Way (two roundabouts in the middle of the Fossetts Way): three non-illuminated signs 0.5m high x 1m wide per roundabout.
- Roundabout on the junction of Fossetts Way with Eastern Avenue: three non-illuminated signs 0.5m high x 1m wide.

1.2 The maximum height of the individual letters would be 0.1m. The adverts would be set 0.2m above ground level. The advert would be constructed from recycled plastic posts and aluminium diebond.

## **2 Site and Surroundings**

2.1 The roundabouts are located on Fossetts Way. One of the roundabouts is sited at the junction of Fossetts Way with Eastern Avenue. The character of the area is residential to the south, the Spire Wellesley Hospital is sited to the northeast, while to the northwest is located a large sized retail unit with associated car park.

2.3 Three roundabouts are sited on Fossetts Way between the hospital and large sized retail units either side (east and west).

2.4 The fifth roundabout is located at the junction of Fossetts Way with Sutton Road. To the south of the roundabout is sited the Sutton Road Cemetery, while to the northwest the area is designated as employment land, according to the Development Management DPD.

## **3 Planning Considerations**

3.1 The main considerations in relation to this application relate to visual amenity and public safety.

## 4 Appraisal

### Amenity

#### **National Planning Policy Framework, DPD1 (Core Strategy) Policy KP2; emerging policy DM1 of Development Management DPD2.**

4.1 The National Planning Policy Framework paragraph 67 states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. The National Planning Policy Framework advises advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

4.2 The Council's Design and Townscape Guide states;

*"Low quality poorly sited or excessive signage can have an adverse effect on both the image of the business and the wider area".*

*"Large numbers of adverts add clutter to the streetscene and will not be considered appropriate".*

4.3 Four of the roundabouts are located adjacent to large retail units; one is adjacent to a residential area and one in an employment land and cemetery. There are existing signs on the roundabouts, albeit of smaller size in relation to the proposed signs. The overall scale and number of advertisements and their siting are not considered to harm the overall amenity of the surrounding area. This element of the proposal is considered acceptable on amenity grounds and is compliant with Council policy.

### Public Safety

#### **National Planning Policy Framework, DPD2 (Development Management Document) policy DM15**

4.4 The proposed advertisements are considered acceptable in terms of their siting and will not obstruct the existing road signs on the roundabout. The Councils Highway Officer has raised no objection to the proposed advertisements in terms of impacting on the public highway.

## 5 Planning Policy Summary

5.1 National Planning Policy Framework 2012

5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).

5.3 Development Plan Document 2: Development Management DM1 (Design Quality)

5.4 SPD1 Design & Townscape Guide 2009

## **6 Representation Summary**

### **Design and Regeneration**

6.1 No comments.

### **Traffic and Transportation**

6.2 No objections.

### **Public Consultation**

6.3 Site notice displayed on the 14<sup>th</sup> August 2015 and one letter of representation has been received stating:

- An advert is of no value if it does not attract the attention of those who pass it, and there is not a place on the highway which requires the drivers' undivided attention more than at a roundabout, an uncontrolled intersection of several roads with possibly pedestrian crossings as well. These proposals may well be justified commercially but are in road safety terms a totally negative proposition and on that basis the applications should be refused.

## **7 Relevant Planning History**

7.1 None.

**8 Members are recommended to GRANT ADVERTISEMENT CONSENT subject to the following conditions:**

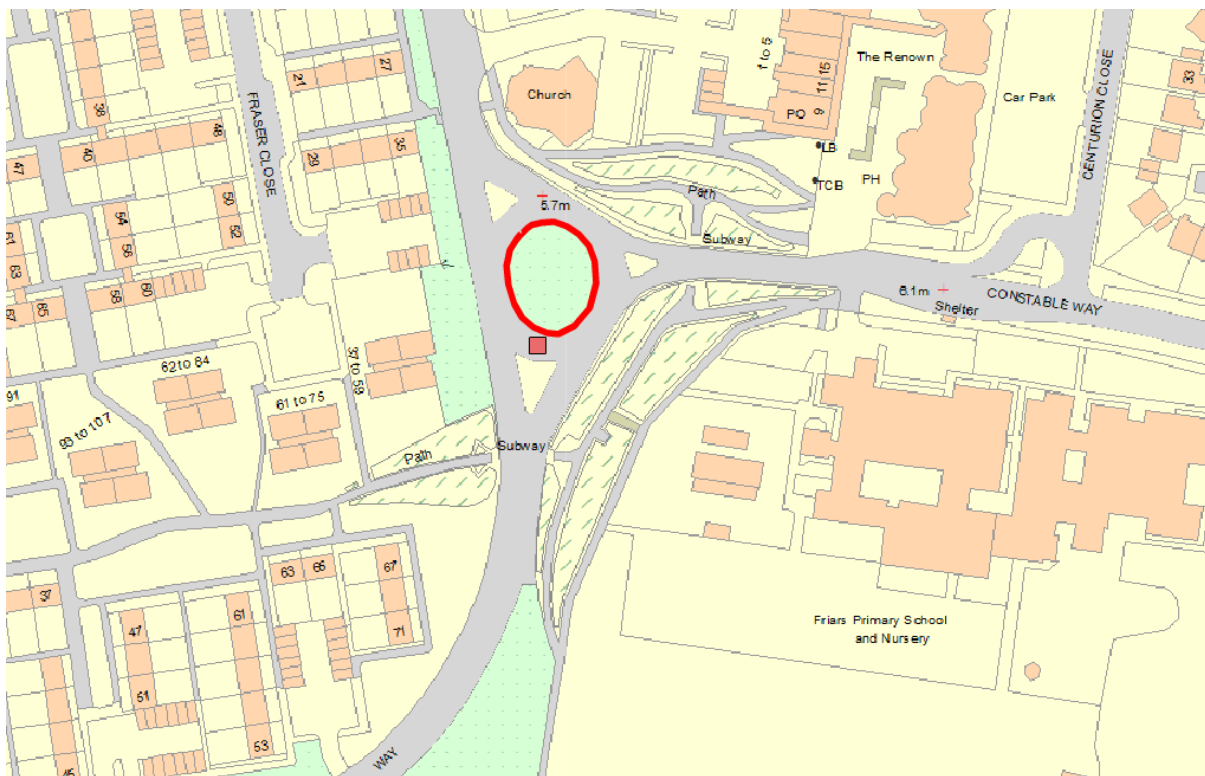
- 1 This consent is granted for a period of 5 years beginning from the date of this consent.**

**Reason: To comply with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) Regulations 2007.**

- 2 The advertisements shall be displayed in accordance with the approved plans: Location Plan; Chandlers Way Roundabout Site Plan; Fossetts Way (A) Roundabout Site Plan; Fossetts Way (B &C) Roundabout Site Plan; Sponsored signage drawing; Chandlers Way Roundabout 14.12.2015; Fossetts Way (A) Roundabout 14.12.2015; Fossetts Way (B &C) Roundabout 14.12.2015; Eastern Avenue Roundabout 14.12.2015.**

**Reason: To ensure that the advertisements are displayed in accordance with the policies in the Development Plan.**

<b>Reference:</b>	15/01041/ADV
<b>Ward:</b>	Shoeburyness
<b>Proposal:</b>	Install three freestanding non-illuminated signs
<b>Address:</b>	Street Record, Eagle Way Roundabout (constable Way), Shoeburyness, Essex
<b>Applicant:</b>	Southend Borough Council
<b>Agent:</b>	N/A
<b>Consultation Expiry:</b>	02.09.2015
<b>Expiry Date:</b>	14.01.2016
<b>Case Officer:</b>	Ian Harrison
<b>Plan Nos:</b>	Roundabout Location Plan; Constable Way Roundabout 21/05/15, Constable Way Roundabout 14/12/15 and Sponsored Signage Drawing.
<b>Recommendation:</b>	<b>GRANT ADVERTISEMENT CONSENT</b>



## **1 The Proposal**

- 1.1 This application proposes to install three non-illuminated signs on the roundabout at the application site. Each advert would measure 0.5m high and 1m wide and the adverts would be set 0.2m above ground level. The advert would be constructed from recycled plastic posts and aluminium diebond. The maximum height of the individual letters would be 0.1m

## **2 Site and Surroundings**

- 2.1 The roundabout is located at the junction of Constable Way and Eagle Way. The streetscene is characterised by featuring a mixture of residential, community and commercial properties.

## **3 Planning Considerations**

- 3.1 The main considerations in relation to this application relate to visual amenity and public safety.

## **4 Appraisal**

### **Amenity**

#### **National Planning Policy Framework, DPD1 (Core Strategy) Policy KP2; emerging policy DM1 of Development Management DPD2.**

- 4.1 The National Planning Policy Framework paragraph 67 states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. The National Planning Policy Framework advises advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
- 4.2 The Council's Design and Townscape Guide states;
- “Low quality poorly sited or excessive signage can have an adverse effect on both the image of the business and the wider area”.*
- “Large numbers of adverts add clutter to the streetscene and will not be considered appropriate”.*
- 4.3 The site is located within an area of mixed uses as set out above. The overall scale of the proposed advertisements and the siting are not considered to harm the overall amenity of the surrounding area. This element of the proposal is considered acceptable on amenity grounds and is compliant with Council policy.

## **Public Safety**

### **National Planning Policy Framework, DPD2 (Development Management Document) policy DM15**

- 4.4 The proposed advertisements are considered in terms of their siting and will not obstruct the existing road signs on the roundabout. The Councils Highway Officer has raised no objection to the proposed advertisements in terms of their impact on the public highway.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework 2012
- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).
- 5.3 Development Plan Document 2: Development Management DM1 (Design Quality)
- 5.4 SPD1 Design & Townscape Guide 2009

## **6 Representation Summary**

### **Design and Regeneration**

- 6.1 No comments.

### **Traffic and Transportation**

- 6.2 No objections.

### **Public Consultation**

- 6.3 A site notice was displayed at the site on the 12 August 2015. One letter of representation has been received stating that an advert is of no value if it does not attract the attention of those who pass it, and there is not a place on the highway which requires the drivers undivided attention more than at a roundabout, an uncontrolled intersection of several roads with possibly pedestrian crossings as well. These proposals may well be justified commercially but are in road safety terms a totally negative proposition and on that basis the applications should be refused.

## **7 Relevant Planning History**

- 7.1 None.

**8 Members are recommended to GRANT ADVERTISEMENT CONSENT subject to the following conditions:**

**1 This consent is granted for a period of 5 years beginning from the date of this consent.**

**Reason: To comply with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) Regulations 2007.**

**2 The advertisements shall be displayed in accordance with the approved plans: Roundabout Location Plan; Constable Way Roundabout 21/05/15, Constable Way Roundabout 14/12/15 and Sponsored Signage Drawing.**

**Reason: To ensure that the advertisements are displayed in accordance with the policies in the Development Plan.**



<b>Reference:</b>	15/01042/ADV
<b>Ward:</b>	St Laurence
<b>Proposal:</b>	Install four non-illuminated freestanding sign
<b>Address:</b>	Cuckoo Corner Roundabout, Southend-on-Sea, Essex
<b>Applicant:</b>	Southend Borough Council
<b>Agent:</b>	N/A
<b>Consultation Expiry:</b>	03.09.2015
<b>Expiry Date:</b>	14.01.2016
<b>Case Officer:</b>	Janine Rowley
<b>Plan Nos:</b>	Location Plan; Cuckoo Corner Roundabout Site Plan; Sponsored signage drawing; Cuckoo Roundabout 14.12.2015
<b>Recommendation:</b>	<b>GRANT ADVERTISEMENT CONSENT</b>



## **1 The Proposal**

- 1.1 This application proposes to install four non-illuminated signs 0.5m high x 1m wide. The maximum height of the individual letters would be 0.1m. The adverts would be set 0.2m above ground level. The adverts would be constructed from recycled plastic posts and aluminium diebond.

## **2 Site and Surroundings**

- 2.1 The roundabout is located at the junction of Prince Avenue to the west, Victoria Avenue to the south, Priory Crescent to the east and Manners Way to the north. The streetscene is characterised by predominantly residential properties with the exception of a restaurant to the north of the roundabout.

## **3 Planning Considerations**

- 3.1 The main considerations in relation to this application relate to visual amenity and public safety.

## **4 Appraisal**

### **Amenity**

#### **National Planning Policy Framework, DPD1 (Core Strategy) Policy KP2; emerging policy DM1 of Development Management DPD2.**

- 4.1 The National Planning Policy Framework paragraph 67 states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. The National Planning Policy Framework advises advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
- 4.2 The Council's Design and Townscape Guide states;
- “Low quality poorly sited or excessive signage can have an adverse effect on both the image of the business and the wider area”.*
- “Large numbers of adverts add clutter to the streetscene and will not be considered appropriate”.*

- 4.3 The site is located within a residential area, although there are commercial premises to the south east with a parade of shops and to the north east corner (Manners Way and Priory Crescent) a church. The existing roundabout has advertisements currently, albeit the proposed advertisements are slightly larger. The overall scale of three advertisements and the siting are not considered to harm the overall amenity of the surrounding area. This element of the proposal is considered acceptable on amenity grounds and is compliant with Council policy.

