

<b>Reference:</b>	18/00254/FUL
<b>Ward:</b>	Chalkwell
<b>Proposal:</b>	Form new vehicular access onto The Leas
<b>Address:</b>	W5, The Shore, 22 – 23 The Leas, Westcliff-On-Sea
<b>Applicant:</b>	Westbrook Properties
<b>Agent:</b>	SKArchitects
<b>Consultation Expiry:</b>	21.03.2018
<b>Expiry Date:</b>	11.06.2018
<b>Case Officer:</b>	Kara Elliott
<b>Plan No's:</b>	411-01-17-L01/A
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>



## **1 The Proposal**

- 1.1 Planning permission is sought to create a vehicular crossover at the application site providing parking to the front of the ground floor flat. The proposed crossover would provide access onto The Leas, a classified road.
- 1.2 The proposed crossover would measure five metres wide. The existing hardstanding and sliding gate would provide safe and secure off-street parking for one vehicle.
- 1.3 The application falls to be considered by the Development Control Committee at the request of Councillor Burzotta and Councillor Folkard.

## **2 Site and Surroundings**

- 2.1 The application site relates to flat W5 at the ground floor of The Shore, located in a prominent location on the seafront, close to the junction of The Leas and Grosvenor Road. The proposal would create access to The Leas, approximately 50 metres from the junction with Grosvenor Road.
- 2.2 The application site is located outside of The Leas conservation area, which begins to the east within Grosvenor Road at 21 The Leas.

## **3 Planning Considerations**

- 3.1 The key considerations in relation to this application are the principle of the development, design and impact on the character of the area, any traffic and transport issues and impact on residential amenity.

## **4 Appraisal**

### **Principle of Development**

**NPPF; Core Strategy (2007) Policies KP1, KP2, CP3 and CP4; Development Management Document (2015) Policies DM1, DM3 and DM15.**

- 4.1 Vehicular crossings and hardstanding are considered acceptable in principle, providing that highway safety is not adversely affected, there is no adverse visual impact on the character of the surrounding area and upon residential amenity.

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

**NPPF; Core Strategy (2007) Policies KP1, KP2 and CP4; Development Management Document (2015) Policies DM1 and DM3; The Design & Townscape Guide (2009)**

- 4.2 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in 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.”*

- 4.3 Paragraph 56 of the NPPF states that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*
- 4.4 Policy DM1 of the Development Management Document states that all development should *“contribute positively to the space between buildings and their relationship to the public realm”*. *“Landscape design and the intended use of any open spaces must form an integral part of any proposal, and should be considered from the outset to inform the design process and the creation of successful, inclusive places.”* (Paragraph 2.5 – DM1)
- 4.5 Paragraph 173 of The Design and Townscape Guide states that; *“new crossings and hardstandings should not result in the loss of street trees or planted verges unless they can be replanted within the vicinity.”* With regard to hardstandings, paragraph 325 of the Design and Townscape Guide states that *“hardstandings in front gardens harm the appearance of the individual properties and the Area’s character if badly designed. They will only be acceptable if no reasonable alternative to parking is possible, and there is adequate space in the garden to allow a good design incorporating a suitable surface, landscaping and partial enclosure of the frontage with a traditional boundary wall of railings. It should not involve the loss of mature trees.”*
- 4.6 The proposed crossover would not result in loss of street trees or planted verges or the loss of a garden. In this part of The Leas, between Crowstone Avenue and Grosvenor Road, a total of five vehicular crossovers are observed. It is considered that the proposed crossover would not result in a harmful change in the character of the application site or the wider area or be to the detriment of the appearance of the streetscene.
- 4.7 As the proposed crossover would not appear out of keeping in this location and would not result in material harm to the character and appearance of the surrounding area, it is acceptable and policy compliant in this regard.

### **Traffic and Transport Issues**

#### **NPPF; Core Strategy (2007) Policies CP3; Development Management Document (2015) Policy DM15**

- 4.8 The Leas is a classified road and as such a vehicle will be expected to be able to turn in a space equal to or greater than 8m by 8m, in no more than a ‘three-point-turn’ and enter and leave the site in forward gear, in the interests of highway safety.
- 4.9 The existing hardstanding providing a parking space for one vehicle measuring approximately 9.75 metres wide by 10.75 metres deep and is therefore considered acceptable in relation to facilitating movements that protect highway and pedestrian safety.
- 4.10 It is considered that the hardstanding would be of adequate size to provide one off-street parking space without vehicles overhanging the highway. As a result of the proposed development, the applicant, in coordination with the Council’s Highways Department (separately from planning legislation) as aside from planning legislation, would be required to contribute to the traffic regulation order to amend

the on-street public parking spaces to the front of the site to ensure that on-street parking is not lost as a result of the proposal. An informative should be added to any positive decision to this effect.

- 4.11 The Councils Highways Engineer does not object to the scheme. The proposed development is not considered to result in any material harm to highway safety or the local highway network and is considered to be acceptable and policy compliant in this regard.

