

# Southend-on-Sea Borough Council

Agenda  
Item

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

## Report(s) on Planning Applications

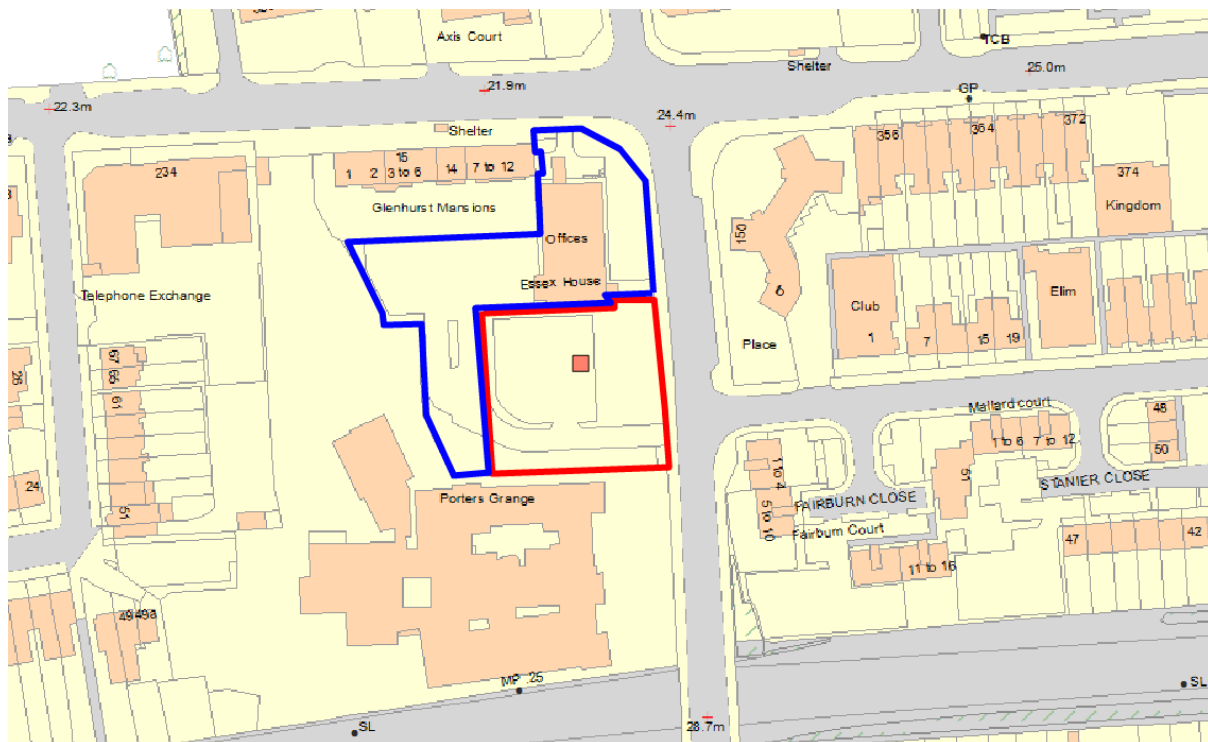
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<b>Reference:</b>	16/00076/FULM
<b>Ward:</b>	Kursaal
<b>Proposal:</b>	Application to remove condition 15 (code for sustainable housing) of planning permission 15/00521/FULM dated 15/07/2015 to erect five storey building with 22 flats.
<b>Address:</b>	Land at Essex House, Southchurch Avenue, Southend-On-Sea, Essex SS1 2LB
<b>Applicant:</b>	Weston Homes Plc
<b>Agent:</b>	n/a
<b>Consultation Expiry:</b>	16/03/16
<b>Expiry Date:</b>	24/05/16
<b>Case Officer:</b>	Ian Harrison
<b>Recommendation:</b>	<b>Delegate to the Head of Planning and Transport or the Group Manager Planning to GRANT PLANNING PERMISSION subject to completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (As Amended).</b>



## **1 The Proposal**

- 1.1 Planning permission was granted on 15<sup>th</sup> July 2015 to *“Erect five storey building comprising of 22 flats, layout 39 car parking spaces including undercroft parking, cycle store, bin store, hard and soft landscaping, changes to ground levels and install access gate to front”*.
- 1.2 This permission was subject to condition 15 which required that:  
  
*“The dwellings shall achieve a Code Level 3 (or higher) in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that Code Level 3 (or higher) has been achieved unless otherwise agreed in writing by the local planning authority.”*
- 1.3 The applicant is seeking the removal of the planning condition on the grounds that the condition was unreasonably imposed as will be discussed further below

## **2 Site and Surroundings**

- 2.1 The application site currently comprised part of the former car park, access and landscaping area of Essex House. The building at the host site was last used for office purposes falling within Use Class B1(a) but development has commenced to enable its change of use (under the terms of application 15/00056/PA3COU) to form 75 flats under permitted development.
- 2.2 The application site contains a half built block of flats that was approved under the terms of application 15/00521/FULM.
- 2.3 The scale and character of the buildings within the surrounding area is very mixed. The height of the buildings in the surrounding area changes significantly and it is noted that the architecture of the buildings also changes significantly.

## **3 Planning Considerations**

- 3.1 Each condition was imposed for reasons which are fully stated within the decision notice. 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**

### **Removal of Condition 12**

- 4.1 As set out above, condition 12 required that the development is undertaken to comply with at least Level 3 of the Code for Sustainable Homes.
- 4.2 The applicant makes the case that this requirement is unreasonable on the grounds that the DCLG have stated that the Code for Sustainable Homes scheme has been revoked and the imposition of conditions with respect to this matter is not allowed.
- 4.3 The applicant is considered to be correct in each of these respects and it is therefore considered that the condition is no longer necessary or reasonable and therefore it is considered that the requirement to comply with that condition should be removed.

### **4.4 Other Matters**

- 4.5 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.”*

- 4.6 For these reasons it is considered appropriate to impose an amended set of conditions that is largely based on those previously used, but removing the condition that is subject of this application and varying conditions on the grounds that some of the required details have already been submitted and agreed.

### **Community Infrastructure Levy**

- 4.7 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.

## **5 Conclusion**

- 5.1 For the reasons set out above, it is considered that condition 12 should be removed.

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework (NPPF) 2012 and National Planning Practice Guidance (NPPG).
- 6.2 DPD1 Core Strategy Policy KP2 (Development Principles).
- 6.3 Development Management DPD Policies DM1 (Design Quality) and DM2 (Low Carbon Development and Efficient Use of Resources)
- 6.4 Community Infrastructure Levy Charging Schedule

## **7 Representation Summary**

- 7.1 None

## **8 Public Consultation**

- 8.1 A site notice was posted at the site. No letters of objection have been received.

## **9 Relevant Planning History**

- 9.1 15 July 2015 (15/00521/FULM): Conditional planning permission granted to “Erect five storey building comprising of 22 flats, layout 39 car parking spaces including undercroft parking, cycle store, bin store, hard and soft landscaping, changes to ground levels and install access gate to front”.

## **10 Recommendation**

**10.1 Members are recommended to:**

**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:**

- **A financial contribution towards affordable housing provision in-lieu of on-site affordable housing.**

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

- 01 The development shall be carried out in accordance with the approved plans: WH166/15/P/35.01, WH166/15/P/35.02, WH166/15/P/50.01, WH166/15/P/05.01, WH166/15/P/10.01, WH166/15/P/10.02, WH166/15/P/25.01, WH166/15/P/30.01, WH166/15/P/30.02 and WH166/15/P/30.03.**

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

- 02 The materials to be used on all external elevations of the development hereby approved shall be in accordance with the details approved under the terms of application 15/01241/AD unless otherwise agreed in writing by the Local Planning Authority.**

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

- 03 The development shall not be occupied until 39 car parking and 22 cycle parking spaces have been provided on hardstandings within the curtilage of the site, together with properly constructed vehicular accesses to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently retained thereafter for the parking of occupiers of and visitors to the development.**

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

- 04 The development shall be undertaken in accordance with the Waste**

**Management Plan approved under the terms of application 15/01241/AD unless otherwise agreed in writing by the Local Planning Authority.**

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

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

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

- 06 The proposed development shall only be undertaken in accordance with the contaminated land assessment and mitigation measures approved under the terms of application 15/01301/AD unless otherwise agreed in writing by the Local Planning Authority.**

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

**In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken of the contamination, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.**

**Reason: To ensure that any contamination on the site is identified and**



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

- 07** Lighting shall only be installed at the site in accordance with the Lighting Scheme approved under the terms of application 15/01241/AD unless otherwise agreed in writing by the Local Planning Authority. No additional external lighting shall be installed on the building without the prior approval of the LPA.

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

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

**Reason:** In order to the protect the amenities of surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy DPD1

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

**Reason:** In order to the protect the amenities of surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy DPD1

- 10** The development shall be undertaken in accordance with the hard and soft landscaping details approved under the terms of application 15/01241/AD unless otherwise agreed in writing by the Local Planning Authority. 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.

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

- 11** A Landscape management plan, including long term design objectives,

**management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the local planning authority prior to the occupation of the development. The landscape management plan shall be implemented out as approved.**

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

- 12 A scheme detailing how at least 10% of the total energy needs of the dwellinghouses 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 occupation of the dwellinghouses. 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).**

- 13 The undercroft area shall be built in accordance with the details approved under the terms of application 15/01241/AD unless otherwise agreed in writing by the Local Planning Authority.**

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

- 14 The proposed development shall only be undertaken in accordance with the surface water drainage scheme approved under the terms of application 15/01241/AD unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In the interests of providing sustainable development and encouraging sustainable drainage at the site in accordance with the NPPF and Policy KP2 of the Core Strategy (DPD1).**

<b>Reference:</b>	16/00154/FULM
<b>Ward:</b>	Southchurch
<b>Proposal:</b>	Erect sports hall, layout hardstanding and landscaping (class D1 non-residential institutions)
<b>Address:</b>	Thorpe Hall School, Waking Road, SS1 3RD
<b>Applicant:</b>	Mr A. Hampton
<b>Agent:</b>	Mr S. Kearney, SKArchitects
<b>Consultation Expiry:</b>	15.03.16
<b>Expiry Date:</b>	04.05.16
<b>Case Officer:</b>	Louise Cook
<b>Plan Nos:</b>	265.P03 Rev A, 265.P04 Rev A, 265.P05 Rev A, 265.P06 Rev A, 265.P07 Rev A, 265.P08 Rev A, 265.P09 Rev A
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## **1 The Proposal**

- 1.1 Planning permission is sought to erect a sports hall, layout hardstanding and landscaping.
- 1.2 The proposed sports hall will measure a maximum of 52m wide x 24m deep x 8.5m high and will have a flat roof. The building will have a gross internal floorspace of 1572sq.m.
- 1.3 The sports hall will be finished in 'Danpalon' Translucent vertical cladding, a 'Britmet Tileform' system single ply membrane roof, powder coated aluminium windows, a frameless glazed door window system. Artwork is proposed to be installed behind the cladding which will be visible externally.
- 1.4 Solar Photovoltaics are proposed to be installed on the roof of the building.
- 1.5 Internally, the proposed sports hall will provide four (badminton) courts, sports storage, plant room, changing rooms and W.Cs, classroom, office, lift, observation areas, fitness suite and a music room/space. Wheelchair access will be available throughout the building.
- 1.6 Grey paving is proposed to link the existing school building to the proposed sports hall and 11no. trees and soft landscaping are proposed to be planted.
- 1.7 The application is CIL liable and chargeable.

## **2 Site and Surroundings**

- 2.1 Thorpe Hall School is located on the eastern side of Wakering Road, approximately 300m north of its junction with Bournes Green Chase.
- 2.2 The site has a rural feel as it lies outside of the built up area of Southend within the Green Belt with open land immediately to the east and west of the site. To the north of the site is Alleyn Court Preparatory School's playing field and to the south of the site is a commercial gym.
- 2.3 The proposed sports hall will be partly sited on existing tennis courts and car park.

## **3 Planning Considerations**

- 3.1 The main planning considerations for this application are principle of development, design and impact on the streetscene, potential impact on neighbouring occupiers, traffic and transportation and developer contributions.

## 4 Appraisal

### Principle of Development

**National Planning Policy Framework; DPD1 (Core Strategy) Policies KP1, KP2, KP3, CP4, CP6, CP7; Development Management Document (DPD2) Policies DM1, DM2 and DM15 and the Design and Townscape Guide SPD1 (2009)**

- 4.1 The proposed sports hall will be located to the rear of the existing school building on the existing outdoor tennis courts. This part of the site is designated as Greenbelt and Protected Green Space as set out on the Development Management Document Proposals Map.
- 4.2 Policy KP1 of the Core Strategy details that a Green Belt will be maintained around the urban area of Southend and Policy KP2 goes on to add that all new development should contribute to the economic, social, physical and environmental regeneration of Southend in a sustainable way by making the most of previously developed land and minimising the use of 'greenfield' land.
- 4.3 Policy CP4 of the Core Strategy states (amongst others) 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 which will be achieved by maintaining the function and open character of a sustainable Green Belt.
- 4.4 Policy CP6 relates to community infrastructure and new development should not jeopardise the Borough's ability to improve education attainment, health and well-being of local residents and visitors to Southend and this will be achieved by supporting improvements to existing, and the provision of new, facilities to support the needs of education, skills and lifelong learning strategies.
- 4.5 Policy CP7 relates to sport, recreation and green space and states that the Borough Council will bring forward proposals that contribute to sports, recreation and green space facilities within the Borough for the benefit of local residents and visitors.

4.6 The application is for development within the Green Belt. The National Planning Policy Framework (NPPF) (section 9) states that the fundamental aim of green belt policy is to prevent urban sprawl and keep the land permanently open. The five purposes of the Green Belt are:

- i. to check the unrestricted sprawl of large built up areas;
- ii. to prevent neighbouring towns from merging into one another;
- iii. to assist in safeguarding the countryside from encroachment;
- iv. to preserve the setting and special character of historic towns; and
- v. to assist in urban regeneration by encouraging the recycling of derelict and other urban land.

4.7 Paragraph 87 of the NPPF makes it clear, that as with previous Green Belt policy there is a general presumption against inappropriate development within the Green Belt. The construction of new buildings within the Green Belt is inappropriate unless for specific purposes. Those being:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

- 4.8 The NPPF (para.87) advises inappropriate development is by definition harmful to the Green Belt, and should not be approved except in 'very special circumstances'. It is for the applicant to demonstrate why 'very special circumstances' exist. Substantial weight must be given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (para.88). Whilst the NPPF sets out a presumption in favour of sustainable development, development within land designated Green Belt is effectively excluded from the presumption (para.14).
- 4.9 The proposed development is for indoor rather than outdoor sports facilities and therefore, does not fall within the types of development considered appropriate to the Green Belt as defined within the NPPF (as set out above). As such, the proposal constitutes inappropriate development and is by definition harmful to the Green Belt. This area of Green Belt has an open and spacious, rural character, and lies outside of the established built up area of Bournes Green, to the north of Royal Artillery Way and Bournes Green Chase.
- 4.10 Whilst the proposed development will be built partly on the existing school tennis court and car park which are areas already hardsurfaced and have an impact on openness, the proposed building would represent further development of the rural area and detract from its open and rural character. Whilst the proposed building has been designed using external translucent cladding, it will be visible from fields to the east and views across the site, in particular from the south.
- 4.11 Some tree screening is proposed to the west and south of the building incorporating 3no. Chinese Red Birch trees and 8no. West Himalayan Birch trees and a soft landscaped slope.
- 4.12 Paragraph 74 of the NPPF states:

*“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- The loss resulting from the proposed development would be replaced by better provision in terms of quantity and quality in a suitable location; or
- The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”

4.13 The key potential sports development benefits of the proposed development are set out by the applicant:

- A new four (badminton) court sports hall would be provided. This would provide a modern indoor sport facility for meeting the school's curricular and extra-curricular PE needs. At present the school only has a small indoor space for PE which is inadequate in terms of space and suitability for being used for a range of sports. The proposed sports hall would address the deficiencies of the existing facilities and provide a modern sports hall that would be suitable for a range of indoor sports in terms of educational use. In particular, it would allow the school to offer opportunities for sports including cricket, netball, football and basketball which are not possible to offer at present.
- The proposed fitness suite on the first floor of the building would widen the range of sport and active recreational opportunities available to the school and would complement the sports hall by providing an additional activity space that would offer the school more flexibility for delivery of the PE curriculum.
- The new changing facilities would be suitable for meeting modern needs and expectations which would help encourage participation in sport by students.
- It is proposed that the sports hall and the other facilities would be made available for community use in the future outside of school hours and would therefore offer potential for meeting community indoor sports facility needs. While there is no local assessment of community sports halls needs available, Sport England's Facilities Planning Model indicates that the existing local authority sport halls in Southend may be operating above the desired levels of use during peak periods and that there is a small amount of unmet demand within the local authority area. Consequently, the provision of a new sports hall that could offer community access during peak periods of community use may help relieve any capacity issues at existing facilities.

#### 4.14 *Impact on the Playing Field*

In relation to the impact on the playing field, the sports hall building would result in the loss of the existing tennis courts and encroach slightly onto the adjoining natural turf playing field. It is understood that the courts are not used for tennis by the school as they are undersized and that there is no community use of them. Instead, the school uses the tennis courts at nearby Garon Park for meeting its tennis needs. The school proposed to mitigate this by delivering tennis in the sports hall. It is proposed that netball and football that is currently played on the courts is relocated to the sports hall.



The school has agreed to work with the Lawn Tennis Association (LTA) to develop tennis in the new facility as well as enter into a community use agreement. Whilst the proposed development would encroach onto the edge of the natural turf playing field, the submitted playing pitch layouts indicate that the nearest football pitch would not be affected and most of the space that would be lost would not be capable of forming a playing pitch in any case due to inadequate space.

- 4.15 No objection has been raised by Sport England, provided that a community use agreement is condition is imposed should permission be granted.

#### *The Case for Very Special Circumstances*

- 4.16 The applicant states that the proposed development represents 'very special circumstances' in that it will be able to deliver a full and rounded curriculum which includes sporting activities. At present the school facilities are shared between that of the main hall of the school which is used as a dining facility and the sports hall. In terms of the amount of use, this only allows 50% of the day to be undertaking any part of the sporting curriculum which is not sufficient to meet the current curriculum and school needs. As a result of this, the new facility is essential to sustain and deliver a full curriculum and to ensure the school remains competitive. The school currently drives to Garons to use their sports facilities however, it is not considered sustainable to continue this.
- 4.17 The entire site is located within the Green Belt. It is noted that adequate indoor sports facilities cannot be provided outside of the Green Belt as the school has no land outside of the Green Belt. Given that this is a private standalone school, it is not possible to share facilities with another school and this would not be practical transferring children by coach.
- 4.18 Taking into account all of the above factors, it is considered that there is a need for this facility and there is no other practicable alternative outside of the Green Belt. Therefore, the principle of the proposed development in this instance is considered to be acceptable and very special circumstances given.

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

**National Planning Policy Framework; DPD1 (Core Strategy) Policies KP2, CP4; Development Management Document Policies DM1, DM2 and the Design and Townscape Guide SPD1 (2009)**

- 4.19 The NPPF states at paragraph 56:

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

- 4.20 Policies KP2 and CP4 of the Core Strategy details that all new development should respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design.
- 4.21 Policy DM1 of the Development Management Document states that the Council will support good quality, innovative design that contributes positively to the creation of successful places and add to the overall quality of the area and respect the character of the site, local context and its surroundings.
- 4.22 The proposed building will have a modern design which there is no objection to. It will be finished in a clear polycarbonate cladding which will add interest to the building and complement its modern design. There is no objection to the use of this material which will appear lightweight and contrast against the red brickwork of the existing school building. Full details of materials can be required by condition.
- 4.23 Whilst the scale of the building is rather large, this is required to ensure that the building is functional and meet the needs of the school and its curriculum.
- 4.24 There are tree preservation orders on the group of trees located along the eastern boundary of the site. The corner of the proposed sports hall will be located up to this boundary and there are trees located within close proximity of the building. A tree survey has been requested to ensure that the proposed development will not have a detrimental impact upon these trees and further information will be provided on the Supplementary Report.

### **Impact on Neighbouring Occupiers**

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

- 4.25 Policy DM1 of the Development Management Document states that all 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.
- 4.26 Given the location of the school site and significant level of separation from neighbouring residential occupiers, it is not considered that the proposed development would have any impact upon the amenities of neighbouring occupiers. It is not considered that the use of the building outside of school hours by members of the community would have an adverse impact on neighbouring occupiers and it is not considered that it would give rise to noise or disturbance.
- 4.27 Therefore, it is considered that the proposed development satisfies the policies set out above.

## **Traffic and Transportation**

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

- 4.28 The school currently has 128 car parking spaces for staff and visitors. Policy DM15 (Appendix 6) of the Development Management Document requires 1 car parking space per 15 full time staff.
- 4.29 The proposed development will not increase the levels of full time staff currently employed at the school and will not result in the loss of existing staff parking on site. There are approximately four spaces which would be lost by the proposed building. However, the relining of the car park following development can satisfactorily accommodate these spaces and further details can be required by condition.
- 4.30 The proposed development would be detrimental to highway or pedestrian safety given its siting.
- 4.31 Therefore, it is considered that the proposed development satisfies the policies set out above.

## **Sustainable Construction**

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

- 4.32 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. The policy states that at least 10% of the energy needs of new development should come from on-site renewable options.
- 4.33 Policy DM2 of the Development Management Document requires new development to be energy and resource efficient.
- 4.34 Solar photovoltaic cells are proposed to be installed on the roof of the sports hall which the applicant states will achieve the 10% energy requirements of Policy KP2. Whilst no further details have been provided, should permission be granted, a condition can be imposed to ensure full details are submitted and agreed with the Local Planning Authority if this application is deemed acceptable to ensure the proposal complies with the National Planning Policy Framework 2012, Development Management Policy DM2, Core Strategy Policy KP2, and advice contained within the Design & Townscape Guide SPD1.

- 4.35 Details of Sustainable Urban Drainage systems will also be required by condition to ensure suitable drainage is provided and permeable paving to mitigate surface water run-off.

### **Developer Contributions**

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

- 4.36 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.
- 4.37 A CIL rate of £10 per square metre is required for the proposed development. Therefore, including inflation, a CIL charge of £16,626.92 is payable.

### **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework, 2012.
- 5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure) and CP7 (Sport, Recreation and Green Space).
- 5.3 Development Management Document Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources) and DM15 (Sustainable Transport Management).
- 5.4 Design & Townscape Guide, 2009 (SPD1).
- 5.5 The Community Infrastructure Levy Regulations (as amended)
- 5.6 The Community Infrastructure Levy Charging Schedule, 2015.

### **6 Representation Summary**

#### **Design**

- 6.1 The proposed development will represent a significant addition to the school. Whilst the improvement of sports facilities is not objected to in principle, it is considered that the building will result in a noticeable change to the overall scale of school and this will need to be justified.

- 6.2 There is also a concern that as proposed the corner of the building almost touches the boundary and may have a detrimental impact on the preserved trees in this location. No tree report has been submitted with the application. **[Officer comment: A tree report has been requested and further details will be set out on the Supplementary Report.]**
- 6.3 Notwithstanding the issue of scale, there is no objection to the proposed modern design which shows the building to be a translucent box with a focal entrance formed by a triangular cut out to the corner at ground floor with an overhanging first floor. This is a simple but effective design and its success will rely on the quality of the exterior materials. Samples of materials should be required by condition should permission be granted.

### **Environmental Protection**

- 6.4 No detail has been provided regarding any plant or equipment to be installed and therefore a condition required noise rating level is requested to be imposed on any planning permission. Conditions also requested relating to hours of construction.

### **Highways**

- 6.5 There are no highway objections to the proposal. It is considered that parking on site can accommodate any additional trip generation as a result of the proposal and the site will not affect the existing staff car park.

### **Parks**

- 6.6 No comments received.

### **Sport England**

- 6.7 No objection, subject to the following condition being imposed should permission be granted requiring a community use agreement being submitted to and approved in writing by the Local Planning Authority (in consultation with Sport England) prior to the first occupation of the development to ensure that community access to the sports hall is secured. Without suitable community access being secured over a long term period in practice, one of the principal sports development benefits of the proposals would not be realised.

### **Public Consultation**

- 6.8 Neighbours notified and a site notice displayed – 20 letters of representation have been received in support of the application.

## **7 Relevant Planning History**

- 7.1 01/01264/FUL: Demolish temporary classrooms, erect two storey building incorporating multi-purpose hall, erect single storey extension to include garage, reposition tennis courts, lay out 38 parking spaces and new access onto northern boundary (Amended) – Approved.
- 7.2 99/0016: Demolish temporary classrooms erect two storey building incorporating a multi-purpose hall erect single storey extension at southern end to include garage; reposition tennis courts and lay out 36 additional parking spaces with new access onto northern boundary – Approved.

## **8 Recommendation**

**GRANT PLANNING PERMISSION subject the results of the tree survey and 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: 265.P03 Rev A, 265.P04 Rev A, 265.P05 Rev A, 265.P06 Rev A, 265.P07 Rev A, 265.P08 Rev A, 265.P09 Rev A.**

**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 building 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 the area 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 The landscaping shall be implemented in accordance with planting plan ref. 265.P09 Rev A, unless otherwise agreed in writing by the Local Planning Authority. Such agreed details shall be permanently retained.**

**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 landscaping scheme referred to in condition 04 above shall be carried out within the first available planting season following 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: 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. 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 use of sports hall, fitness suite and changing facilities hereby approved shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The agreement shall cover hours of use, types of bookings accepted, restrictions on community use, pricing policy, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any other time other than in strict compliance with the approved agreement.**

**Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Core Strategy Policy CP7.**

- 08** Prior to the first use of the sports hall hereby approved, details of the relined staff car park to the north of the sports hall shall be submitted to and approved in writing by the Local Planning Authority. The car park shall be relined and permanently retained in accordance with the agreed details.

**Reason:** To ensure satisfactory parking provision for staff in accordance with Policy DM15 of the Development Management Document.

