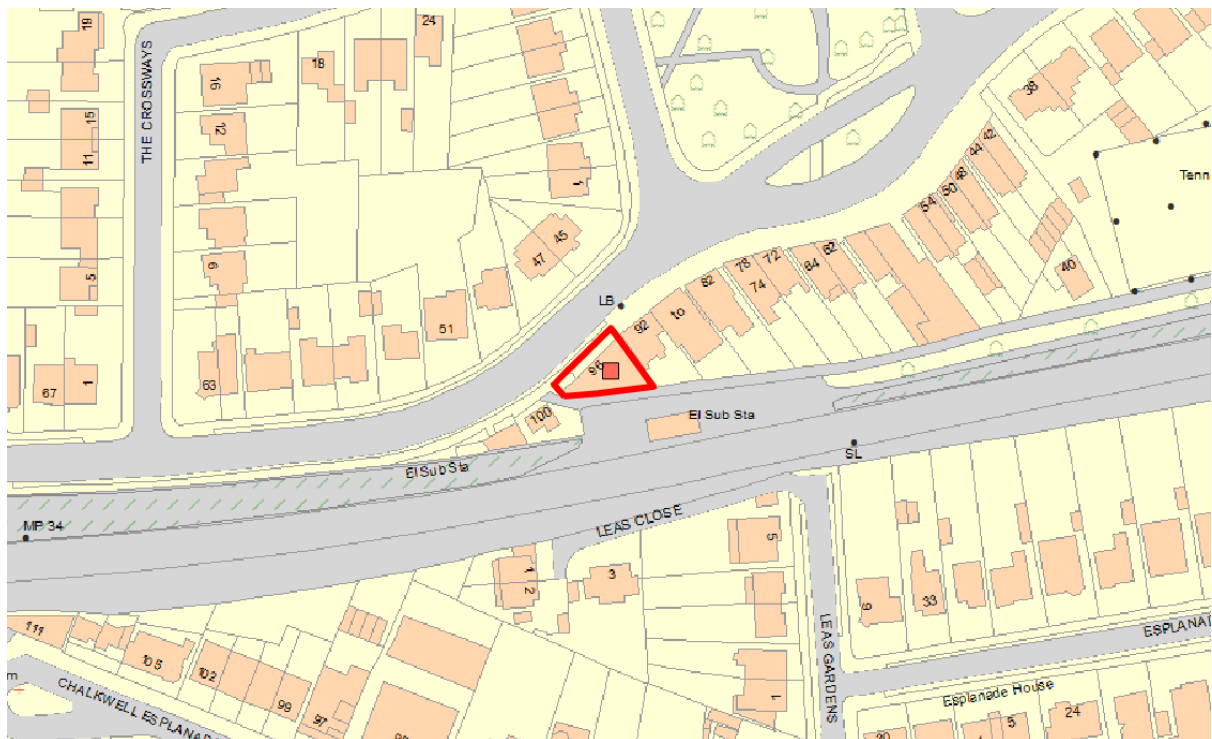


Reference:	16/01529/FUL
Ward:	Chalkwell
Proposal:	Install two retractable canopies to the front elevation.
Address:	96 The Ridgeway, Westcliff-On-Sea, Essex, SS0 8NU
Applicant:	Mr M Hassan
Agent:	Mr C. Stone (Stone Me Ltd)
Consultation Expiry:	21/09/16
Expiry Date:	13/10/16
Case Officer:	Ian Harrison
Plan No's:	1576 35 and 1576 36
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 The application seeks planning permission for the erection of two retractable awning canopies at the front elevation of the existing building.
- 1.2 Planning permission has been granted for the renovation of the existing building at the application site under the terms of applications 15/01274/FUL and 16/00406/FUL. The refurbishment works include alterations to the front elevation, the replacement of windows, the alteration of the elevations of the building, the replacement of the former porch with a porch to the west side of the front elevation and the provision of raised planting beds. The approved works have commenced and some works have been completed.
- 1.3 In addition to the previously approved works, the applicant now proposes the provision of two retractable awnings at the frontage of the site. The awnings would be positioned 2.5 metres above ground level and, when opened would project 2metres and have a minimum height above ground level of 2 metres. The retractable awning would be formed from black canvas.

2 Site and Surroundings

- 2.1 The application site is located to the South of The Ridgeway within an area of mixed residential and commercial properties. The site contains a three storey building that is used as a restaurant.
- 2.2 The site is allocated as part of a secondary shopping frontage in the Council's Development Management DPD.

3 Planning Considerations

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

4 Appraisal

Principle of Development

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

- 4.1 The proposed development represents alterations associated with existing use of the land and not the introduction of a new use of land. Therefore, subject to the detailed considerations set out below, it is considered that there should be no objection to the continued use of the application site for use as a restaurant and developments ancillary to that use.

