

Reference:	16/01350/FUL	
Ward:	Chalkwell	
Proposal:	Demolish existing buildings and erect two semi-detached dwellinghouses with hard and soft landscaping	
Address:	7 - 9 Lansdowne Avenue, Leigh-on-Sea, SS9 1LJ	
Applicant:	Mr G. Hutchinson	
Agent:	Mr S. Milne, The Livemore House	
Consultation Expiry:	08.09.16	
Expiry Date:	06.10.16	
Case Officer:	Louise Cook	
Plan numbers:	15015-01(B), 15015-03(A), 15015-04, 15015-05	
Recommendation:	Grant Planning Permission	

1 The Proposal

- 1.1 Planning permission is sought to demolish the existing buildings and to erect two semi-detached dwellinghouses with hard and soft landscaping.
- 1.2 The proposed dwellinghouses will form an extension to the existing terrace and measure a maximum of 5.6m wide x 8.9m deep x 9.2m high and have pitched roofs with rooflights to the front and a flat roof dormer window to the rear of each property. A pergola is proposed to the rear of each property measuring 1.5m deep x 2.9m high.
- 1.3 The proposed dwellinghouses will each have three bedrooms (5 bed spaces), an internal floorspace of 111sq.m, and private amenity spaces of 95sq.m.
- 1.4 No car parking spaces are proposed.
- 1.5 The proposed dwellinghouses will be finished in brick and render to match the surrounding area (details have not been specified), interlocking roof tiles, UPVC windows and UPVC windows and aluminium doors. The rear gardens will have timber fence panels and front boundary brick walls and piers.
- 1.6 The proposed development is CIL liable.

2 Site and Surroundings

- 2.1 The site is located on the western side of Lansdowne Avenue, approximately 30m to the north of its junction with Leigh Road.
- 2.2 The site is currently occupied by Chalkwell Park Motors, a car sales, servicing and repairs business.
- 2.3 Lansdowne Avenue is a residential side street which runs between London Road and Leigh Road. Lansdowne Avenue is predominantly characterised by two storey terrace 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 impact on neighbouring occupiers, standard of accommodation for future occupiers, sustainable construction and developer contributions.

4 Appraisal

Principle of Development

National Planning Policy Framework; DPD1 (Core Strategy) Policies KP2, CP1, CP4, CP8; Development Management Document Policies DM1, DM3, DM11 and the Design and Townscape Guide SPD1 (2009)

- 4.1 The site is currently occupied by a Chalkwell Park Motors which is a car sales, servicing and repairs business. Policy DM11 of the Development Management Document relates to employment. Section 5 of Policy DM11 states;

“Outside the Employment Areas (Policy Table 8), proposals for alternative uses on sites used (or last used) for employment purposes, including sites for sui-generis uses of an employment nature, will only be permitted where it can be demonstrated that:

*(i) It will no longer be effective or viable to accommodate the continued use of the site for employment purposes***; or*

(ii) Use of the site for B2 or B8 purposes gives rise to unacceptable environmental problems.

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

**** Appendix 4 Part C sets out the information to be provided as part of this appraisal.”*

- 4.2 Policy CP1 of the Core Strategy seeks to resist planning permission for proposals which would involve the loss of existing employment land unless it will contribute significantly to the objective of regeneration of the economy in other ways, including significant enhancement of the environment, amenity and condition of the local area.

- 4.3 Policy CP8 of the Core Strategy identifies that 6500 dwellings will be provided within the Borough over the plan period and that 2550 of those dwellings should be provided through the intensification of the use of land. The policy also identifies that 80% of residential development should occur on previously developed land, such as the application site. The effective and efficient use of the land is also encouraged by Policy DM3 of the Development Management Document.

- 4.4 A letter from the owner of the site has been received and forms part of the application. This details that Chalkwell Park Motors moved into the site in 2003. At that time parking along Lansdowne Avenue was relatively easy but since then this has changed and the road has become busier and more congested which has made running a business from the premises very difficult. The applicant states that he intends to move the business elsewhere in the Borough.