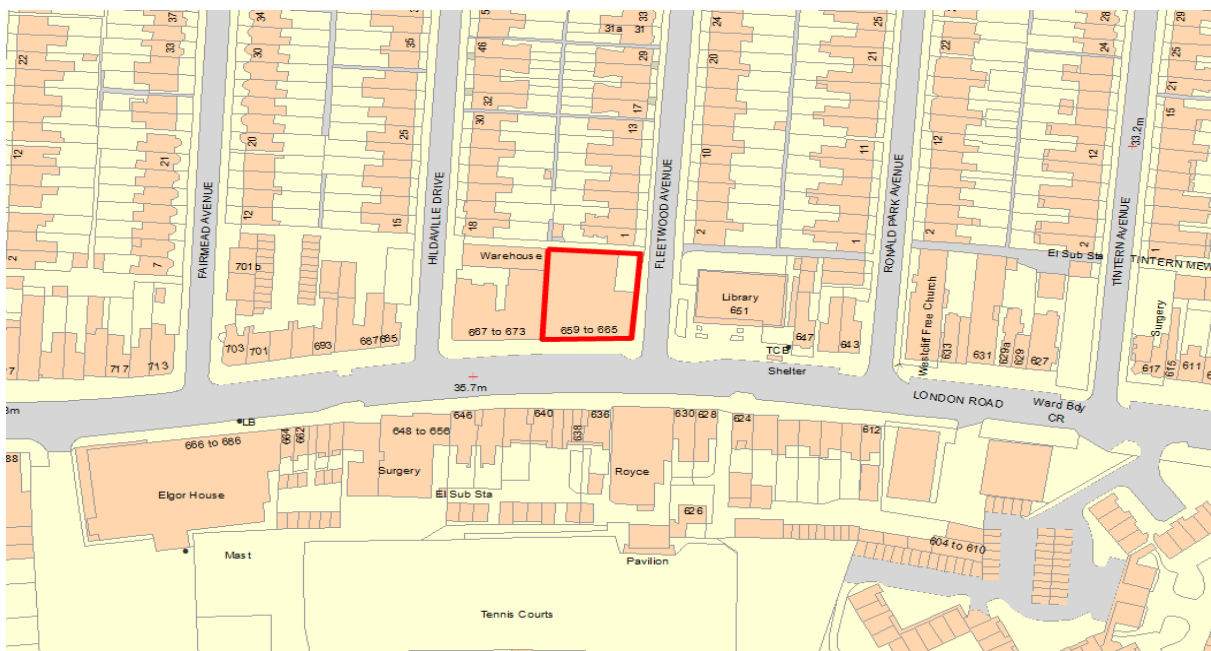
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in 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>	16/00204/FULM
<b>Ward:</b>	Westborough
<b>Proposal:</b>	Demolish existing building and erect four storey building comprising of 16 flats with ground floor retail unit (Class A1) and parking, layout cycle store, bin store and form vehicle access onto Fleetwood Avenue (Amended Proposal).
<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>	16/03/16
<b>Expiry Date:</b>	19/05/16
<b>Case Officer:</b>	Ian Harrison
<b>Plan Nos:</b>	01, 02, 03, 04, 05, 06, 07, 08 and 09.
<b>Recommendation:</b>	<b>Delegate to the Head of Planning and Transport or the Group Manager Planning to GRANT PLANNING PERMISSION subject to completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (As Amended).</b>



## **1 The Proposal**

- 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 16 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 18.3 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.
- 1.5 At third floor level, the built form would be recessed from the front elevation of the building by 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, 8.9 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 32 and 29 square metres and a communal terrace to the rear that would measure 133 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.
- 1.6 As set out above, vehicular access is proposed from Fleetwood Avenue via an undercroft access. Seventeen parking spaces would be provided to serve the proposed development including two 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.
- 1.7 The dimensions of the proposed flats are fully set out at paragraph 4.19 below. The first and second floor flats would each feature balconies except for the Northernmost flats at the Fleetwood Avenue frontage.

1.8 This application follows the refusal of application 15/01743/FULM for the following three reasons:

1. *The proposed units, by reason of their limited space, would fail to meet the requirements of the National Technical Housing Standards and policies DM1 and DM8 of DPD (Development Management). Also, it has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed residential unit would accord with the standards of Part M of the Building Regulations and the proposed development would result in a poor standard of accommodation for future occupiers, as required by the NPPF, the Technical Housing Standards and policies DM1 and DM8 of DPD2 (Development Management).*
2. *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.*
3. *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)*

1.9 The amended scheme includes a revised mix of unit sizes and revisions to the internal floorspace of the units.

## **2 Site and Surroundings**

2.1 The application site currently contains a two storey building with single storey rear projection 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. The relevant dwelling mixes of the previous proposal (application 15/01743/FULM) and this application are also shown in the table below.

Dwelling size:	1-bed	2-bed	3-bed	4-bed
No bedrooms				
Policy Position	9%	22%	49%	20%
15/01743/FULM	44.4%	50%	5.6%	0%
Proposal	12.5%	62%	24.5%	0%

4.5 It is therefore the case that the proposed development would still not provide a development that would entirely reflect the Borough’s housing need and housing demand as set out in Policy DM7 of the Development Management Document DPD2. However, it is considered that the mix is more suitable than the previous proposal and therefore, it is considered that the increased provision of a quarter of the units as three bedroom flats is sensible and acceptable. The number of one bedroom flats would be close to matching the required mix of policy DM7 and therefore it is considered that the reduction of the number of small flats that is proposed is in accordance with the abovementioned policy. The proposal has therefore overcome the previous concern that was raised and the second reason for the refusal of the previous application has been satisfactorily addressed.

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.

As set out above, a Grade II listed building (Westcliff Library) is located to the East of the application site.

- 4.8 The proposal consists of demolishing the existing building and the erection of a four storey mixed use building 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.
- 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 was previously provided by the Council’s Design and Regeneration Team which is set out below and it is the case that this remains applicable as the external appearance of the development has not significantly changed. It is noted that no objection was 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 remains 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. This part of the development 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, on balance, 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.

- 4.17 The arrangement of the proposed buildings and the relationship with the neighbouring building to the West means that there would be less built form at the West boundary of the site than the existing buildings. It is noted that windows would face the rear part of that property, but the separation distance and the orientation of the windows is adequate to ensure that the proposal does not cause material harm to the amenities of the occupants of that property.

#### **Standard of Accommodation:**

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

- 4.18 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 bedroom (4 bed spaces) 74 square metres
  - (e) 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.

4.19 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	53	11.5	15.2
2	61	61	11.5 & 7.5	15.4 & 8.8
3	61	63	11.5 & 7.5	12 & 9
4	61	64	11.5 & 7.5	12 & 9
5	74	79	11.5, 7.5 and 7.5	14, 13.8 & 10.8
6	61	67	11.5 & 7.5	13.9 & 14.8
7	61	68	11.5 & 7.5	11 & 15
8	50	53	11.5	15.2
9	61	61	11.5 & 7.5	15.4 & 8.8
10	61	63	11.5 & 7.5	12 & 9
11	61	64	11.5 & 7.5	12 & 9
12	74	79	11.5, 7.5 and 7.5	14, 13.8 & 10.8
13	61	67	11.5 & 7.5	13.9 & 14.8
14	61	68	11.5 & 7.5	11 & 15
15	74	83	11.5, 7.5 and 7.5	16.5, 8.5 and 9.7
16	86	86	11.5, 11.5 and 7.5	15, 11, 9

4.20 Amended plans have been received to address two minor alterations that were required to ensure that the flats accord with the abovementioned standards. The proposal has therefore overcome the previous concern that was raised and the second reason for the refusal of the previous application has been satisfactorily addressed.

4.21 With regard to amenity space, a communal garden area is proposed to provide amenity space for the flats that would have an area of 133 square metres. This would equate to approximately 8.3 square metres per flat. In addition to this shared provision, except for flats 4 and 11, 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.

- 4.22 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. The applicant's submissions have been annotated to demonstrate that the proposal would accord with Part M4 (2), with turning circles being shown for wheelchairs and a lift provided to the upper floors. It is therefore considered that the proposal accords with this part of the abovementioned standards and the previous objection has therefore been satisfactorily overcome.

### **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.**

- 4.23 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. Two of the spaces are shown to be suitable for use by disabled drivers.
- 4.24 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.
- 4.25 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**

- 4.26 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

- 4.27 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.**

- 4.28 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. The proposed development 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.**

- 4.29 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."*
- 4.30 It is considered necessary and reasonable to secure the provision of three affordable housing units at the application site, in accordance with Core Strategy policy CP8 and under the terms of a Section 106 Agreement.

#### **Other Matters**

- 4.32 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. The more recently refused application (15/01743/FULM) is fully discussed above.

4.33 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 17 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 crossover to the front and the side of the site should be reinstated a the developers 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 A site notice has been displayed and 43 neighbours have been notified of the application. Two letters have been received. One of which asks a variety of questions relating to residential parking provision, commercial parking provision, access, overlooking, amenity space provision, the health and education facilities that would be required and the provision of affordable housing. These questions reflect a number of the objections that were raised in relation to application 15/01743/FULM.



One letter has raised disappointment with respect to the availability of the application on the Council's website and the adequacy of the site notice.

One letter of objection has been received which objects on the following grounds:

- The demolition of the existing building may cause structural damage to the attached building to the West **[Officer Note – This would be a civil matter that would be addressed by the Part Wall Act].**
- The proposal would cause a loss of value of neighbouring properties. **[Officer Note – This is not a material planning consideration].**
- Noise, dust, disturbance and inconvenience caused by construction works.
- The proposal will cause a loss of light in neighbouring properties.
- The proposal would overlook neighbouring properties.
- Insufficient parking is proposed.
- Noise levels will increase due to the occupation of the flats in comparison to the existing commercial use.

## **7 Relevant Planning History**

- 7.1 Planning application 15/01743/FULM proposed a similar development. That application was refused for the reasons that are set out above.
- 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 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.
- 7.4 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:**

- (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:**

- 3 units of affordable housing.**

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

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

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

- 02 The development shall be carried out in accordance with the approved plans: 01, 02, 03, 04, 05, 06, 07, 08 and 09.**

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

- 03 No development shall take place until samples of the materials to be used on all the external elevations, including balconies, fenestration, undercroft area, and on any screen/boundary walls and fences, and on any external access way, driveway, forecourt or parking area and steps have been submitted to and approved by the local planning authority.**

**In addition, plans at 1:50 scale or less shall be provided to show the detail of the proposed third floor roof and the Fleetwood Avenue entrance to the building and its associated canopy.**

**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 KP2 and CP4 of the Core Strategy.**

- 04** The development shall not be occupied until 17 car parking and 16 cycle parking spaces have been provided in accordance with the approved plans. The parking spaces shall be permanently retained thereafter for the parking of occupiers of and visitors to the development.

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

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

i proposed finished levels or contours;

ii. means of enclosure, including any gates to the car parks;

iii. hard surfacing materials;

iv. minor artefacts and structures (e.g. street furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting, etc.)

This shall include details of 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 DM1 of the Development Management DPD and Policy CP4 of the Core Strategy DPD1

- 06** A scheme detailing how at least 10% of the total energy needs of the dwellinghouses 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 occupation of the dwellinghouse. This provision shall be made for the lifetime of the development.

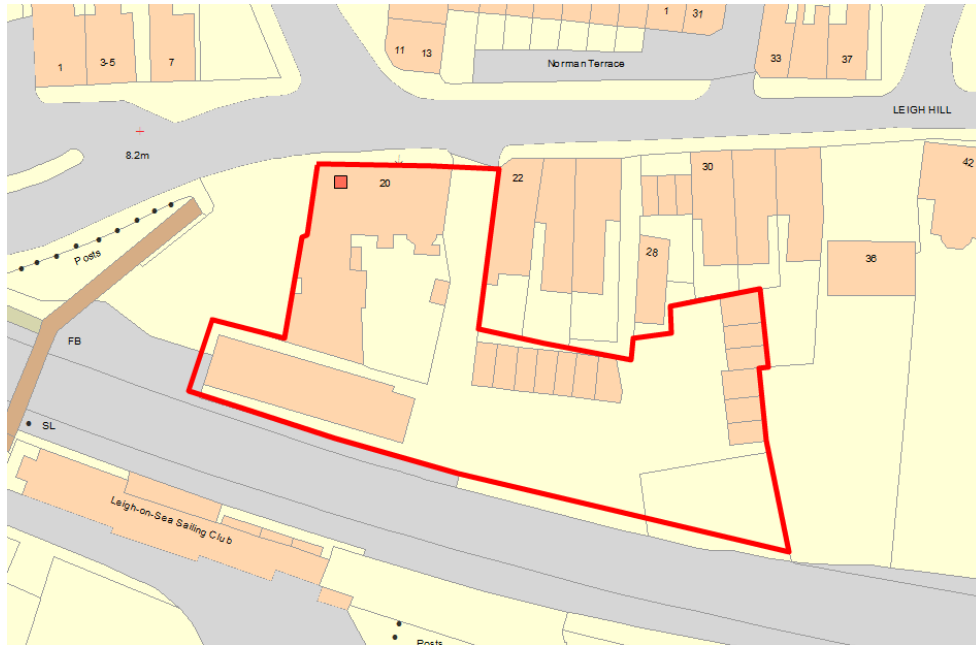
**Reason:** In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (DPD1).

**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>	16/00028/AMDT and 16/00096/DOV
<b>Ward:</b>	Leigh
<b>Proposal:</b>	<p>A) Application to vary condition 02 Approved Plans (Minor Material Amendment) of planning permission 13/00396/OUTM dated 25/06/2013 - to Redevelop former Bell Hotel and form five flats and erect 3 blocks comprising two, part 3/ part 4, and one 3 storey block totalling 15 flats, with balconies, amenity terrace, basement parking, and refuse storage and convert into five flats with single storey rear extension, lay out access road, cycle and motorcycle storage, amenity area, retaining walls and landscaping (Outline)</p> <p>B) Modification of planning obligation (Section 106 agreement) dated 25/06/2013 pursuant to application 13/00396/OUTM (as varied by Deed of Variation dated 17 July 2014 and 20 February 2015) to allow an extension to the development's "Completion Date".</p>
<b>Address:</b>	The Bell Hotel, 20 Leigh Hill, Leigh-on-Sea, Essex, SS9 2DN
<b>Applicant:</b>	R Levy
<b>Agent:</b>	The Planning and Design Bureau
<b>Consultation Expiry:</b>	24.02.2016
<b>Expiry Date:</b>	22.04.2016
<b>Case Officer:</b>	Janine Rowley
<b>Plan Nos:</b>	13/25/01; 13/25/03 Revision D; 13/25/02 Revision C; 13/25/12 Revision D; 13/25/11 Revision F; 05031040; 13/25/14 Revision B; 13/25/13 Revision B; 13/25/10 Revision C; 13/25/05 Revision C; 13/25/06 Revision D; 13/25/07 Revision D; 13/25/08 Revision E; 13/25/09 Revision E; 13/25/17
<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 including a modification of planning obligation dated 25/06/2013 pursuant to application 13/00396/OUTM (as varied by Deed of Variation dated 17 July 2014 and 20 February 2015) to allow an extension to the development's "Completion Date".</b>



## 1 The Proposal

- 1.1 This report deals with both Applications A and B as detailed above; and the relationship between the two applications is discussed below.
- 1.2 Application A seeks to vary condition 02 of permission 13/00396/OUTM dated 25/06/2013 to allow a minor material amendment in order to rebuild and make elevational changes to Bell Hotel.
- 1.3 This application has been submitted following the collapse of the original Bell Hotel. The Design and Access Statement accompanying this application states:

*“On 24th November 2015 the rear wall of the former hotel collapsed, causing the new roof to initially significantly and irreparably deform and the steelwork to intermediate floors to fall. The next day the remainder of the building collapsed, leaving only a small portion of the ground floor walls surviving.*

*The site has since been cleared of rubble and building materials, although work continues to construct the three apartment blocks at the rear.*

*The applicant intends to re-build the building as it previously existed, with the exception that the cement render applied to elevations late in its life will not be reinstated. Specifically, all four elevations would be finished externally in brickwork – polychromatic as it originally existed, with the main yellow London Stock bricks laid in Flemish bond. The applicant’s commitment to faithfully reconstruct the building is demonstrated in Drawing 13/25/17 – Bell Hotel Detailing. The projecting quoins, stringer and dentil courses will be included, precisely as they originally existed, and new stonework will be cut and installed.*

*This will not be modern, cement based reconstituted 'stone' products that are cast in a mould, but hand cut sandstone carved with mouldings that reproduce exactly those originally found on the Bell Hotel.*

*The arched head dormer windows will, for a second time, be re-manufactured and installed, and stone plaques positioned to their original sizes and locations between stringer courses on the front (Leigh Hill) elevation. Natural slates will again be used to clad roof slopes and joinery will be as previously agreed pursuant to conditions discharge – painted softwood timber sliding sashes and painted timber casement doors. The metal framed balconies approved as reinstatements to the original building in the 2013 - 2015 applications will be retained in the re-build. The submitted drawings also include all of the non-material amendment alterations agreed with the LPA in 2014 - 2015.*

*The only difference to the Bell Hotel building (excluding the deletion of the render skim to elevations), is that the two approved single doors leading onto the balcony on the west elevation (level 4) would become French doors. In other areas, there are very minor changes to one or two window positions to the three new apartment blocks at the rear”.*

- 1.4 The development is of the same character, design, unit numbers and overall scale and height as per the scheme originally approved under application 14/01956/AMDT albeit with the changes discussed above.
- 1.5 The S106 agreement relating to this development was dated 25/06/2013 pursuant to application 13/00396/OUTM (as varied by Deed of Variation dated 17 July 2014 and 20 February 2015) and required the scheme to be completed, marketed and ready for occupation within 36 months from the date of permission, which is 25/06/2016. As a result of the collapse of the Bell Hotel and necessary rebuild, the “Completion Date” as set out in the Section 106 agreement is no longer achievable. As permission was granted for this development in 2013 without any affordable housing or education contributions for viability reasons, the S106 agreement included a viability review mechanism requiring that if the Completion Date was not met a revised Viability Assessment would be submitted. Therefore, Application B seeks a modification to the S106 agreement, and in support of this application the applicant has submitted a Viability Assessment to demonstrate that the scheme remains unviable thus requesting an extension of time in respect of the Completion Date until 18 months after the date of any permission herein granted before the scheme’s viability will be reassessed. Considerations in relation to this matter are further addressed at paragraphs 4.13 onwards.

## **2 Site and Surroundings**

- 2.1 The site is within a mixed commercial/residential section of Leigh Hill, opposite the junction with Leigh Park Road. The buildings fronting Leigh Hill on its south side are 3-4 storeys high, with single storey detached garages and storage buildings at the rear – all in a dilapidated state. The building was last in use as a hotel during the early 1970’s.

- 2.2 The railway lies to the south, with a footbridge to the southwest of the site, giving open views thereto. A public car park lies immediately to the west of the site.
- 2.3 The site is accessed off Leigh Hill down a sloping driveway, with the site opening up to the south. The Leigh-on-Sea sailing club building lies to the south of the railway line. The land slopes down markedly from north to south and, at a lesser gradient, from east to west.
- 2.4 The site lies within the Leigh Conservation Area but just outside the area covered by an Article 4 Direction. A two storey Grade II Listed Building lies adjacent to the site, at no. 28 Leigh Hill.

### **3 Planning Considerations**

- 3.1 The main considerations in relation to this application are whether the elevational changes to the Bell Hotel are acceptable. The overall scale, design, height, layout and numbers of units of the flatted development have been previously accepted under application 14/01956/AMDT. The only issues for consideration in relation to this application are the direct impacts of the proposed amendments described in paragraph 1.3 above and whether the proposed amendments constitute a minor material amendment, design and impact on character of the area and in particular the Leigh Conservation Area, traffic and transportation issues, impact on residential amenity and planning obligations.

### **4 Appraisal**

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

- 4.1 There is an extensive history on this site in relation to the redevelopment of the Bell Hotel and the erection of proposed flats to the rear. The most recent application is 14/01956/AMDT whereby various elevational changes were agreed to the previously approved development of 3 blocks totalling 15 flats (13/00396/OUTM). The only matter reserved (landscaping) was determined by Development Control Committee on the 11<sup>th</sup> June 2014 relating to landscaping. It should be noted works have commenced on site.

#### **Principle of Development**

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

- 4.2 The principle of redeveloping this site for 15 flats has been previously accepted under applications 14/01956/AMDT and 13/00396/OUTM. The access, appearance, layout and scale of the development were approved under application 13/00396/OUTM and the remaining reserved matters of landscaping determined on the 11<sup>th</sup> June 2014 14/00486/RESM.



## **Design and impact on the Conservation 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.**

- 4.3 The site is located within the Leigh Conservation Area which contains a variety of architectural styles. Buildings are mostly on a small scale with simple designs in uniform terraces and more loosely connected groups.
- 4.4 The design and scale of the Bell Hotel is similar to that approved under application 14/01956/AMDT. The main changes will include the external elevations to be finished in brickwork with main yellow London Stock brick. Projecting quoins, stringer and dentil courses will be included, precisely as they originally existed, and new stonework will be cut and installed. The arched head dormer windows will, for a second time, be re-manufactured and installed, and stone plaques positioned to their original sizes and locations between stringer courses on the front (Leigh Hill) elevation. Natural slates will again be used to clad roof slopes and joinery will be dealt with by condition including the details of painted softwood timber sliding sashes and painted timber casement doors. The metal framed balconies approved as reinstatements to the original building in the 2013 - 2015 applications will be retained in the re-build. The only other difference to the Bell Hotel is the two single doors to the west elevation at level 4 are proposed to become French doors.
- 4.5 The applicant states a number of minor changes to a few window positions in the new apartment blocks to the rear including a dormer to the block 2 on the south elevation, a gable peak window to block 2 on the west elevation and a dormer and rooflight to block 2 on the north elevation however, these changes have already been previously agreed under application 14/01956/AMDT and therefore no objection is raised.
- 4.6 **The proposed amendments collectively will preserve the character and appearance of the proposed development the wider streetscene and will make a positive contribution to the Leigh Conservation Area.**
- 4.7 In light of the above, it is considered that the proposed amendments are minor relative to the overall scheme and will preserve the character and appearance of Leigh Conservation Area and the surrounding area in accordance with the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policies DM1 and DM5 of the Development Management Document DPD2 and the Design and Townscape Guide SPD1.

## **Traffic and transportation**

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

- 4.8 The proposed amendments do not result in additional traffic generation or the need for additional parking. The application site is about 200 metres to the south of the Broadway and Broadway West in central Leigh-on-Sea which can be reached following a short walk up Church Hill. The site is also about 850 metres east of Leigh railway station and approximately 1150 metres west of the Chalkwell railway station (both on the London Fenchurch Street to Southend Central and Shoeburyness railway line).
- 4.9 The main vehicular access to the site will remain from Leigh Hill and will be accessed via the existing ramped driveway to the eastern side of the site. A turning head is proposed which will also provide access for the flats.

### **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.**

- 4.10 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.
- 4.11 The alterations to the fenestration on the flatted development to the rear of the site have been previously considered under application 14/01956/AMDT and did not give rise to overlooking or loss of privacy.
- 4.12 In relation to the rebuild of the Bell Hotel, the overall width, height and scale is the same as original including the positioning of the windows and doors, it is not considered the amendments will result in harm to the amenities of adjacent occupiers.

### **Developer Contributions**

#### **DPD1 (Core Strategy) policies KP3, CP6 and CP8; SPD2**

- 4.13 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”.*

- 4.14 The original planning application 13/00396/OUTM was formally assessed by the District Valuation Service (DVS), which assessed the scheme's viability on the Council's behalf. Specifically, a benchmark land value was required together with further details of the construction costs.
- 4.15 The applicant maintains that the inclusion of any affordable housing in the development would render it unviable. In this regard, the original consultant tasked with assessing viability has been instructed to reconsider the matter and an updated Financial Viability Assessment (January 2016) prepared by G L Hearn accompanies this application. This concludes that it would still render the scheme unviable if any affordable housing or other developer contributions are included.
- 4.16 The collapse of the Bell Hotel building and associated site clearance operations has already caused a considerable delay in the completion of the development. This has been compounded by the time required to undertake the necessary legislative Town Planning and Building Control processes, and the detailed design time needed to ensure that the replacement building faithfully replicates the original. In addition, reconstruction of the building itself will take longer than the conversion works previously anticipated.
- 4.17 For this reason, the submitted Viability Assessment assumes a construction period extending for a further 18 months from commencement of reconstruction of the Bell Hotel building: there is now no prospect of the development being completed by July 2016. The District Valuer has assessed the overall viability of the development including an appraisal of sales values, build costs, professional fees etc.
- 4.18 On the basis of the revised Viability Assessment submitted by the applicant, the proposed modification to the S106 agreement is considered acceptable.

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

- 4.19 This application is CIL liable. However, CIL Regulation 128A means that CIL is only chargeable if there is a net increase in floorspace between the original permission of 13/00396/OUTM and this Section 73 application. The proposal will not result in any additional floorspace being created and thus no CIL is payable.

**Conclusion**

- 4.20 The proposed minor amendments will not have harmful impact on the character and appearance of the Leigh Conservation Area or the wider townscape, or on the amenities of neighbouring properties but will bring forward a building and site that has been vacant for a long period of time being brought into use to enhance the character and appearance of the Leigh Conservation Area and are considered to comply with policy.

- 4.21 Taking into account recent circumstances, and on the basis of the revised Viability Assessment submitted by the applicant, the proposed modification to the S106 agreement is considered acceptable; namely that a further 18 months from the date of the permission herein granted be given to complete works, after which the viability of the scheme will be reassessed on an annual basis to examine whether the scheme could support affordable housing and an education contribution.

## **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 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP8 (Dwelling Provision)
- 5.3 Development Plan Document 2: Development Management policy DM1 (Design Quality), DM15 (Sustainable Transport Management)
- 5.4 SPD1 Design & Townscape Guide 2009
- 5.5 SPD2 'A guide to Section 106 and Developer Contributions' 2015
- 5.6 Community Infrastructure Levy Charging Schedule 2015

## **6 Representation Summary**

### **Design and Regeneration**

- 6.1 Principle  
The collapse of the original building is unfortunate as an original heritage asset in the conservation area has been lost, however, this is now accepted and in principle there is no objection to its replacement with a replica provided that it is a faithful replication in terms of design, detailing and materials.

#### Exterior

It is pleasing to see that the exterior elevations are a good match the original building and that the applicant has taken the opportunity to reinstate the original brickwork which was unfortunately rendered over on the historic building obscuring some of its decoration. Details of the brick proposed here will need to be agreed as these were not subject to any earlier application. The application includes detailed drawings to show that the brick decoration proposed for the dentil and string courses will exactly replicated and this is therefore agreed. It is also commented on the plan that the stone detailing to the main front elevation will also be matched but as no details of this have been provided, drawings of these elements will need to be conditioned along with a sample of the stone work.

It would be helpful to have a full schedule of materials although I appreciate that some of these may have been discharged in past applications, however, for completeness it is recommended that a complete material schedule should be submitted and details of products/designs where appropriate. If these have been discharged then the same details can be submitted with a record of which application they relate to.

It would also be helpful to know the location of the proposed downpipes but more importantly and SVP and other vents/pipes associated with bathrooms and kitchens. These should be located to the south elevation if possible. The location of utility meters should also be clarified. These must be located in the lobby or in the lower area to the west side which is screened by a boundary wall. These must not be visible to the street. If this detail cannot be provided at this stage then these could be conditioned.