### **Public Safety**

#### **National Planning Policy Framework, DPD2 (Development Management Document) policy DM15**

- 4.4 The proposed advertisements are considered in terms of their siting and will not obstruct the existing road signs on the roundabout. The Councils Highway Officer has raised no objection to the proposed advertisements in terms of impacting on the public highway.

### **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework 2012
- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).
- 5.3 Development Plan Document 2: Development Management DM1 (Design Quality)
- 5.4 SPD1 Design & Townscape Guide 2009

### **6 Representation Summary**

#### **Design and Regeneration**

- 6.1 No comments.

#### **Traffic and Transportation**

- 6.2 No objections.

## **Public Consultation**

6.3 Site notice displayed on the 13<sup>th</sup> August 2015 and One letter of representation has been received stating:

- An advert is of no value if it does not attract the attention of those who pass it, and there is not a place on the highway which requires the drivers undivided attention more than at a roundabout, an uncontrolled intersection of several roads with possibly pedestrian crossings as well. These proposals may well be justified commercially but are in road safety terms a totally negative proposition and on that basis the applications should be refused.

## **7 Relevant Planning History**

7.1 None.

**8 Members are recommended to GRANT ADVERTISEMENT CONSENT subject to the following conditions:**

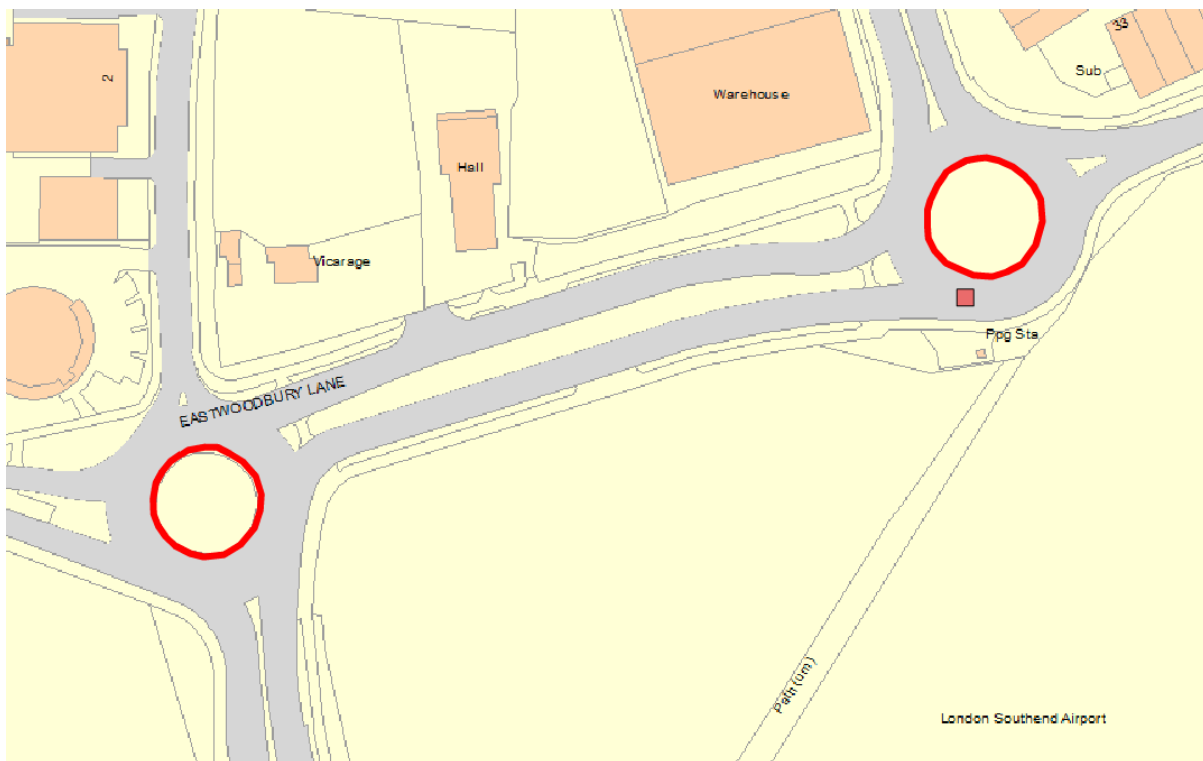
- 1 This consent is granted for a period of 5 years beginning from the date of this consent.**

**Reason: To comply with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) Regulations 2007.**

- 2 The advertisements shall be displayed in accordance with the approved plans: Location Plan; Cuckoo Corner Roundabout Site Plan; Sponsored signage drawing; Cuckoo Roundabout 14.12.2015.**

**Reason: To ensure that the advertisements are displayed in accordance with the policies in the Development Plan.**

<b>Reference:</b>	15/01045/ADV
<b>Ward:</b>	St Laurence
<b>Proposal:</b>	Install seven freestanding non-illuminated signs
<b>Address:</b>	Street Record, Eastwoodbury Lane Roundabout (cherry Orchard), Southend-On-Sea, Essex
<b>Applicant:</b>	Southend Borough Council
<b>Agent:</b>	N/A
<b>Consultation Expiry:</b>	04.09.2015
<b>Expiry Date:</b>	14.01.2016
<b>Case Officer:</b>	Anna Tastsoglou
<b>Plan Nos:</b>	Location Plan; Eastwoodbury Lane Site Plans; Sponsored signage drawing; Eastwoodbury A Roundabout 14.12.2015; Eastwoodbury B Roundabout 14.12.2015
<b>Recommendation:</b>	<b>GRANT ADVERTISEMENT CONSENT</b>



## **1 The Proposal**

1.1 This application proposes to install seven non-illuminated signs to the following roundabouts:

- Roundabout on the junction of Eastwoodbury Lane with Comet Way: four non-illuminated signs 0.5m high x 1m wide.
- Roundabout on the junction of Eastwoodbury Lane with Cherry Orchard Way: three non-illuminated signs 0.5m high x 1m wide.

1.2 The maximum height of the individual letters would be 0.1m. The adverts would be set 0.2m above ground level. The advert would be constructed from recycled plastic posts and aluminium diebond.

## **2 Site and Surroundings**

2.1 The roundabouts are located on Eastwoodbury Lane. One of the roundabouts is sited at the junction of Eastwood Road to the east and west, Comet Way to the north and Nestuda Way to the south, while the other one is at the junction of Eastwoodbury Lane with Cherry Orchard Way. Designated employment land is located to the north of the roundabouts, according to the Development Management DPD. Immediately adjacent to south is located to the London Southend Airport. To the west of Nestuda way lies a protected green space.

## **3 Planning Considerations**

3.1 The main considerations in relation to this application relate to visual amenity and public safety.

## **4 Appraisal**

### **Amenity**

#### **National Planning Policy Framework, DPD1 (Core Strategy) Policy KP2; emerging policy DM1 of Development Management DPD2.**

4.1 The National Planning Policy Framework paragraph 67 states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. The National Planning Policy Framework advises advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

4.2 The Council's Design and Townscape Guide states;

*“Low quality poorly sited or excessive signage can have an adverse effect on both the image of the business and the wider area”.*

*“Large numbers of adverts add clutter to the streetscene and will not be considered appropriate”.*

4.3 The roundabouts are located between the London Southend Airport and a designated employment land. There are existing signs on the roundabouts, albeit of smaller size in relation to the proposed signs. The overall scale and number of advertisements and their siting are not considered to harm the overall amenity of the surrounding area. This element of the proposal is considered acceptable on amenity grounds and is compliant with Council policy.

### **Public Safety**

#### **National Planning Policy Framework, DPD2 (Development Management Document) policy DM15**

4.4 The proposed advertisements are considered acceptable in terms of their siting and will not obstruct the existing road signs on the roundabout. The Councils Highway Officer has raised no objection to the proposed advertisements in terms of impacting on the public highway.

## **5 Planning Policy Summary**

5.1 National Planning Policy Framework 2012

5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).

5.3 Development Plan Document 2: Development Management DM1 (Design Quality)

5.4 SPD1 Design & Townscape Guide 2009

## **6 Representation Summary**

### **Design and Regeneration**

6.1 No comments.

### **Traffic and Transportation**

6.2 No objections.

## **Public Consultation**

6.3 Site notice displayed on the 14<sup>th</sup> August 2015 and one letter of representation has been received stating:

- An advert is of no value if it does not attract the attention of those who pass it, and there is not a place on the highway which requires the drivers' undivided attention more than at a roundabout, an uncontrolled intersection of several roads with possibly pedestrian crossings as well. These proposals may well be justified commercially but are in road safety terms a totally negative proposition and on that basis the applications should be refused.

## **7 Relevant Planning History**

7.1 None.

**8 Members are recommended to GRANT ADVERTISEMENT CONSENT subject to the following conditions:**

**1 This consent is granted for a period of 5 years beginning from the date of this consent.**

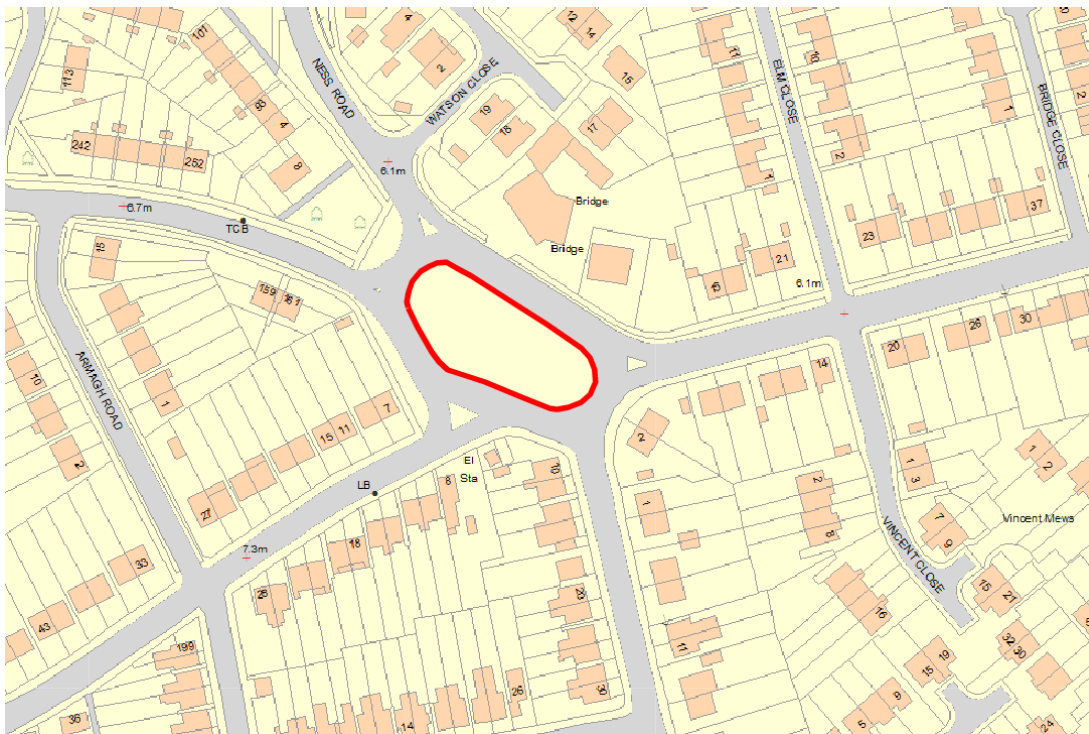
**Reason: To comply with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) Regulations 2007.**

**2 The advertisements shall be displayed in accordance with the approved plans: Location Plan; Eastwoodbury Lane Site Plans; Sponsored signage drawing; Eastwoodbury A Roundabout 14.12.2015; Eastwoodbury B Roundabout 14.12.2015.**

**Reason: To ensure that the advertisements are displayed in accordance with the policies in the Development Plan.**



<b>Reference:</b>	15/01046/ADV
<b>Ward:</b>	Shoeburyness
<b>Proposal:</b>	Install five non-illuminated freestanding signs to Delaware Road, Caulfield Road and Ness Road Roundabout
<b>Address:</b>	Street Record, Elm Road Roundabout (Hermes Way), Shoeburyness, Southend-On-Sea, Essex
<b>Applicant:</b>	Southend Borough Council
<b>Agent:</b>	N/A
<b>Consultation Expiry:</b>	03.09.2015
<b>Expiry Date:</b>	14.01.2016
<b>Case Officer:</b>	Janine Rowley
<b>Plan Nos:</b>	Location Plan; Elm Road Roundabout Site Plan; Sponsored signage drawing; Elm Road Shoeburyness Roundabout 14.12.2015
<b>Recommendation:</b>	<b>GRANT ADVERTISEMENT CONSENT</b>



## **1 The Proposal**

- 1.1 This application proposes to install five non-illuminated signs 0.5m high x 1m wide. The maximum height of the individual letters would be 0.1m. The adverts would be set 0.2m above ground level. The adverts would be constructed from recycled plastic posts and aluminium diebond.