- 4.5 Policy DM3 (section 2) of the Development Management Document states:

“All development on land that constitutes backland and infill development will be considered on a site-by-site basis. Development within these locations will be resisted where the proposals:

(i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or

(ii) Conflict with the character and grain of the local area; or

(iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or

(iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees.”

- 4.6 The above points will be addressed in more detail set out in the report below.
- 4.7 Whilst no details in respect of employment figures have been set out in the application, it is likely that the business will relocate to elsewhere within the borough. It is likely that the existing business use would give rise to noise and traffic movements which would be reduced as a result of the proposed development. It is considered that the provision of two new family size dwellinghouses would outweigh the principle of the loss of employment at the site in this instance.
- 4.8 It is acknowledged that the site is within a residential area surrounded by dwellinghouses and the existing use is out of character with the residential nature of the street. The proposed residential use is considered to conform to the local area which is predominantly residential and will improve the appearance of the site.
- 4.9 Therefore, in this instance, no objection is raised to the principle of residential development subject to each of the considerations detailed below being satisfactorily addressed.

Design and Impact on the Streetscene

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

- 4.10 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) and DM3 (The Efficient and Effective Use of Land) 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.
- 4.11 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.
- 4.12 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.
- 4.13 Overall the redevelopment of the site is welcomed as the existing buildings do little to enhance the character and appearance of the area. Lansdowne Avenue is predominantly characterised by two storey traditional dwellinghouses, most built as semi-detached properties or short terraces. There is some variation in design detail but overall the street has a cohesive character which includes many common features such as a regular rhythm of well detailed two storey bay windows with

gable tops and well detailed porches of various designs. The houses are all of a consistent scale with matching eaves and ridge heights, gabled roofs and are set on a consistent building line close to the street with short front gardens. Overall this is an attractive street with a strong character.

- 4.14 The proposal has chosen to replicate the form and character of the street by building a pair of traditionally designed semi-detached houses. The proposed houses will pick up on the scale of neighbouring properties picking up on the eaves, ridge and roof pitches, referencing the plot width and grain, maintaining the consistent building line and including a number of key features such as double height bays and rain porches. The design in general is considered to be acceptable however, for this infill to be fully integrated into the streetscene it would be beneficial to include an element of decoration as found on the neighbouring properties, particularly in relation to the pillars of the bay which are generally decorative and which enrich the streetscene. It is also considered that the windows to the front should be sash mechanism so that they appear authentic to the chosen design approach. Further details in respect of detailing to the bay pillars and window design can be required by condition.
- 4.15 A low wall is proposed to the frontage which again references the streetscene and is welcomed although details of the landscaping will need to be agreed by condition.
- 4.16 To the rear the design is fairly simple and includes box dormers within the rear roof slope although these are reasonably scaled in this context.
- 4.17 There is a strong character in the street where the building line is forward and consistent; in this instance it is acknowledged that a setback to enable parking on the frontage would be detrimental to the streetscene.
- 4.18 The proposed development is therefore considered to be consistent with local character and will improve the visual appearance of the site.
- 4.19 Therefore, in light of the above, it is considered that the proposed design, subject to the conditions set out below, would be acceptable and satisfies policies KP2, CP4, DM1 and DM3 in respect of design and impact on the streetscene.

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

- 4.20 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.
- 4.21 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...”