#### Interior

The interior is different from 13/00396/OUTM but, very similar to that which was approved under 14/00473/AMDT except that the lift has now been omitted. There is no design objection to this.

#### Suggested conditions

- Materials as noted above – product details and samples as requested
- Detailing of windows, doors, balconies as noted above , some of these may have been previously agreed but not all
- Details including close up drawings and sections of the stone decoration to the north elevation to be agreed and stone sample
- Siting of soil vent pipes, extract /vents to be agreed. These should be sited have the minimal impact on public views.
- No utility meters to be sited on the external elevations unless otherwise agreed by LPA

#### Traffic and Transportation

- 6.2 The parking provision for this proposal is in line with current guidance in this location which also has good links for public transport, Bus Service No. 5/26/3 are within a short distance and obviously train services are available. Cycle parking and motor cycle parking have been provided and should be in line with Vehicle Parking Standards as set out in policy DM15 of the Development Management Document.

#### Leigh Town Council

- 6.3 No objections.

#### Leigh Society

- 6.4 No objection.

## Network Rail

- 6.5 No comments received.

## Historic England

- 6.6 The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice [**Officer Comment: The application has been assessed in accordance with the NPPF, Core Strategy DPD1, Development Management Document DPD2 and the Design and Townscape Guide SPD1**].

## Public Consultation

- 6.7 Three site notices displayed on the 3<sup>rd</sup> February 2016 and 82 neighbours notified of the proposal. No letters of representation received.

## 7 Relevant Planning History

- 7.1 2015- Replace drawings 13/25/02a, 13/25/03b, 13/25/06b, 13/25/07b, 13/25/09c, 13/25/11d with new plan numbers 13/25/02b, 13/25/03c, 13/25/06c, 13/25/07c, 13/25/09d 13/25/11e alter balconies to the southern and western elevations (non-material amendment to planning permission 14/01956/AMDT dated 04/02/2015)- Allowed (15/00751/NON)
- 7.2 2015- Replace drawings 13/25/02, 13/25/03, 13/25/05a, 13/25/06a, 13/25/07a, 13/25/08b, 13/25/09a, 13/25/10a, 13/25/11b, 13/25/12b, 13/25/13, 13/25/14 and elevational changes (variation of condition 02 of planning permission 14/00473/AMDT dated 17/07/2014)- Granted (14/01956/AMDT)
- 7.3 2014- Application for approval of details pursuant to condition 3 (Materials), 4 (Section Through and Elevations), 6 (Cycle Store), 7 (Soft and Hard Landscaping), 10 (Archaeological Monitoring), 11 (Drainage), 12 (Geo-Environmental Site Investigation), 13 (Energy), 14 (Waste Management Plan) and 15 (Land Levels) of planning permission 14/00473/AMDT dated 17.07.2014- Agreed (14/01705/AD)
- 7.4 2015- Replace drawings 13/25/02a, 13/25/03b, 13/25/06b, 13/25/07b, 13/25/09c, 13/25/11d with new plan numbers 13/25/02b, 13/25/03c, 13/25/06c, 13/25/07c, 13/25/09d 13/25/11e alter balconies to the southern and western elevations (non-material amendment to planning permission 14/01956/AMDT dated 04/02/2015)- Allowed
- 7.5 2014-Application for Approval of Details pursuant to condition 03 (details of materials), condition 04 (details of plans of joinery), condition 10 (details of sustainable drainage) condition 12 (details of Renewable Energy) and condition 13 (details of Waste Management Plan) of planning permission 13/00396/OUTM dated 25/06/2013- Approved (14/00948/AD)

- 7.6 2014-Application for approval of details pursuant to condition 3 (Materials), 4 (Section Through and Elevations), 6 (Cycle Store), 7 (Soft and Hard Landscaping), 10 (Archaeological Monitoring), 11 (Drainage), 12 (Geo-Environmental Site Investigation), 13 (Energy), 14 (Waste Management Plan) and 15 (Land Levels) of planning permission 14/00473/AMDT dated 17.07.2014 (14/01705/AD).
- 7.7 2014-Application for 2b central avenue Approval of Details pursuant to condition 06 (details of cycle parking and storage) condition 07 (details of landscaping) and condition 15 (details of land levels) of planning permission 13/00396/OUTM dated 25/06/2014- Approved (14/00488/AD)
- 7.8 2014-Demolish garage and storage buildings, erect 3 blocks comprising two, part 3/ part 4, and one 3 storey block totalling 15 flats, with balconies, amenity terrace, basement parking, and refuse storage, refurbish former Bell Hotel and convert into five flats with single storey rear extension, lay out access road, cycle and motorcycle storage, amenity area, retaining walls and landscaping (Approval of reserved matters following outline permission 13/00396/OUTM dated 25/06/13)- Landscaping approved (14/00486/RESM) at Development Control Committee on the 11<sup>th</sup> June 2014.
- 7.9 2013-Application for approval of details pursuant to condition 09 and condition 14 (written scheme of archaeological investigation) of planning permission 13/00396/OUTM dated 25/06/2013- Agreed (14/00256/AD)
- 7.10 2013-Application for approval of details pursuant to condition 11 of planning permission 13/00396/OUTM dated 25/06/13- Agreed (14/00109/AD)
- 7.11 2013 - Demolish Garage and Store Buildings (Conservation Area Consent)-Granted (13/00513/CAC).
- 7.12 2013 - Demolish garage and storage buildings, erect 3 blocks comprising two, part 3/ part 4, and one 3 storey block totalling 15 flats, with balconies, amenity terrace, basement parking, and refuse storage, refurbish former Bell Hotel and convert into five flats with single storey rear extension, lay out access road, cycle and motorcycle storage, amenity area, retaining walls and landscaping (Outline)-Granted (13/00396/OUTM)

## 8 Recommendation

(a) Members are recommended to DELEGATE AUTHORITY TO THE GROUP MANAGER OF PLANNING & BUILDING CONTROL or HEAD OF PLANNING & TRANSPORT or CORPORATE DIRECTOR FOR PLACE to GRANT PLANNING PERMISSION subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) including the following:

- Planning obligation dated 25/06/2013 pursuant to application 13/00396/OUTM (as varied by Deed of Variation dated 17 July 2014 and 20 February 2015) to be linked to Application A;
- Modification of planning obligation dated 25/06/2013 pursuant to application 13/00396/OUTM (as varied by Deed of Variation dated 17 July 2014 and 20 February 2015) to allow an extension to the development's "Completion Date" to 18 months from the date of permission being granted pursuant to Application A.

(b) Corporate Director of Place, Head of Planning & Transport or the Group Manager of Development Control and Building Control be authorised to determine the application upon completion of the above obligation when executed, accord with the details set out in this report and conditions listed below:

01 The development hereby permitted shall begin not later than 2 years from the date of approval of the last of the reserved matters application (14/00486/RESM 13.06.2014).

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and because the application is for outline planning permission only and the particulars submitted are insufficient for consideration of the details mentioned.

02 The development hereby permitted shall be carried out in accordance with the approved plans 13/25/01; 13/25/03 Revision D; 13/25/02 Revision C; 13/25/12 Revision D; 13/25/11 Revision F; 05031040; 13/25/14 Revision B; 13/25/13 Revision B; 13/25/10 Revision C; 13/25/05 Revision C; 13/25/06 Revision D; 13/25/07 Revision D; 13/25/08 Revision E; 13/25/09 Revision E; 13/25/17.

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



- 03 Prior to the commencement of the replacement Bell Hotel building hereby approved details and samples of the materials to be used in the construction of the Bell Hotel including brickwork, roof tiles, stone window and balcony doors, front door, balconies, gutters dormers, plinth, roof terrace, roof lights, roof lanterns to the external elevations shall have been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved materials unless otherwise agreed in writing by the local planning authority.**

**Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, policies DM1, DM3 and DM5 of the Development Management Document DPD2, and SPD1 (Design and Townscape Guide).**

- 04 The details of the new windows, doors, balconies, eaves, verges and cills shall be carried out in accordance with drawing 13/25/27 and approved details submitted on the 06.06.2014 under application 14/01705/AD unless otherwise agreed in writing by the local planning authority.**

**Reason: To safeguard the historic building in accordance with the National Planning Policy Framework, policy DM5 of the Development Management Document DPD2 and advice contained within the Design and Townscape Guide SPD1.**

- 05 Prior to occupation of the dwellings 21 car parking space(s) shall be provided in accordance with plan 13/25/05a hereby approved and shall thereafter be permanently retained for the parking of private motor vehicles solely for the benefit of the occupants of the premises of which it forms part and their visitors and for no other purpose 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 occupants of the new dwelling(s) and in the interests of residential amenity and highway efficiency and safety, in accordance with Policy CP3 of the Core Strategy, DPD1 (Core Strategy) 2007 policy KP2, policy DM15 of the Development Management Document DPD2, and SPD1 (Design and Townscape Guide).**

- 06 Prior to occupation of the dwellings cycle parking shall be provided in accordance with drawing 13/25/05a and details of the Thames Bridge Cycle Stand submitted on the 06.06.2014 under application 14/01705/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, policy DM15 of the Development Management Document, and SPD1 (Design and Townscape Guide).**

- 07 The soft and hard landscaping details shall be carried out in accordance with drawings 14-26-01 and 14-26-02 agreed under application 14/00486/RESM unless otherwise agreed in writing with the local planning authority.**

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

- 08 All planting in the approved landscaping scheme shall be carried out within the first available planting season 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: 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 DPD2.**

- 09 If any trees are removed or found to be dying, severely damaged or diseased within 5 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, Policy DM1 of the Development Management Document DPD2, and SPD1 (Design and Townscape Guide).**

- 10 The development hereby approved shall be carried out in accordance with the written scheme of investigation for archaeological monitoring and recording at the Bell Hotel carried out by Essex County Council Field Archaeology Unit February 2013 under application 14/00256/AD unless otherwise agreed in writing by the local planning authority.**

**Reason: To allow for the excavation and recording of any information of archaeological importance, pursuant to Policy DM5 of the Development Management Document DPD2.**

- 11 The development hereby approved shall be carried out in accordance with the drainage drawing 950-20-001 Revision A and associated details agreed on the 17.09.2014 under application 14/01705/AD, unless otherwise 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.**

- 12 The development hereby permitted shall be carried out in accordance with the Phase II Geo-Environmental Site Investigation reference 50416 issued December 2013 carried out by REC Resource and Environmental Consultants Ltd agreed under application 14/00109/AD, unless otherwise agreed in writing by the local planning authority.**

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

- 13 The development hereby permitted shall be carried out in accordance with details of renewable energy on drawing 13/25/16 and details relating to photovoltaic panels submitted on the 11.09.2014 under application 14/00109/AD prior to the occupation of the development hereby approved, 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, and SPD1 (Design and Townscape Guide).**

- 14 Notwithstanding the development hereby approved, prior to first occupation of the development the waste management plan submitted on the 20.08.2014 shall be implemented as agreed under application 14/01705/AD. Waste management at the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the Local Planning Authority.**

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

- 15 Notwithstanding the development hereby approved, the details of existing and proposed levels on the land and in relation to adjoining land shall be carried out in accordance with Drawings 0509/19, 14-26-02; 11/25/03 Revision A; 14-26-01 Revision C, as agreed under application 14/01705/AD, unless otherwise agreed in writing by the local planning authority. The development shall be constructed at the level indicated on the approved drawings.**

**Reason: To ensure that the development is carried out in accordance with the policies outlined in the Reason for Approval.**

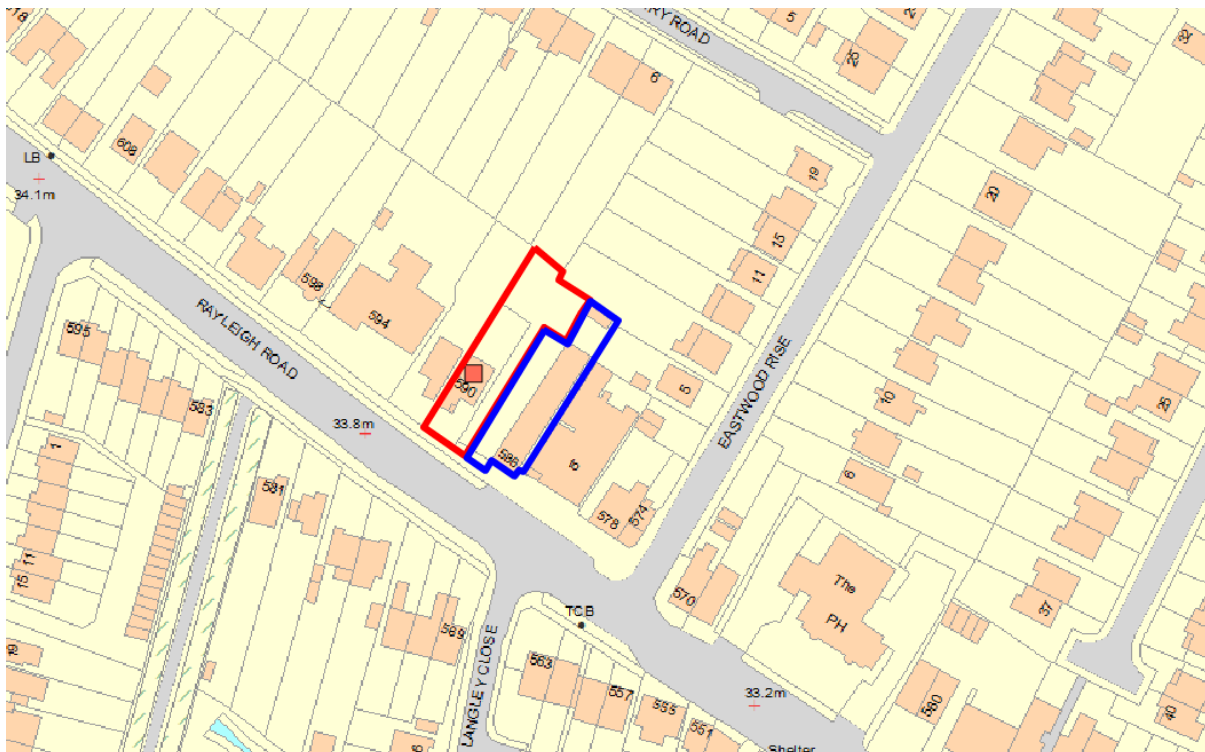
**(c) In the event that the planning obligation referred to in part (a) above has not been completed by the 22.04.2016 such that planning permission would have been granted, then the Corporate Director of Place, Head of Planning & Transport or the Group Manager of Development Control and Building Control 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 Corporate Director for Place, Head of Planning & Transport or the Group Manager of Planning and Building Control are authorised to determine the application and agree appropriate reasons for refusal under delegated authority.**

**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**

- 1 As this application has been made pursuant to Section 73 of the Town and Country Planning Act 1990, Community Infrastructure Levy (CIL) Regulation 128A applies. You are advised that in this instance there will be no CIL charge on this permission as there is no net increase in floorspace between the original permission and the S73 permission.**
- 2 This permission is governed by a Section 106 Agreement made by applicant pursuant to Section 106 of the Town and Country Planning Act 1990.**

<b>Reference:</b>	16/00343/AMDT
<b>Ward:</b>	Eastwood Park
<b>Proposal:</b>	Application to vary conditions 02 (approved plans) and 05 (hard and soft landscaping) to allow the laying of additional hardstanding at the rear of the site (Minor material amendment to planning permission 14/01515/FUL dated 12/12/2014)
<b>Address:</b>	590 Rayleigh Road, Eastwood, Leigh-on-Sea, Essex, SS9 5HU
<b>Applicant:</b>	Mr G. Marlow
<b>Agent:</b>	Baines and Partners
<b>Consultation Expiry:</b>	24/03/16
<b>Expiry Date:</b>	27/04/16
<b>Case Officer:</b>	Ian Harrison
<b>Plan Nos:</b>	14-056 0-001 and 14-056 0-003 Revision C
<b>Recommendation:</b>	<b>Grant Planning Permission.</b>



## **1 The Proposal**

- 1.1 The application seeks permission for a minor-material alteration to a development that was granted planning permission under the terms of application 14/01515/FUL.
- 1.2 The abovementioned permission which granted planning permission for the extension and conversion of a dwelling to enable the formation of four flats. Four car parking spaces were approved and the remainder of the rear of the site was shown to laid to landscaping (hard and soft).
- 1.3 It is understood that the four car parking spaces were provided but in a later act of development, the applicant has laid additional tarmac around the parking spaces. This application seeks permission to retain the enlarged area of hardstanding that has been provided at the rear of the site.

## **2 Site and Surroundings**

- 2.1 The original application site is located to the North of Rayleigh Road and contains a two storey dwelling (590 Rayleigh Road) with associated parking at the front of the site and private amenity space to the rear.
- 2.2 The original application site also includes land that appears to have been within curtilage of the neighbouring property (588 Rayleigh Road). This land has been used to create a shared access, a turning head and parking. The land to the East of the application site (comprising 586-588 Rayleigh Road) has been the subject of various planning permissions to enable the creation of flats and retail units.

## **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 and the impact on residential amenity.

## **4 Appraisal**

### **Principle of Development**

#### **Section 73 of the Town and Country Planning Act 1990. Planning Practice Guidance.**

- 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:**

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

- 4.3 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.”
- 4.4 The additional hardstanding is not visible from the public domain and therefore has little impact on the character or appearance of the site or the surrounding area. The soft landscaping area to serve the site would be reduced, but ample space would be retained to be able to provide planting and a communal amenity area and as such it is considered that the visual impact would not be unduly harmful to an extent that would justify the refusal of the application. An amended soft landscaping scheme has been submitted with the application.
- 4.5 For these reasons it is considered that the amended development would be equally compliant with the content of the development plan and should therefore be found acceptable.

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

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

- 4.6 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.”

- 4.7 The additional hardstanding extends 1.5 metres to the West, a minimum of 2.3 metres to the South and 3.4 metres to the North and is therefore closer to the neighbouring residential properties. The access road has also been widened by 1.5 metres. The use of the hardstanding by vehicles would generate noise, but a gap of at least 2.5 metres would be retained to the boundary that is shared with the closest residential property (592 Rayleigh Road) and in this instance it is considered that the manoeuvring of vehicles within 2.5 metres of that boundary fence would not cause significantly greater noise disturbance than the manoeuvring of vehicles within 4 metres of that fence as was previously approved. Therefore, given the fall back position afforded by the original permission, it is considered that the impact on neighbouring residents would not be materially greater to an extent that would justify the refusal of the application.

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

#### **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.**

- 4.8 The abovementioned policies combine to require the provision of amenity space to serve residential properties. The increase of the amount of hardstanding would result in the area of amenity space at the rear of the site being reduced by 67 square metres from 148 square metres to 81 square metres. This represents a provision of approximately 20 square metres of amenity space per flat which is considered to be adequate. Therefore it is considered that the reduction of amenity space provision should not represent a reason for the refusal of the application.

### **Other Matters**

- 4.9 It should be noted that planning legislation allows for application to be made retrospectively. Even though it is considered that the unauthorised development has been undertaken intentionally, it is considered that this does not affect the manner in which the above matters should be considered and does not provide a reason to find the development unacceptable.

- 4.10 With respect to the other conditions that were imposed previously, 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.

- 4.11 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.



- 4.12 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.”

“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.

- 4.13 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.
- 4.14 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.”
- 4.15 For these reasons it is considered appropriate to impose an amended set of conditions that is largely based on those previously used, but removing those that are no longer required.

### **Community Infrastructure Levy**

- 4.16 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.

## **5 Conclusion**

- 5.1 It is considered that the additional hardstanding is of sufficiently small scale to be considered as a minor material amendment to the previously approved development. The development would not cause material harm to the character or appearance of the street-scene or the materially affect the living conditions of future occupiers or neighbouring properties. It is therefore recommended that the minor material amendment is approved.

## **6 Planning Policy Summary**

### **6.1 National Planning Policy Framework**

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)

## **7 Representation Summary**

### **Public Consultation**

7.1 Letters were sent to 21 neighbouring properties. No letters of objection have been received.

7.2 The application has been called-in to the Development Control Committee by Cllr Walker.

## **8 Relevant Planning History**

8.1 Application 14/01515/FUL was approved to allow conversion of an existing dwellinghouse into four self-contained flats, the erection of an infill extension to the front elevation, the erection of a two storey rear extension and the alteration of the elevations of the building. This application relates to conditions attached to that permission. A non-material amendment was approved at the site, relating to the previously approved bin store, under the terms of application 15/01162/NON and amendments have also been approved to allow the rendering of the property and the provision of an access ramp under the terms of application 16/00244/NON.

## **9 Recommendation**

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

**01 The development hereby permitted shall be carried out in accordance with the following approved plans: 0-001, 0-003 (Revision C), 1-001, 1-002 and 3-001.**

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

- 02 The car parking area hereby approved shall be permanently retained for the parking of vehicles of people occupying the approved flats at 590 Rayleigh Road, the flats that have been created at the property formerly known as 588 Rayleigh Road or their visitors unless otherwise agreed in writing by the local planning authority.**

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

- 03 All planting in the landscaping scheme hereby approved shall be carried out within the first planting season following the granting of this planning permission. 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.**

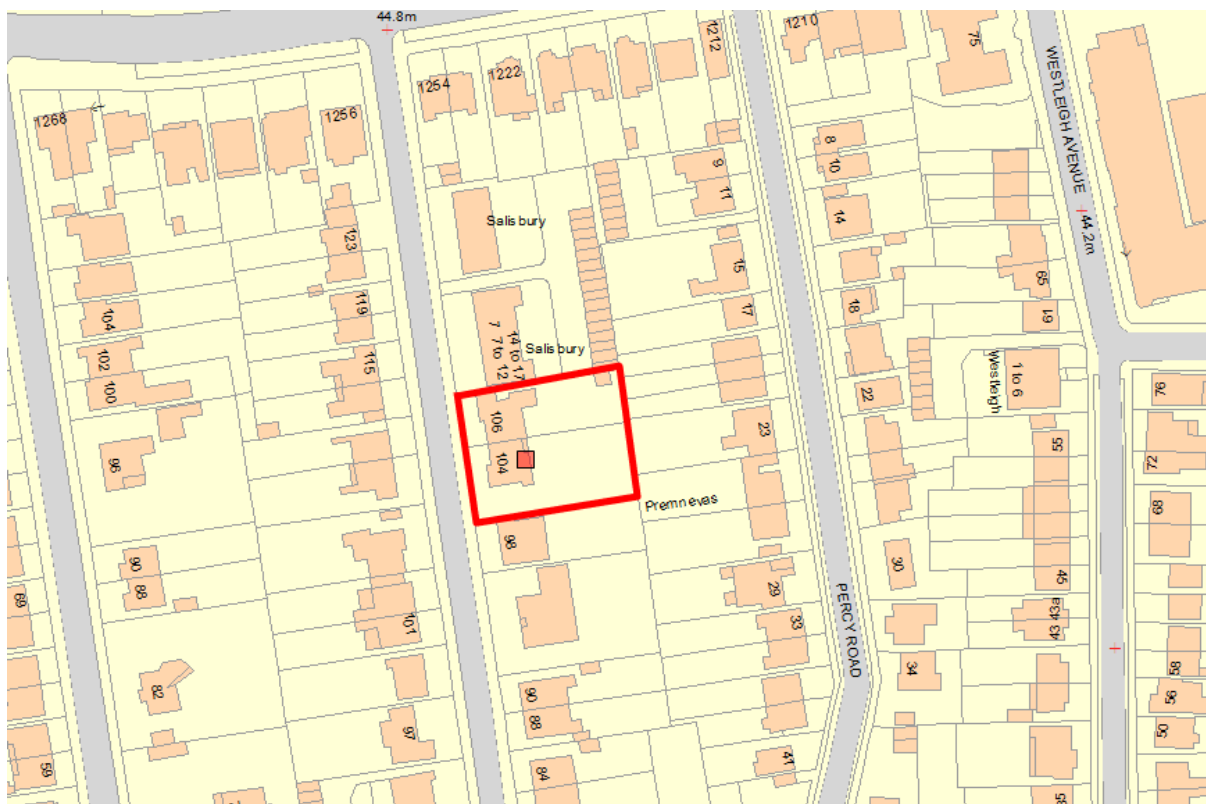
**Reason: To ensure that the development is satisfactory in terms of its appearance and that it makes a positive contribution to the local environment and biodiversity in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) policy KP2 and CP4, DPD2 (Development Management)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

- 04 The first floor flank windows on the West elevation 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 (NPPF), DPD1 (Core Strategy) 2007 policy CP4, Borough Local Plan 1994 policy H5, 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**

<b>Reference:</b>	15/00292/FUL
<b>Ward:</b>	West Leigh
<b>Proposal:</b>	Demolish existing dwellinghouses at 104 - 106 Salisbury Road, erect three dwellinghouses and form additional vehicular access onto Salisbury Road (Amended proposal)
<b>Address:</b>	104 Salisbury Road, Leigh-on-Sea, Essex, SS9 2JN
<b>Applicant:</b>	Derek Macdonald
<b>Agent:</b>	Third Dimension Architects and Design Limited.
<b>Consultation Expiry:</b>	29.02.2016
<b>Expiry Date:</b>	21.03.2016
<b>Case Officer:</b>	Janine Rowley
<b>Plan Nos:</b>	102; 103; 101a
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>



## 1 The Proposal

- 1.1 Planning permission is sought to demolish the existing pair of semi-detached bungalows at 104-106 Salisbury Road and erect one pair of semi-detached dwellings and one detached property in their place. It is also proposed to form two vehicular crossovers onto Salisbury Road.
- 1.2 The proposed dwellings would be two storey but with accommodation in the roof and would consist of one pair of semi-detached dwellings and one detached property. The pair of semi-detached dwellings would have an overall 8.8m wide x 13.8m deep x 6.8m- 8.6m. The detached dwelling would have an overall width of 9.1m x 13.8m deep x 6.8m-8.6m high.
- 1.3 The internal floorspace for the detached dwelling equates to 227sqm and 229.8sqm for each of the pair of semi-detached dwellings. Each dwelling would include:
  - Ground floor- garage, living room, kitchen/dining and family area;
  - First floor- 4 bedrooms, bathroom and two ensuite bathrooms;
  - Roofspace-habitable accommodation within the roof.
- 1.4 Each of the dwellings would have a rear gardens varying in size from 200-210sqm which would be defined by 1.8m close boarded timber fences to the side and rear boundaries. Each of the dwellings would have a hardstanding to the front which would provide one off-street parking space for each dwelling together with an integral garage.
- 1.5 Materials to be used on the external elevations include white render to the walls, facing brickwork, upvc windows and doors, permeable paving, clay roof tiles. Areas of soft landscaping are proposed to the front. There is an existing street tree within the pavement to the front which is not proposed to be removed.
- 1.6 It should be noted a previous application (15/00292/FUL) to erect four semi-detached properties was refused at Development Control Committee on the 15.04.2015 The application was refused for the following reason:
  1. *“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 DM15 of Development Management DPD2, Policy CP3 of the DPD1 (Core Strategy), Policies T8 and T11 of the Borough Local Plan and the Design and Townscape Guide (SPD1).”*

1.7 The application subsequently went to appeal (reference: APP/D1590/W/15/3030409) and was dismissed. The inspector concluded in paragraph 13:

*“As such, the proposed development would be likely to result in on-street parking. This would compromise highway safety in terms of affecting visibility from driveways, affecting the free flow of traffic and the safety of pedestrians from vehicles mounting the pavement. Accordingly I do not consider the flexibility in parking standards allowed for by Policy DM15 is sufficient to justify the proposal in highway safety terms”.*

1.8 The main changes following the previous refusal 15/00292/FUL include:

- Height has increased from 8.3m to 8.6m (gable projections to the front and rear have reduced from 7.3m-7.5m to 6.8m);
- Depth reduced from 15m to 14.5m;
- Width increased from 6.5m to 8.8m for the pair of semidetached dwellings and 9.1m for the detached dwelling;
- The roof form has altered from a hipped roof to a gable roof including gable projections to the front and rear;
- Two off street parking spaces per dwelling comprising, one hardstanding to the front and one within the garage

1.9 In addition, an Arboricultural report has been submitted for consideration.

## **2 Site and Surroundings**

2.1 The site is located on the eastern side of Salisbury Road and contains a pair of semi-detached bungalows, both of which benefit from off street parking to the frontage and modest sized gardens. No. 104 is a wider site than No. 106 and there is a greater level of separation to the southern boundary whereas the garage to No. 106 adjoins the northern boundary.