## **2 Site and Surroundings**

- 2.1 The roundabout is located at the junction of Ness Road, Elm Road, Delaware Road, Caulfield Road. The streetscene is characterised by predominantly residential properties with the exception of the Bridge Garage to restaurant to the north of the roundabout.

## **3 Planning Considerations**

- 3.1 The main considerations in relation to this application relate to visual amenity and public safety.

## **4 Appraisal**

### **Amenity**

#### **National Planning Policy Framework, DPD1 (Core Strategy) Policy KP2; emerging policy DM1 of Development Management DPD2.**

- 4.1 The National Planning Policy Framework paragraph 67 states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. The National Planning Policy Framework advises advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

- 4.2 The Council's Design and Townscape Guide states;

*“Low quality poorly sited or excessive signage can have an adverse effect on both the image of the business and the wider area”.*

*“Large numbers of adverts add clutter to the streetscene and will not be considered appropriate”.*

- 4.3 The site is located within a residential area, although there is garage to the northeast between Ness Road and Elm Road. The existing roundabout had advertisements currently, albeit the proposed advertisements are slightly larger. The overall scale of five advertisements and the siting are not considered to harm the overall amenity of the surrounding area. This element of the proposal is considered acceptable on amenity grounds and is compliant with Council policy.

## **Public Safety**

### **National Planning Policy Framework, DPD2 (Development Management Document) policy DM15**

- 4.4 The proposed advertisements are considered in terms of their siting and will not obstruct the existing road signs on the roundabout. The Councils Highway Officer has raised no objection to the proposed advertisements in terms of impacting on the public highway.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework 2012
- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).
- 5.3 Development Plan Document 2: Development Management DM1 (Design Quality)
- 5.4 SPD1 Design & Townscape Guide 2009

## **6 Representation Summary**

### **Design and Regeneration**

- 6.1 No comments.

### **Traffic and Transportation**

- 6.2 No objections.

### **Public Consultation**

- 6.3 Site notice displayed on the 13<sup>th</sup> August 2015 and One letter of representation has been received stating:
- An advert is of no value if it does not attract the attention of those who pass it, and there is not a place on the highway which requires the drivers undivided attention more than at a roundabout, an uncontrolled intersection of several roads with possibly pedestrian crossings as well. These proposals may well be justified commercially but are in road safety terms a totally negative proposition and on that basis the applications should be refused.

**7 Relevant Planning History**

7.1 None.

**8 Members are recommended to GRANT ADVERTISEMENT CONSENT subject to the following conditions:**

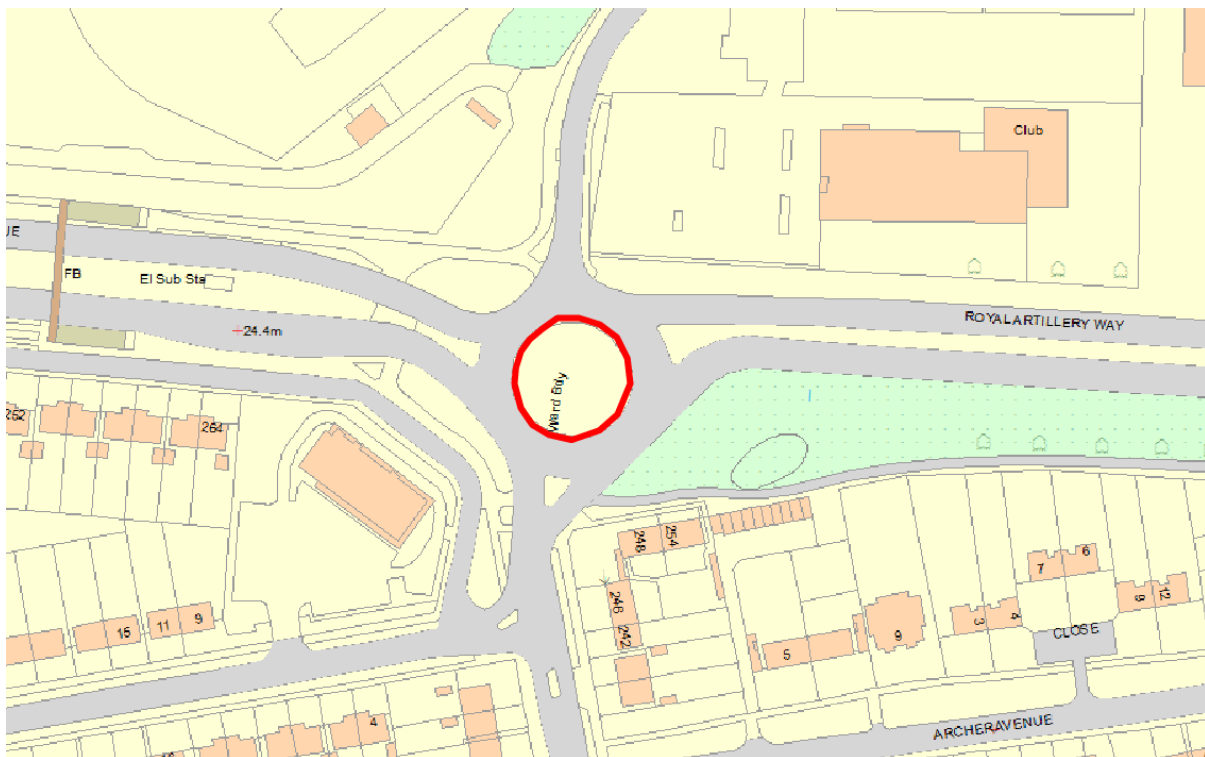
**1 This consent is granted for a period of 5 years beginning from the date of this consent.**

**Reason: To comply with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) Regulations 2007.**

**2 The advertisements shall be displayed in accordance with the approved plans: Location Plan; Elm Road Roundabout Site Plan; Sponsored signage drawing; Elm Road Shoeburyness Roundabout 14.12.2015.**

**Reason: To ensure that the advertisements are displayed in accordance with the policies in the Development Plan.**

<b>Reference:</b>	15/01047/ADV
<b>Ward:</b>	St Lukes
<b>Proposal:</b>	Install four non-illuminated freestanding signs at Eastern Avenue, Hamstel Road and Royal Artillery Way Roundabout
<b>Address:</b>	Roundabout, Royal Artillery Way, Southend-On-Sea, Essex
<b>Applicant:</b>	Southend Borough Council
<b>Agent:</b>	N/A
<b>Consultation Expiry:</b>	04.09.2015
<b>Expiry Date:</b>	14.01.2016
<b>Case Officer:</b>	Anna Tastsoglou
<b>Plan Nos:</b>	Location Plan; Royal Artillery Way Site Plan; Sponsored signage drawing; Garons Park Roundabout 14.12.2015
<b>Recommendation:</b>	<b>GRANT ADVERTISEMENT CONSENT</b>



## **1 The Proposal**

- 1.1 This application proposes to install four non-illuminated signs 0.5m high x 1m wide. The maximum height of the individual letters would be 0.1m. The adverts would be set 0.2m above ground level. The advert would be constructed from recycled plastic posts and aluminium diebond.

## **2 Site and Surroundings**

- 2.1 The roundabout is located at the junction of Royal Artillery Way to the east, Eastern Avenue to the west and Hamstel Road to the south. The streetscene is characterised by predominantly residential properties to the south. The Garon Park is sited to the north and a restaurant/take away unit is located to the southwest.

## **3 Planning Considerations**

- 3.1 The main considerations in relation to this application relate to visual amenity and public safety.

## **4 Appraisal**

### **Amenity**

#### **National Planning Policy Framework, DPD1 (Core Strategy) Policy KP2; emerging policy DM1 of Development Management DPD2.**

- 4.1 The National Planning Policy Framework paragraph 67 states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. The National Planning Policy Framework advises advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
- 4.2 The Council's Design and Townscape Guide states;
- “Low quality poorly sited or excessive signage can have an adverse effect on both the image of the business and the wider area”.*
- “Large numbers of adverts add clutter to the streetscene and will not be considered appropriate”.*

- 4.3 The site is located within a predominantly residential area, although sports grounds and facilities are located to the north of the roundabout. The existing roundabout had four advertisements currently, albeit of smaller size relative to the proposed signs. The overall scale of the advertisements and their siting are not considered to harm the overall amenity of the surrounding area. This element of the proposal is considered acceptable on amenity grounds and is compliant with Council policy.

### **Public Safety**

#### **National Planning Policy Framework, DPD2 (Development Management Document) policy DM15**

- 4.4 The proposed advertisements are considered acceptable in terms of their siting and will not obstruct the existing road signs on the roundabout. The Councils Highway Officer has raised no objection to the proposed advertisements in terms of impacting on the public highway.

### **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework 2012
- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).
- 5.3 Development Plan Document 2: Development Management DM1 (Design Quality)
- 5.4 SPD1 Design & Townscape Guide 2009

### **6 Representation Summary**

#### **Design and Regeneration**

- 6.1 No comments.

#### **Traffic and Transportation**

- 6.2 No objections.

## **Public Consultation**

6.3 Site notice displayed on the 14<sup>th</sup> August 2015 and one letter of representation has been received stating:

- An advert is of no value if it does not attract the attention of those who pass it, and there is not a place on the highway which requires the drivers' undivided attention more than at a roundabout, an uncontrolled intersection of several roads with possibly pedestrian crossings as well. These proposals may well be justified commercially but are in road safety terms a totally negative proposition and on that basis the applications should be refused.

## **7 Relevant Planning History**

7.1 None.

**8 Members are recommended to GRANT ADVERTISEMENT CONSENT subject to the following conditions:**

**1 This consent is granted for a period of 5 years beginning from the date of this consent.**

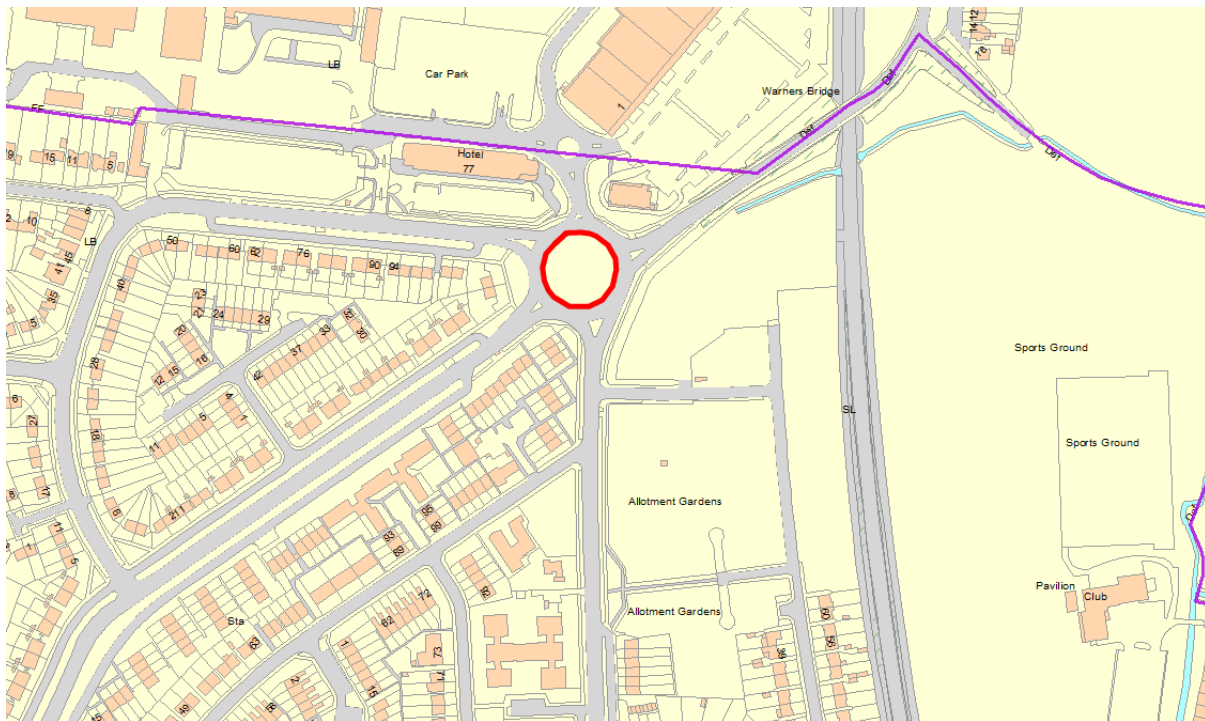
**Reason: To comply with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) Regulations 2007.**

**2 The advertisements shall be displayed in accordance with the approved plans: Location Plan; Royal Artillery Way Site Plan; Sponsored signage drawing; Garons Park Roundabout 14.12.2015**

**Reason: To ensure that the advertisements are displayed in accordance with the policies in the Development Plan.**



<b>Reference:</b>	15/01048/ADV
<b>Ward:</b>	St Laurence
<b>Proposal:</b>	Install five non-illuminated freestanding signs
<b>Address:</b>	Street Record , Harp House Roundabout, Southend-On-Sea, Essex
<b>Applicant:</b>	Southend Borough Council
<b>Agent:</b>	N/A
<b>Consultation Expiry:</b>	02.09.2015
<b>Expiry Date:</b>	14.01.2016
<b>Case Officer:</b>	Ian Harrison
<b>Plan Nos:</b>	Roundabout Location Plan; Harp House Roundabout 26/05/15, Harp House Roundabout 14/12/15 and Sponsored Signage Drawing.
<b>Recommendation:</b>	<b>GRANT ADVERTISEMENT CONSENT</b>



## **1 The Proposal**

- 1.1 This application proposes to install five non-illuminated signs on the roundabout at the application site. Each advert would measure 0.5m high and 1m wide and the adverts would be set 0.2m above ground level. The advert would be constructed from recycled plastic posts and aluminium diebond. The maximum height of the individual letters would be 0.1m

## **2 Site and Surroundings**

- 2.1 The roundabout is located at the junction of Manners Way, Rochford Road and Eastwoodbury Crescent. The surrounding area is characterised by featuring a variety of uses including allotments to the East, the Airport Retail Park to the North and residential properties to the South and West.