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

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

- 4.12 The proposed crossover would provide access for one parking space for the occupants of flat W5 to an area of existing hardstanding located at the front of the flat.
- 4.13 Whilst it is accepted that there are front amenity areas i.e. balconies located above the proposed parking area, it is considered that the everyday movements of one vehicle would not result in material detriment to the amenities of the occupiers of any neighbouring properties from a loss of outlook, loss of privacy, sense of enclosure or harmful impacts from noise, disturbance or pollution. Furthermore, there would be no loss of outlook to any neighbouring properties from the parking of one vehicle at the application site as it should be noted that the only occupiers which would look out to the parking space are the applicants at flat W5.
- 4.14 As mentioned in the above section, this section of The Leas - between Crowstone Avenue and Grosvenor Road – has a total of five existing vehicular crossovers, giving access to a significant number of vehicles. Due to the minor nature of the proposed development and the reasoning described above, the proposed development would be acceptable in regard to its impacts upon residential amenity. It is therefore acceptable and policy compliant in this regard.

#### **Community Infrastructure Levy**

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

- 4.15 No new floor space is created. As such, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and no charge is payable.

### **5 Conclusion**

- 5.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, street scene and the locality more widely. Taking into account the existing vehicular crossovers in the immediate locality it is considered that there would be no material adverse traffic, parking or highways impact caused by the

proposed development. This application is therefore recommended for approval subject to conditions.

## **6 Planning Policy Summary**

- 6.1 The National Planning Policy Framework (2012)
- 6.2 Core Strategy 2007 Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance)
- 6.3 Development Management Document 2015: DM1 (Design Quality), DM3 (The Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management)
- 6.4 The Design & Townscape Guide (2009)
- 6.5 CIL Charging Schedule 2015

## **7 Representation Summary**

### **Transport and Highways**

- 7.1 There are no highway objections to this proposal. Informative to be added in relation to the funding towards on-street parking.

### **Public Consultation**

- 7.2 93 neighbours were consulted and a site notice was displayed. 12 letters of representation were received which raised the following points;
  - There is currently little parking available on this stretch of The Leas so removing parking spaces will cause considerable inconvenience to visitors of Admirals Place and The Shore;
  - Depreciate the appearance of this stretch of the seafront;
  - There are so few parking bays in the Leas for the amount of residents living in this area, particularly since parking was refused at the back of the Shore;
  - The 10 bays which are available are for 48 flats in the Shore, 28 flats in the Admirals plus all the other residential homes in the area as well as visitors to the seafront;
  - Loss of 1 or 2 parking bays on The Leas in an area of great parking pressure;
  - People who have bought expensive parking permits will now lose 2 of 11 spaces;
  - Already long queues of traffic for spaces on fine days;
  - Loss of amenity from noise and loss of outlook from ground floor front parking to the residents of the West Block;
  - Original consent now changes to our detriment and loss of privacy & amenity;
  - Increases walking distance for residents of flats using the on-street parking;
  - Danger to walkers on pavement, including due to nearby flowerbed.
  - W5 already has a designated parking space in the underground car park of

- The Shore;
- Developer already trying to get 16 spaces approved at the back of the building. If won no need to lose 2 public spaces;
- If used by high-sided vehicles, view will be disrupted.

Officer Comment; Please refer to paragraphs 4.9 to 4.11 in relation to impacts upon neighbour amenity. In relation to other comments made, it is accepted that sufficient parking is available for one vehicle per flat within the existing underground car park. This does not result in the proposed development being considered unacceptable and each application is determined on its own merits. These concerns are noted and they have been taken into account in the assessment of the application and discussed in the relevant above sections. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

## **8 Relevant Planning History**

- 8.1 Under the terms of application 07/00850/FUL planning permission was granted for the erection of a 9 storey block of 9 flats linked to and utilising parking facilities beneath the development at no. 22 The Leas. The development of 22 The Leas was granted under the terms of application 07/00820/FULM. Various applications have since been submitted which related to conditions and minor amendments but are not considered to be of relevance to considerations of this application.
- 8.2 Recent planning applications 16/00328/FUL proposed further modifications to the building including the provision of roof terraces, the creation of an additional residential unit within the building and several minor alterations. In addition, 16/01103/FUL granted planning permission for two private roof terraces at sixth and eighth floor level. Similar amendments were also approved under the terms of applications 16/00790/NON and 16/00791/NON.
- 8.3 Two planning applications are currently pending for the creation of two additional flats; one to the sixth floor (17/01574/FUL) and one to the eighth (17/01716/FUL).

## **9 Recommendation**

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

- 01 The development hereby permitted shall begin no 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 plan: 411-01-17-L01/A**

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

**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.**

### **Informatives**

- 1 You are advised that as the proposed alterations to your property do not result in new floorspace and 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.**
- 2 It should be noted that the applicant will be required to contribute to the traffic regulation order to amend the parking spaces to the front of the site to ensure that on-street parking is not lost as a result of the proposal. For more information please contact Southend Borough Council's Highways Department on 01702 215003.**
- 3 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.**