2.2 The surrounding area is residential with a variety of two storey houses, mostly as semi-detached pairs, bungalows and some modestly scaled flatted developments. The buildings are generally traditional in their form and tall bay windows are a common feature especially on the houses. There are a mix of roof styles and materials.

## **3 Planning Considerations**

3.1 The main issues for consideration are the principle of the development, design and impact on the streetscene, any impact on neighbours, and living conditions for future occupiers, parking implications, use of on-site renewables and whether the proposal has overcome the previous reason for refusal in relation to parking of application 15/00292/FUL and subsequent appeal reference: APP/D1590/W/15/3030409.

## 4 Appraisal

### Principle of Development

#### National Planning Policy Framework, Core Strategy Policies KP2, CP1, CP4 and CP8 and Development Management DPD2 policy DM1, DM3

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

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

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

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

- 4.2 Regarding infill development, the Development Management Document policy DM3 states that infill development will be considered on a site by site basis assessing impact upon living conditions, amenity of existing occupiers, conflict with character and grain of the local area. Furthermore, the Design and Townscape Guide advises that the size of a site together with an analysis of local character and grain will determine whether sites are suitable for infill development.
- 4.3 Having regard to the above, the proposal for redevelopment of the site is considered acceptable in principle and was not previously objected to under application 15/00292/FUL.

### Design and Impact on the Street Scene

#### National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Development Management DPD2 policy DM1 and DM3, and the Design and Townscape Guide (SPD1)

- 4.4 In relation to infill development, policy DM3 of the Development Management Document DPD2 and the Design and Townscape Guide states that where considered acceptable in principle, the key to successful integration of infill sites into the existing character is to draw strong references from the surrounding buildings such as maintaining the scale, materials, frontage lines and rooflines of the neighbouring properties which reinforce the rhythm and enclosure of the street. It is noted that the dwellings in Salisbury Road are mixed in design and generally two storeys. As such there is no objection in principle to dwellings two storey in height.
- 4.5 The previously refused application for 2 pairs of semi-detached dwellings (reference: 15/00292/FUL) had an overall height of 8.3m to the main ridge and the gables to the front and rear 7.3m-7.5m in height and depth of 15m. This amended proposal for one detached dwelling and one pair of semi-detached dwellings will have an overall height of 8.6m to the main ridge and the gables to the front and rear with an overall height of 6.9m and depth of 14.5m for all three properties. The overall scale and height of the dwellinghouses are not objected. The layout of the development is considered acceptable and would provide each dwelling with two off-street parking spaces and rear garden area and would retain a separation distance of 1m from each of the side boundaries. The massing and building line of the proposed dwelling would generally be in keeping with the neighbouring and other properties in the street.
- 4.6 The change of the hipped roof to gable roof is not out of keeping with the streetscene given there are a number of examples to the south of the site. In relation to the detailed design, the previously refused application 15/00292/FUL included an interesting and articulated design, which complimented the detailing within the streetscene of adjacent properties. The design proposed as part of this submission is bland and dominated by the integral garage. Whilst it is noted the street contains houses of mixed designs some of which have garages, these garages are predominantly to the side and appear more subservient in the streetscene. Integral garages are not part of the local character. In addition to being a dominant feature, the inclusion of a garage has altered the proportions of the property to appear much more horizontal in emphasis, which also contrasts with the character of the streetscene generally, resulting in an awkward detailing between ground and first floor.
- 4.7 Areas of soft landscaping are proposed to the frontage which is considered sufficient to soften the appearance of the hardstandings to either side. Policy DM1 of the Development Management Document advocates the need for any new development to include soft landscaping to integrate with the surrounding townscape. The rear gardens would be lawned. The proposal is considered to provide a sufficient level of soft landscaping, although further specific details can be controlled by condition if the proposal is deemed acceptable.



- 4.8 With regard to the vehicle crossovers, it is noted that both properties currently have crossovers. It is proposed to form two new crossovers to the front. One is created by extending the existing crossover to the south to an overall width of 6.4m and the new crossover to the north is 4.8m. Crossovers are part of the character of the street and as such the proposed crossovers would not be out of keeping. They would be of an acceptable width and would not result in the loss of any planted verges or street trees as demonstrated within the Aboricultural Report carried out by Andrew Day Aboricultural Consultants. If the application is deemed acceptable a condition will be imposed to ensure appropriate protection measures are implemented whilst any development works are carried out.
- 4.9 In light of the above, it is considered that the proposal, by reason of its poor design would result in a form of development out of keeping with neighbouring dwellings and the streetscene in general to the detriment of the character of the area, contrary to The NPPF; Policies KP2 and CP4 of the Core Strategy DPD1; Policy DM1 of the Development Management Document DPD 2 and advice contained within the adopted Design and Townscape Guide (SPD1).

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

#### **National Planning Policy Framework, Development Management DPD2 policy DM8, The National Technical Housing Standards DCLG 2015 and the Design and Townscape Guide (SPD1)**

- 4.10 It should be noted on the 1st October 2015 the National Technical 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.
- 4.11 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'. 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 not result in accessible and adaptable dwellings for older people or wheelchair users, contrary to the NPPF, Policy DM8 of the Development Management DPD and National Housing Standards 2015.
- 4.12 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.

4.13 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...”*

4.14 The level of amenity space proposed is detailed in paragraph 1.4 above and is considered useable amenity space for all three dwellings and therefore no objection is raised on this element.

### **Impact on Neighbouring Occupiers**

#### **National Planning Policy Framework, Core Strategy Policy CP4, Development Management DPD2 emerging policy DM1, and the Design and Townscape Guide (SPD1)**

4.15 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.

4.16 The neighbouring property to the north contains Salisbury Court which is a three storey block of maisonettes. It is noted that this property has windows within the front, side and rear elevations. The previously refused dwellings under application 15/00292/FUL projected 2m in front of Salisbury Court, which was not previously objected too. Plot 1 nearest to the Salisbury Court would be set in line with Salisbury Court however, the two storey gable project to the front would project 1m in front of plot 2 to the south. The windows to the side and rear elevation at ground floor level of the new dwellings are not protected windows. At first and second floors only the bathroom windows are obscure glazed on the new dwellings.

4.17 The ridge of the proposed dwellings would align slightly above the approximate eaves of Salisbury Court. The roof form of the previously refused application (15/00292/FUL) was accepted with a hipped roof sloping away from Salisbury Court with an overall height of 8.3m to the main ridge and the flank elevations of 7.3m to 7.5m and overall depth of 15m. Whilst it is acknowledged this amended proposal now includes a gable roof, to which concerns were raised as part of application 14/01502/FUL, although the main ridge is now 8.6m taking into account the slope from east to west of the proposed roof form and the gable projections to the flank elevations, with a reduced height of 6.8m together with the reduction in depth of 15.3m to 14.5m, it is considered that the proposal will not result in a greater material harm to the amenities of nearby residential occupiers already previously accepted under application 15/00292/FUL.

- 4.18 It should be noted the main source of light to windows within the Salisbury Court are to the east and west elevations (front and rear). Whilst there will be some reduction in light, taking into account the windows are secondary to the south elevation, and the main source of light from the primary windows will not be affected to the kitchen and living room area (east and west respectively) no objection is raised. It should also be noted that given the windows to the flank elevation are secondary and the proposal will not affect the main source of light to the existing bedrooms. With respect to windows to the lower flat Salisbury Road, consideration has to be given to works that could be carried out at the existing dwellinghouse without the need for planning permission whereby the roof form could be altered from a hipped to gable, in light of this no objection is raised to the impact on residents to the lower floor..
- 4.19 With regard to the impact on No. 98 to the south, this dwelling has a window within the side elevation at first floor level which is obscure glazed and serves a staircase (this is therefore not a protected window). On the return (rear facing elevation) is a kitchen window at ground floor and a bedroom window at first floor level (which is the sole source of light to this room). On the rear most elevation is a window serving a family room/dining area (which is an open plan room together with the kitchen) together with a window serving a bedroom at first floor level. Taking into account the reduction in depth of the dwellinghouses, stepping of the part single/part two storey rearward projection and it is considered the amenities of no. 98 to the south will be safeguarded.
- 4.20 In light of this the proposed development would not result in a loss of light nor a sense of enclosure to the detriment of the residential amenity of these properties.
- 4.21 With regard to overlooking, it is noted that windows are proposed within the side elevations at first floor however these serve a landing and as such could be obscure glazed.
- 4.22 In light of the above, no objection is raised to this amended proposal in terms of impact on the residential amenities of nearby residential occupiers.

### **Traffic and Transportation**

#### **National Planning Policy Framework Section 4, Core Strategy Policies KP2 and CP4, Development Management Document DPD2 policy DM15, and the Design and Townscape Guide (SPD1)**

- 4.23 Policy DM15 requires at least two parking spaces per dwelling outside of the town centre. The application site is located in close proximity to London Road, where there are a number of bus services available. This amended proposal provides garages that meet current standards of 3m wide x 7m depth together with one off street parking space to the front. The proposed complies with current policy and no objections are raised in relation to the siting of the vehicle crossovers in parking terms. This element of the proposal has overcome reason 01 of application 15/00292/FUL.

- 4.24 Cycle and waste storage could be successfully accommodated within the rear garden and can be conditioned if this application is deemed acceptable.

### **Use of On Site Renewable Energy Resources**

#### **Core Strategy Policies KP2 and Design and Townscape Guide SPD1**

- 4.25 Policy KP2 of the DPD1 and the SPD1 require that 10% of the energy needs of a new development should come from on-site renewable resources, and also promotes the minimisation of consumption of resources. No details accompany this application; however this can be dealt with by condition if the application is deemed acceptable.
- 4.26 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (1110 lpd) when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. Whilst details have not been submitted for consideration at this time, officers are satisfied this can be dealt with by condition.

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

- 4.27 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**

- 4.28 The application has overcome the previous reason for refusal of application 15/00292/FUL in relation to parking. However, the proposed dwelling, by way of its detailed design would be out of keeping and visually harmful to the surrounding area. This is contrary to the National Planning Policy Framework policies KP2 and CP4 of the Core Strategy DPD1, Policies DM1 and DM3 of Development Management Document DPD2 and policies and the Design and Townscape Guide. In addition, the applicant has failed to demonstrate accessibility and adaptability of the dwellinghouse in accordance with Building Regulation M4 (2) and policy DM8 of the Development Management DPD2 and National Technical Housing Standards DCLG 2015.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework, 2012.

- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance) and CP8 (Dwelling Provision).
- 5.3 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), DM15 (Sustainable Transport Management)
- 5.4 Design & Townscape Guide, 2009 (SPD1).

## **6 Representation Summary**

### **Highways**

- 6.1 6 off street car parking spaces have been provided which meet current parking policy standards. The applicant will be required to reinstatement the disused vehicle crossover when extending the proposed crossover.

Given the above there no highway objections are raised.

### **Parks and Trees**

- 6.2 The street tree (a Birch tree) will not be affected by the development as the proposed crossover is a sufficient distance from the stem.

### **Design and Regeneration**

- 6.3 Salisbury Road is a residential street of mixed character containing a range of properties including a few bungalows, two storey houses and a number of small flatted blocks, the most common typology being two storey houses which are arranged in short terraces. The application site contains at present a pair of semi-detached bungalows. It is proposed to replace these with two pairs of semi-detached houses.

Given the mixed character of the street there is no design objection to the principle of the redevelopment of the existing building for semi-detached houses or detached property as this would be compatible with the streetscene.

This application for 3 houses follows a previous application also for 3 houses which was refused on the failure to provide 2 parking spaces per property. The amended plans have achieved this but to the detriment of the design of the proposal and this is therefore unacceptable. The previous scheme had a much more interesting and articulated design which complemented the rich detailing in the streetscene. This has been replaced by a very bland design which is dominated by the integral garage.

Although the street contains houses of mixed designs some of which have garages, where these occur they are to the side of the property and therefore much more subservient in the streetscene, integral garages are not part of the local character. In addition to being a dominant addition, the inclusion of a garage here has altered the proportions of the property to be much more horizontal in emphasis, which also contrast with the character of the streetscene generally, and has resulted in an awkward detailing between ground and first floor. An alternative higher quality design should be sought.

It seems that the plot is wide enough to provide a pair of semis and a detached property with subservient tandem or garage parking to the side. Narrower proportioned frontages with strong and well detailed vertical elements, large windows and generous porches would be a better fit in this context and would be much more in keeping with the grain and character of the area.

### **Leigh Town Council**

#### **6.4 Objection**

The proposed development would as a result of its siting in close proximity to the northern and southern boundaries, together with the proposed depth, height and mass, result in a loss of light, outlook and sense of enclosure to the occupants of the properties within Salisbury Court and No. 98 Salisbury Road to the detriment of their residential amenity.

### **Public Consultation**

#### **6.5 Neighbours notified and site notice displayed – 7 letters of representation received at the time of writing the report objecting on the following grounds:**

- 16 Salisbury Court is situated immediately next to one of the proposed development sites, 106 Salisbury Road. Currently, our property is afforded magnificent natural light from six south facing windows across the first and second floors of the dwelling; much more restricted light comes in through the four other windows on the east and north sides of the property **[Officer Comment: Windows to the flank elevation are considered secondary whereas the primary windows are located to the east and west elevations respectively. Furthermore, loss of light was not a reason for refusal under application 15/00292/FUL albeit the roof design of this amended proposal has changed];**
- Previous applications have been rejected based on the proposed ‘ gable end roof’ and again, we firmly believe this application should be rejected on the same grounds as the planned ‘gable end roof’ would be directly adjacent to the south facing side of Salisbury Court resulting in circa 60% loss of light and a ‘claustrophobic’ feeling to the immediate occupants, namely our property, number 16 and our neighbour at number 17

**[Officer Comment: A gable roof has been objected to previously under application 14/01502FUL, however this amended proposal has reduced the overall depth and height of the front and rearward gable projections and is not considered to be harmful to the amenities of nearby residents in terms of loss of light];**

- Parking provision is not acceptable **[Officer Comment: Two parking spaces are provided in accordance with policy DM15 of the Development Management Document];**
- The proposal will result in increased traffic that will affect children attending West Leigh School in terms of their safety and will add danger to the roads;
- The 'plans' / sketches indicate that the intention within the proposed development is to erect a gable end roof line immediately next to the south facing aspect of Salisbury Court and this was rejected in a previous application, therefore, it should equally be rejected in this application as this would result in a 60% loss of light and a sense of enclosure to the residents of Salisbury Court immediately adjacent to this development, specifically to number 16, but also adversely affecting to number 17.
- The development will result in zero natural light to the south facing aspect of this property due to a brick wall being situated no further than 8 to 10 feet from all of the six south facing windows to number 16, Salisbury Court and this will equally have a devastating effect on my neighbour in the ground floor flat at number 17, Salisbury Court **[Officer Comment: The impact on residential amenities was not objected to under application 15/00292/FUL with an overall ridge height of 8.3m and front and rear gable projections of 7.3m-7.5m in height and depth of 15m. This amended proposal will include an overall height of 8.6m to the main ridge and the gables to the front and rear with an overall height of 6.9m to the gables to the front and rear and depth of 14.5m].**
- Loss of views **[Officer Comment: A right to a view is not a material planning consideration];**
- Overlooking and loss of privacy;

6.6 Cllr. Evans has requested that this application go before the Development Control Committee for consideration.

## **7 Relevant Planning History**

7.1 Demolish existing dwellinghouses at 104-106 Salisbury Road, erect four semi-detached dwellinghouses and form additional vehicular crossover onto Salisbury Road (Amended Proposal)- Refused (15/00292/FUL). Dismissed at appeal reference APP/D1590/W/15/3030409.

7.2 Demolish existing dwellinghouses at 104-106 Salisbury Road, erect four semi-detached dwellinghouses and form additional vehicular crossover onto Salisbury Road- Refused (14/01502/8FUL).

## **8 Recommendation**

**REFUSE PLANNING PERMISSION for the following reason:**

- 01 The proposed dwelling, by way of its poor design would be out of keeping appearing out of context and visually harmful to the detriment of the surrounding area. This is contrary to the National Planning Policy Framework policies KP2 and CP4 of the Core Strategy DPD1, Policies DM1 and DM3 of Development Management Document DPD2 and policies and the Design and Townscape Guide.**
- 02 The proposal would result in the loss of bungalows and the replacement development fails to demonstrate its accessibility and adaptability in accordance with Building Regulation M4 (2) contrary to the NPPF, policies KP2 and CP4 of the Core Strategy, policies DM1, DM3 and DM8 of the Development Management DPD2 and National Technical Housing Standards DCLG 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>	15/01644/FUL
<b>Ward:</b>	Milton
<b>Proposal:</b>	Change of use from residential care home (Class C2) to hotel (Class C1), erect single storey front extension, form additional floor with roof terrace and alter elevations
<b>Address:</b>	Raymond House, 7 - 9 Clifton Terrace, Southend-On-Sea, Essex, SS1 1DT
<b>Applicant:</b>	Mr Jawed Rashid
<b>Agent:</b>	Appleby Architects
<b>Consultation Expiry:</b>	6 <sup>th</sup> January 2015
<b>Expiry Date:</b>	2 <sup>nd</sup> February 2015
<b>Case Officer:</b>	Anna Tastsoglou
<b>Plan No's:</b>	15158/002/P5; 15158/008/P3; 15158/009/P3; 15158/010/P3; 15158/011/P3; 15158/012/P3; 15158/013/P3; 15158/014/P3 & 15158/017/P1
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



*This application was deferred from the Development Control Meeting of 2<sup>nd</sup> March 2016 to ensure third parties were sufficiently notified of the Committee meeting.*

*It is also noted that an additional condition in relation to opening hours of the proposed outdoor seating area and proposed sliding doors of the bar area has been recommended.*

## **1 The Proposal**

- 1.1 Planning permission is sought to refurbish and convert an existing care home (class C2) to a boutique hotel (class C1), erect a single storey front extension and erect a fourth floor with roof terrace. The existing roof extension at fourth floor and ground floor front extension would be demolished and the elevations would be altered.
- 1.2 The existing ground floor front extension would be demolished and a single storey flat roof L-shape front extension would be erected. The extension would measure a maximum of 18.4 metres wide x a maximum of 9.9m deep (stepping in to the west to 5.1 metres), with a maximum height of 3.9 metres. An 800mm deep canopy would project beyond the main entrance and to the west, while a similar 1m glazed canopy would overhang the front bar area. Timber raised decking would be installed under the canopies.
- 1.3 The extension at fourth floor would be sited approximately 2.2 metres back from the frontage of the building and it would measure 19.4m wide to the front and 7.9m to the rear x a maximum of 14.7m deep, resulting in a maximum height of 14.2 metres (550mm less than the existing maximum height of the building).
- 1.4 The gross internal area of the building would be increased by 133sqm, resulting in a total of 1628sqm. The plans indicate that the proposed refurbished hotel would provide 37 rooms at first to fourth floors. The ground floor would accommodate a reception area, a bar/restaurant, a kitchen, a luggage storage room, 6 no. WCs, a conference room, a linen room, a store and a staff room. The plant area and a storage area would be provided at basement.
- 1.5 11 parking spaces would be formed to the rear of the building, two of which would be disabled parking spaces. A drop-off point is proposed to be provided in front of the main entrance of the proposed hotel. The existing area in front of the building which is currently covered in tarmac would be partially hardsurfaced over and partially formed with bonded gravel to provide access to the rear car park. The existing front timber access ramp would be removed and replaced with a vehicle drop-off point. Disabled access would be provided to the front by this ramp and a 1010mm door to the left of the revolving front doors.
- 1.6 Refuse storage would be enclosed and sited attached to the far end of the east flank elevation of the building. A protected cycle store for 8 no. cycles would be provided to the rear of the proposed car park, north of parking space 1.

- 1.7 Materials to be used in the external elevations would include glazing to entrance and bar doors, polyester powder coated metal dark grey windows, with replacement external doors to be painted timber to match windows and revolving doors in the front main entrance. The new roof would be finished in polymeric sheeting, while the existing roof would be converted to a roof terrace and finished in pavilion tiles. The external walls would be finished in render and new timber cladding.
- 1.8 The applicant has submitted a design and access statement, a heritage statement, a traffic report and 3D visuals, in support of his application.
- 1.9 It is noted that a separate application for advertisement consent would be required to be submitted for the proposed signage shown on the plans and visuals.

## **2 Site and Surroundings**

- 2.1 The site is located on the northern side of Clifton Terrace within Clifftown Conservation Area. The property is located between a neat run of three storey listed terraces to the west and a locally listed building to the east. This is the most historically significant part of the conservation area. The existing building does not form part of the listed terrace and it is not considered to make a positive contribution to the character of the conservation area.
- 2.2 The listed terrace to the west was built in 1860 and it is a run of 7 three storey plus basement houses, now converted to flats, each with a three storey canted bay and recessed porch above entrance steps. Finishing materials include stock brick with render to basement, ground floor and bay and rendered detail to window and porch surrounds and horizontal band at second floor level and sliding sash windows.
- 2.3 The application building is a four storey 1970s building; finished in brown brick, with four slimmer bays, top parapet and single storey front extension, which detracts from the historic character of the attached listed buildings. Parking to serve the development is located to the rear.
- 2.4 The property lies within a Southend Central Area, which forms part of the 'key areas' for visitor accommodation, according to the Development Management DPD.

## **3 Planning Considerations**

- 3.1 The main consideration in relation to this application are the principle of the development, impact on the character of the conservation area, impact on neighbouring properties, any traffic and transport issues and CIL/Developer Contributions.

## 4 Appraisal

### Principle of Development

**National Planning Policy Framework 2012, Core Strategy Policies KP1, KP2, CP1 and CP4, Development Management DPD Policies DM1, DM5, DM9, DM12 and DM15 and SPD1.**

- 4.1 The building is located within Southend Central Area and hence within the 'key areas' for visitor accommodation. Policy KP1 and CP1 identifies the need to generate 6,500 new jobs within Southend Town Centre between 2001 and 2021 in order to secure a full range of quality sub-regional services. Both Policies CP1 and CP2 emphasise the need for the improvement of the vitality and viability of the town centre.
- 4.2 In relation to the loss of the existing residential care home use (C2) of the property policy DM9 of the Development Management DPD recognises the *"need to limit further growth of the residential care homes market in Southend, owing to modifications in the approach to national and local social care policy. Increasingly, social care policy now seeks to enhance the level of support available for older people, the vulnerable and those with disabilities, allowing them to remain in their own homes or live as independently as possible, rather than in residential care homes. It is the Council's corporate policy to limit the further growth of residential care and instead to focus on promoting improvements to the existing facilities, as well as to support increased care within people's homes."* There is therefore no objection to the loss of the care home.
- 4.3 Policy DM12 of the Development Management DPD highlights 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 'Key Areas'). Proposals must relate well to strategic routes and the distributor road network, have good public transport accessibility, and meet the requirements of other relevant planning policies."*
- 4.4 The site lies within Southend central area, one of the 'Key Areas' for visitor accommodation, as identified in policy DM12 of the Development Management DPD. It is therefore considered that the proposed hotel (C1) use would be appropriate in this location, given that it is sited in very close proximity to the town centre and the seafront and it would also generate 20 new jobs.
- 4.5 In light of the above, it is considered that the proposed change of use of the residential care home to a hotel would be acceptable in principle, as the site is located in a marked as 'key area' for visitor accommodation, the reduction of the existing residential care home stock is supported by the national and local social care policy and also the proposal would result in approximately 20 new jobs.

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

### **NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Development Management DPD Policy DM1, DM5 and DM12; SPD 1 (Design & Townscape Guide (2009))**

- 4.6 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.”* 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.”*
- 4.7 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”*. Policy DM5 advises that *“All development proposals that affect a heritage asset will be required to include an assessment of its significance, and to conserve and enhance its historic and architectural character, setting and townscape value.”*
- 4.8 According to Policy KP2 of Core Strategy (CS) new development should *“respect the character and scale of the existing neighbourhood where appropriate”*. Policy CP4 of 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”*.
- 4.9 A number of external alterations have been incorporated to the original proposal following discussion with the conservation officer. The Main alterations include the following :
- Increase of solidity to main frontage in order to achieve a positive reference to the much more solid frontage of the attached listed terrace.
  - The existing front bay glazing has been elongated to draw reference from the long bay windows of the listed terrace and also compensate for the loss of the glazing to the side.
  - Reduction in scale of ground floor extension
  - Retention of front boundary wall
  - Introduction of further landscaping.
  - Introduction of new materials and glazing in the east elevation.
  - Internal layout alterations to avoid obscure glazing in the front elevation.