## **3 Planning Considerations**

- 3.1 The main considerations in relation to this application relate to visual amenity and public safety.

## **4 Appraisal**

### **Amenity**

#### **National Planning Policy Framework, DPD1 (Core Strategy) Policy KP2; emerging policy DM1 of Development Management DPD2.**

- 4.1 The National Planning Policy Framework paragraph 67 states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. The National Planning Policy Framework advises advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
- 4.2 The Council's Design and Townscape Guide states;
- "Low quality poorly sited or excessive signage can have an adverse effect on both the image of the business and the wider area".*
- "Large numbers of adverts add clutter to the streetscene and will not be considered appropriate".*

- 4.3 The site is located within an area of mixed uses as set out above. The existing roundabout formerly featured advertisements, albeit the proposed advertisements are slightly larger. The overall scale of the proposed advertisements and the siting are not considered to harm the overall amenity of the surrounding area. This element of the proposal is considered acceptable on amenity grounds and is compliant with Council policy.

## **Public Safety**

### **National Planning Policy Framework, DPD2 (Development Management Document) policy DM15**

- 4.4 The proposed advertisements are considered in terms of their siting and will not obstruct the existing road signs on the roundabout. The Councils Highway Officer has raised no objection to the proposed advertisements in terms of their impact on the public highway.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework 2012
- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).
- 5.3 Development Plan Document 2: Development Management DM1 (Design Quality)
- 5.4 SPD1 Design & Townscape Guide 2009

## **6 Representation Summary**

### **Design and Regeneration**

- 6.1 No comments.

### **Traffic and Transportation**

- 6.2 No objections.

### **Public Consultation**

- 6.3 A site notice was displayed at the site on the 12 August 2015. One letter of representation has been received stating that an advert is of no value if it does not attract the attention of those who pass it, and there is not a place on the highway which requires the drivers undivided attention more than at a roundabout, an uncontrolled intersection of several roads with possibly pedestrian crossings as well. These proposals may well be justified commercially but are in road safety terms a totally negative proposition and on that basis the applications should be refused.

**7 Relevant Planning History**

7.1 None.

**8 Members are recommended to GRANT ADVERTISEMENT CONSENT subject to the following conditions:**

- 1 This consent is granted for a period of 5 years beginning from the date of this consent.**

**Reason: To comply with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) Regulations 2007.**

- 2 The advertisements shall be displayed in accordance with the approved plans: Roundabout Location Plan; Harp House Roundabout 26/05/15, Harp House Roundabout 14/12/15 and Sponsored Signage Drawing.**

**Reason: To ensure that the advertisements are displayed in accordance with the policies in the Development Plan.**

<b>Reference:</b>	15/01049/ADV
<b>Ward:</b>	Victoria
<b>Proposal:</b>	Install four non-illuminated freestanding signs
<b>Address:</b>	Street Record, Queensway Roundabout (London Road), Southend-On-Sea, Essex
<b>Applicant:</b>	Southend Borough Council
<b>Agent:</b>	N/A
<b>Consultation Expiry:</b>	02.09.2015
<b>Expiry Date:</b>	14.01.2016
<b>Case Officer:</b>	Ian Harrison
<b>Plan Nos:</b>	Roundabout Location Plan; London Road Roundabout 26/05/15, London Road (Sainsbury's) Roundabout 14/12/15 and Sponsored Signage Drawing.
<b>Recommendation:</b>	<b>GRANT ADVERTISEMENT CONSENT</b>



## **1 The Proposal**

- 1.1 This application proposes to install four non-illuminated signs on the roundabout at the application site. Each advert would measure 0.5m high and 1m wide and the adverts would be set 0.2m above ground level. The advert would be constructed from recycled plastic posts and aluminium diebond. The maximum height of the individual letters would be 0.1m

## **2 Site and Surroundings**

- 2.1 The roundabout is located at the junction of Queensway, London Road and Princes Street. The surrounding area is characterised by featuring a variety of properties including retail uses to the North West and South and a vehicle maintenance place and a take away restaurant to the East.

## **3 Planning Considerations**

- 3.1 The main considerations in relation to this application relate to visual amenity and public safety.

## **4 Appraisal**

### **Amenity**

#### **National Planning Policy Framework, DPD1 (Core Strategy) Policy KP2; emerging policy DM1 of Development Management DPD2.**

- 4.1 The National Planning Policy Framework paragraph 67 states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. The National Planning Policy Framework advises advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
- 4.2 The Council's Design and Townscape Guide states;
- "Low quality poorly sited or excessive signage can have an adverse effect on both the image of the business and the wider area".*
- "Large numbers of adverts add clutter to the streetscene and will not be considered appropriate".*

- 4.3 The site is located within an area of mixed commercial uses as set out above. The existing roundabout has featured advertisements, albeit the proposed advertisements are slightly larger. The overall scale of the proposed advertisements and the siting are not considered to harm the overall amenity of the surrounding area. This element of the proposal is considered acceptable on amenity grounds and is compliant with Council policy.

## **Public Safety**

### **National Planning Policy Framework, DPD2 (Development Management Document) policy DM15**

- 4.4 The proposed advertisements are considered in terms of their siting and will not obstruct the existing road signs on the roundabout. The Councils Highway Officer has raised no objection to the proposed advertisements in terms of their impact on the public highway.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework 2012
- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).
- 5.3 Development Plan Document 2: Development Management DM1 (Design Quality)
- 5.4 SPD1 Design & Townscape Guide 2009

## **6 Representation Summary**

### **Design and Regeneration**

- 6.1 No comments.

### **Traffic and Transportation**

- 6.2 It has been advised that the proposed advertising signs should be set back a sufficient distance from the kerb-line of the roundabout to ensure vehicle and pedestrian sightlines are not interrupted. Advertising signs should not detract or interfere with highway directional signage on the roundabout. Should the above information be adhered to there are no highway objections to this proposal.

## **Public Consultation**

- 6.3 A site notice was displayed at the site on the 12 August 2015. One letter of representation has been received stating that an advert is of no value if it does not attract the attention of those who pass it, and there is not a place on the highway which requires the drivers undivided attention more than at a roundabout, an uncontrolled intersection of several roads with possibly pedestrian crossings as well. These proposals may well be justified commercially but are in road safety terms a totally negative proposition and on that basis the applications should be refused.

## **7 Relevant Planning History**

- 7.1 None.

## **8 Members are recommended to GRANT ADVERTISEMENT CONSENT subject to the following conditions:**

- 1 This consent is granted for a period of 5 years beginning from the date of this consent.**

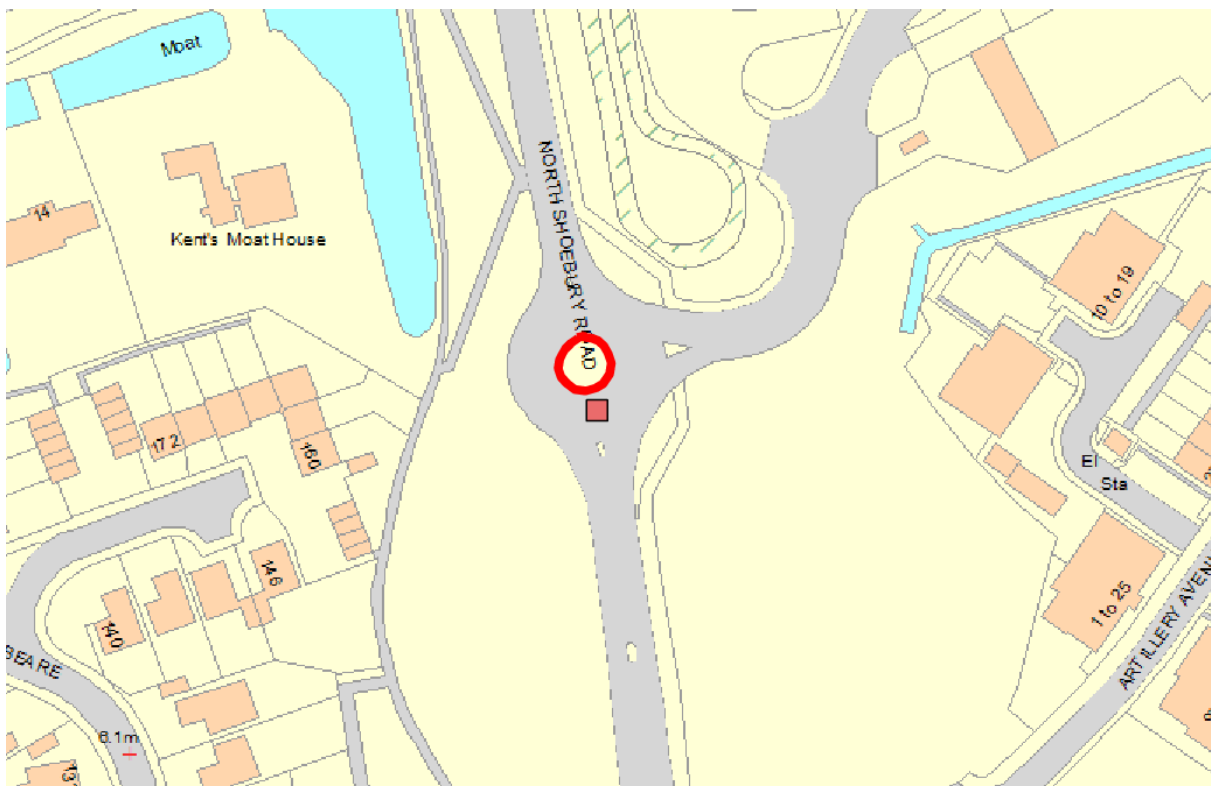
**Reason: To comply with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) Regulations 2007.**

- 2 The advertisements shall be displayed in accordance with the approved plans: Roundabout Location Plan; London Road Roundabout 26/05/15, London Road (Sainsbury's) Roundabout 14/12/15 and Sponsored Signage Drawing.**

**Reason: To ensure that the advertisements are displayed in accordance with the policies in the Development Plan.**



<b>Reference:</b>	15/01050/ADV
<b>Ward:</b>	Shoeburyness
<b>Proposal:</b>	Install three non-illuminated freestanding signs
<b>Address:</b>	Street Record, North Shoebury Road Roundabout (Asda), Shoeburyness, Southend-On-Sea, Essex
<b>Applicant:</b>	Southend Borough Council
<b>Agent:</b>	N/A
<b>Consultation Expiry:</b>	03.09.2015
<b>Expiry Date:</b>	14.01.2016
<b>Case Officer:</b>	Janine Rowley
<b>Plan Nos:</b>	Location Plan; North Shoebury Road Roundabout Site Plan; Sponsored signage drawing; North Shoebury (Asda) Roundabout 11.12.2015
<b>Recommendation:</b>	<b>GRANT ADVERTISEMENT CONSENT</b>



## **1 The Proposal**

- 1.1 This application proposes to install three non-illuminated signs 0.6m high x 0.5m wide. The maximum height of the individual letters would be 0.1m. The adverts would be set 0.5m above ground level. The advert would be constructed from recycled plastic posts and aluminium diebond.

## **2 Site and Surroundings**

- 2.1 The roundabout is located at the junction of North Shoebury Road and Asda to the east. The streetscene is characterised by Asda to the east, a restaurant to the south and residential predominately to the west.

## **3 Planning Considerations**

- 3.1 The main considerations in relation to this application relate to visual amenity and public safety.