- 4.22 It is considered that the proposed use of the site for two dwellinghouses would be more compatible use with the local area and have a lesser impact on neighbouring residential occupiers than the existing car sales, servicing and repairs lawful use.
- 4.23 With regard to the built form and impact upon the adjoining neighbour at no. 11 Lansdowne Avenue located to the north of the site, the proposed dwellinghouses will project no further forwards than the front wall of the neighbouring property and extend 670mm further rearwards. It is not considered that this rearward projection would be overbearing upon the neighbour given its limited depth. There is currently a garage block which extends the full depth of the northern boundary of the application site which forms part of the boundary with the adjacent property. The demolition of the existing garages will allow additional light into this neighbouring property.
- 4.24 With regard to the impact upon adjoining properties to the south of the site at numbers 89 - 97 Leigh Road (odd numbers) which are predominantly commercial at ground floor with residential accommodation above, the proposed dwellinghouses will have a minimum separation distance of 10m from the rear of these neighbouring residential properties. It is considered that there is a sufficient level of separation to prevent the proposed development from being overbearing upon neighbours to the south. There are no windows proposed in the side (southern) elevation of the building. It is not considered that the proposed development would give rise to overlooking or loss of privacy to neighbouring occupiers adjoining the site given the position of habitable room windows and angle away from neighbours.
- 4.25 Therefore, it is considered that the proposed development satisfies policies KP2, CP4, DM1 and DM3.

Standard of Accommodation for Future Occupiers

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

- 4.26 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 three bedroom, five person (two storey) dwellinghouse to have a minimum internal floorspace of 99sq.m and built in storage of 2.5sq.m. The proposed dwellinghouse will meet this requirement.
- 4.27 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 single bedroom will meet this requirement.

(c) In order to provide two bedspaces, a double (or twin bedroom) has a floor area of at least 11.5sq.m. - The proposed double bedroom will 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.

The above requirements will be satisfied.

- 4.28 The proposed dwellinghouses will each have a private rear garden area of 95sq.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.
- 4.29 It is considered that the proposed amenity space would be acceptable and functional for a dwellinghouse of this size.
- 4.30 All habitable rooms will have access to clear glazed windows and receive a satisfactory level of light.
- 4.31 The Lifetime Homes Standards referred to in Policy DM7 have been superseded by The Building Regulations 2015 Volume 1: Dwellings, M4(2): Accessible and Adaptable Dwellings. This requires all new dwellings to meet Building Regulations M4(2). Amended floorplans have been received which have demonstrated that this can be met.
- 4.32 It is not considered that the nearby commercial uses on Leigh Road would be detrimental to the future occupiers of the proposed dwellinghouses.
- 4.33 The standard of accommodation is considered to be acceptable and satisfies the above policies.

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

- 4.34 Policy DM15 of the Development Management DPD requires two parking spaces for each of the proposed dwellinghouses of this size and in this location. It is noted that Lansdowne Avenue currently suffers from on-street parking stress. Whilst no off-street car parking spaces are proposed, the proposed development by reinstatement of the existing dropped kerb would allow for an additional on-street parking space and this would be achieved through a separate S278 highways agreement. It is considered that the proposed use of the site for two dwellinghouses rather than the existing car sales and garage use would reduce the volume and

frequency of traffic movements in the street and would be likely to reduce on-street parking demand in this instance. It is not considered that it would have a material impact in terms of on-street parking locally. It is noted that the site is located within a sustainable location in terms of access to public transport.

- 4.35 Refuse storage is shown to the front of the dwellinghouses although as the proposed development is a dwellinghouse rather than flats, a formal refuse store is not required. Satisfactory kerbside refuse collection can be provided.
- 4.36 Therefore, in light of the above, no objection is raised on highways grounds and the proposed development satisfies the policies detailed 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

- 4.37 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.
- 4.38 Policy DM2 of the Development Management Document requires new development to be energy and resource efficient.
- 4.39 No details of renewables have been provided to demonstrate that the above policies will be met, however this could be required by a condition should permission be granted.
- 4.40 The proposed development will significantly increase the amount of soft landscaping (permeable materials) on the site which currently consists of hard landscaping. Therefore, it is not considered reasonable to require a scheme of SUDs in this instance.

Developer Contributions

National Planning Policy Framework; Community Infrastructure Levy Charging Schedule

- 4.41 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.
- 4.42 This application is CIL liable. The existing floorspace can be taken into account as this satisfies the 'in-use' test. The site is located within CIL Zone 3. Therefore, the required CIL payment is £1840.38.