- 4.10 As it is noted above the existing building it is not considered to make a positive contribution to the character of the conservation area and the nearby listed buildings and it is therefore a scope for its enhancement. The setting of the existing ground floor extension is considered 'obtrusive' and the fourth floor element is not considered to enhance the character of the area and as such, their replacement is welcomed. The proposed alterations would result in a more modern appearance and character of the existing building, drawing reference from the general design and proportions of the neighbouring listed properties, which is considered the correct approach to improve the existing building and also protect the character of the conservation area. Proposed materials have been submitted during the process of the determination of this application and are considered appropriate.
- 4.11 There is no objection in principle to the proposed alterations to the fenestration. The solidity of the façade has been increased, without significantly impacting on the expanse of glazing as the windows have been elongated to match the proportion of the adjoining terrace. It is therefore considered that the alterations to the front elevation would improve the appearance of the existing building and they would enhance the character of the conservation area.
- 4.12 With respect to the front extension, it is noted that the building already has a sizeable front extension but the conservation area appraisal notes this as being 'obtrusive' and it is prominent in the streetscene. The front extension is not considered to be overly prominent in the streetscene. Furthermore, it is of a more refined design and it would be fully glazed. Products materials have been submitted and the proposal would have maximum transparency and it would be of a lightweight structure which is considered an improvement to the existing building and more sympathetic to the conservation area.
- 4.13 A cross section of the roof and canopy profiles including explanation of how building control thermal requirements will be addressed has been submitted and it is considered that neither of the proposed structures would result in a thick unattractive structure, which would have a detrimental impact on the conservation area and as such, no objection is raised to the design of the proposed front canopy or roof.
- 4.14 Regarding the replacement of the roof extension (4<sup>th</sup> floor element), there is no objection to a larger footprint, roof extension. The extension as proposed would not be set higher than the existing roof extension and a sufficient distance would be maintained to the front building line. The detailing of the proposed extension in the roof would be of high quality and similar to the ground floor extension and this would result in a more transparent and lightweight structure, which is considered preferable to the existing roof extension. A canopy would be provided in front of the roof extension, which would be glazed and would be similar to that at ground floor and as such it would not result in an unacceptable or prominent feature in the roof. No objection is raised to the proposed roof terrace in design terms.

- 4.15 The existing front boundary wall would be largely retained/reconstructed and it would be finished in render to match the external finishing of the building. This is considered to provide definition between the public and private areas and it is characteristic of the wider streetscene. It is however, noted that any replacement of the wall close to the existing preserved horse chestnut tree (TPO 5/77 T11) would require submission of details of the works, in order to protect the health of the tree. This would be required by condition.
- 4.16 A vehicular drop off point has been shown outside the main entrance of the proposed hotel. Although this would result in an additional crossover in front of the property, given that the landscaping has been enhanced by increasing the grassed area and that the material of the proposed front hard surface of the driveway would be appropriate for the conservation area, on balance, it is considered that it would be acceptable in design terms. A sitting area is shown outside the single storey front extension to serve the ground floor bar. The proposed raised decking and internal feature wall of the east side wall would be finished in timber cladding, which is considered acceptable. Details of the materials would be required to be submitted.
- 4.17 With regard to the other elevations, although they would be predominantly finished in render, some additional detailing and change in materials (timber cladding) has been incorporated to various areas where long views are maintained from Royal Mews, which is considered to enrich the appearance of the building.
- 4.18 Whilst limited information has been submitted in relation to the air conditioning units, an area to the rear roof terrace has been indicated as the area where the air conditioning condensers would be positioned. Given that this would be sited high and to the rear of the building and it would have the least impact on views from public vantage points and as such, it is considered acceptable, subject to the approval of details.
- 4.19 In light of the above, it is considered that the proposed alterations and extensions as proposed would improve the appearance of the existing building and would enhance the character of the conservation area. Therefore they are considered acceptable.

### **Impact on Neighbouring Properties**

#### **NPPF; Development Management DPD Policy DM1; SPD 1 (Design & Townscape Guide (2009))**

- 4.20 The Design and Townscape Guide (SPD1) states that “*extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.*” (Paragraph 343 - Alterations and Additions to Existing Residential Buildings).

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

- 4.21 In terms of levels of activity, the proposed hotel would result in some increase in comparison to the current residential care home. However, given that the existing use involves additional traffic movements and noise generation by the staff (carers) and that the proposal is for a medium-sized boutique hotel, on balance, it is considered that the levels of activity would not be such that would result in unacceptable noise and disturbance to the nearby residential properties.
- 4.22 Although the size of the fourth floor extension would be increased, the maximum height would be marginally reduced and it would still be sited away from the neighbouring residential properties. A 6.9m and 32m separation distance would be maintained between the extension and the western and northern boundaries, respectively. A minimum of 5.5 metres separation distance would be retained between the proposed extension and neighbouring locally listed building to the east. These distances of separation are considered sufficient to prevent from any unacceptable loss of light or domination.
- 4.23 With regard to the ground floor front extension, it would be sited around 3.5 metres away from the adjacent property to the west and it would project 3.5 metres forward the neighbouring front building line. Given the separation distance and the limited height of the proposed front extension, it is considered that it would not result in loss of light to neighbouring front windows. Furthermore, given that it would be a lightweight structure (fully glazed), it is not considered that it would appear obtrusive from the neighbouring front garden.
- 4.24 The extension would be sited approximately 3.6 metres away from the neighbouring property to the east; however, it would not project beyond its front wall. Given the separation distance, the limited height of the extension and the fact that it would replace an existing extension, it is not considered that it would result in a greater or materially harmful impact on the amenity of the nearby neighbours to the east.
- 4.25 No additional windows are proposed to the flank and rear elevations and as such, the proposal would not result in a material increase in overlooking the neighbouring properties.
- 4.26 The proposed roof terrace would be located to the front and it would therefore impact on the highway, the Thames estuary and the neighbouring front gardens only, which is considered acceptable.



## Traffic and Transport Issues

### NPPF; Policy DM15 of the emerging Development Management DPD

- 4.27 Policy DM15 of the Development Management DPD requires that all development should have adequate parking. The off-street parking requirement for hotels is 1 parking space/bedroom. The proposed hotel would have 37 bedrooms and 11 parking spaces are proposed. Although the proposal would not meet the maximum off-street parking standards, the applicant has submitted a transport report demonstrating that the building is located within a sustainable location, close to extensive and frequent public transportation, pedestrian and cycle routes and also a pick-up, drop-off point for the visitors would be provided outside the main entrance of the hotel.

#### Traffic Generation

- 4.28 The report also tests the difference between the traffic generated by the existing use of the building (residential care home) and the proposed use (hotel) in peak hours (between 8.00 and 9.00 hours in the morning and 17.00 and 18.00 hours in the evening). The report concludes the following:

*“Therefore the net increase in trips amounts to 7 in the AM peak hour and 3 in the PM peak hour.”*

This is not considered a significant increase in traffic movements and taking into account the very sustainable location of the hotel (within the town centre and in close proximity to the seafront) and the drop-off, pick-up service which is proposed to be provided, it is not considered that it would result in unacceptable traffic movement to the detriment of the highway network. It is however considered appropriate to require the submission and agreement of a travel plan to help reduce vehicle movements and the associated need for parking.

#### Parking

- 4.29 Although currently there are 18 parking spaces on site, it is noted that they are not all of them usable, given that the internal layout of the car park restricts vehicle movement within the site as the required 6m turning area is not achievable. As such, the proposal would not result in net loss of usable parking spaces.
- 4.30 It is also noted that there are other larger hotels within the town centre with no parking spaces provided on-site. 11 parking spaces would be provided for the proposed hotel and 8 cycle spaces. As justification for the level of parking provision that is proposed, the applicant has undertaken a comparison with the Travelodge hotel, the TRICS data for which shows that the peak parking demand equates to 0.44 cars per bedroom. Applying the same ratio of parking demand per bedroom to this site would see a peak demand for 16.6 car parking spaces at the site.

From this basis, noting the availability of public car parks within the vicinity of the site, the presence of parking restrictions within surrounding highways, the lack of parking at other hotels in close proximity to the application site and the sustainable location of the application site, it is considered that the proposed hotel use would not cause on-street parking and would not result in a material harm on the highway network or parking availability.

### **Use of on Site Renewable Energy Resources**

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

- 4.31 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 emerging 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”*
- 4.32 Policy KP2 requires 10% of energy provided by on-site renewables, and this has not been demonstrated that can be provided on-site. Although it is considered that there is space in the roof, which can be used for the installation of renewables, given the sensitive location of the site (within a conservation area), it is necessary to protect the adverse impact on the streetscene and the character of the conservation area. It is therefore considered reasonable a condition in relation to the submission of details and features of on-site renewables to be imposed.

### **Community Infrastructure Levy**

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

- 4.33 This application is CIL liable as the internal floorspace created is more than 100sqm. The additional gross internal area created of the proposed hotel would be 133sqm. The CIL charging rate for hotels is £10 per sqm. Therefore, the CIL liability equates to (133sqm x £10 x inflation) and is approximately £1406.73.

### **Waste Storage**

- 4.34 Refuse storage would be enclosed and sited attached to the far end of the east flank elevation of the building and it would be accessed via a door to the east flank elevation contained within the store and kitchen of the proposed ground floor bar area. The size of the refuse area is considered reasonable in relation to the proposed use and the waste which would be generated. It is positioned in an easily accessible location for the staff and also not visible from the public realm.

## **5 Conclusion**

- 5.1 The proposed development, subject to appropriate conditions, is considered to be acceptable based on the specific circumstances of this site.

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework (2012): Section 4 (Promoting sustainable transport) and Section 7 (Requiring good design)
- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP2 (Town Centre and Retail Development) and CP4 (Environment & Urban Renaissance)
- 6.3 Development Management DPD 2015: Policies DM1(Design Quality), Policy DM5 (Southend-on-Sea's Historic Environment), DM9 (Specialist Residential Accommodation), DM12 (Visitor Accommodation) and DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide, 2009.
- 6.6 CIL Charging Schedule 2015

## **7 Representation Summary**

### **Transport & Highways**

- 7.1 Having reviewed the transport statement supplied by the applicant. It has been clearly demonstrated that the site does benefit from being in a sustainable location with regard to public transport with good links in close proximity. The proposal does provide parking for staff and will operate a concierge pick up and drop off service for future residents which will help reduce the impact on one street parking within the local area. On street parking is available within the local area and also has a number of public car parks within walking distance.

Given the above information and that contained within the transport statement there are no highway objections raised to this proposal.

### **Design and Regeneration**

- 7.2 This is a sensitive site within the most historically significant part of the conservation area and between listed and locally listed buildings. The listed terrace is one of the most important, most impressive and most prominent listed buildings in the conservation area. The existing building is of its time but is not considered to make a positive contribution to the character of the conservation area or the setting of the listed terrace to which it is attached so there would be certainly be scope for its enhancement and this is welcomed in principle.

It is considered that the intention to update the appearance of the building to have a more modern character is the right approach to take but it will be imperative that the design detailing and materials as well as the overall design approach are of the highest quality and this would seem compatible for the proposed use as a high end boutique hotel. There is no objection in principle to the introduction of more and better glazing to the main frontage but a balance needs to be struck between the solidity of the frontage and the extent of glazing so that the building does not appear too commercial, so that the bay features appear well integrated and to ensure that the proposal has a positive reference to the much more solid frontage of the attached listed terrace. The benefits of picture windows in this location is appreciated from an internal perspective but it is considered that these should be reduced in width (approx.  $\frac{1}{4}$  -  $\frac{1}{3}$ ) – see attached sketch. This would be to the benefit of the streetscene and in particular the relationship with the listed buildings. There may be scope to increase the depth of the bay glazing to compensate for the loss of the glazing to the side if desired as at present they are rather short in their proportions. Details of the proposed windows will need to be provided with the application.

In addition to window specifications a cross section of the exposed floor plate, including explanations of materials and elements of the floor/ceiling/suspended ceiling/ insulation etc. also needs to be provided so that this element / feature can be better understood. This seems to be rather a commercial detail, it will need to be neatly resolved if it is to be an integral part of the design.

The other main areas of change are the front extension and the 4th floor. It is noted that the building already has a sizeable front extension but the conservation area appraisal notes this as being 'obtrusive' and it is prominent in the streetscene. The plans show the proposal to be significantly larger but of a much more refined design. The enhancement of the design is welcomed but again it is important to ensure that this does not become too dominant in the streetscene, however the scale of any replacement will be mitigated to some extent by achieving high quality design and detailing. It is considered, however, that as proposed the increase in scale is too much given the impact of the existing in this context. This element should therefore be reduced in size so that it does not dominate the frontage. Details of the glazing/doors, canopy and roof will also need to be submitted with the application so that the council can be reassured that the proposal will achieve a high quality intervention in this important location.

Please provide details of the proposed bi-fold doors, these seem very wide and tall, which works well but may be heavy? (Is this a realistic representation of the chosen product?) The roof and canopy are key features in this part of the proposal and a cross section of the roof profile including and explanation of how building control thermal requirements will be addressed will be required.

A reduction in depth of this element would enable the majority of the boundary wall and a landscape buffer to be achieved at the front of the site.

This is important to provide definition between the public and private areas and is characteristic of the wider streetscene. An open frontage would not be considered acceptable in this location. The easiest option would be to maintain and render the existing wall match the building rather than rebuild it, especially as any replacement may impact on the preserved horse chestnut tree on the frontage ( TPO 5/77 T11) This tree must be protected during development and any pruning works required should be specified in this application or within a separate tree application.

The proposal for a vehicular drop of at this point outside the entrance is noted however as shown it seems rather wide for this purpose and will result in an over scaled crossover which will be detrimental to the streetscene. It is considered that this should be reduced in width to a more reasonable size for a single car. This would enable additional landscaping to flank the path to the entrance which would be to the benefit of the scheme. A raised table/pavement level crossover at this point should be considered to improve pedestrian access and enhance the streetscene. An increase in the width of the main vehicular access crossover would be more justified but again this should not appear over scaled.

The proposal to enhance the materials for the driveway is welcomed as the existing tarmac in this area is considered to be detrimental to the character of the conservation area. Some form of landscaping to the parking area to the rear would be to the benefit of the scheme.

With regard to the 4th floor there is no objection to the replacement of this element with a larger footprint in principle provided that this too is well detailed. It is essential that the roof of this element is elegant in its profile. Therefore, as will the front extension, a cross section of the roof profile and detailing will be required so that the depth and detailing of this element can be assessed. This needs to explain how building control thermal standards have been addressed. It also appears that there is some form of brise soleil or canopy here but the design of this is unclear. Further details should be provided.

It is also unclear if the area to the front of this is proposed as a terrace as there appears to be no openings onto this area. This should be clarified. It would seem that this would be a benefit to the scheme although there may need to be a low profile screen dividing this area.

With regard to the other elevations of this addition there seems to be a number of significant blank areas that have no windows and this is a concern especially for the east elevation which has public views. Some additional fenestration in these locations, clear or obscured, would be beneficial to the scheme.

The change in materials to the side will have a noticeable impact on the view from the east where the building provides the backdrop between The Plaza flats. There is some concern that the use of only render here will result in a rather monotonous elevation especially given the basic fenestration in this side. It is therefore suggested that render be used on the two end sections only where they wrap around to the front and the rear and either the existing brick retained in the centre or an alternative cladding be used.

Internally it is noted that the proposal is constrained by the existing building somewhat but there is particular concern about the proposal to have a bathroom against the picture window in room 24. This will result in 1 obscure glazed window to the front which will appear out of place. It is suggested that this bathroom be omitted and the bathroom for 23 be used for 24. There would be scope to provide an additional bathroom within the eastern end of 23. The bathroom for 30 also seems tight and consideration should be given to enlarging it to take in the second window on this side.

It appears that the only signage for the proposal will be on the feature wall to the east of the frontage. It would be helpful to have this confirmed as it appears that the design does not lend itself to additional signage on the building itself. The materials for this element should be explained including the letter, capping detail and any illumination required.

The proposal for a roof garden is welcomed. It appears that no new balustrades or privacy screens are proposed and this should be clarified. It is also noted that there is no provision of cycle parking for staff or visitors and this may be a requirement. The proposal includes a reasonably sized café/restaurant kitchen and therefore the need for new/additional extraction equipment should be clarified. If this is necessary details including location of extracts should be provided. It is noted that there may be some provision of this in association with the existing use that could be reused if it is fit for purpose.

#### Sustainability

The proposal will be required to comply with policy KP2 which requires 10% renewables to be provided. In this sensitive location this will need to be integrated into the design at the application stage. Utilising the roof towards the rear of the building would seem to be the best option but it should be demonstrated that there would be no public impact.

**[Officer comment: It is noted that the above comments have been submitted prior to the submission of the amended plans, which have been altered to incorporate the above comments.]**

#### Parks

7.3 No comments received.

## **The Southend Society**

7.4 No comments received.

## **Milton Conservation Area**

7.5 No comments received.

## **Public Consultation**

7.6 19 neighbours have been consulted and a site notice posted on site and five letters of objection have been received, as follows:

- The proposed contemporary design is not in keeping with the local Georgian and Victorian conservation area. The proposed roof and ground floor extensions are out of place. **[Officer comment: Please refer to section ‘Design and Impact on the Character of the Clifftown Conservation Area’]**
- The proposed hotel is unacceptable as it is sited within a residential area. Unacceptable noise generation.
- The roof terrace and larger windows in the west side elevation would result in loss of privacy. **[Officer comment: It is noted that although it is proposed to replace the existing fenestration, the proportions of the windows would be no larger than the existing. The proposed roof terrace would be located to the front and it would therefore overlook the highway, the Thames estuary and the neighbouring front gardens]**
- The glass front elevation of dinner and bar are would be an invasion of residential privacy. **[Officer Comment: Similar to the comment above the glazed front bar area would overlook the highway, the Thames estuary and the neighbouring front gardens, which is considered acceptable.]**
- The proposal would result in further congestion to an already busy cul de sac and traffic generation. **[Officer comment: Please refer to section ‘Traffic and Transport Issues’]**
- If the hotel extends backwards this would result in loss of light. **[Officer Comment: There is no provision of extensions to the rear of the existing building.]**
- There are already many hotels in the area.
- Only residential flats should be approved in this location.
- The plans are not available online. **[Officer Comment: All associated documents and plans are available on the Council’s website.]**

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

## **8 Relevant Planning History**

- 8.1 15/01632/TPO - Height reduction of 5m and circumference reduction of 1.5m to one Horse Chestnut tree to front (Works to a tree covered by a Tree Preservation Order). Consent for works to tree refused.

## **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: 15158/002/P5; 15158/008/P3; 15158/009/P3; 15158/010/P3; 15158/011/P3; 15158/012/P3; 15158/013/P3; 15158/014/P3 & 15158/017/P1 (C01D)**

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

- 03 No development shall take place until external finishing materials including product details to be used have been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved materials unless otherwise agreed in writing by the local planning authority.**

**Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of 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 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 Policies KP2 and CP4 of the Core Strategy (DPD1).**



- 05** Prior to the occupation of the development refuse and cycle storage facilities shall be provided and thereafter retained in perpetuity in accordance with plans No's 15158 002 P5.

**Reason:** To safeguard the amenities of the future occupants of the proposed flats and adjoining properties in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, Development Management DPD policy DM1, and SPD1 (Design and Townscape Guide).

- 06** A tree protection plan shall be submitted to and approved in writing by the local planning authority, including details related to the demolition and reconstruction of the front boundary wall.

**Reason:** To ensure the preserved tree at the site is adequately protected during building works in the interests of visual amenity and in accordance with DPD1 (Core Strategy) policy KP2 and CP4, Development Management DPD policy DM1, and SPD1 (Design and Townscape Guide).

- 07** Prior to the installation of any plant/ air conditioning condensers, full details of the equipment including a noise report shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall only be installed in accordance with the approved details.

**Reason:** To safeguard the amenities of the adjoining properties in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, Development Management DPD policy DM1, and SPD1 (Design and Townscape Guide).

- 08** Prior to the commencement of the development details of soft and hard landscape works shall be submitted to and approved by the local planning authority. The approved landscaping scheme shall be implemented within the first planting season following first use of the hotel.

**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).

- 09** Prior to the first use of the building as a hotel, the parking shown on the Proposed Site Plan hereby approved (shown on drawing 15158 0002 P5) shall be provided, marked out and made available for use in conjunction with the operation of the hotel. The parking spaces shall subsequently be retained in perpetuity and only be used in conjunction with the operation of the hotel use.

**Reason: To ensure that a suitable level of parking is provided at the application site in accordance with DPD1 (Core Strategy) policy KP2, Development Management DPD policy DM15 and SPD1 (Design and Townscape Guide.**

- 10 Prior to the first use of the building as a hotel a travel plan, including sustainable transport targets and details of the monitoring of the travel plan, shall be submitted and approved in writing by the Local Planning Authority.**

**Reason: To encourage sustainable forms of transport to the hotel in accordance with DPD1 (Core Strategy) policy KP2, Development Management DPD policies DM1 and DM15.**

- 11 The proposed sliding opening doors at the proposed bar area shall remain closed and outside seating area shall not be used between the hours of 21.00 - 9.30.**

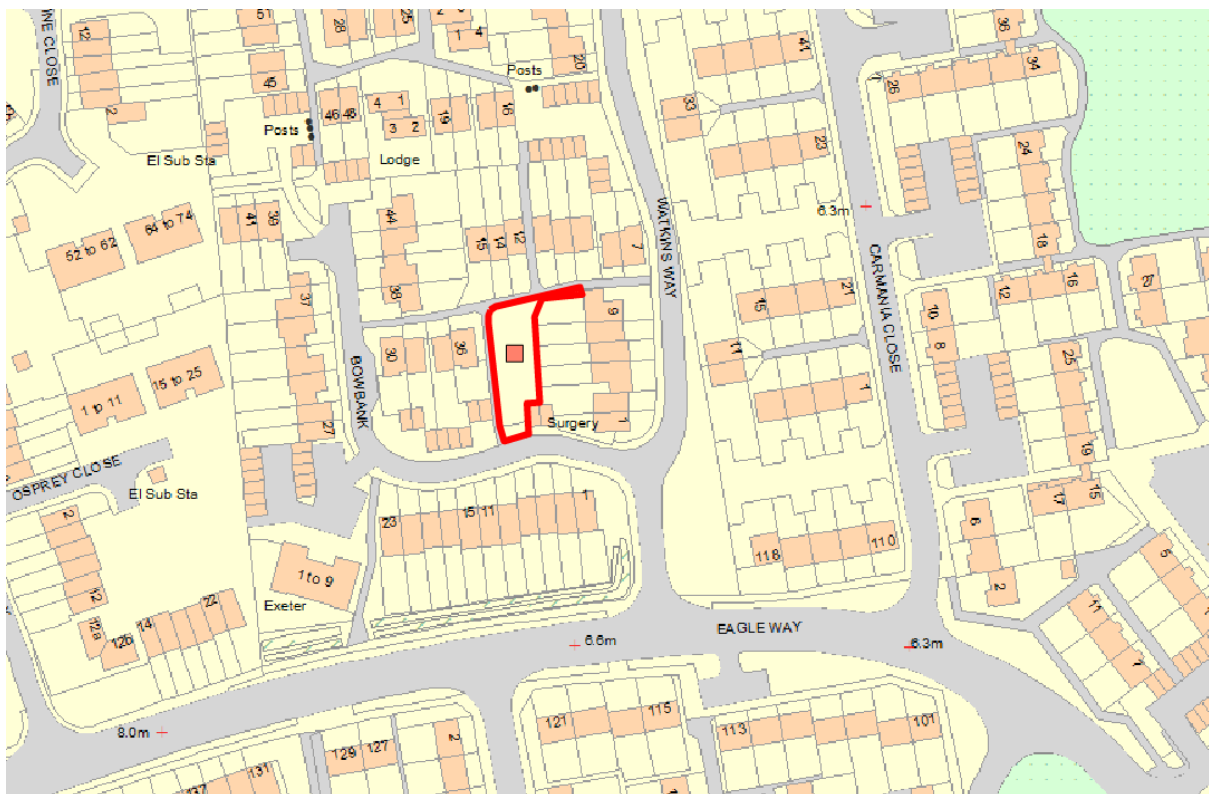
**Reason: To safeguard the amenities of nearby residential properties, in particular to protect the occupiers from noise and disturbance, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4 and Development Management DPD Policy DM1.**

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

#### **Informative**

- 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.**
- 2 Please note that the signage shown on the plans hereby approved would require separate advertising consent under the terms of the Town and Country Planning (Control of Advertisements) Regulations 2007 prior to their installation.**

<b>Reference:</b>	15/02092/FUL
<b>Ward:</b>	Shoeburyness
<b>Proposal:</b>	Erect two dwellinghouses on land adjacent to Bowbank Close with associated amenity, parking and landscaping (Amended Proposal)
<b>Address:</b>	Land To Rear Of 2 To 6, Watkins Way, Shoeburyness, Southend-On-Sea, Essex
<b>Applicant:</b>	Ace Compacts
<b>Agent:</b>	Nick Kenney, The Draughtsman
<b>Consultation Expiry:</b>	16 <sup>th</sup> March 2016
<b>Expiry Date:</b>	14 <sup>th</sup> April 2016
<b>Case Officer:</b>	Anna Tastsoglou
<b>Plan No's:</b>	BC/NAK/001/438 Rev B; BC/NAK/002/438 Rev B
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## 1 The Proposal

- 1.1 Planning permission is sought to erect 2, two-storey, two bedroom semi-detached dwellinghouses with gabled roofs at land to rear of 2 to 6 Watkins Way, with associated amenity space, incidental landscaping and a total of four off-street parking spaces (amended proposal).
- 1.2 The plot is generally rectangular in shape. The proposed semi-detached dwellings would be sited almost centred in the plot, set marginally forward of No. 36 Bowbank Close, with their front elevations facing north.
- 1.3 The proposed dwellings would have simple flat frontages with open front canopies. They would be deeper at ground floor, as a result of mono-pitched roof rear extensions, while the two storey elements would have gabled roofs.
- 1.4 The proposed dwellings would measure 8.2m wide (in total) x 11.4m deep at ground floor and 9.7 at first floor x 5.3m high to the eaves, with a maximum height of 8.2 metres.
- 1.5 Each dwelling would be around 71.5m<sup>2</sup> with a private amenity space of 54m<sup>2</sup> for the dwelling to the west and 48m<sup>2</sup> for the dwelling to the east. The approximate size of the bedrooms would be:
  - Double Bedroom : 12m<sup>2</sup> and
  - Single Bedroom : 8m<sup>2</sup>
- 1.6 The internal layout of the proposed semi-detached dwellings would be handed and would each include accommodation in the form of an open kitchen/dining area plan, a lounge, a WC, a utility and a cupboard at ground floor and a single bedroom, a double bedroom and a bathroom at first floor. One parking space would be provided per dwelling to an existing hard surfaced area adjacent to the south of the proposed rear gardens. Two additional parking spaces are proposed to be sited approximate by 35m from the application site, adjacent to a recently developed site sited on the corner of Eagle Way and Watkins Way and the subject of an application for a new dwelling (Ref 13/00334/FUL).
- 1.7 Soft landscaping including grass and shrubs with pedestrian access from the footpath to the north is proposed as the front curtilages of the dwellings. The rear gardens would be bounded by a 1.8m high timber boundary fence. Refuse storage would be provided at the end of the rear gardens.
- 1.8 Materials to be used would include white UPVC windows and doors, with soldier courses above the fenestration, concrete roof tiles and the external walls would be finished in fair faced brickwork.