## **4 Appraisal**

### **Amenity**

#### **National Planning Policy Framework, DPD1 (Core Strategy) Policy KP2; emerging policy DM1 of Development Management DPD2.**

- 4.1 The National Planning Policy Framework paragraph 67 states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. The National Planning Policy Framework advises advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

- 4.2 The Council's Design and Townscape Guide states;

*“Low quality poorly sited or excessive signage can have an adverse effect on both the image of the business and the wider area”.*

*“Large numbers of adverts add clutter to the streetscene and will not be considered appropriate”.*

- 4.3 The site is located to the west of the junction with Asda to the west are residential properties and a landscaped area. The existing roundabout has three adverts currently, albeit the proposed advertisements are slightly larger. The overall scale of three advertisements and the siting are not considered to harm the overall amenity of the surrounding area. This element of the proposal is considered acceptable on amenity grounds and is compliant with Council policy.

### **Public Safety**

#### **National Planning Policy Framework, DPD2 (Development Management Document) policy DM15**

- 4.4 The proposed advertisements are considered in terms of their siting and will not obstruct the existing road signs on the roundabout. The Councils Highway Officer has raised no objection to the proposed advertisements in terms of impacting on the public highway.

### **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework 2012
- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).
- 5.3 Development Plan Document 2: Development Management DM1 (Design Quality)
- 5.4 SPD1 Design & Townscape Guide 2009

### **6 Representation Summary**

#### **Design and Regeneration**

- 6.1 No comments.

#### **Traffic and Transportation**

- 6.2 No objections.

## **Public Consultation**

6.3 Site notice displayed on the 13<sup>th</sup> August 2015 and one letter of representation has been received stating:

- An advert is of no value if it does not attract the attention of those who pass it, and there is not a place on the highway which requires the drivers undivided attention more than at a roundabout, an uncontrolled intersection of several roads with possibly pedestrian crossings as well. These proposals may well be justified commercially but are in road safety terms a totally negative proposition and on that basis the applications should be refused.

## **7 Relevant Planning History**

7.1 None.

**8 Members are recommended to GRANT ADVERTISEMENT CONSENT subject to the following conditions:**

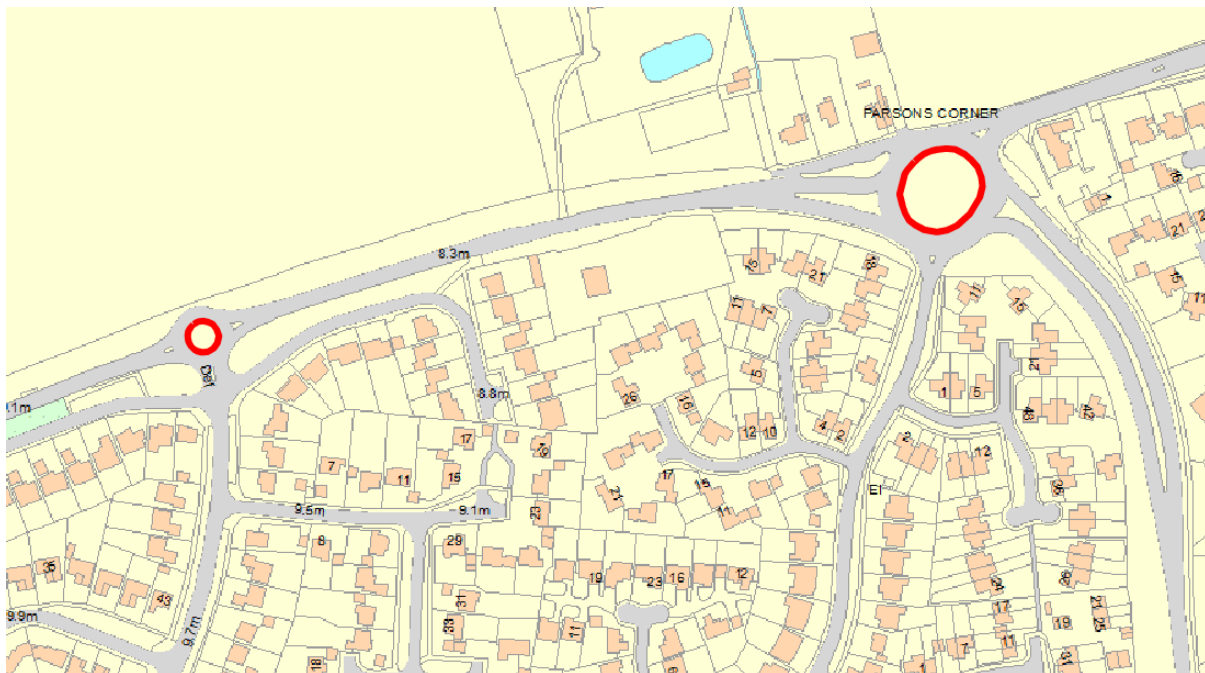
**1 This consent is granted for a period of 5 years beginning from the date of this consent.**

**Reason: To comply with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) Regulations 2007.**

**2 The advertisements shall be displayed in accordance with the approved plans: Location Plan; North Shoebury Road Roundabout Site Plan; Sponsored signage drawing; North Shoebury (Asda) Roundabout 11.12.2015.**

**Reason: To ensure that the advertisements are displayed in accordance with the policies in the Development Plan.**

<b>Reference:</b>	15/01051/ADV
<b>Ward:</b>	West Shoebury
<b>Proposal:</b>	Install seven non-illuminated freestanding signs
<b>Address:</b>	Parsons Corner, Bournes Green Chase Roundabout (Poynters Lane), Shoeburyness, Southend-On-Sea, Essex, SS3 8UD
<b>Applicant:</b>	Southend Borough Council
<b>Agent:</b>	N/A
<b>Consultation Expiry:</b>	04.09.2015
<b>Expiry Date:</b>	14.01.2016
<b>Case Officer:</b>	Anna Tastsoglou
<b>Plan Nos:</b>	Location Plan; Bournes Green Chase Roundabout Site Plan; Sponsored signage drawing; Poynters Lane Roundabout 14.12.2015; Maplin Way Roundabout 14.12.2015
<b>Recommendation:</b>	<b>GRANT ADVERTISEMENT CONSENT</b>



## **1 The Proposal**

- 1.1 This application proposes to install seven non-illuminated signs to the following roundabouts:
- Roundabout on the junction of Bournes Green Chase with Bishopsteignton and North Shoebury Road: four non-illuminated signs 0.5m high x 1m wide.
  - Roundabout on the junction of Bournes Green Chase with Maplin Way North: three non-illuminated signs 0.6m high x 0.5m wide.
- 1.2 The maximum height of the individual letters would be 0.1m. The adverts would be set 0.2m above ground level. The advert would be constructed from recycled plastic posts and aluminium diebond.

## **2 Site and Surroundings**

- 2.1 The roundabouts are located on Bournes Green Chase. One of the roundabouts is sited at the junction of Bournes Green Chase to the east and west, Bishopsteignton to the southwest and North Shoebury Road to the southeast. The second roundabout is on the junction of Bournes Green Chase with Maplin Way North. A greenbelt and best versatile land lies to the north of the roundabouts, while to the south the area is predominantly residential. A grade II listed building is located immediately adjacent to the east of the eastern roundabout.

## **3 Planning Considerations**

- 3.1 The main considerations in relation to this application relate to visual amenity and public safety.

## **4 Appraisal**

### **Amenity**

#### **National Planning Policy Framework, DPD1 (Core Strategy) Policy KP2; emerging policy DM1 of Development Management DPD2.**

- 4.1 The National Planning Policy Framework paragraph 67 states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. The National Planning Policy Framework advises advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

4.2 The Council's Design and Townscape Guide states;

*“Low quality poorly sited or excessive signage can have an adverse effect on both the image of the business and the wider area”.*

*“Large numbers of adverts add clutter to the streetscene and will not be considered appropriate”.*

4.3 The roundabouts are located between a green land to the north and a residential area to the south. There are existing signs on the roundabouts, albeit of smaller size in relation to the proposed signs. The overall scale and number of advertisements and their siting are not considered to harm the overall amenity of the surrounding area. A listed building is located to the east of the eastern roundabout. However, given the existing distance between the proposed signs on the roundabout and the listed cottage to the east, it is considered that its character would be preserved. This element of the proposal is considered acceptable on amenity grounds and is compliant with Council policy.

### **Public Safety**

#### **National Planning Policy Framework, DPD2 (Development Management Document) policy DM15**

4.4 The proposed advertisements are considered acceptable in terms of their siting and will not obstruct the existing road signs on the roundabout. The Council's Highway Officer has raised no objection to the proposed advertisements in terms of impacting on the public highway.

## **5 Planning Policy Summary**

5.1 National Planning Policy Framework 2012

5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).

5.3 Development Plan Document 2: Development Management DM1 (Design Quality)

5.4 SPD1 Design & Townscape Guide 2009

## **6 Representation Summary**

### **Design and Regeneration**

6.1 No comments.

## **Traffic and Transportation**

6.2 No objections.

## **Public Consultation**

6.3 Site notice displayed on the 14<sup>th</sup> August 2015 and one letter of representation has been received stating:

- An advert is of no value if it does not attract the attention of those who pass it, and there is not a place on the highway which requires the drivers' undivided attention more than at a roundabout, an uncontrolled intersection of several roads with possibly pedestrian crossings as well. These proposals may well be justified commercially but are in road safety terms a totally negative proposition and on that basis the applications should be refused.

## **7 Relevant Planning History**

7.1 None.

**8 Members are recommended to GRANT ADVERTISEMENT CONSENT subject to the following conditions:**

**1 This consent is granted for a period of 5 years beginning from the date of this consent.**

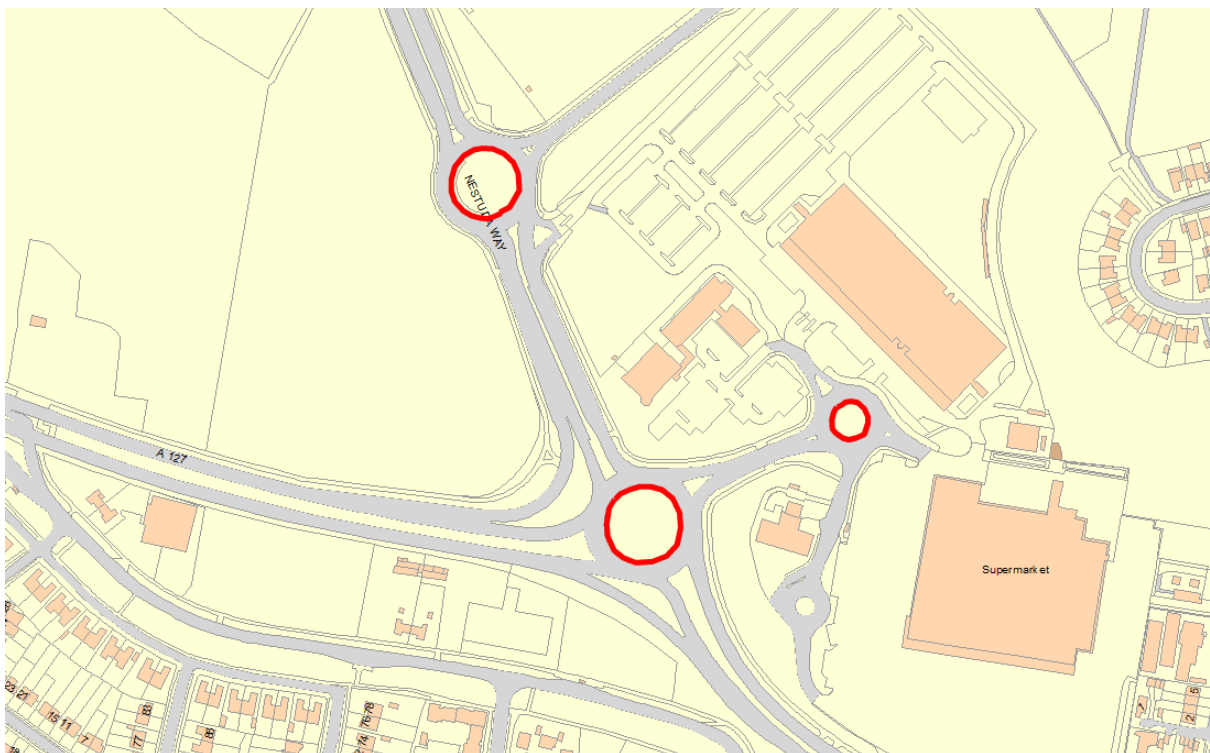
**Reason: To comply with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) Regulations 2007.**

**2 The advertisements shall be displayed in accordance with the approved plans: Location Plan; Bournes Green Chase Roundabout Site Plan; Sponsored signage drawing; Poynters Lane Roundabout 14.12.2015; Maplin Way Roundabout 14.12.2015**

**Reason: To ensure that the advertisements are displayed in accordance with the policies in the Development Plan.**



<b>Reference:</b>	15/01052/ADV
<b>Ward:</b>	St Laurence
<b>Proposal:</b>	Install 11 non-illuminated freestanding signs
<b>Address:</b>	Nestuda Way Roundabout, Prince Avenue, Westcliff-On-Sea, Essex
<b>Applicant:</b>	Southend Borough Council
<b>Agent:</b>	N/A
<b>Consultation Expiry:</b>	02.09.2015
<b>Expiry Date:</b>	14.01.2016
<b>Case Officer:</b>	Ian Harrison
<b>Plan Nos:</b>	Roundabout Location Plan; Tesco & Thanet Grange Roundabout 26/05/15, Nestuda Way Roundabout 26/05/15, Tesco & Thanet Grange Roundabout 04/12/15, Nestuda Way Roundabout 14/12/15, Tesco Roundabout 11/12/15 and Sponsored Signage Drawing.
<b>Recommendation:</b>	<b>GRANT ADVERTISEMENT CONSENT</b>



## **1 The Proposal**

- 1.1 This application proposes to install a total of 11 non-illuminated signs on the three roundabouts at the application site. Each advert would measure 0.5m high and 1m wide and the adverts would be set 0.2m from ground level. The advert would be constructed from recycled plastic posts and aluminium diebond. The maximum height of the individual letters would be 0.1m

## **2 Site and Surroundings**

- 2.1 The three roundabouts are located at the junctions of Thanet Grange, Nestuda Way and Prince Avenue. The area is characterised by featuring commercial properties consisting of a hotel, a public house/restaurant, a large office building and a large supermarket. The Nestuda Way is roundabout is adjacent to the grounds of the London Southend Airport.

