

<b>Reference:</b>	16/01565/BC3	
<b>Ward:</b>	Blenheim Park	
<b>Proposal:</b>	Change of use of public highway land to provide hardstanding to be used in conjunction with 332 Bridgwater Drive and change of use of part of existing forecourt to public highway land.	
<b>Address:</b>	332 Bridgwater Drive, Westcliff-On-Sea, Essex, SS0 0EZ.	
<b>Applicant:</b>	Mr C. Styles (Southend-on-Sea Borough Council)	
<b>Agent:</b>	N/A	
<b>Consultation Expiry:</b>	06/10/16	
<b>Expiry Date:</b>	09/11/16	
<b>Case Officer:</b>	Ian Harrison	
<b>Plan Nos:</b>	Location Plan, SBCC10699-101/SBC/KE/C/GA/0040A, SBCC10699-101/SBC/KE/C/GA/1501A, SBCC10699- 101/SBC/KE/C/0102A and SBCC10699- 101/SBC/KE/C/0503C	
<b>Recommendation:</b>	<b>GRANT Planning Permission</b>	



## **1 The Proposal**

- 1.1 The application seeks permission for the use of land at the site in conjunction with the existing property at 332 Bridgwater Drive rather than as highway land. The existing land is part of the adopted highway and is used to support the pedestrian foot bridge that crosses the A127 Southend Arterial Road.
- 1.2 The land that is the subject of this application measures 10.5 metres wide, 5 metres deep at the south end and 6.5 metres deep at the north end. The existing boundary wall would be removed and replaced with a 0.5 metre tall wall at the western edge of the proposed car park. The plans show the provision of four parking spaces on the proposed hardstanding once the existing footbridge has been removed, one of which could not be utilised until the bridge is removed as a column sits within the position of the suggested parking space.
- 1.3 The submitted plans also show that part of the existing forecourt land that is within the curtilage of 332 Bridgwater Drive would become part of the public highway, used as footpath and a very small part of the carriageway.

## **2 Site and Surroundings**

- 2.1 The site is located to the south of the A127 Southend Arterial Road and to the west of the property of 332 Bridgwater Drive. The residential properties of Broomfield Avenue are located to the south west of the site, with the closest dwelling being approximately 11.7 metres from the application site.
- 2.2 The site is at the edge of an allocated secondary shopping frontage. The land that would become car parking appears to be outside of the allocation, but the land that is currently the forecourt of 332 Bridgwater Drive is within the defined secondary shopping frontage.

## **3 Planning Considerations**

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

## **4 Appraisal**

### **Principle of Development**

#### **National Planning Policy Framework 2012, Core Strategy Policies KP1, KP2 CP4, and CP7, Development Management DPD Policy DM1 and SPD1**

- 4.1 The land on which the development is proposed is allocated as part of the secondary shopping frontage of Bridgwater Drive. The proposed development does not affect the use of the existing property but would represent a reconfiguration of the forecourt area of that property. As the development does not represent a change of the use of the building at the application site it is considered that no objection should be raised to the principle of ancillary development related to that property.

Also, no objection is raised to proposed works to the public highway.

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

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

- 4.2 In the Council's Development Management DPD, policy DM1 states that development should "add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features."
- 4.3 The land is currently dominated by the existing pedestrian footbridge that is described above, with part of the bridge passing over the land, supported by columns which sit within the application site. It is noted that the footbridge is to be removed and replaced, but for the purposes of this application, the removal of the footbridge is not for consideration.
- 4.4 The provision of additional hardstanding and a wall in place of the grassed area that currently exists beneath the footbridge would not cause material harm to the character and appearance of the site and the streetscene to an extent that would justify the refusal of the application. Hardstanding and low walls are already an established feature of the surrounding area and slightly expanding the extent of hardstanding and moving the wall would not therefore represent a significant or harmful impact on the character or appearance of the area.

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

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

- 4.8 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."
- 4.9 The low level of the proposed works would ensure that the proposal would not cause the loss of any light, privacy or outlook within any residential property. The noise associated by the use of the car parking by additional vehicles would be dwarfed by the existing noise source of the public highway and as such the car parking would not cause additional noise nuisance that would justify the refusal of the application.