1.9 An application for a similar proposal to erect 2, two-storey, two bedroom semi-detached dwellinghouses has been previously submitted and refused by reasons relating to a lack of off-street parking and amenity space provision (Ref 15/00807/FUL).

1.10 Amendments incorporated into this proposal are as follows:

- The proposed semi-detached dwellings have been moved forward to the north by approximately 1.2 metres.
- The depth of the single storey rear element has been reduced by approximately 1 metre and consequently the internal floorspace of the proposed dwellings has been reduced by 2.5sqm, resulting in each dwelling measuring around 71.5sqm.
- The amenity space provided at the rear has been increased from 32sqm and 49sqm to 48sqm and 54sqm respectively.
- Two additional parking spaces are proposed to be formed along Watkins Way, approximately 35m away from the application site. It is noted that the site indicated for the proposed additional off-street parking was included the recently developed site (13/00334/FUL - Erect two storey detached dwelling with garage to land adjacent to corner of Eagle Way and Watkins Way, layout landscaping and form vehicular access onto Watkins Way) sited on the corner of Eagle Way and Watkins Way.

## **2 Site and Surroundings**

2.1 The application site is located directly adjacent to the rear gardens of properties No's 2 to 6 Watkins Way, north of Bowbank Close. The plot has an approximate size of 27m depth x 10.4m width and it is currently grassed over, forming an incidental open green space, which the applicant has confirmed is in private ownership. The plot abuts a public footpath to the north. Two storey terraced dwellinghouses are located north of the public footpath. A public footpath also runs along the western side of application site. A pair of two storey semi-detached properties is located to the west. Two garages are sited to the south together with a hard surfaced area, providing two off-street parking spaces. South of Bowbank Close there is a mix of two and three storey terraced dwellings. A Doctors Surgery is located to the southeast.

2.2 The site is located within a residential area, comprising of two and three storey semi-detached and terraced dwellinghouses. The dwellings are of a typical late 20<sup>th</sup> century suburban style. Although not of a uniform design, it appears that they have been built within the same period. Common architectural characteristics include the simple flat frontages, gable roofs and red brick finishing. Single storey pitched roof garages are also common within the vicinity, which are of similar design to the dwellings to where they locate. Open green spaces, including a number of similar to the application site, and open grassed areas in between the houses and to the sides of the roads, are a characteristic of the 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 whether the application has overcome the previous reason for refusal.

### 4 Appraisal

#### Principle of Development

**NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; SPD 1 (Design & Townscape Guide (2009)); Policies DM1, DM3 and DM8 of the Development Management DPD**

- 4.1 The site is located within a residential area and the applicant confirmed that the site forms a privately owned land, which has been left undeveloped. 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 1,400 homes to be delivered in Shoeburyness between 2001 and 2021.
- 4.3 Policy DM3 of the emerging 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 proposals will:
- “(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 proposed residential use of the site is considered acceptable in principle. The site abuts a highway to the south and therefore, it is not considered backland development. In terms of its size, although it is considered acceptable in principle accommodate a new dwelling, the provision of two dwelling houses, in relation to detailed design, living conditions, residential amenity and parking availability is assessed below.
- 4.7 The area is currently grassed over. No protected trees are planted within the application site. Although a grassed area which contributes to the local character and suburban feel, in terms of density, would be lost, this is not considered to be a significant local ecological asset, which deserves protection from development.
- 4.8 In light of the above, the provision of a residential use in this location is considered acceptable in principle. 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**

- 4.9 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.”*

- 4.10 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”*.
- 4.11 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”*.
- 4.12 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”*.
- 4.13 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.”*
- 4.14 With regard to character and urban grain the siting of the dwelling, as noted, the Design and Townscape Guide requires that above care should be taken to ensure that the development would retain the existing building lines and also the characteristic openness of the area. The development is proposed to be sited in line with the neighbouring properties to the west facing north, similar to No’s 36 to 30 Bowbank Close. Therefore, no objection is raised in relation to the retention of existing building lines. The properties within the vicinity are predominantly semi-detached and terraced properties, without spacious gaps between them and as such, there is no specific restriction in maintaining significant gaps between the dwellings. Thus the development is considered to be in keeping with the urban grain of the area.



- 4.15 The proposed semi-detached dwellings are of a rectangular shape, almost centred within the plot. The front and rear walls of the two storey element of the dwellings would be only marginally forward the neighbouring property to the west, while the ground floor would project 800mm rearwards to the south. The eaves and ridgeline heights would be approximately in line with the neighbouring properties to the west and east. In terms of shape, the proposed dwelling would be of similar rectangular shape to dwellings within the surrounding area; however, the width of the proposed houses would be smaller in relation to the nearby properties and more similar to properties No's 11 and 12 Watkins Way. It is considered that the proposal would be acceptable in terms of mass, form and siting, in keeping with the rhythm of the dwellings within the immediate area.
- 4.16 With regard to the proposed elevational design, the proposed dwellings would have a simple predominantly flat frontage, with a centred open porch to the front of main entrances. That design reflects to the majority of the existing properties within the surrounding area and therefore, it is considered to be acceptable. Fenestration has been incorporated in front and rear elevations, as well as some small openings in the flank elevation. Therefore, the proposal would not lack of fenestration, resulting in blank walls. Although the proposed soldier courses above fenestration are not a common feature of the area, it is considered to contribute positively to the appearance of the dwellings. Proposed materials include red brick and concrete tiles, which would match those of the existing dwellings in the area. In light, of the above, whilst the proposal is not of an exceptional design, it does draw reference from the neighbouring dwellings and it satisfactorily blends with the urban character of the area.
- 4.17 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”*.
- 4.18 The dwellings would be orientated with their front elevations facing north, opposite the front elevations of properties No's 15 to 11 Watkins Way. Given that there is no access to vehicles and that the dwellings front onto a footpath all properties to the north have soft landscaped front gardens. The front curtilages of the dwellings are proposed to be soft landscaped, including a grassed over area and hedges along the northern boundary, with pedestrian accesses in front of the main entrances paved in through coloured paving slabs or block paving. This would result in a reasonably sized green area, which would soften and positively contribute to the appearance of the properties. Whilst the proposed 1.8 metres high fence would enclose the currently open pedestrian footpath to the side of the site, on balance, taking into account the width of the path (approximately 1.6 metres), this is considered acceptable.

## Living Conditions for Future Occupiers

### National Planning Policy Framework 2012, Core Strategy Policies KP2, CP4 and CP8, Borough Local Plan Policies C11 and H5, and SPD1

- 4.19 Delivering high quality homes is one of the Government's requirements according to the NPPF. Since 1<sup>st</sup> of October 2015 Policy DM8 of the Development Management DPD has been superseded by the National Housing Standards regarding the minimum internal floorspace standards.
- 4.20 The proposal is to form 2 no., two bedroom (3 persons) two storey dwellings. According to the above standards the minimum internal floorspace for a two storey, two bedroom, 3 person house is 70sqm and therefore, the proposed dwellings would just exceed the minimum floorspace standards. With regard to the bedroom sizes, both single and double bedrooms would meet the minimum floorspace requirement as set in the National Housing Standards. All habitable rooms would be provided with adequate lighting, outlook and as such, no objection is raised in relation to living conditions.
- 4.21 With regard to the amenity space, policy DM8 states that all new dwellings should *"make provision for usable private outdoor amenity space for the enjoyment of intended occupiers"*. The proposed amenity space has been increased from 32sqm and 49sqm to 48sqm and 54sqm respectively since refusal of the previous application (15/00807/FUL). Albeit still limited, it is considered that it would provide usable private space which would meet the outdoor requirements of the future occupiers. Given that properties in the surrounding area have limited sized gardens, similar to the proposal, on balance, no objection is raised in relation to the amenity space provision.
- 4.22 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. It is shown in the submitted plans that waste storage would be provided at the end of the rear gardens of the dwellings, in close proximity to the highway to the south. This is considered a convenient and reasonable location for refuse storage. Insufficient information has been submitted in relation to cycle storage. However, should permission granted for the development, this could be agreed by condition.
- 4.23 Policy DM3 (ii) of the Development management DPD from the 1<sup>st</sup> of October 2015 has been substituted by building regulation M4 (2). These requirements include a step-free access to the dwelling and any associated parking space, a step-free access to a WC and any private outdoor space, accessible accommodation and sanitary facilities for older people or wheelchair users and socket outlets and other controls reasonably accessible to people with reduced reach. The applicant has submitted a statement demonstrating that the proposed dwellings would comply with all the above. It is therefore considered that the proposed two storey dwelling can be an accessible and adaptable dwelling.

## Impact on Neighbouring Properties

### **NPPF; Development Management DPD Policy DM1; SPD 1 (Design & Townscape Guide (2009))**

- 4.24 The Design and Townscape Guide (SPD1) states that “*extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.*” (Paragraph 343 - Alterations and Additions to Existing Residential Buildings). Policy DM1 of the Development Management DPD requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities “*having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.*”
- 4.25 In relation to the impact on the neighbours to the east, the proposed development, similar to the previous proposal, would be sited approximately one metre off the shared boundary. Whilst the depth of the rear gardens of the dwellings to the west is limited, on balance, the approximate 11 metres separation distance is considered capable to mitigate against overshadowing or domination. In order to prevent overlooking, the bathroom window at first floor should be glazed in obscure glass.
- 4.26 With regard to the adjacent dwelling to the west No. 36 Bowbank Close, the proposed development would be located around 4.8 metres from the adjacent east flank wall of the neighbouring property to the west. Although the amended proposal would now see the dwellings sited 1.2 metres forward to the north, the proposed dwellings would not breach a notional 45° angle from the northwest edge of the development. A clear glazed window is located to the east elevation at ground floor of the adjacent to west property, which is a window to a kitchen and therefore is not considered a habitable room. The kitchen is also served by a window to the north. Thus the impact of the development on No 36 Bowbank Close is considered to be acceptable.
- 4.27 Given the separation distance to the nearby properties to the north and south, it is not considered that the proposal would result in any greater impact on the neighbouring dwellings.

## Traffic and Transport Issues

### **NPPF; Policy DM15 of the emerging Development Management DPD; SPD1**

- 4.28 Policy DM15 of the Development Management DPD requires all development to provide adequate parking. 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.

- 4.29 One parking space is provided per residential unit within the application site. A site plan has been submitted showing two additional parking spaces to be provided on land adjacent to Watkins Way. These spaces would be allocated to the proposed dwellings. The proposed off-street parking spaces would be perpendicular to the highway, approximately 35 metres away from the application site. Paragraph 7.11 of the Development Management DPD states that “parking standards will be applied to residential developments to ensure that a sufficient level of parking is provided within new development.” Although only one parking space per dwelling would be provided within the application site, given that the proposed two additional parking spaces (one per dwelling) would be located a short distance from the dwellings and they would provide a second off-street parking space, on balance, it is considered that in this instance this would be acceptable.
- 4.30 Given that the parking spaces would be located adjacent to the highway, with no clear connection to the properties, two bollards have been shown in the plans submitted in front of the proposed parking spaces, in order to sufficiently control or secure their purpose to be used only in association with the proposed dwellings.
- 4.31 It is noted that the land proposed to be used for parking is part of a recently developed site. An application to erect a two storey detached dwelling was previously approved (13/00334/FUL). That proposal indicated the land now shown as parking spaces to be retained as soft landscaping. Although the proposal for the two additional parking spaces would reduce the soft landscaped area, this impact would be limited and it would still retain an open green strip of land. Therefore, on balance it is considered that the proposal for these two additional parking spaces would be, acceptable and it would not result in a material harm on the highway safety and local highway network or be detrimental to the character of the area.

### **Use of on Site Renewable Energy Resources**

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

- 4.32 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 emerging 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”*.

- 4.33 Although some information in relation to the intention of the applicant to provide renewables on site has been submitted, the information is not considered sufficient to demonstrate the minimum 10% provision. Furthermore, no details relative to Sustainable Urban Drainage System have been provided. However, should permission granted for the proposed development, renewables and SUDs could be agreed by condition.
- 4.34 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

- 4.35 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 143sqm and as such, the CIL liability equates to (74.9sqm x £20 x inflation) £3025.

### **Other Matters**

- 4.36 As part of its Strategic Housing Land Availability Assessment (SHLAA) update, the Council has published information on its potential housing supply (5 year supply of housing plus an additional 5% buffer as required by the NPPF). This demonstrates that the Council has a 6 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be unacceptable.
- 4.37 It is noted that given the limited size of the plot and building, any alterations/extension of the dwelling allowed by the General Permitted Development Order or any order revoking and re-enacting that Order with or without modification, may result in unacceptable living conditions of the future occupiers (i.e. should the rear amenity space would be significantly reduced by a rear extension) or impact on the neighbouring properties (i.e. increased overlooking from a dormer windows). For this reason it is considered reasonable permitted development rights for the proposed dwellinghouses to be removed from this proposal.

4.38 The site is identified as being potentially contaminated land and it is therefore necessary an assessment in relation to any contamination to be undertaken prior to the commencement of the development. This is considered reasonable to be dealt with a condition.

## **5 Conclusion**

5.1 The proposed development, subject to appropriate conditions, is considered to be in accordance with the Development Plan and has overcome the previous reason for refusal.

## **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), 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

## **7 Representation Summary**

### **Transport & Highways**

7.1 2 car parking spaces have been provided for each dwelling which meets current DM parking standards. 2 of the space are provided a short walking distance away from the main part of the proposal this is considered to be acceptable in highway terms, therefore no highway objections are raised.

## Design and Regeneration

- 7.2 The aerial photos appear to show this site as an area of open grass surrounded by two storey houses and it seems to provide an area of incidental open space and appear to make a positive contribution to local character which includes a number of similar open grassed areas in between the houses and to the sides of the roads. This gives the area a greener and more suburban feel than some of the more densely populated housing areas in the Borough. It is noted however that some of the surrounding houses turn their backs in this particular area so it does not appear as such a formal part of the layout. Nevertheless it seems a shame for this area to be lost.

Notwithstanding this issue of principle the proposal for a pair of semi-detached houses appears to fit well onto the site. They have been orientated to face onto the network of footpaths which connect the other houses and not towards the street which, in this, is considered to be appropriate. A parking area is proposed to the street which in this area is characterised by garages for the other properties so this is also considered to be acceptable.

The scheme has sought to replicate the character of the area in terms of building alignment, form and general design and this should help to integrate it into the surrounding development. The only slight variation is the increase in the depth of the two storey element in relation to the neighbouring properties to the west, which are its most immediate context. The consequence of this is that, whilst the plans show the ridge height to be the same, a slightly flatter pitch will be required to span the longer depth of the proposal although this may be quite a small difference.

The design detail itself is very plain but this corresponds to that of the surrounding houses and is not objected to in this context. It will be important to ensure that the materials are also a good match. The following materials are proposed:

Soft multi stock red brick – red brick is considered to be appropriate, the exact brick type is not specified. This should be a good match to the neighbours.

Marley eternity Wessex interlocking tiles - no objection although these should be brown and not grey in this context

White upvc windows – no objections

No information has been provided regarding the door, it would be preferred if this were not upvc, composite or timber would be better. Other materials are also not specified such as porch, fascia's and soffits.

### Landscaping

The proposal shows grass with a planted boarder to the front and this would seem to be appropriate to local character which is very open to the main frontage. Details of the planting, path and ramp should be submitted.

To the rear it appears that high fencing is proposed and a parking area. There is no objection to this, The surfacing for the parking area should be high quality and permeable.

Internally the layout seems acceptable.

The proposal should be conditioned to be code 3 and provide 10% renewables.

**[Officer comments: It is noted that the above comments based on the previously refused proposal, which has been amended as described on the 'Proposal' section. Given that the external appearance, scale and design of the proposed dwellings has been only marginally amended, it is considered that the above comments are still relevant.]**

### **Parks**

7.3 No comments received.

### **Environmental Protection**

7.4 The site is classed as being potentially contaminated land. Therefore this issue needs to be addressed. No contaminated land report has been submitted with the application.

During the demolition and construction phase noise and dust issues may arise which could lead to the hours of work being restricted.

Conditions relating to contamination and no burning of waste materials are required.

### **Public Consultation**

7.5 21 neighbours have been consulted and seven letters of objection have been received as follows:

- Loss of usable green space.
- Creation of dark, 'unsafe' alley way.
- Loss of two cherry trees. **[Officer Comment: It is noted that there are no protected trees within the application site.]**
- Loss of value and view. **[Officer Comment: Loss of properties' value and view are not a material planning consideration.]**
- Accessibility issues.
- The access to Bowbank Close from the back gardens would be blocked.
- Block of emergency exit.
- The existing hardstanding is currently used for surgery patients/visitors. **[Officer Comment: The applicant has confirmed that this hard surfaced area is his ownership and as such, it can be used as parking in association to the proposed dwellings.]**



- Parking difficulties. Loss of parking spaces. **[Officer Comment: Please see paragraphs 4.28 - 4.31.]**
- The existing grassed area has been left overgrown.
- The area was not a waste ground.
- Increased noise levels and waste on the street.
- Health and life risk.
- Loss of privacy, overlooking and loss of light. **[Officer Comment: Please refer to 'Impact on Neighbouring Properties' section.]**
- The development would be intrusive. Claustrophobic outlook. **[Officer Comment: Please refer to 'Impact on Neighbouring Properties' section.]**
- The proposal for additional housing would result in more amenities required.
- Noise, disturbance and dirt envisage during the building process. **[Officer Comment: A condition has been imposed to control construction hours.]**
- The shrubberies depicted in the plans do not exist in neighbouring back garden.
- Utilities overload.

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

## 8 Relevant Planning History

8.1 15/00807/FUL - Erect two dwellinghouses on land adjacent to Bowbank Close with associated amenity, parking and landscaping. Planning permission refused for the following reasons:

- *The proposed development would lead to a loss of existing off street parking. It also fails to provide adequate off-street parking to serve the proposed dwellings, in which respects it, would fail to meet the minimum parking standards and would result in additional on street parking in an area with limited on-street parking availability to the detriment of highway safety and the local highway network contrary to contrary to Policy CP3 of DPD1 (Core Strategy), Policies T8 and T11 of the Borough Local Plan and the Design and Townscape Guide and Policy DM15 of the emerging Development Management DPD.*
- *The proposed development fails to make provision for adequate usable private outdoor amenity space for the enjoyment of intended occupiers to the detriment of the living conditions and amenities of future occupiers. This would be contrary to the NPPF, Policies C11 and H5 of the Borough Local Plan, guidance contained in the Design and Townscape Guide and Policies DM1 and DM8 of the emerging Development Management DPD.*

**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: BC/NAK/001/438 Rev B; BC/NAK/002/438 Rev B (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 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 Prior to occupation waste and cycle storage shall be provided in accordance with the approved details and retained in perpetuity thereafter.**

**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 dwellings 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. The proposed parking spaces on land adjacent to Watkins Way shall be provided in accordance with the plans No's BC/NAK/001/438 Rev B; BC/NAK/002/438 Rev B prior to occupation of the dwellings hereby approved and shall thereafter be permanently retained solely for the benefit of the occupiers of the dwellings and for no other purposes unless otherwise agreed in writing by the local planning authority.**

**Reason: To ensure satisfactory parking is provided and retained to meet needs of occupants 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 DM15 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 Demolition or construction works shall not take place outside 8:00 hours to 18:00 hours Mondays to Fridays and 8:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.**

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

- 11 No burning of waste material shall take place during construction of the proposed dwellings.**

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

- 12 1. Site Characterisation**

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

- (i) a survey of the extent, scale and nature of contamination;**  
**(ii) an assessment of the potential risks to:**
- human health,**
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,**
  - adjoining land,**
  - groundwaters and surface waters,**
  - ecological systems,**
  - archaeological sites and ancient monuments;**

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

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

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

**The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 1 month of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.**

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

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

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

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

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

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

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

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

- 13 The proposed four parking spaces shall be provided in accordance with the plans No's BC/NAK/001/438 Rev B; BC/NAK/002/438 Rev B prior to occupation of the dwellings hereby approved and shall thereafter be permanently retained solely for the benefit of the occupiers of the dwellings and for no other purposes unless otherwise agreed in writing by the local planning authority.**

**Reason: To ensure satisfactory parking is provided and retained to meet needs of occupants 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 DM15 and SPD1.**

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

<b>Reference:</b>	16/00174/FUL
<b>Ward:</b>	Milton
<b>Proposal:</b>	Change of use from two self-contained flats (Class C3) to HMO (Class Sui-Generis)
<b>Address:</b>	70 Heygate Avenue, Southend-On-Sea, Essex, SS1 2AR
<b>Applicant:</b>	Property And Commercial ENT.PLC
<b>Agent:</b>	Architectural Services
<b>Consultation Expiry:</b>	16 <sup>th</sup> March 2016
<b>Expiry Date:</b>	30 <sup>th</sup> March 2016
<b>Case Officer:</b>	Anna Tastsoglou
<b>Plan Nos:</b>	AS 2154.1 & AS 2154.2
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## **1 The Proposal**

- 1.1 Planning permission is sought to convert the two existing self-contained flats to a house in multiple occupation (sui generis). The proposal would provide one double and six single bedrooms, a kitchen, two shower rooms and a WC. No off-street parking spaces are provided. Refuse storage would be provided to the rear of the property.
- 1.2 However, the applicant states that if it is not possible to retain existing timber windows these will be replaced with UPVC units. The proposal would not be dependent on any additional external alterations.
- 1.3 A design and access statement has been submitted in support of the proposal.

## **2 Site and Surroundings**

- 2.1 The site contains a two storey end-of-terrace dwellinghouse located on the southern side of Heygate Avenue, west of Queensway. It has been previously converted into flats. The property has a small rear garden. The frontage of the building is located in close proximity to the highway, having limited front garden.
- 2.2 The property is located within a residential area. Directly to the west of the application site dwellings extend to three storeys, with semi-basements. The properties within the immediate streetscene are predominantly two storey dwellinghouses of similar style and design, characterised by double storey front bay windows, with detailed surrounds and two storey rearward projections.

## **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, living conditions of the future occupiers and impact on residential amenity and any CIL liability.

## **4 Appraisal**

### **Principle of Development**

**NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Development Management DPD Policy DM1, DM8 and DM15.**

- 4.1 The development plan contains no policies specifically related to Houses of Multiple Occupation. The National Planning Policy Framework States that where the development plan is silent, permission should be granted unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*. (paragraph 14)



- 4.2 The dwelling is located within a residential area. The proposal is for the conversion of the existing two self-contained flats into a House of Multiple Occupations, containing seven rooms. Although five houses of multiple occupational are already located within the streets in close proximity to the application site (predominantly on York Road), there are no records of HMOs on Heygate Avenue (HMO licenses register, 9<sup>th</sup> February 2016). It is not considered that the development would result in clustering on HMOs which might be detrimental to the character of the area. As noted above the site is located within Southend Central Area, in close proximity to frequent and extensive transport links and as such, no objection is raised in relation to the acceptability of the location for this type of accommodation.
- 4.3 Policy DM8 of the Development Management DPD states that *“The licensing and management of Houses in Multiple Occupation, including space standards, is set out in relevant housing legislation.”* Thus the proposal falls to be assessed against the private sector housing standards for Houses of Multiple Occupation in the ‘Living Conditions of the Future Occupiers Section’.
- 4.4 In light of the above subject to and unless the proposal being acceptable in terms of the visual or residential amenity, the living conditions of the future occupiers and the parking requirements (assessed below), the proposal is considered acceptable in principle.

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

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

- 4.5 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.”*
- 4.6 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.”*
- 4.7 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 giving appropriate weight to the preservation of a heritage asset based on its significance in accordance with Policy DM5 where applicable”*.

- 4.8 According to Policy KP2 of Core Strategy (CS) new development should “*respect the character and scale of the existing neighbourhood where appropriate*”. Policy CP4 of 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*”.
- 4.9 With the exception of the likely replacement of the existing windows with UPVC windows, the proposal does not include other external alterations. Waste stores would be positioned to the rear garden, away from public views and therefore, it is not considered that the additional activity by the proposed use would result in an adverse visual impact on the streetscene. There is no objection to the replacement of the existing windows and as such, the proposal is not considered to result in a material harm to the character and appearance of the area or the existing property.

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

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

- 4.10 Delivering high quality homes is one of the Government’s requirements according to the NPPF. As noted above, the Development Plan contains no specific policies for management of Houses of Multiple Occupation and suggests that space standards should refer to relevant housing legislation. For this reason the private sector housing standards for HMOs as set in the Essex Approved Core and Practice 2012 would be used to assess this acceptability of this proposal.
- 4.11 Shared kitchen facilities of appropriate size (approximately 18sqm) not more than one floor distant from any unit of accommodation would be provided. Wash hand basins are proposed to be provided to all rooms and two bathrooms and a WC are proposed at ground floor, in accordance with the requirements as set in the relevant guidance. One double bedroom and six single bedrooms are proposed, which would exceed room size standards as set in the Essex Approved Core and Practice 2012 for the HMOs and refuse storage would be provided to the rear garden, readily accessible to occupants of the house, and sited so as to prevent any potential nuisance from litter. Furthermore, adequate outlook and ventilation would be provided to all habitable rooms and kitchen. Although the amenity space is limited, given the small size of the rear garden, on balance, it is considered that it would be capable to meet the outdoor requirements of the occupiers. As such, no objection is raised in relation to the living conditions of the future occupiers.

## Traffic and Transport Issues

### NPPF; Development Management DPD Policy DM15

- 4.12 Policy DM15 of the Development Management DPD requires all development to provide adequate off-street parking. It is stated that there is no provision of off-street parking spaces. Although the proposal would possibly result in more people living in the house, in comparison to those used to live to the two self-contained flats, given that the site is located within Southend Central Area, in a sustainable location in relation to public transportation with frequent and extensive links and also the fact that proposal would provide accommodation to people with lower expectancy of vehicle possession, on balance, it is not considered that the proposal would result in an unacceptable impact on the highways network and the parking space availability.
- 4.13 Insufficient information has been submitted regarding cycle parking. However, it is considered that there is enough space for bicycles to be stored to the rear garden and as such, no objection is raised in relation to cycle parking. A condition is considered reasonable to be imposed in order to ensure provision for safe and easily accessible cycle parking. Refuse bin would be located to the rear garden, in a safe and easily accessible location from all future occupants and hence, no objection is raised, in relation to the provision of waste store.