## **3 Planning Considerations**

- 3.1 The main considerations in relation to this application relate to visual amenity and public safety.

## **4 Appraisal**

### **Amenity**

#### **National Planning Policy Framework, DPD1 (Core Strategy) Policy KP2; emerging policy DM1 of Development Management DPD2.**

- 4.1 The National Planning Policy Framework paragraph 67 states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. The National Planning Policy Framework advises advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

- 4.2 The Council's Design and Townscape Guide states;

*"Low quality poorly sited or excessive signage can have an adverse effect on both the image of the business and the wider area".*

*"Large numbers of adverts add clutter to the streetscene and will not be considered appropriate".*

- 4.3 The site is located within a commercial area. The existing roundabouts have featured several advertisements in the past, albeit the proposed advertisements are slightly larger. The overall scale of the proposed advertisements and the siting are not considered to harm the overall amenity of the surrounding area. This element of the proposal is considered acceptable on amenity grounds and is compliant with Council policy.

## **Public Safety**

### **National Planning Policy Framework, DPD2 (Development Management Document) policy DM15**

- 4.4 The proposed advertisements are considered in terms of their siting and will not obstruct the existing road signs on the roundabout. The Councils Highway Officer has raised no objection to the proposed advertisements in terms of their impact on the public highway.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework 2012
- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).
- 5.3 Development Plan Document 2: Development Management DM1 (Design Quality)
- 5.4 SPD1 Design & Townscape Guide 2009

## **6 Representation Summary**

### **Design and Regeneration**

- 6.1 No comments.

### **Traffic and Transportation**

- 6.2 It has been advised that the proposed advertising signs should be set back a sufficient distance from the kerb-line of the roundabout to ensure vehicle and pedestrian sightlines are not interrupted. Advertising signs should not detract or interfere with highway directional signage on the roundabout. Should the above information be adhered to there are no highway objections to this proposal

## **Public Consultation**

- 6.3 A site notice was displayed at the site on the 12 August 2015. One letter of representation has been received stating that an advert is of no value if it does not attract the attention of those who pass it, and there is not a place on the highway which requires the drivers undivided attention more than at a roundabout, an uncontrolled intersection of several roads with possibly pedestrian crossings as well. These proposals may well be justified commercially but are in road safety terms a totally negative proposition and on that basis the applications should be refused.

## **7 Relevant Planning History**

- 7.1 None.

## **8 Members are recommended to GRANT ADVERTISEMENT CONSENT subject to the following conditions:**

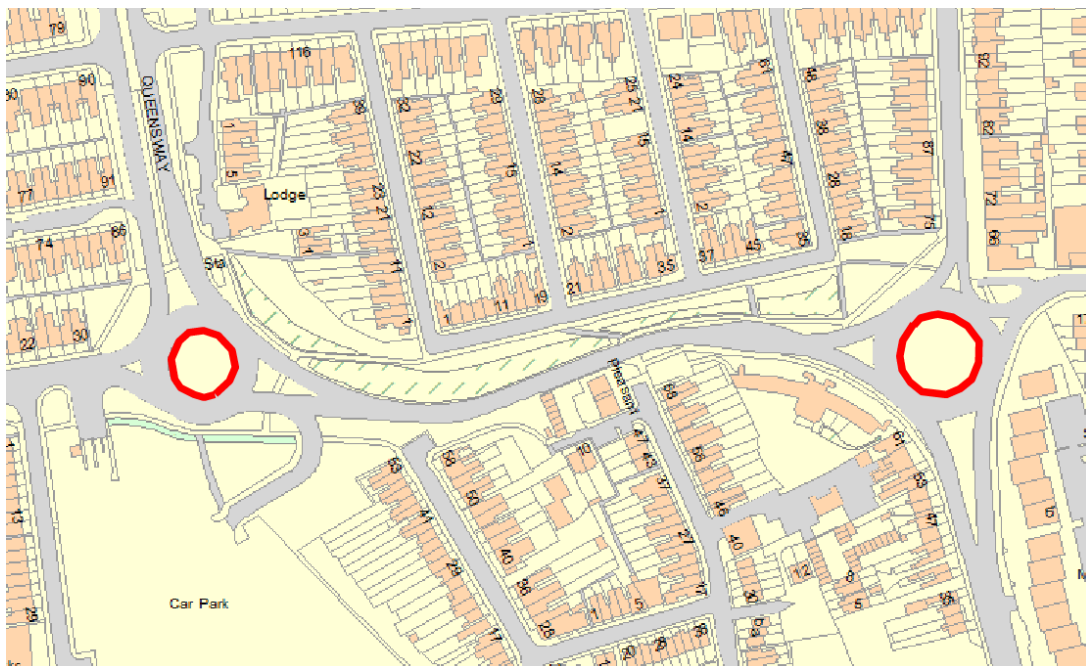
- 1 This consent is granted for a period of 5 years beginning from the date of this consent.**

**Reason: To comply with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) Regulations 2007.**

- 2 The advertisements shall be displayed in accordance with the approved plans: Roundabout Location Plan; Tesco & Thanet Grange Roundabout 26/05/15, Nestuda Way Roundabout 26/05/15, Tesco & Thanet Grange Roundabout 04/12/15, Nestuda Way Roundabout 14/12/15, Tesco Roundabout 11/12/15 and Sponsored Signage Drawing**

**Reason: To ensure that the advertisements are displayed in accordance with the policies in the Development Plan.**

<b>Reference:</b>	15/01053/ADV
<b>Ward:</b>	Kursaal
<b>Proposal:</b>	Install four non-illuminated freestanding signs on Southchurch Avenue roundabout and three non-illuminated freestanding signs on Queensway
<b>Address:</b>	Street Record, Southchurch Avenue Roundabout (Queensway), Southend-On-Sea, Essex
<b>Applicant:</b>	Southend Borough Council
<b>Agent:</b>	N/A
<b>Consultation Expiry:</b>	03.09.2015
<b>Expiry Date:</b>	14.01.2016
<b>Case Officer:</b>	Janine Rowley
<b>Plan Nos:</b>	Location Plan; Queensway/Southchurch Avenue Roundabout Site Plan; Queensway/Chancellor Road Roundabout Site Plan; Sponsored signage drawing; Queensway/Chancellor Road Roundabout 14.12.2015; Queensway/Woodgrange Drive Roundabout 14.12.2015
<b>Recommendation:</b>	<b>GRANT ADVERTISEMENT CONSENT</b>



## **1 The Proposal**

- 1.1 This application proposes to install four non-illuminated signs 0.5m high x 1m wide to the Queensway/Southchurch Avenue roundabout and three to Queensway/Chancellor Road roundabout. The maximum height of the individual letters would be 0.1m. the adverts would be set 0.2m above ground level. The advert would be constructed from recycled plastic posts and aluminium diebond.

## **2 Site and Surroundings**

- 2.1 The Queensway/Southchurch Avenue is located within a residential area. Woodgrange Drive is to the east, Southchurch Avenue to the north and south and Queensway to the west. The Queensway roundabout is located to the east of Southchurch Avenue. The streetscene is characterised by a car park to the south, commercial premises to the west and residential to the east.

## **3 Planning Considerations**

- 3.1 The main considerations in relation to this application relate to visual amenity and public safety.

## **4 Appraisal**

### **Amenity**

#### **National Planning Policy Framework, DPD1 (Core Strategy) Policy KP2; emerging policy DM1 of Development Management DPD2.**

- 4.1 The National Planning Policy Framework paragraph 67 states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. The National Planning Policy Framework advises advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

- 4.2 The Council's Design and Townscape Guide states;

*"Low quality poorly sited or excessive signage can have an adverse effect on both the image of the business and the wider area".*

*"Large numbers of adverts add clutter to the streetscene and will not be considered appropriate".*

- 4.3 The existing roundabouts have advertisements currently, albeit the proposed advertisements are slightly larger. The overall scale of advertisements (4 to Southchurch Avenue and 3 on Queensway). It is not considered the siting will harm the overall amenity of the surrounding area. This element of the proposal is considered acceptable on amenity grounds and is compliant with Council policy.

## **Public Safety**

### **National Planning Policy Framework, DPD2 (Development Management Document) policy DM15**

- 4.4 The proposed advertisements are considered in terms of their siting and will not obstruct the existing road signs on the roundabout. The Councils Highway Officer has raised no objection to the proposed advertisements in terms of impacting on the public highway.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework 2012
- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).
- 5.3 Development Plan Document 2: Development Management DM1 (Design Quality)
- 5.4 SPD1 Design & Townscape Guide 2009

## **6 Representation Summary**

### **Design and Regeneration**

- 6.1 No comments.

### **Traffic and Transportation**

- 6.2 No objections.

### **Public Consultation**

- 6.3 Site notice displayed on the 13<sup>th</sup> August 2015 and one letter of representation has been received stating:
- An advert is of no value if it does not attract the attention of those who pass it, and there is not a place on the highway which requires the drivers undivided attention more than at a roundabout, an uncontrolled intersection of several roads with possibly pedestrian crossings as well. These proposals may well be justified commercially but are in road safety terms a totally negative proposition and on that basis the applications should be refused.

**7 Relevant Planning History**

7.1 None.

**8 Members are recommended to GRANT ADVERTISEMENT CONSENT subject to the following conditions:**

**1 This consent is granted for a period of 5 years beginning from the date of this consent.**

**Reason: To comply with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) Regulations 2007.**

**2 The advertisements shall be displayed in accordance with the approved plans: Location Plan; Queensway/Southchurch Avenue Roundabout Site Plan; Queensway/Chancellor Road Roundabout Site Plan; Sponsored signage drawing; Queensway/Chancellor Road Roundabout 14.12.2015; Queensway/Woodgrange Drive Roundabout 14.12.2015**

**Reason: To ensure that the advertisements are displayed in accordance with the policies in the Development Plan.**



<b>Reference:</b>	15/01054/ADV
<b>Ward:</b>	St Laurence
<b>Proposal:</b>	Install three non-illuminated freestanding signs
<b>Address:</b>	Roundabout, St Laurence Way, Southend On Sea, Essex
<b>Applicant:</b>	Southend Borough Council
<b>Agent:</b>	N/A
<b>Consultation Expiry:</b>	04.09.2015
<b>Expiry Date:</b>	14.01.2016
<b>Case Officer:</b>	Anna Tastsoglou
<b>Plan Nos:</b>	Location Plan; St Lawrence Way Roundabout Site Plan; Sponsored signage drawing; St Lawrence Way Roundabout 14.12.2015
<b>Recommendation:</b>	<b>GRANT ADVERTISEMENT CONSENT</b>



## **1 The Proposal**

- 1.1 This application proposes to install three non-illuminated free-standing signs 0.5m high x 1m wide. The maximum height of the individual letters would be 0.1m. The adverts would be set 0.2m above ground level. The advert would be constructed from recycled plastic posts and aluminium diebond.

## **2 Site and Surroundings**

- 2.1 The roundabout is located on St Laurence Way, southwest of Eastwoodbury Lane. London Southend Airport is located to the northwest of the roundabout.

## **3 Planning Considerations**

- 3.1 The main considerations in relation to this application relate to visual amenity and public safety.