## **Highway Safety and Parking Provision**

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

- 4.10 It is noted that the development would result in the provision of additional hardstanding at the site and the submitted plans show that it would be possible to still provide six spaces within the forecourt of the application site. The provision of at least 6 spaces, but potentially 10 spaces to serve the property at the application site is considered to be entirely adequate.
- 4.11 It is noted that the proposal is being put forward as part of the wider Kent Elms Junction Improvement Works that are being undertaken by Southend-on-Sea Borough Council in its role as Highway Authority. As it presents part of an improvement plan, it is considered that there is no basis to conclude that the proposal would result in a reduction of highway safety. This has been supported by the Highway Authority.

## **Community Infrastructure Levy**

- 4.12 As the development creates no additional floorspace the development is not CIL liable.

## **Other Matters**

- 4.13 As set out above, the application is being undertaken as part of a land transfer proposal between the freeholder of part of the application site and Southend-on-Sea Borough Council which also owns part of the site. An objection has been raised to this by the leaseholder of part of the application site which is set out below. It should be noted that the Local Planning Authority must focus solely on the planning merits of the proposals and has no ability to intervene in matters relating to land ownership or the transfer of land. This would be handled or addressed by other departments of Southend-on-Sea Borough Council and under the terms of other legislation that is not relevant to the determination of an application for planning permission. Similarly, the merits of road widening and junction improvement works should not form part of the consideration of this application as the focus should only be on the change of use of land, the provision of hardstanding and the change of use of part of the forecourt to be part of the public highway.

## **Conclusion**

- 5.1 The development provides additional parking and compensates for the alteration of the forecourt at the frontage of the site. The proposal would not cause a loss of amenity within neighbouring residential properties and it is considered that the development would not have a harmful visual impact to an extent that would justify the refusal of the application. The development is therefore considered to be in accordance with the policies of the Development Plan.

## **6 Planning Policy Summary**

### 6.1 National Planning Policy Framework

Core Strategy DPD (adopted December 2007) Polices KP1 (Spatial Strategy), KP2 (Spatial Strategy) and CP4 (Development Principles)

Development Management DPD Policy DM1 (Design Quality), DM13 (Shopping Frontage Management outside the Town Centre) and DM15 (Sustainable Transport Management).

Design and Townscape Guide SPD (adopted December 2009)

## **7 Representation Summary**

### **Design and Regeneration Team**

7.1 No comments have been received.

### **Highway Authority**

7.2 There are no highway objections to the proposal the applicant will be required to apply to the Secretary of State to stop up that section of highway should planning permission be granted.

### **Public Consultation**

7.3 Letters have been sent to 12 neighbouring properties. One letter of objection has been received which objects on the following grounds:

- The road widening should not be supported.
- The proposals have been discussed with the freeholder but not the leaseholder [**Officer Note – a letter was sent to the objector as part of the public consultation exercise**].
- The land that would be lost is a prominent part of the car park and the replacement parking would not be of suitable benefit as it would be too far from the properties and confusing to customers.
- The proposed changes would hinder access for deliveries etc to the site.
- The other side of the A127 should be used in preference to this site.
- Increased road traffic will cause additional vibration.

## **8 Relevant Planning History**

8.1 None.

## **9 Recommendation**

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

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

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

- 02 The development shall be carried out in accordance with the approved plans: Location Plan, SBCC10699-101/SBC/KE/C/GA/0040A, SBCC10699-101/SBC/KE/C/GA/1501A, SBCC10699-101/SBC/KE/C/0102A and SBCC10699-101/SBC/KE/C/0503C.**

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

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

#### **Informatives**

- 1. You are advised that as the proposed 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.**
- 2. Please note that the granting of planning permission does not have the effect of stopping-up the highway. Permission would be needed for the stopping-up of the highway from the Secretary of State.**
- 3. Please note that permission is not hereby granted for the demolition or removal of the existing footbridge. For the footbridge to be removed without the need for planning permission, this must be undertaken by or on behalf of the Highway Authority, prior to the stopping-up of the highway. If it is intended to demolish/remove the footbridge after the highway is stopped up, please note that this might require prior approval or planning permission.**