### Impact on Residential Amenity:

### NPPF; Development Management DPD Policy DM1; SPD 1 (Design & Townscape Guide (2009))

- 4.14 Policy DM1 of the emerging Development Management DPD requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities *“having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”*
- 4.15 Although it is accepted that levels of activity and associated noise would be increased by the proposed type of accommodation, on balance, this is not considered to result in a materially harmful impact on the residential amenity of the neighbours. Whilst the proposal would result in a more intense use than this of the existing two self-contained flats, it is not considered that the proposed HMO would result in an unacceptable impact, in terms of noise and disturbance.
- 4.16 No external alterations such as extensions or new openings are proposed and as such, the conversion would not give rise to an adverse impact on neighbouring properties in terms of overshadowing or overlooking ect.

## **Community Infrastructure Levy**

### **CIL Charging Schedule 2015**

- 4.17 A Large HMO falls outside of Use Classes C3 and C4 and is therefore considered to be a Sui Generis Use. No new floor space is created and as such, for a non-residential use (in terms of its use class) it is considered that the development is not CIL liable.

## **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 The National Planning Policy Framework (2012) : Section 7 (Requiring Good design)
- 6.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (Environment & Urban Renaissance)
- 6.3 Development Management DPD 2015: DM1 (Design Quality), DM8 (Residential Standards) and DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 6.5 CIL Charging Schedule 2015

## **7 Representation Summary**

### **Private Sector Housing**

- 7.1 No comments received.

### **Environmental Protection**

- 7.2 No comments received.

### **Parks**

- 7.3 No comments received.

## **Transport and Highways**

- 7.4 Consideration has been given to the sustainable location of the site which has good public transport links in close proximity. Off street car parking is not currently provided for the existing site. However there are a number of public car parking within the area along with pay and display parking on street.

## **Public Consultation**

- 7.5 22 neighbours were consulted and a site notice posted on site and one representation has been received, as follows:
- The proposal would have a negative impact on the over populated street and surrounding area.
  - The proposal would result in extra rubbish by reason of lack of storage space. **[Officer Comment: It is noted that adequate refuse storage would be provided to the rear of the property for the occupiers.]**
  - Parking implications. **[Officer Comment: Please refer to paragraph 4.12.]**
  - The proposal would result in increased incidents of antisocial behaviour.
- 7.6 Councillor Garston has requested that this planning application go before the Development Control Committee for consideration.

## **8 Relevant Planning History**

- 8.1 85/1638 - Convert dwellinghouse into two self-contained flats. Planning permission granted.

## **9 Recommendation**

**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: AS 2154.1 & AS 2154.2.**

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

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

**Reason: 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 property hereby approved shall not be occupied until details of the 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 in accordance with DPD1 (Core Strategy) 2007 policies KP2 and CP4, Development Management DPD policy DM1, and SPD1 (Design and Townscape Guide).**

- 05 Refuse storage facilities to be retained in perpetuity in accordance with plan No. AS 2154.1.**

**Reason: To safeguard the amenities of the future occupants of the proposed flats and adjoining properties in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy 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 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

- 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 The proposal will require a HMO licence from the Private Sector Housing Team BEFORE the 5<sup>th</sup> occupant takes residence and ideally, at the earliest point when tenancies are proposed to commence. The current fee for a HMO licence is £750.00 for the first six lettings and £50.00 per additional letting thereafter. Please refer to [www.southend.gov.uk/hmolicence](http://www.southend.gov.uk/hmolicence) for further guidance.

<b>Reference:</b>	16/00221/FUL
<b>Ward:</b>	Milton
<b>Proposal:</b>	Erect dwelling on land adjacent 1 Clifton Mews (amended proposal)
<b>Address:</b>	1 Clifton Mews, Southend-on-Sea, SS1 1FL
<b>Applicant:</b>	Pryor Project Management
<b>Agent:</b>	SKArchitects
<b>Consultation Expiry:</b>	24.03.16
<b>Expiry Date:</b>	20.04.16
<b>Case Officer:</b>	Louise Cook
<b>Plan numbers:</b>	P01 Rev C, P02, P03 Rev D
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>





## 1 The Proposal

- 1.1 Planning permission is sought to erect a dwellinghouse on land adjacent 1 Clifton Mews.
- 1.2 The proposed dwellinghouse would measure a maximum of 6.3m wide x 7.3m deep x 6.6m high and will have a pitched roof with conservation rooflights.
- 1.3 The proposed dwellinghouse will have two bedrooms (3 bed spaces) and have an internal floorspace of 76sq.m. The two bedrooms and a bathroom are at ground floor with an open-plan living room and kitchen located above.
- 1.4 Whilst the application form states that one car parking space is proposed, this is located outside of the red line area on the street and therefore, there is no control over this space.
- 1.5 The proposed dwellinghouse will be finished in London Stock bricks, slate roof and timber windows and doors. Boundary treatment would include reinstatement of the existing brick wall and the erection of a 2m high close boarded timber fence to the remaining boundaries.
- 1.6 The proposed development is CIL liable.
- 1.7 The application follows a previous application at the site for a dwellinghouse which was allowed at appeal (ref. 11/01639/FUL) in September 2012 however, this application has now expired. A more recent application for a dwellinghouse on the site was refused permission in December 2015 (ref. 15/01579/FUL) for the following reasons:

*“01. The proposed development by reason of its design and appearance would be detrimental to the character and appearance of the streetscene and historic appearance of the conservation area, contrary to the National Planning Policy Framework; DPD1 (Core Strategy) Policies KP2 and CP4; Development Management Document Policies DM1, DM3 and DM5 and the Design and Townscape Guide SPD1 (2009).*

*02. The proposed development by reason of its substandard internal size and lack of built in storage will fail to provide a satisfactory standard of accommodation to the detriment of the amenities of future occupiers and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies DM3 and DM8 of the Development Management Document and the Design and Townscape Guide.*

*03. It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed residential unit would accord with the standards of Part M4 (2) of the Building Regulations.*

*The proposal would therefore fail to create a flexibly designed house to respond to the future occupiers changing physical and social requirements over their lifetime contrary to the NPPF and Policies DM1 and DM8 of the Development Management Document.”*

## **2 Site and Surroundings**

- 2.1 The site is located at the western end of Clifton Mews on the corner of Clifton Mews and Devereux Road. The plot is currently vacant but was formerly used for car parking in association with Broadwater House which fronts Clifton Terrace and has historically always been vacant. The site is located within the Clifftown Conservation Area.
- 2.2 Clifton Mews is a narrow cobbled road, accessed off Devereux Road. It consists of 7 mews buildings on its south side which face onto the backs of commercial buildings in Alexandra Street. The Mews lies to the rear of Clifftown Terrace, a mid-19<sup>th</sup> Century terrace of grand 3 and a half storey townhouses which are Grade II Listed Buildings. The property is also within the Clifftown Conservation Area. The adjoining mews property at No. 1 Clifton Mews dates from the mid-19<sup>th</sup> Century and is finished in yellow brick work with a hipped slate roof.
- 2.3 The area is predominantly residential in nature and is surrounded on all sides by residential dwellings within close proximity to the town centre. Clifton Mews is a narrow access servicing properties fronting Clifton Terrace, Devereux Road and Alexandra Road.
- 2.4 No's. 1 and 3 Clifton Mews have been converted into residential dwellinghouses.

## **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 and conservation area, trees and landscaping, impact on neighbouring occupiers, standard of accommodation for future occupiers, traffic and transportation, sustainable construction and ensuring that the previous reasons for refusal are satisfactorily overcome.

## **4 Appraisal**

### **Principle of Development**

**National Planning Policy Framework; DPD1 (Core Strategy) Policies KP2, CP1, CP4, CP8; Development Management Document Policies DM1, DM3, DM5 and the Design and Townscape Guide SPD1 (2009)**

- 4.1 One of the Core Planning Principles of the NPPF is to *“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”*. The proposed development meets this requirement.

4.2 Policy 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 an unusable garden space for the existing and proposed dwellings in line with Policy DM8; or*
- (iv) Result in the loss of ecological assets including wildlife habitats and significant or protected trees.”*

4.3 Policy CP8 of the Core Strategy states that a minimum of 6,500 additional dwellings should be provided within the borough over the plan period. The proposal is considered an intensification of the site and therefore, the principle of additional housing is supported in this respect.

4.4 Paragraph 194 of the Design and Townscape Guide states, *“Whether a backland site is suitable for development will be decided on a site by site basis. In some cases the site may be too constrained or the principle of development may be out of character.”* This is not a backland site per se as it has a road frontage.

4.5 The principle of residential development on the site was accepted under application ref. 11/01639/FUL.

4.6 The criteria set out in Policy DM3 of the Development Management Document will be discussed in detail below.

4.7 The site relates to an area of land used for informal car parking purposes and as such is not part of the main garden or amenity space for Broadwater House. As such the proposed use would not result in the loss of an existing private garden. This vacant piece of land is not considered to be a visually significant element of the Clifftown Conservation Area, although it does give a sense of openness at this end of the Mews. A new dwelling, in this location however, would not be out of keeping with the grain of development in the area which includes similar mews dwellings. Furthermore, it is noted that there is a well-defined separation between the application site and Broadwater House so as not to result in a ‘tandem’ relationship between these two properties.

4.8 The site is located in a residential area and therefore, taking into account the history of the site and in light of the above, the principle of residential development is considered to be acceptable, subject to the considerations detailed below being satisfactorily addressed.

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

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

- 4.9 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 (Design Quality), DM3 (The Efficient and Effective Use of Land) and DM5 (Southend-on-Sea's Historic Environment) and the Design and Townscape Guide. These policies require that new development respects the existing character and appearance of the building and the townscape and reinforce local distinctiveness.
- 4.10 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.
- 4.11 Policy DM1 details that all new development to 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.
- 4.12 Policy DM3 details that backland and infill development *"will be resisted where the proposals conflict with the character and grain of the local area..."*
- 4.13 Policy DM5 details that all development proposals that affect a heritage asset will be required to include an assessment of its significance, and to conserve and enhance its historic and architectural character, setting and townscape value.
- 4.14 This part of the Clifftown Conservation Area is characterised by substantial mid nineteenth century residential terraces laid out on a grid pattern. It forms part of the original planned estate and is the most significant part of the conservation area. The grander terraces, including the listed Clifton Terrace to the south of the site, had stables to the rear and these buildings now form part of Clifton Mews. This group of buildings is one of the few surviving mews and forms an important part of the historical context of the listed building in Clifton Terrace to which it relates.
- 4.15 The mews comprises three pairs of semi-detached, hipped roof blocks and, at the eastern end of the Mews, a single pitched roof building and the historical maps show this to be the original layout. Some of the units are in industrial/storage use and some have been converted to residential accommodation. The principle of building a cottage on this site was agreed at appeal in 2012.

- 4.16 The proposed scheme is the same scale, footprint and traditional design similar to the appeal scheme. The only external changes appear to be to the internal layout and location of the side door and this is considered to be acceptable. Successful integration into the streetscene of Clifton Mews and the wider Conservation Area will depend on the quality of detailing and how close this replicates the original features found on the rest of the mews buildings. It is therefore suggested that the conditions are imposed should permission be granted in respect of materials, detailing, guttering, electricity, gas or water meter boxes, etc.
- 4.17 At present the site is surrounded by a 1.75m historic stock brick wall which makes a positive contribution to the streetscene and the setting of the adjacent listed building. The application claims that this wall is structurally unsound at the northern end and will need to be rebuilt. There is no objection to this in principle provided the same design and materials are used. The rebuilt section should be the shortest necessary to make the structure sound. Further details can be dealt with by condition.
- 4.18 Therefore, in light of the above, the proposed development would not be detrimental to the character and appearance of the streetscene and Conservation Area and satisfies the policies detailed above.

### **Trees and Landscaping**

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

- 4.19 Policy DM3 details that backland and infill development “*will be resisted where the proposals... result in the loss of local ecological assets including wildlife habitats and significant or protected trees...*”
- 4.20 There were previously 5 mature trees along the western boundary of the site. The proposed development includes provision of two Hawthorn trees along the western boundary between the flank wall of the proposed dwelling and the boundary wall. It is noted that permission was granted under a separate application 10/02140/TPO to fell a Horse Chestnut tree and Lime tree located along this boundary due to the health of the trees. These were required to be replaced by 2 Hawthorn trees, although this has not taken place to date. A further application was submitted to fell 2 Horse Chestnut trees and 1 Sycamore tree under application ref. 13/01820/TPO. This was subject to the condition that the 2 Horse Chestnut trees and Sycamore tree were to be replaced with 3 Hornbeam trees, full details of which, including their location should be first agreed in writing by the Local Planning Authority prior to the existing trees’ removal. These trees have been removed and no replacement trees have yet been provided. An application to discharge this condition has been submitted but not yet determined due to the potential redevelopment of the site.

- 4.21 The proposed development only proposes two Hawthorn trees which falls short of the requirement of the TPO application (13/01820/TPO) and the previous proposal allowed on appeal which also showed 3 replacement trees. This level of replacement planting is not considered to be acceptable. However, notwithstanding the plans as submitted, should permission be granted, further details of landscaping and tree provision can be dealt with by condition.

### **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**

- 4.22 The proposal is considered in the context of Policy CP4 of the Core Strategy (DPD1) 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.
- 4.23 Policy DM1 of the Development Management Document states that *“in order to reinforce local distinctiveness all 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...”*
- 4.24 Policy DM3 of the Development Management Document states that; *“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...Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents or...result in the unusable garden space for the existing and proposed dwellings...”*
- 4.25 Immediately to the east of the site is no. 1 Clifton Mews which has been converted into a residential dwellinghouse. No objection was raised to the impact upon this neighbour under the previous application. The proposed dwellinghouse will be located in the same position as the previous proposal and have the same relationship with this neighbour and therefore, it is not considered that the proposal would be detrimental to the amenities of no. 1.
- 4.26 No objection was raised to the impact of the proposed development on the amenities of neighbouring occupiers in Devereux Road and Clifton Terrace at the rear under the previous application. The relationship of the proposed development with these neighbours remains the same as the previous application and therefore, it is not considered that the proposal would be detrimental to the amenities of these neighbours. Satisfactory useable amenity space will be retained for these neighbouring occupiers.

- 4.27 It is not considered that the proposed use of the site for one dwellinghouse would result in undue noise or disturbance to local residents and is considered to be a compatible use with the character and amenities of the local area.
- 4.28 Therefore, it is considered that the proposed development satisfies the policies set out above.

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

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

- 4.29 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.”*

As detailed in the principle of development section above, the Lifetime Homes Standards referred to above, have been recently superseded by The Building Regulations 2015 Volume 1: Dwellings, M4(2): Accessible and Adaptable Dwellings. Further information has been requested and will be detailed on the Supplementary Report.

- 4.30 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. This requires a two bed, three person dwellinghouse (two storey) to have a minimum internal floorspace of 70sq.m and built in storage of 2sq.m. The proposed dwellinghouse will meet this requirement.

4.31 The National Technical Housing Standards also require the following:

*(a) A dwelling with two or more bedspaces has at least one double (or twin) bedroom. - The proposed development meets this requirement.*

*(b) In order to provide one bedspace, a single bedroom has a floor area of at least 7.5sq.m and is least 2.15sq.m wide. – The proposed development meets this requirement.*

*(c) In order to provide two bedspaces, a double (or twin bedroom) has a floor area of at least 11.5sq.m. – Both bedrooms meet this requirement.*

*(d) One double (or twin bedroom) is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide. – This requirement will be met.*

*(e) A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements, but should not reduce the effective width of the room below the minimum widths set out above. The built-in area in excess of 0.72sq.m in a double bedroom and 0.36sq.m in a single bedroom counts towards the built-in storage requirement. Separate stores rather than built-in wardrobes are proposed and therefore, this is not applicable.*

4.32 The proposed dwellinghouse will have a private rear garden area of 65sq.m. Whilst the Development Management Document does not set out any standards for amenity space, it states that this should be useable and functional to cater for the needs of the intended occupants.

4.33 Whilst the proposed amenity space is relatively small, it is noted that this is a small unit and other similar properties locally have similar sized gardens. Therefore, an objection is not raised on this basis.

4.34 Amended plans have been received which have amended the internal layout of the dwelling. This will mean that the proposed front (single) bedroom will benefit from two high level windows and a standard height window. An objection was not raised to this previously. It is considered that this room would have adequate natural light and outlook.

4.35 Therefore, it is considered that the proposed development is acceptable and satisfies the policies set out above.

### **Traffic and Transportation**

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

4.36 Policy DM15 of the Development Management DPD requires one parking space for a dwellinghouse of this size and location.



Whilst one parking space has been shown to the front of the application site, this is outside the application site red line area and therefore, there is no control over this piece of land despite the Inspector (under ref. 11/01639/FUL) imposing a condition stating that a parking space should be provided in this location.

- 4.37 However, this parking arrangement has been accepted under the previous applications on this site and for other similar residential conversions along Clifton Mews. Part of Clifton Terrace closest to the proposed building is an unadopted road and the other half adopted.
- 4.38 Therefore, whilst the Council has adopted Policy DM15 of the Development Management Document, taking into account the history of the site, similar examples nearby and that the site is within a sustainable town centre location, no objection is raised to the lack of off-street parking.
- 4.39 Refuse storage and cycle storage for one bicycle has been shown to the side of the dwellinghouse behind the existing brick wall and no objection is raised to this.

### **Sustainable Construction**

#### **National Planning Policy Framework; DPD1 (Core Strategy) Policy KP2; Policy DM2 of the Development Management Document 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.
- 4.41 Policy DM2 of the Development Management Document requires new development to be energy and resource efficient.
- 4.42 It has not been demonstrated how any on-site renewable technologies would be incorporated in order to meet the requirements of Policy KP2. However, it should be noted that Policy KP2 was in place at the time of application ref. 11/01639/FUL which did not impose any condition requiring renewable resources to be installed on the dwellinghouse presumably in the interests of the character of the conservation area. Therefore, it is not considered now reasonable to introduce this requirement. This was also the approach taken under ref. 15/01579/FUL.

### **Developer Contributions**

#### **National Planning Policy Framework; Community Infrastructure Levy Charging Schedule**

- 4.43 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.

4.44 This application is CIL liable. The proposed floorspace is 76sq.m and is in CIL Zone 2 (£30 per sqm). Therefore, the required CIL payment is approximately £2411.54.

## **5 Development Plan**

5.1 National Planning Policy Framework, 2012.

5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP8 (Dwelling Provision).

5.3 Development Management Document DPD Policies DM1 (Design Quality), DM2 (Low Carbon and Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM8 (Residential Standards) and DM15 (Sustainable Transport Management).

5.4 Design and Townscape Guide Supplementary Planning Document 1 (2009) (SPD1).

5.5 The Community Infrastructure Level Regulations (as amended) and The Community Infrastructure Levy Charging Schedule, 2015.

5.6 DCLG Technical Housing Standards, 2015.

## **6 Relevant Planning History**

6.1 15/01579/FUL: Erect dwelling on land adjacent 1 Clifton Mews – Refused permission on 24<sup>th</sup> December 2015 for the following reasons:

*“01. The proposed development by reason of its design and appearance would be detrimental to the character and appearance of the streetscene and historic appearance of the conservation area, contrary to the National Planning Policy Framework; DPD1 (Core Strategy) Policies KP2 and CP4; Development Management Document Policies DM1, DM3 and DM5 and the Design and Townscape Guide SPD1 (2009).*

*02. The proposed development by reason of its substandard internal size and lack of built in storage will fail to provide a satisfactory standard of accommodation to the detriment of the amenities of future occupiers and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies DM3 and DM8 of the Development Management Document and the Design and Townscape Guide.*

*03. It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed residential unit would accord with the standards of Part M4 (2) of the Building Regulations.*

*The proposal would therefore fail to create a flexibly designed house to respond to the future occupiers changing physical and social requirements over their lifetime contrary to the NPPF and Policies DM1 and DM8 of the Development Management Document.”*

- 6.2 14/00522/AD: Application for approval of details pursuant to condition 03 (replacement trees) of planning permission 13/01820/TPO dated 05/02/2014 – Pending consideration.
- 6.3 13/01820/TPO: Fell 2no. Horse Chestnut trees and 1no. Sycamore Tree and replace with 3 Carpinus Betulus Fastigiata (Frans Fontaine) Trees (Works to trees covered by a tree preservation order) – Consent granted.
- 6.4 11/01639/FUL: Erect dwelling on land adjacent to 1 Clifton Mews (Amended Proposal) – Allowed at appeal in September 2012.
- 6.5 11/01153/FUL: Erect dwelling on land adjacent to 1 Clifton Mews – Refused.
- 6.6 10/02140/TPO: Fell one Horse Chestnut Tree and one Lime Tree (Works to Trees covered by a Tree Preservation Order) - Consent granted.

## **7 Representation Summary**

### **Highways**

- 7.1 There are no highway objections to this proposal. The site benefits from one on street parking space within the mews which has been considered acceptable in the past for similar applications. The site also benefits from being in a sustainable location with good public transport links in close proximity as well as public car parks and on street meter parking.

### **The Southend Society**

- 7.2 No comments received.

### **Design**

- 7.3 The site lies within the boundary of Clifftown Conservation Area and forms part of the rear garden of Broadwater House which is a grade II listed building, however, it is more strongly associated with the streetscapes of Clifton Mews and Devereux Road. The buildings in Clifton Mews were originally the coach houses to the listed terrace to the south and have a charming and cohesive character. The surrounding area is part of the planned Clifftown estate and has a very strong character with many common materials and detailing and a hierarchy to the properties. Planning permission was granted on appeal in 2012 (11/01639/FUL) to erect a 2 bed detached house on this site.

7.4 The amended proposal has reverted back to a traditional design which is similar to that approved at appeal. The only changes appear to be to the internal layout and location of the side door. There is therefore no objection to this design however its successful integration into the streetscene of Clifton Mews and the wider conservation area will depend on the quality of detailing and how close this replicates the original features found on the rest of the mews buildings.

7.5 At present the site is surrounded by a 1.75m historic stock brick wall which makes a positive contribution to the streetscene and the setting of the adjacent listed building. The application claims that this wall is structurally unsound at the northern end and will need to be rebuilt. There is no objection to this in principle provided the same design and materials are used. The rebuilt section should be the shortest necessary to make the structure sound. It is noted that there is a proposal to install a dividing fence between the application property and Broadwater House. This is shown to be 2m tall but there is concerns that this will give rise to an awkward detail were it meets the 1.75m wall. This fence should be reduced in height so that it is no taller than the wall. The following conditions are suggested.

- Details of wall to be rebuilt shall be the shortest length necessary and match to the existing design and materials / or details to be agreed. Reclaimed stocks should be used. Details of wall and gate to north to match / be agreed.
- The proposed dividing fence between the application site and Broadwater House must not be taller than the existing boundary wall to Devereux Road

7.6 There were originally 5 preserved trees immediately behind this wall TPO 5/77 TT4-T8 but now only 3 remain. Permission was granted in 2010 (10/02140/TPO) to fell the 2 northernmost trees on the grounds of poor health and replace them with 2 hawthorns planted in planters. As part of the appeal (11/01639/FUL) the applicant proposed to plant these 2 hawthorns on the site and also proposed to make provision for 3 additional street trees to be planted in the highway adjacent to the site. This is again proposed as part of this application (see design statement p7 where it commits to trees as shown on appeal plan 1CMSOS/02e). This would be welcomed and should be secured by way of an S106 or similar. It will also be necessary to ensure that the proposed hawthorns on the site are planted correctly and maintained. It is suggested that it may be beneficial to relocate the southernmost hawthorn to the north of the bike store so that there is some separation between this tree and the neighbouring sycamore. The following conditions are therefore suggested:

- No development until details of the proposed landscaping including planters, tree specifications and location have been agreed.
- Trees to be maintained for 5 years.
- Tree protection for remaining preserved trees to the southern end of the site to be agreed.
- S106 for 3 street trees.

7.7 It is also considered prudent to impose a condition in relation to general landscaping and detailing of the proposed bin and cycle store. The applicant should also be informed that the existing stable blocks to the drive are important to the historic character of the mews and must be retained.