## **4 Appraisal**

### **Amenity**

#### **National Planning Policy Framework, DPD1 (Core Strategy) Policy KP2; emerging policy DM1 of Development Management DPD2.**

- 4.1 The National Planning Policy Framework paragraph 67 states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. The National Planning Policy Framework advises advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

- 4.2 The Council's Design and Townscape Guide states;

*"Low quality poorly sited or excessive signage can have an adverse effect on both the image of the business and the wider area".*

*"Large numbers of adverts add clutter to the streetscene and will not be considered appropriate".*

- 4.3 The site is located within a best versatile land designation adjacent to the London Southend Airport. There are no existing signs on the roundabout; however, the overall scale of the advertisements and their siting are not considered to harm the overall amenity of the surrounding area. This element of the proposal is considered acceptable on amenity grounds and is compliant with Council policy.

## **Public Safety**

### **National Planning Policy Framework, DPD2 (Development Management Document) policy DM15**

- 4.4 The proposed advertisements are considered acceptable in terms of their siting and will not obstruct the existing road signs on the roundabout. The Councils Highway Officer has raised no objection to the proposed advertisements in terms of impacting on the public highway.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework 2012
- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).
- 5.3 Development Plan Document 2: Development Management DM1 (Design Quality)
- 5.4 SPD1 Design & Townscape Guide 2009

## **6 Representation Summary**

### **Design and Regeneration**

- 6.1 No comments.

### **Traffic and Transportation**

- 6.2 No objections.

### **Public Consultation**

- 6.3 Site notice displayed on the 14<sup>th</sup> August 2015 and one letter of representation has been received stating:

- An advert is of no value if it does not attract the attention of those who pass it, and there is not a place on the highway which requires the drivers' undivided attention more than at a roundabout, an uncontrolled intersection of several roads with possibly pedestrian crossings as well. These proposals may well be justified commercially but are in road safety terms a totally negative proposition and on that basis the applications should be refused.

## **7 Relevant Planning History**

- 7.1 None.

**8 Members are recommended to GRANT ADVERTISEMENT CONSENT subject to the following conditions:**

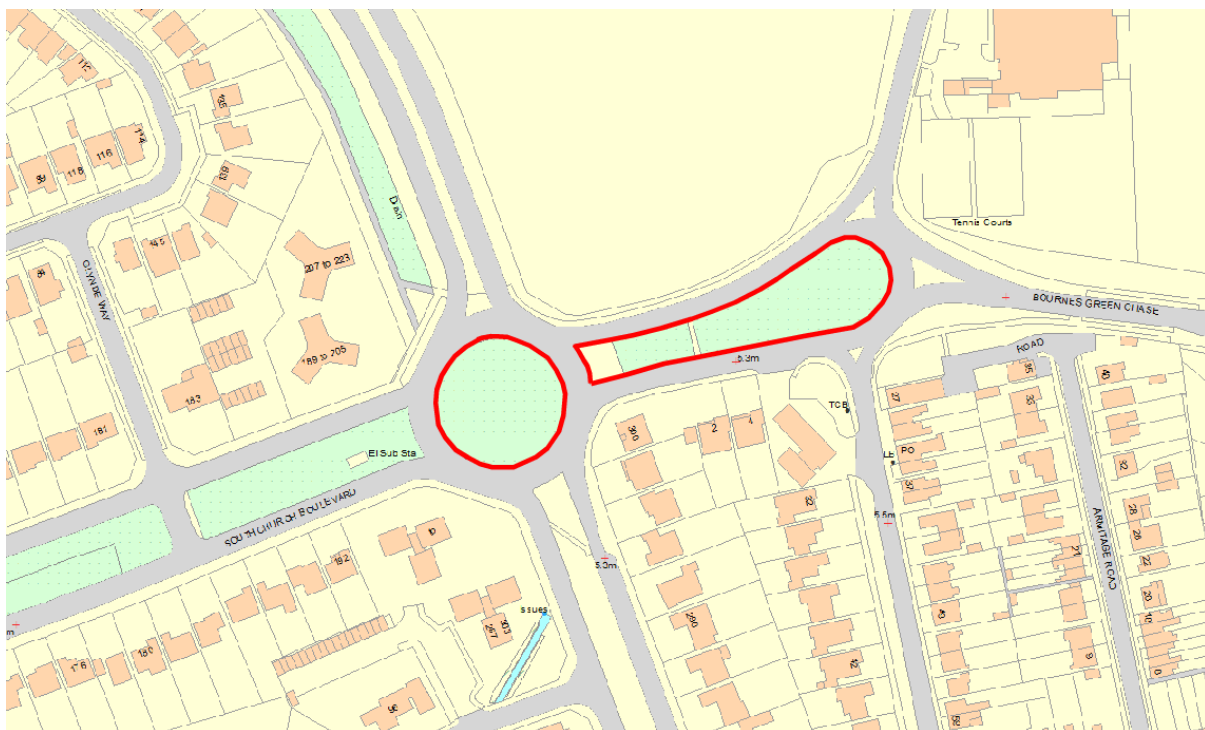
**1 This consent is granted for a period of 5 years beginning from the date of this consent.**

**Reason: To comply with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) Regulations 2007.**

**2 The advertisements shall be displayed in accordance with the approved plans: Location Plan; St Lawrence Way Roundabout Site Plan; Sponsored signage drawing; St Lawrence Way Roundabout 14.12.2015**

**Reason: To ensure that the advertisements are displayed in accordance with the policies in the Development Plan.**

<b>Reference:</b>	15/01057/ADV
<b>Ward:</b>	Southchurch
<b>Proposal:</b>	Install seven non-illuminated freestanding signs
<b>Address:</b>	Street Record, Bournes Green Chase Roundabout (Thorpe Hall Avenue), Southend-On-Sea, Essex
<b>Applicant:</b>	Southend Borough Council
<b>Agent:</b>	N/A
<b>Consultation Expiry:</b>	02.09.2015
<b>Expiry Date:</b>	14.01.2016
<b>Case Officer:</b>	Ian Harrison
<b>Plan Nos:</b>	Roundabout Location Plan; Thorpe Hall Avenue and Bournes Green Chase Roundabout 26/05/15, Thorpe Hall Avenue and Bournes Green Chase Roundabout 14/12/15 and Sponsored Signage Drawing.
<b>Recommendation:</b>	<b>GRANT ADVERTISEMENT CONSENT</b>



## **1 The Proposal**

- 1.1 This application proposes to install seven non-illuminated signs on the roundabout at the application site. Each advert would measure 0.5m high and 1m wide and the adverts would be set 0.2m above ground level. The advert would be constructed from recycled plastic posts and aluminium diebond. The maximum height of the individual letters would be 0.1m

## **2 Site and Surroundings**

- 2.1 The roundabout is located at the junction of Southchurch Road, Bournes Green Chase, Thorpe Hall Avenue, Royal Artillery Way, Waking Road and Shoebury Road. The streetscene is characterised by featuring a variety of land uses including open fields to the North, residential properties to the South and West, a petrol station to the South East and a gym to the North East.

## **3 Planning Considerations**

- 3.1 The main considerations in relation to this application relate to visual amenity and public safety.

## **4 Appraisal**

### **Amenity**

#### **National Planning Policy Framework, DPD1 (Core Strategy) Policy KP2; emerging policy DM1 of Development Management DPD2.**

- 4.1 The National Planning Policy Framework paragraph 67 states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. The National Planning Policy Framework advises advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
- 4.2 The Council's Design and Townscape Guide states;
- "Low quality poorly sited or excessive signage can have an adverse effect on both the image of the business and the wider area".*
- "Large numbers of adverts add clutter to the streetscene and will not be considered appropriate".*

- 4.3 The site is located within an area of mixed uses as set out above. The existing roundabout formerly featured advertisements, albeit the proposed advertisements are slightly larger. The overall scale of the proposed advertisements and the siting are not considered to harm the overall amenity of the surrounding area. This element of the proposal is considered acceptable on amenity grounds and is compliant with Council policy.

## **Public Safety**

### **National Planning Policy Framework, DPD2 (Development Management Document) policy DM15**

- 4.4 The proposed advertisements are considered in terms of their siting and will not obstruct the existing road signs on the roundabout. The Councils Highway Officer has raised no objection to the proposed advertisements in terms of their impact on the public highway.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework 2012
- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).
- 5.3 Development Plan Document 2: Development Management DM1 (Design Quality)
- 5.4 SPD1 Design & Townscape Guide 2009

## **6 Representation Summary**

### **Design and Regeneration**

- 6.1 No comments.

### **Traffic and Transportation**

- 6.2 It has been advised that the proposed advertising signs should be set back a sufficient distance from the kerb-line of the roundabout to ensure vehicle and pedestrian sightlines are not interrupted. Advertising signs should not detract or interfere with highway directional signage on the roundabout. Should the above information be adhered to there are no highway objections to this proposal.

## **Public Consultation**

- 6.3 A site notice was displayed at the site on the 12 August 2015. One letter of representation has been received stating that an advert is of no value if it does not attract the attention of those who pass it, and there is not a place on the highway which requires the drivers undivided attention more than at a roundabout, an uncontrolled intersection of several roads with possibly pedestrian crossings as well. These proposals may well be justified commercially but are in road safety terms a totally negative proposition and on that basis the applications should be refused.

## **7 Relevant Planning History**

- 7.1 None.

## **8 Members are recommended to GRANT ADVERTISEMENT CONSENT subject to the following conditions:**

- 1 This consent is granted for a period of 5 years beginning from the date of this consent.**

**Reason: To comply with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) Regulations 2007.**

- 2 The advertisements shall be displayed in accordance with the approved plans: Roundabout Location Plan; Thorpe Hall Avenue and Bournes Green Chase Roundabout 26/05/15, Thorpe Hall Avenue and Bournes Green Chase Roundabout 14/12/15 and Sponsored Signage Drawing.**

**Reason: To ensure that the advertisements are displayed in accordance with the policies in the Development Plan.**



<b>Reference:</b>	15/01058/ADV
<b>Ward:</b>	Shoeburyness
<b>Proposal:</b>	Install 3 non illuminated adverts to Eagle Way Roundabout (Hermes Way) & install four non illuminated adverts to Vanguard Way Roundabout, Shoeburyness
<b>Address:</b>	Street Record, Eagle Way Roundabout (Hermes Way), Shoeburyness, Southend-On-Sea, Essex
<b>Applicant:</b>	Southend Borough Council
<b>Agent:</b>	N/A
<b>Consultation Expiry:</b>	03.09.2015
<b>Expiry Date:</b>	14.01.2016
<b>Case Officer:</b>	Janine Rowley
<b>Plan Nos:</b>	Location Plan; Vanguard Way Roundabout, Eagle Way Roundabout; Sponsored signage drawing; Eagle Way Roundabout 14.12.2015
<b>Recommendation:</b>	<b>GRANT ADVERTISEMENT CONSENT</b>



## **1 The Proposal**

- 1.1 This application proposes to install four non-illuminated signs 0.5m high x 1m wide on Vanguard Way roundabout and three non-illuminated signs on Eagle Way (Hermes Way) roundabout. The maximum height of the individual letters would be 0.1m. the adverts would be set 0.2m above ground level. The advert would be constructed from recycled plastic posts and aluminium diebond.

## **2 Site and Surroundings**

- 2.1 Vanguard Way roundabout is located at the junction of Elm Road, Hermes Way and Vanguard Way. The streetscene is characterised by predominantly residential properties with the exception of the industrial estate to the south in Vanguard Way.

## **3 Planning Considerations**

- 3.1 The main considerations in relation to this application relate to visual amenity and public safety.

## **4 Appraisal**

### **Amenity**

#### **National Planning Policy Framework, DPD1 (Core Strategy) Policy KP2; emerging policy DM1 of Development Management DPD2.**

- 4.1 The National Planning Policy Framework paragraph 67 states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. The National Planning Policy Framework advises advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
- 4.2 The Council's Design and Townscape Guide states;
- “Low quality poorly sited or excessive signage can have an adverse effect on both the image of the business and the wider area”.*
- “Large numbers of adverts add clutter to the streetscene and will not be considered appropriate”.*

- 4.3 The site is located within a residential area, although there is the Vanguard Way industrial estate to the south of the roundabout at the junction of Elm Road, Hermes Way. The existing roundabout had advertisements currently, albeit the proposed advertisements are slightly larger. The streetscene around Hermes Way and Eagle Way roundabout is residential and the roundabout does not currently have adverts. The overall scale of the proposed advertisements and the siting are not considered to harm the overall amenity of the surrounding area. This element of the proposal is considered acceptable on amenity grounds and is compliant with Council policy.

### **Public Safety**

#### **National Planning Policy Framework, DPD2 (Development Management Document) policy DM15**

- 4.4 The proposed advertisements are considered in terms of their siting and will not obstruct the existing road signs on the roundabout. The Councils Highway Officer has raised no objection to the proposed advertisements in terms of impacting on the public highway.