Conclusion

- 4.42 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. Whilst the proposed development will not provide any car parking, it is considered that introducing car parking into the scheme would detract from the local character and be detrimental to the character and appearance of the streetscene. It is considered that the lack of parking would still have less impact than the existing lawful use of the site in highways terms. The proposed development will have an acceptable impact on the amenities of neighbouring occupiers and will provide a satisfactory standard of accommodation. The application is therefore recommended for approval subject to conditions.

5 Development Plan

- 5.1 National Planning Policy Framework, 2012.
- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles), CP1 (Employment Generating Development), 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), DM8 (Residential Standards), DM11 (Employment Areas) 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.

6 Relevant Planning History

- 6.1 None.

7 Representation Summary

Highways

- 7.1 There are no highway objections to this proposal. Consideration has been given to the existing use of the site and the potential traffic movements associated with car sales and servicing which generates a considerable amount of vehicular traffic. The proposal does not provide any parking off street but does proposal to reinstate the existing vehicle crossovers and allow on street parking. This alteration will require an alteration to the existing traffic regulation order to convert from yellow lines to available parking, a contribution of £2500 will be required. The site is considered to be in a sustainable location with regard to public transport which has good links in close proximity.

Design

- 7.2 Overall it is considered that the design of this proposal is compatible with local character and will be an improvement over the existing situation especially if the detailing to the bay is progressed.

Environmental Health

- 7.3 No objection raised.

Public Consultation

- 7.4 Neighbours notified and a site notice displayed. Four letters of representation have been received; one in support, two raising concerns and one which object to the proposed development on the following grounds:

- Overdevelopment of the site. Detrimental impact upon the environment.
- Overshadowing.
- No off-street car parking; increase existing parking problems and congestion along Lansdowne Avenue.
- There is an on-going legal dispute with the applicant and a neighbouring property in respect of the position of a boundary. **[Officer comment: This is not a material planning consideration and is a private legal matter between those concerned.]**
- Questions asked in relation to construction and demolition.

- 7.5 The application has been called into the Development Control Committee by Cllr Folkard.

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: 15015-01(B), 15015-03(A), 15015-04, 15015-05.

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 dwellings, on any screen/boundary walls, fences and gates, and on any driveway, access road, forecourt or parking area, and details of the window design and detailing to the pillars to the front bay windows 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 there has been submitted to and approved by the Local Planning Authority a scheme of landscaping. This shall include details of all the existing trees and hedgerows on the site and details of any to be retained, together with measures for their protection in the course of development; details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established; details of measures to enhance biodiversity within the site and details of the treatment of all hard and soft surfaces (including any earthworks to be carried out). The landscaping shall be implemented in accordance with the agreed details, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy, Policy DM1 of the Development Management Document and the Design and Townscape Guide, 2009.

05. All planting in the approved landscaping scheme shall be carried out within the first available planting season following 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 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, the Design and Townscape Guide (SPD1) and Development Management Document Policy DM2.

07. Prior to the first occupation of the dwellinghouse, the existing dropped kerbs to the front of the site shall be reinstated.

Reason: To provide additional on-street parking and in the interest of visual amenity, in accordance with Policies DM1 and DM15 of the Development

Management Document.

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

Reason: To safeguard the design and appearance of the dwellinghouses, in the interest of the standard of accommodation and to ensure that satisfactory amenity space remains for the amenities of future occupiers, in accordance with Development Management Document Policies DM1, DM3 and DM8 and the Design and Townscape Guide, 2009 (SPD1).

09. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

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, in the interest of the amenities of future occupiers in accordance with Core Strategy Policies KP2 and CP4, Development Management Document Policies DM1 and DM3.

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

02. 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. Please contact 01702 215005 for more information.

03. The developer should also consider control measures detailed in Best Practice Guidance “The control of dust and emissions from construction and demolition”. <http://www.london.gov.uk/priorities/planning/supplementary-planning-guidance>