Design

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

- 4.2 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in 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.”*
- 4.3 In the NPPF it is stated that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*
- 4.4 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.”*
- 4.5 Policy KP2 of Core Strategy (CS) states that new development should *“respect the character and scale of the existing neighbourhood where appropriate”*. Policy CP4 of CS requires that development proposals should *“maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”*.
- 4.6 The existing buildings to the South of The Ridgeway follow a curving building line that reflects the route of the highway and associated footpath. There have been few disturbances to this strict building line, although it is noted that the porch at the application site does project forward of the building line, albeit relatively minor in scale. Where the buildings meet, the curving building line is respected. A number of these properties (approximately 6) feature awnings of a variety of designs and sizes.
- 4.7 Paragraph 399 of SPD1 includes design advice with respect to canopies as follows:
- *Canopies and blinds can be used to add colour and variety to the streetscene as well as provide shade for shoppers and produce.*
 - *Where installed, shopfront canopies and blinds should be made of canvas and be retractable.*
 - *Where a shop is part of a parade, individual units need not necessarily be identical but they should have some regard to the character of the streetscene.*
 - *Sufficient headroom should be maintained below the canopy to allow the free flow of pedestrians.*
 - *Canopies and blinds must be free from advertising unless advertising consent has been granted. Each application will be assessed on its merits.*

- 4.8 In the context of the above, it is considered that the proposed awnings would not be out-of-keeping with the character or appearance of the site or the surrounding area. Awnings are a common feature of the streetscene and as they do not have a consistent appearance it is considered that the provision of additional awnings would not cause significant harm to the character or appearance of the site or the surrounding area. It is considered that the proposal would accord with the abovementioned design guidance and therefore no objection should be raised to the proposal on the grounds of visual impact.

Impact on Neighbouring Properties

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

- 4.9 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.”
- 4.10 During the course of previous applications it has been established that there are no restriction to prevent the applicant using the forecourt area outside the building that is within the applicant’s control, for purposes of outdoor seating. This development would be ancillary to that use and would further encourage that use. However, conditions are in place to prevent the majority of the doors in the front elevation of the building being regularly used in the interests of limiting noise escape from the building. As such it is considered that it is only necessary to consider the additional impact caused by customers of the property being able to use the outdoor seating area more intensively.
- 4.11 In this instance it is considered that the shelter of the outdoor area would encourage further use of the area and as such there would be some additional noise. However, noting that outdoor seating can be provided without needing planning permission and that the background noise levels of the area are high due to highway and railway traffic, it is considered that any additional use of the outdoor area that would be encouraged by the proposals would not derive additional noise to an extent that would justify the refusal of the planning application.
- 4.12 The structures themselves would not cause a loss of light, privacy or outlook within any nearby residential properties.

Traffic and Transport Issues

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4; DPD2 (Development Management) Policy DM1 and SPD1

- 4.13 The proposed awning would open over private land and not the public highway and would not therefore restrict the flow of pedestrian traffic past the site. As such it is considered that the proposal would not have a detrimental impact on highway safety.

Community Infrastructure Levy

- 4.14 As the development creates less no new floorspace at the application site, the development is not CIL liable.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework 2012.
- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (Environment & Urban Renaissance).
- 5.3 Development Plan Document 2: Development Management Policies DM1 (Design Quality) and DM15 (Sustainable Transport Management)
- 5.4 Community Infrastructure Levy Charging Schedule.
- 5.5 Supplementary Planning Document 1: Design & Townscape Guide, 2009.

6 Representation Summary

Public Consultation

- 6.1 Six neighbouring properties were notified of the proposal. Two letters of objection have been received which object on the following grounds:
- Noise would be caused by the use of the covered area throughout the day and night.
 - The colour scheme is in 'bad taste.'
 - Safety bollards will be required due to the positioning of the building in relation to the bend within the highway.
 - Additional trade will cause a reduction of parking.
 - Tables and chairs have never been present at this part of the site.
- 6.2 This application has been called-in to the Council's Development Control Committee by Cllr Habermel

7 Relevant Planning History

- 7.1 Application 87/0255 approved a first floor extension to the restaurant.
- 7.2 Application 87/2046 approved the erection of a front porch.
- 7.3 Application 87/2047 approved a second storey extension with an internal staircase.
- 7.4 Application 88/2067 approved a balcony at second floor level to the side of the building.
- 7.5 Application 90/1108 approved the erection of a front porch.

- 7.6 Application 90/01272 allowed the retention of an extract duct at the rear and a fire escape ladder at the side of the building
- 7.7 Application 06/01161/ADV was approved to allow the retention of signage at the frontage of the site.
- 7.8 Application 15/01038/FUL proposed a single storey front extension with a retractable roof and the alteration of the front elevation. That application was refused. The extension proposed was of no similarity to the canopies now proposed.
- 7.9 Planning permission has been granted for the renovation of the existing building at the application site under the terms of applications 15/01274/FUL and 16/00406/FUL. The refurbishment works include alterations to the front elevation, the replacement of windows, the alteration of the elevations of the building, the replacement of the former porch with a porch to the west side of the front elevation and the provision of raised planting beds. The approved works have commenced and some works have been completed.

8 Recommendation

It is recommended that planning permission be GRANTED 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: 1576 35 and 1576 36**

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

- 03 The retractable canopy hereby approved shall be formed using black canvas with black housing and supporting arms unless otherwise agreed in writing by the Local Planning Authority.**

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

You are advised that as the proposed extension(s) to your property creates no 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 for further details about CIL.