### **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework 2012
- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).
- 5.3 Development Plan Document 2: Development Management DM1 (Design Quality)
- 5.4 SPD1 Design & Townscape Guide 2009

### **6 Representation Summary**

#### **Design and Regeneration**

- 6.1 No comments.

#### **Traffic and Transportation**

- 6.2 No objections.

## **Public Consultation**

6.3 Site notice displayed on the 13<sup>th</sup> August 2015 and One letter of representation has been received stating:

- An advert is of no value if it does not attract the attention of those who pass it, and there is not a place on the highway which requires the drivers undivided attention more than at a roundabout, an uncontrolled intersection of several roads with possibly pedestrian crossings as well. These proposals may well be justified commercially but are in road safety terms a totally negative proposition and on that basis the applications should be refused.

## **7 Relevant Planning History**

7.1 None.

**8 Members are recommended to GRANT ADVERTISEMENT CONSENT subject to the following conditions:**

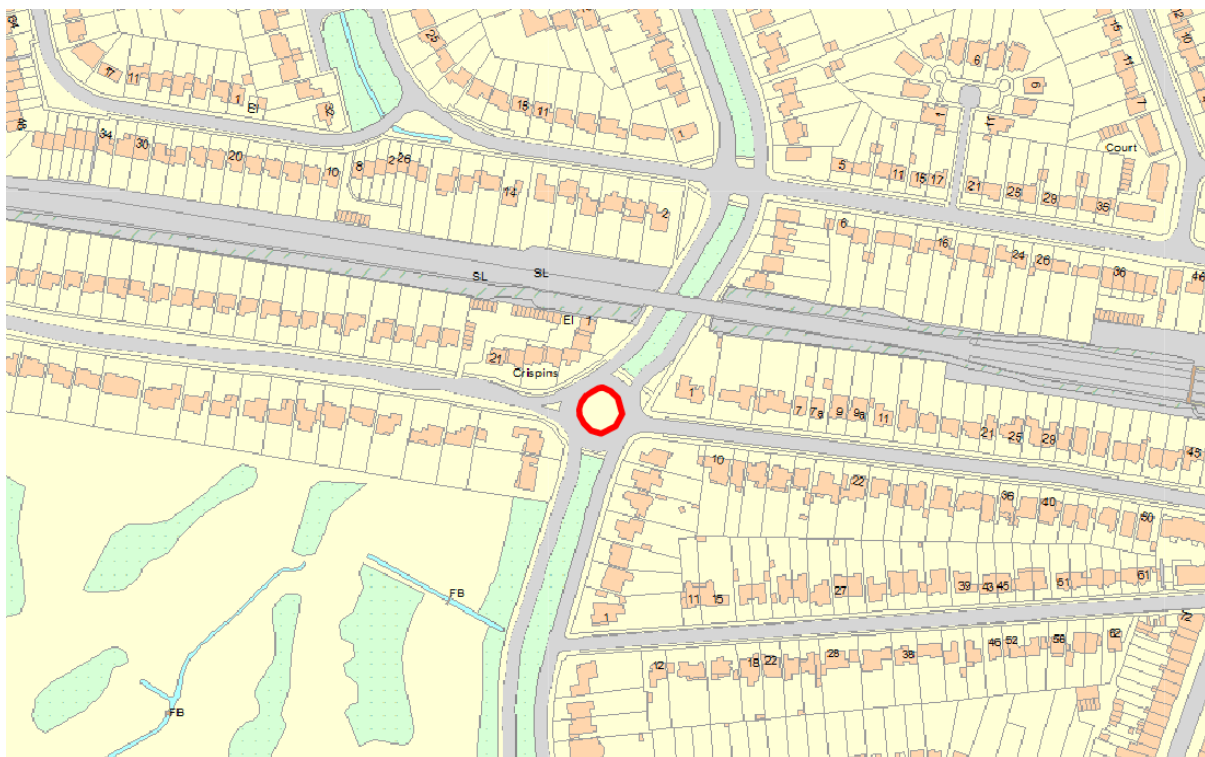
**1 This consent is granted for a period of 5 years beginning from the date of this consent.**

**Reason: To comply with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) Regulations 2007.**

**2 The advertisements shall be displayed in accordance with the approved plans: Location Plan; Vanguard Way Roundabout, Eagle Way Roundabout; Sponsored signage drawing; Eagle Way Roundabout 14.12.2015.**

**Reason: To ensure that the advertisements are displayed in accordance with the policies in the Development Plan.**

<b>Reference:</b>	15/01059/ADV
<b>Ward:</b>	Thorpe
<b>Proposal:</b>	Install four non-illuminated freestanding signs
<b>Address:</b>	Street Record, Thorpe Hall Avenue Roundabout (woodgrange Drive), Thorpe Bay, Essex
<b>Applicant:</b>	Southend Borough Council
<b>Agent:</b>	N/A
<b>Consultation Expiry:</b>	04.09.2015
<b>Expiry Date:</b>	14.01.2016
<b>Case Officer:</b>	Anna Tastsoglou
<b>Plan Nos:</b>	Location Plan; Thorpe Hall Avenue Roundabout Site Plan; Sponsored signage drawing; Thorpe Hall Avenue Roundabout 14.12.2015
<b>Recommendation:</b>	<b>GRANT ADVERTISEMENT CONSENT</b>



## **1 The Proposal**

- 1.1 This application proposes to install four non-illuminated signs 0.5m high x 1m wide. The maximum height of the individual letters would be 0.1m. The adverts would be set 0.2m above ground level. The advert would be constructed from recycled plastic posts and aluminium diebond.

## **2 Site and Surroundings**

- 2.1 The roundabout is located at the junction of Thorpe Hall Avenue to the north and south, Woodgrange Drive to the west and Acacia Drive to the east. The streetscene is characterised by detached dwelling and three storey block of flats to the northeast.

## **3 Planning Considerations**

- 3.1 The main considerations in relation to this application relate to visual amenity and public safety.

## **4 Appraisal**

### **Amenity**

#### **National Planning Policy Framework, DPD1 (Core Strategy) Policy KP2; emerging policy DM1 of Development Management DPD2.**

- 4.1 The National Planning Policy Framework paragraph 67 states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. The National Planning Policy Framework advises advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
- 4.2 The Council's Design and Townscape Guide states;
- "Low quality poorly sited or excessive signage can have an adverse effect on both the image of the business and the wider area".*
- "Large numbers of adverts add clutter to the streetscene and will not be considered appropriate".*

- 4.3 The site is located within a residential area. The existing roundabout had four advertisements currently, albeit of smaller size relative to the proposed signs. The overall scale of the advertisements and their siting are not considered to harm the overall amenity of the surrounding area. This element of the proposal is considered acceptable on amenity grounds and is compliant with Council policy.

### **Public Safety**

#### **National Planning Policy Framework, DPD2 (Development Management Document) policy DM15**

- 4.4 The proposed advertisements are considered acceptable in terms of their siting and will not obstruct the existing road signs on the roundabout. The Councils Highway Officer has raised no objection to the proposed advertisements in terms of impacting on the public highway.

### **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework 2012
- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).
- 5.3 Development Plan Document 2: Development Management DM1 (Design Quality)
- 5.4 SPD1 Design & Townscape Guide 2009

### **6 Representation Summary**

#### **Design and Regeneration**

- 6.1 No comments.

#### **Traffic and Transportation**

- 6.2 No objections.

## **Public Consultation**

6.3 Site notice displayed on the 14<sup>th</sup> August 2015 and one letter of representation has been received stating:

- An advert is of no value if it does not attract the attention of those who pass it, and there is not a place on the highway which requires the drivers' undivided attention more than at a roundabout, an uncontrolled intersection of several roads with possibly pedestrian crossings as well. These proposals may well be justified commercially but are in road safety terms a totally negative proposition and on that basis the applications should be refused.

## **7 Relevant Planning History**

7.1 None.

**8 Members are recommended to GRANT ADVERTISEMENT CONSENT subject to the following conditions:**

- 1 This consent is granted for a period of 5 years beginning from the date of this consent.**

**Reason: To comply with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) Regulations 2007.**

- 2 The advertisements shall be displayed in accordance with the approved plans: Location Plan; Thorpe Hall Avenue Roundabout Site Plan; Sponsored signage drawing; Thorpe Hall Avenue Roundabout 14.12.2015**

**Reason: To ensure that the advertisements are displayed in accordance with the policies in the Development Plan.**



<b>Reference:</b>	15/01065/ADV
<b>Ward:</b>	St Lukes
<b>Proposal:</b>	Install seven freestanding non-illuminated signs to East street and Jones/Victory roundabouts
<b>Address:</b>	Street Record, Sutton Road Roundabout, Southend-On-Sea, Essex
<b>Applicant:</b>	Southend Borough Council
<b>Agent:</b>	N/A
<b>Consultation Expiry:</b>	02.09.2015
<b>Expiry Date:</b>	14.01.2016
<b>Case Officer:</b>	Ian Harrison
<b>Plan Nos:</b>	Roundabouts Location Plan; East Street Roundabout 26/05/15, Jones'/Victory Roundabout 26/05/15, Jones'/Victory Roundabout 04/12/15, East Street Roundabout 14/12/15 and Sponsored Signage Drawing.
<b>Recommendation:</b>	<b>GRANT ADVERTISEMENT CONSENT</b>



## **1 The Proposal**

- 1.1 This application proposes to install 7 non-illuminated signs on the roundabouts at the application site.
- 1.2 Four adverts would be provided on the roundabout at the junction of Eastern Avenue and Sutton Road. Each advert would measure 0.5m high and 1m wide and the adverts would be set 0.2m above ground level. The advert would be constructed from recycled plastic posts and aluminium diebond. The maximum height of the individual letters would be 0.1m
- 1.3 Three adverts would be provided on the roundabout at the junction of East Street and Sutton Road. Each advert would measure 0.5m high and 0.6m wide and the adverts would be set 1m from ground level. The advert would be constructed from recycled plastic posts and aluminium diebond. The maximum height of the individual letters would be 0.1m

## **2 Site and Surroundings**

- 2.1 The roundabouts are located at the junctions of Sutton Road with Eastern Avenue and East Street. The streetscene is characterised by predominantly residential properties, with a few commercial properties and two large areas of open space in the form of sports grounds.

## **3 Planning Considerations**

- 3.1 The main considerations in relation to this application relate to visual amenity and public safety.

## **4 Appraisal**

### **Amenity**

#### **National Planning Policy Framework, DPD1 (Core Strategy) Policy KP2; emerging policy DM1 of Development Management DPD2.**

- 4.1 The National Planning Policy Framework paragraph 67 states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. The National Planning Policy Framework advises advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

4.2 The Council's Design and Townscape Guide states;

*“Low quality poorly sited or excessive signage can have an adverse effect on both the image of the business and the wider area”.*

*“Large numbers of adverts add clutter to the streetscene and will not be considered appropriate”.*

4.3 The site is located within an area of mixed uses as set out above. The existing roundabout has featured advertisements in the past, albeit the proposed advertisements are slightly larger. The overall scale of the proposed advertisements and the siting are not considered to harm the overall amenity of the surrounding area. This element of the proposal is considered acceptable on amenity grounds and is compliant with Council policy.

### **Public Safety**

#### **National Planning Policy Framework, DPD2 (Development Management Document) policy DM15**

4.4 The proposed advertisements are considered in terms of their siting and will not obstruct the existing road signs on the roundabout. The Council's Highway Officer has raised no objection to the proposed advertisements in terms of their impact on the public highway.

## **5 Planning Policy Summary**

5.1 National Planning Policy Framework 2012

5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).

5.3 Development Plan Document 2: Development Management DM1 (Design Quality)

5.4 SPD1 Design & Townscape Guide 2009

## **6 Representation Summary**

### **Design and Regeneration**

6.1 No comments.

### **Traffic and Transportation**

6.2 No objections.

## **Public Consultation**

- 6.3 A site notice was displayed at the site on the 12 August 2015. One letter of representation has been received stating that an advert is of no value if it does not attract the attention of those who pass it, and there is not a place on the highway which requires the drivers undivided attention more than at a roundabout, an uncontrolled intersection of several roads with possibly pedestrian crossings as well. These proposals may well be justified commercially but are in road safety terms a totally negative proposition and on that basis the applications should be refused.

## **7 Relevant Planning History**

- 7.1 None.

## **8 Members are recommended to GRANT ADVERTISEMENT CONSENT subject to the following conditions:**

- 1 This consent is granted for a period of 5 years beginning from the date of this consent.**

**Reason: To comply with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) Regulations 2007.**

- 2 The advertisements shall be displayed in accordance with the approved plans: Roundabouts Location Plan; East Street Roundabout 26/05/15, Jones'/Victory Roundabout 26/05/15, Jones'/Victory Roundabout 04/12/15, East Street Roundabout 14/12/15 and Sponsored Signage Drawing.**

**Reason: To ensure that the advertisements are displayed in accordance with the policies in the Development Plan.**