**Parks**

7.8 No comments received.

**Historic England**

7.9 No comments received however, the following comments were received for the previously refused application: The application shall be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

**Essex and Suffolk Water**

7.10 No comments received.

**British Gas**

7.11 No comments received.

**Anglian Water**

7.12 No comments received.

**Public Consultation**

7.13 Neighbours notified and a site notice displayed – No letters of representation have been received.

7.14 The application has been called into the Development Control Committee by Cllr Ware-Lane.

**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.**

**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: P01 Rev C, P02, P03 Rev D.**

**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 dwelling, on any screen/boundary walls, fences and gates, balustrades and on any driveway, access road, forecourt or parking area have been submitted to and approved by the local planning authority. Details of the proposed 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 drawings showing details of the proposed windows, doors, cills, eaves and verges in section and elevation at scales of between 1:1 and 1:20 as appropriate have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

**Reason: To safeguard character and appearance of the area 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).**

**05. Notwithstanding the approved plans, all rainwater goods shall be black and made of cast metal.**

**Reason: To safeguard character and appearance of the area 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).**

**06. Notwithstanding the approved plans, no electricity, gas or water meter boxes, soil ventilation pipes, air extraction pipes, boiler flues, ventilation gills or ducting shall be fixed to the exterior of the building, unless otherwise agreed in writing by the local planning authority.**

**Reason: To safeguard character and appearance of the area 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).**

**07. 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.**

**08. 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.**

**09. No development shall take place until details of the proposed planter containers, including the method of installation and planting, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

**Reason: To safeguard character and appearance of the area 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).**

**10. The erection of fencing for the protection of all trees on the site shall be undertaken in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.**

**Reason: To safeguard character and appearance of the area 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).**

**11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) there shall be no enlargement, improvement or other alteration of the dwellings hereby permitted which would be within the terms of Schedule 2, Part 1, Class A, B, C or D of that Order.**

**Reason: To safeguard the character and appearance of the dwellinghouse and local area 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).**

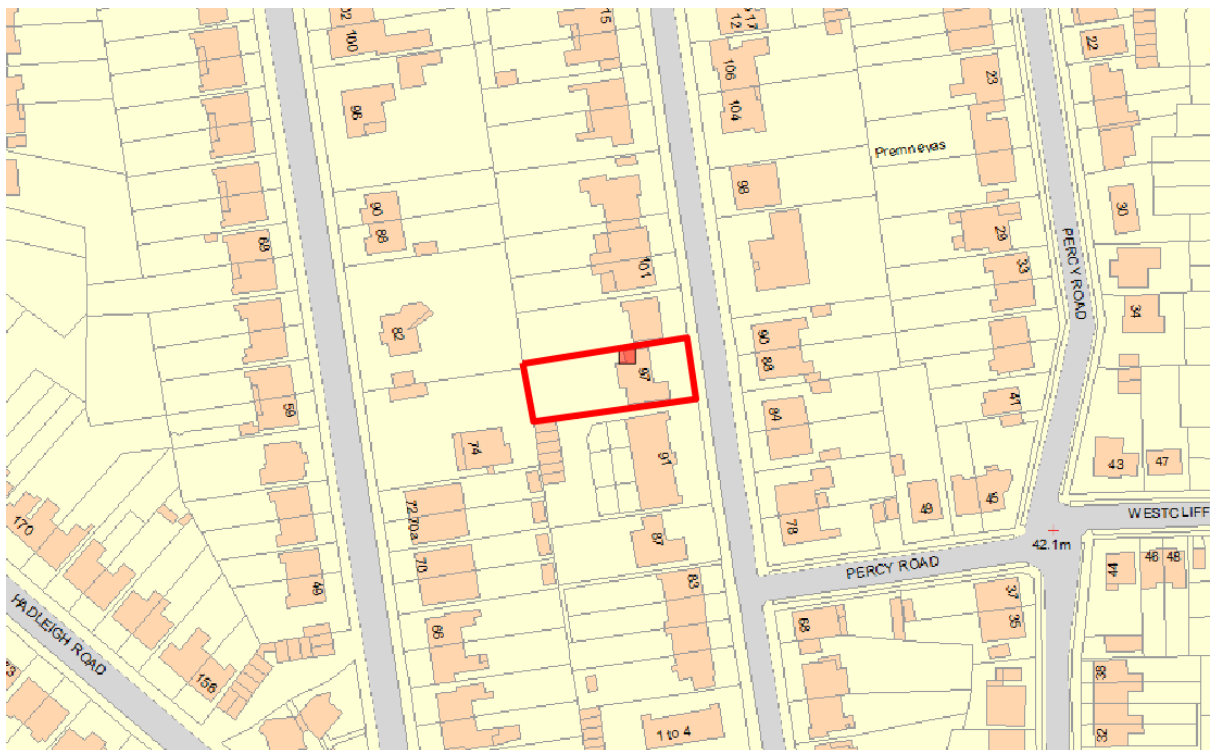
**The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission 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**

**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>	16/00305/FUL
<b>Ward:</b>	West Leigh
<b>Proposal:</b>	Demolish existing bungalow, erect two semi-detached dwellings and install hardstanding with vehicular access onto Salisbury Road.
<b>Address:</b>	97 Salisbury Road, Leigh-on-Sea, Essex, SS9 2JN
<b>Applicant:</b>	Mr M. Bailey (N Bailey Properties)
<b>Agent:</b>	BGA Architects
<b>Consultation Expiry:</b>	05/04/16
<b>Expiry Date:</b>	03/05/16
<b>Case Officer:</b>	Ian Harrison
<b>Plan Nos:</b>	0-300, 0-002, 1-300, 1-001, 0-001, 2-300,
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>



## **1 The Proposal**

- 1.1 Permission is sought to demolish an existing bungalow at 97 Salisbury Road and replace it with a pair of semi-detached dwellings, with associated gardens and parking.
- 1.2 The main part of the existing bungalow measures 7.2 metres deep and 10.4 metres wide with a pitched roof built to an eaves height of 2.7 metres and a ridge height of 6 metres. Single storey projections exist to the front and rear and a flat roofed garage exists at the North side of the dwelling. The dwelling is positioned a minimum of 5.3 metres from the highway frontage of the site and 1 metre from the South and boundaries.
- 1.3 The proposed replacement dwellings would each measure 12.5 metres deep and 6.6 metres wide with a pitched roof built to an eaves height of 5.4 metres and a ridge height of 8.4 metres. A two storey forward projection is proposed that would measure 0.6 metres deep and 4.6 metres wide with a pitched roof built to a maximum height of 7.4 metres. A dormer window would be provide at the rear of the dwelling and a rooflight would be provided to each elevation. A single storey bay would be provided at the front elevation that would measure 3.2 metres wide and 0.8 metres deep with a lean-to pitched roof built to a maximum height of 3.3 metres. The dwellings would be handed replicas of each other, although the dwelling to the North would be positioned 1.5 metres forward of the dwelling to the South.
- 1.4 Two parking spaces would be provided to serve each dwelling. Each dwelling would feature five bedrooms, have an internal floor area of 179 square metres and feature gardens to the rear that would measure an average of 148 square metres per property in area.

## **2 Site and Surroundings**

- 2.1 The application site currently contains a single storey dwelling that is described above, with front and rear gardens and vehicular access from Salisbury Road.
- 2.2 The site is located within an area of mixed residential properties. To the South of the application site is a block of six flats, to the North is a chalet style dwelling and to the North of that is a pair of semi-detached two storey dwellings. It is considered that the variation amongst the four buildings referred to above is reflective of the character of the surrounding area. It is noted that planning permission has been granted at 105 Salisbury Road for the replacement of a bungalow with two semi-detached two storey dwellings.
- 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”* and that *“The conversion of existing single dwellings into two or more dwellings will only be permitted where the proposed development:*
- (i) Does not adversely impact upon the living conditions and amenity of the intended occupants and neighbouring residents and uses; and*
  - (ii) Will not harm the character and appearance of the existing building or wider area; and*
  - (iii) Will not lead to a detrimental change of a street’s function; and*
  - (iv) Meets the residential standards set out in DM8 and the vehicle parking standards set out in Policy DM15.*
- 4.4 Policy DM3 also states that *“The conversion or 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 the Lifetime Homes Standards.”*
- 4.5 The majority of these issues will be discussed in greater detail below, but subject to these matters it is considered that no objection should be raised to the principle of residential development at this site.

### **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.**

- 4.6 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policy DM1 of the development management DPD and in the Policies KP2 and CP4 of the Core Strategy. The Design and Townscape Guide (SPD1) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”* 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.”*

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 As set out above, the residential street of Salisbury Road is of varied character, featuring a mixture of single, two and three storey buildings, with pitched and flat roofs and a mixture of detached and semi-detached properties. In this context it is considered that no objection should be raised to the loss of bungalows on visual grounds. It is considered that the street is not dominated by bungalows and as such the provision of two storey development would not be at odds with the character of the site or the surrounding area.
- 4.8 The buildings of the area follow generally consistent building lines, however it is noted that the line of properties to the North follows a line that is 2.5 metres forward of the buildings to the South. It appears that the applicant has attempted to address this by positioning the North dwelling 1.5 metres forward of the South dwelling. It is noted that this successfully bridges the different building lines, but causes the pair of dwellings to have a contrived arrangement that emphasises the contrast between the existing building lines rather than complimenting it. The arrangement of the dwellings causes conflict between the appearance of a pair of semi-detached dwellings and the appearance of detached dwellings and by falling between these two more conventional forms, it is considered that the development would have a cluttered appearance that would make it appear as if the development has been shoe-horned into the site.
- 4.9 If both dwellings were positioned to match the position of the South dwelling, there would be scope to provide soft landscaping in front of both dwellings rather than just the South dwelling. The dominance of hard landscaping at the frontage of the North dwelling, with no relief from soft landscaping is considered to be a negative feature of the proposal.
- 4.10 In all other respects it is considered that the proposal is visually acceptable. The scale of the dwellings matches the scale of other properties that exist within the surrounding area and the architectural appearance is considered to be satisfactorily alike other properties within the surrounding area. The shallow pitch of the roof is considered to be unfortunate and results in the proposed rear dormer being very deep, but as the neighbouring buildings would partially mask views of the side of the proposed dwellings it is considered that the impact of these features would not be harmful to an extent that would justify the refusal of the application for that reason.

## **Impact on Residential Amenity.**

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

- 4.11 Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties. Policy DM1 of the Development Management DPD also states that development should “Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”
- 4.12 The residential property to the north of the application site (99 Salisbury Avenue) has been the subject of a large single storey rear extension that is not shown on the applicant’s plans, but was built following the granting of a Certificate of Lawfulness (12/01280/CLP) for the extension in 2012. Two storey extensions were also approved at the property (12/01282/FULH), but do not appear to have been implemented. That property features two first floor windows in the side elevation and it is noted plans for that dwelling show that both windows serve bedrooms and in the case of the front window, the side window is the only window serving that bedroom. The rear bedroom is also served by a rooflight to the rear and there appears to be two ground floor windows that serve a lounge although the outlook and light would be restricted by the existing boundary landscaping.
- 4.13 The Northernmost dwelling proposed by this application would be 2.2 metres deeper than the neighbouring property. Due to the full two storey height of the proposed dwelling, the separation distance of just 1.8 metres and the positioning of the dwelling to the South of the neighbouring property, it is considered that the proposal would cause a loss of light within the neighbouring property to the North. As set out above the use of the first floor South facing windows, particularly the front window, is essential to ensuring a reasonable standard of living within the neighbouring dwelling. The proposal would significantly enclose the outlook from that window and cause a loss of light within that window. It is noted that the neighbouring property features large ground floor windows and as such some light is still likely to reach the room served by those windows. However, the depth of the dwelling would cause it to have an overbearing impact on the light and outlook within the first floor front bedroom of that property to an extent that would justify the refusal of the application.
- 4.14 The building to the South consists of 6 flats and features five windows in the north elevation, three of which appear to serve non-habitable rooms. The windows are north facing and would be separated from the proposed South dwelling by 3.3 metres. The dwelling would have some impact on the outlook from within the neighbouring property, but due to the separation distance and the orientation of the flats it is considered that the impact of the proposed dwelling would not be materially harmful.

- 4.15 Due to the suitable positioned of windows in the proposed dwellings and the separation distance of 19 metres to the West boundary of the site, it is considered that the proposal would not cause a loss of privacy within neighbouring properties to an extent that would justify 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.**

- 4.16 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) 5 bedrooms (8 bed spaces) 134 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.

4.17 The proposed dwellings would accord with the abovementioned bedroom standards and have a gross internal area that also meets the policy requirements. Ample amenity space would be provided and it is considered that there is scope to provide adequate cycle parking and refuse storage facilities at the site.

4.18 Policy DM3 requires that developments should meet the Lifetime Homes Standards which have subsequently been dissolved. However, 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. A plan has been submitted during the course of the consideration of the application to demonstrate that the proposed development would comply with those standards. It is therefore considered that the proposed development should not be refused on the grounds of the loss of a bungalow.

#### **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.**

4.19 Policy DM15 states that each dwelling should be served by a minimum of two parking spaces. This standard has been met by the proposed development.

4.20 The Highway Authority has raised no objection to the application on the grounds that adequate parking would be provided to serve the proposed development. 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**

- 4.22 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
- 4.23 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.**

- 4.24 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 247 square metres (taking into account a deduction of 111 square metres for existing ‘in-use’ floorspace that is being demolished). The CIL chargeable rate for residential units in this location is £60 per square metre and this equates to a CIL charge of £15,675.

## **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

### Traffic & Highways Network

6.1 As appropriate parking is proposed, no objection has been raised to the proposal.

### Leigh Town Council

6.2 An objection has been raised as the proposal would cause a loss of a bungalow, would represent overdevelopment and would cause additional parking and traffic stress.

### Public Consultation

6.3 A site notice displayed and neighbours notified. 3 letters of objection have been received which object on the following grounds:

- The impact of the proposal on parking within the vicinity of the site.
- The loss of a bungalow.
- Approving this proposal would set a precedent for other developments.
- Existing parking requirements already detract from highway safety.
- Balconies would cause a loss of privacy. **[Officer Note – There are no balconies proposed but letters to neighbours incorrectly stated that there were due to an administrative error]**
- The proposal would represent overdevelopment of the area.
- The proposal would not be in-keeping with the surrounding properties.

6.4 This application has been called in to the Development Control Committee by Councillor Mulroney.

## 7 Relevant Planning History

7.1 None

## 8 Recommendation

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

**01 The proposed development, by virtue of the layout of the proposed dwellings, would have an awkward and contrived appearance that would cause harm to the character and appearance of the site and the surrounding area, contrary to the National Planning Policy Framework, policies KP2 and CP4 of DPD1 (Core Strategy) policies DM1 and DM3 of DPD2 (Development Management) and the Design and Townscape Guidance (SPD1)**

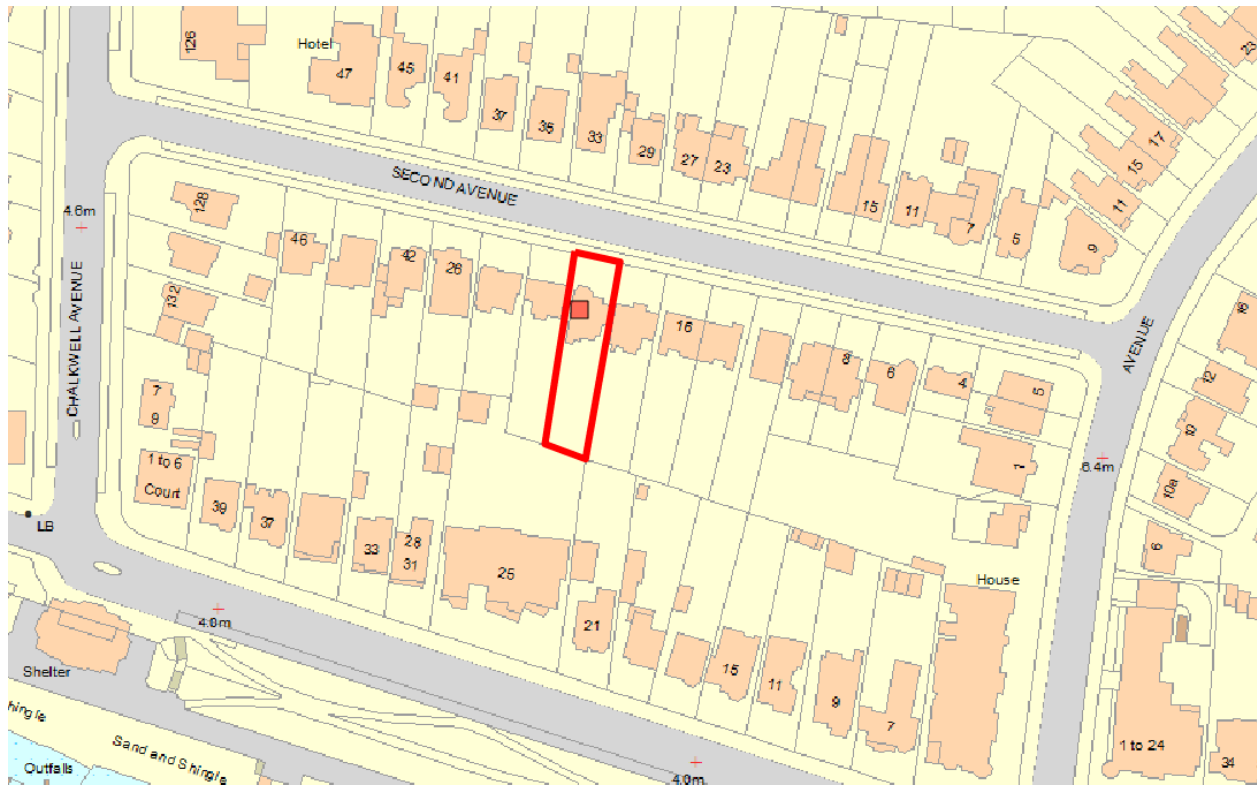
- 02 The proposed development, by virtue of its scale and layout would have a harmful impact on the light and outlook of the neighbouring dwelling to the North of the site. The proposal is therefore contrary to the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management) policy DM1 and SPD1 (Design and Townscape Guidance)**

**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>	16/00122/FULH
<b>Ward:</b>	Chalkwell
<b>Proposal:</b>	Erect roof extensions with raised roof heights, dormer to rear and balcony, install screening to rear first floor balcony, mono-pitched roof to single storey rear extension and alter elevations
<b>Address:</b>	20 Second Avenue, Westcliff-On-Sea, Essex SS0 8HY
<b>Applicant:</b>	Mr. & Mrs. R. Condon
<b>Agent:</b>	Metson Architects
<b>Consultation Expiry:</b>	15 <sup>th</sup> March 2016
<b>Expiry Date:</b>	21 <sup>st</sup> March 2016
<b>Case Officer:</b>	Naomi Scully
<b>Plan Nos:</b>	TP-01
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>



## **1 The Proposal**

- 1.1 The proposed development involves the erection of a half hipped roof, integrating a dormer and balcony to the rear with screening to accommodate a master bedroom in the roof space. The existing balustrade of the first floor balcony will be replaced to match the balustrade of the proposed balcony within the roof space. The existing dual pitched roof over the kitchen will also be replaced with a mono-pitched roof. It is also proposed to replace the existing windows of the dwellinghouse with windows of the same size but of a different design.

- 1.2 The erection of the hipped to gable roof will increase the overall roof height by 1.4 metres. The proposed mono-pitched roof for the existing rear extension will be built to a maximum height of 3.83 metres and to an eaves height of 2.53 metres.

## **2 Site and Surroundings**

- 2.1 The application property is located to the north of Second Avenue, Chalkwell Avenue is to the east and Crowstone Avenue is to the west. The site is occupied by a two storey detached dwelling with an average sized rear garden relative to the area and two parking spaces are available to the front of the property. To the east of the applicant property, to the shared rear boundary is a part 2/3/4 storey block of eight flats.

2.2 The topography of the application site is sloped towards the west in the direction of the seafront. The site is designated as part of flood zone 2 and 3. The surrounding area is residential in character consisting of two storey detached dwellings which are of no uniform character.

### **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, impact on residential amenity, traffic and transportation issues and CIL.

## **4 Appraisal**



## **Principle of Development**

**National Planning Policy Framework (2012); Development Plan Document 1 (DPD1): Core Strategy Policies KP2 (Development Principles) and CP4 (Environment and Urban Renaissance); Development Management Document 2: Policy DM1 (Design Quality) and Policy DM15 (Sustainable Transport Management) and Design and Townscape guide SPD1 (2009).**

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

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

**National Planning Policy Framework (2012); Development Plan Document 1 (DPD1): Core Strategy Policies KP2 (Development Principles) and CP4 (Environment and Urban Renaissance); Development Management Document 2: Policy DM1 (Design Quality) and DM15 (Sustainable Transport Management) and Design and Townscape Guide SPD1 (2009).**

- 4.2 The 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.”* (Paragraph 56 – ‘Requiring good design’).
- 4.3 Policy KP2 of the Core Strategy advocates the need for all new development to *“respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design.”* Policy CP4 of the Core Strategy states *“development proposals will be expected to contribute to the creation of high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend by maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development.”*
- 4.4 Policy DM1 of the Development Management DPD2 advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.
- 4.5 Paragraph 364 of the Design and Townscape Guide (SPD1) under the heading of ‘Balconies’ states *“where new balconies are proposed on existing buildings, care needs to be taken to ensure that the design is of a high quality, of an appropriate style for the period of the property and that the privacy of neighbours is not compromised.”*

- 4.6 Paragraph 370 of the Design and Townscape Guide for gable roof extensions quotes that *“this type of development can be more acceptable than a side dormer provided it is not out of character with the streetscene or leads to an unbalanced street block or pair of semis i.e. it is more appropriate for a detached or end of terrace property than only one of a matching pair of semi’s which would be considered unacceptable.”*
- 4.7 Paragraph 374 of the Design and Townscape Guide states that *“extensions that raise the ridge height of an existing building are only considered acceptable in principle where they complement the design of the original building and where they do not break the continuity of the streetscene or appear overbearing.”*
- 4.8 The existing dwelling is well balanced in its proportions for each storey height however, the proposal to increase the height of the roof together with the proposed half hip form adds significant bulk. The proposal will result in the dwelling appearing top heavy which is considered to be materially harmful to the character of the existing dwelling. Whilst it is noted that the streetscene is mixed in terms of its scale and character, this is not considered sufficient reason to justify the extent of the alterations to the dwelling as proposed. As such the proposal is considered contrary to the NPPF and development plan.
- 4.9 The proposed dormer and balcony is to be set in 1.1 metres from the west and 1.8 metres from the east side flank elevations. It would also be set down 1.4 metres from the proposed ridgeline. The balcony will be aligned with the eaves of the dwellinghouse and will not be visible from the streetscene. On balance, there is no objection to the dormer and associated balcony which appear subservient to the roof form. No objections are raised to alterations to the fenestration and roof form of the existing single storey rear extension.

### **Impact on Residential Amenity**

**National Planning Policy Framework (2012); Development Plan Document 1 (DPD1): Core Strategy Policies CP4 (Environment and Urban Renaissance); Development Management Document 2: Policy DM1 (Design Quality) and Design and Townscape Guide SPD1 (2009).**

- 4.10 Paragraph 343 of the Design and Townscape Guide (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.”*

- 4.11 Whilst the proposal to increase the roof height and form will add significant bulk to the roof of the existing dwelling, it is not considered this would result in a form of development that is overbearing to the existing dwellings either side. The neighbouring dwellings either side of the application site are taller, particularly the property to the east, and therefore the increase in height would not materially impact upon the living conditions of neighbours in this respect. It is noted there are windows within the flank elevations of the neighbouring properties at ground and first floor level however, these appear to be secondary windows or serving non-habitable rooms. As such no concerns are raised with regard to the living conditions in terms of access to daylight and sunlight or outlook from these rooms.
- 4.12 The proposal includes a dormer and associated projecting balcony with the roof space to the rear. No objections are raised with regard to the principle of a dormer with bi-folding doors, indeed, a similar proposal has been erected at no.16 Second Avenue (albeit as permitted development). However, concerns are raised with regard to the provision of a projecting balcony with the roof space in terms of loss of privacy through overlooking. Whilst it is acknowledged there are balconies to the rear of existing dwellings at first floor level that form part of the existing character and provide a degree of mutual overlooking, there are no projecting balconies within the roof space. The mutual overlooking between dwellings is generally confined to a neighbour on one side. Although privacy screens have been proposed, given the elevated position combined with the width of the balcony, these will do little to prevent uninterrupted overlooking of a significant number of neighbouring properties which is considered excessive. As such an objection is raised on the grounds that the proposed balcony within the roof space would be detrimental to the living conditions of neighbouring properties due to loss of privacy.

### **Traffic and Transportation**

**National Planning Policy Framework (2012); Development Plan Document 1 (DPD1): Core Strategy Policies KP2 (Development Principles), CP4 (Environment and Urban Renaissance); Development Management Document 2: Policy DM15 (Sustainable Transport Management) and Policy DM1 (Design Quality) and Design and Townscape Guide SPD1 (2009).**

- 4.13 Policy DM15 of the Development Management DPD requires that all development should meet the minimum off-street parking standards. Therefore, for a four bedroomed dwelling outside Southend Central area, the provision of two parking spaces is required. The proposal does not increase the parking requirements for the property; two parking spaces are currently available to the front of the property. As such, no objections are raised.

## **Other Matters**

- 4.14 It is recognised the application property is located within an area designated as part of flood zone 2 and 3. This proposal relates to alterations to the existing building and no extension is proposed at ground floor level, therefore the finished floor levels within the existing dwelling will not be altered. It is considered that the flood risk at the site would remain unchanged and the flood risk of surrounding buildings would not be materially affected by the proposed development.

## **Community Infrastructure Levy (CIL)**

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

## **5 Conclusion**

- 5.1 Whilst there is no objection in principle to the extension of the dwelling with the roof space, it is considered that the roof extension as would cause material harm to the character of the existing dwelling to the detriment of the character of the area. Furthermore, the proposal would introduce a level of overlooking through the provision of a projecting balcony within the roof space that is detrimental to the living conditions of neighbouring properties by virtue of a loss of privacy through overlooking.

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework (NPPF) (2012)
- 6.2 Development Plan Document 1: CP4 (The Environment and Urban Renaissance) and KP2 (Development Principles)
- 6.3 Development Plan Document 2: Policy DM1 (Design Quality) and Policy DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document 1: Design and Townscape Guide 2009
- 6.5 CIL Charging Schedule

## **7 Representation Summary**

### **Design and Regeneration**

#### **7.1 The following comment were received:**

Second Avenue has a mixed streetscene of individually designed houses of generally traditional designs but of various sizes, some noticeably larger and taller than the existing property including the adjacent property to the east. It is therefore considered that there would be scope to increase the ridge height above the existing level provided that it maintained a comfortable proportion with the lower floors. The proposed increase is approximately 1.4m which is a significant increase and there is a concern that this would result in a top heavy elevation and that the roof would seem over dominant. It is recommended that the pitch of the roof be reduced slightly so that the ridge height drops to a more balanced proportion. It is suggested that less than 1m increase would be more appropriate.

In terms of roof form the proposed half hip would not be out of character in the street as there are a few already but it is considered that a gabled design would be more efficient and better integrate with the side projection on the east elevation which steps out from the main roof with a gabled form.

There are no objections in principle to a rear dormer but as proposed the balcony will extend down to eaves level and will appear as an extension to the rear wall and therefore be rather dominant. These elements of the property should be separated and a buffering section of roof maintained between the eaves and the lowest part of the dormer.

With regard to materials there is no objection to a modernisation of the property generally (e.g. change to windows, doors, decorations etc. but it is considered that the proposal for slate would be out of keeping with the streetscene which is all red/brown tile, a characteristic which provides some cohesion to the mixed house designs. This therefore also needs to be amended to ensure that the proposal does not appear out of place.

No details have been provided regarding the frontage. The existing landscaping, boundary wall and planted verge make a positive contribution to the streetscene and should be retained in any proposal.

## **Public Consultation**

- 7.2 Twelve neighbours were notified and a site notice was posted at the site. No letters of objection to the application have been received. However a letter was submitted with no details provided. The purpose of this letter was to bring an alleged unlawful use of the existing outbuilding to the attention of the Council. **[Officer Comment: This matter will be investigated separately by the enforcement team]**
- 7.3 The application was called to committee by Cllr. Folkard.

## **8 Relevant Planning History**

- 8.1 14/00228/CLP – February 2014 – Single storey rear extension and roof extension (Lawful Development Certificate – Proposed) – Grant Lawful Development Certificate (Proposed).
- 8.2 12/00977/FULH – July 2012 – Erect outbuilding (garden store/personal gym) at rear (retrospective) – Permission granted.
- 8.3 12/00695/CLP – May 2012 – Erect shed at rear (Lawful Development Certificate – Proposed) – Refuse Lawful Development Certificate).

## **9 Recommendation**

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

**01 The proposed development by reason of the increase in height and bulk of the roof would result in an overly dominant and disproportionate dwellinghouse to the detriment of the character of the existing dwelling and streetscene contrary to 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, 2009 (SPD1).**

**02 The proposed balcony within the roof space would be materially harmful to the living conditions of neighbouring dwellings by virtue of a loss of privacy through unmitigated overlooking contrary to the National Planning Policy Framework 2012 and Development Management DPD Policy DM1.**

### **Informative**

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

**The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern 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.**