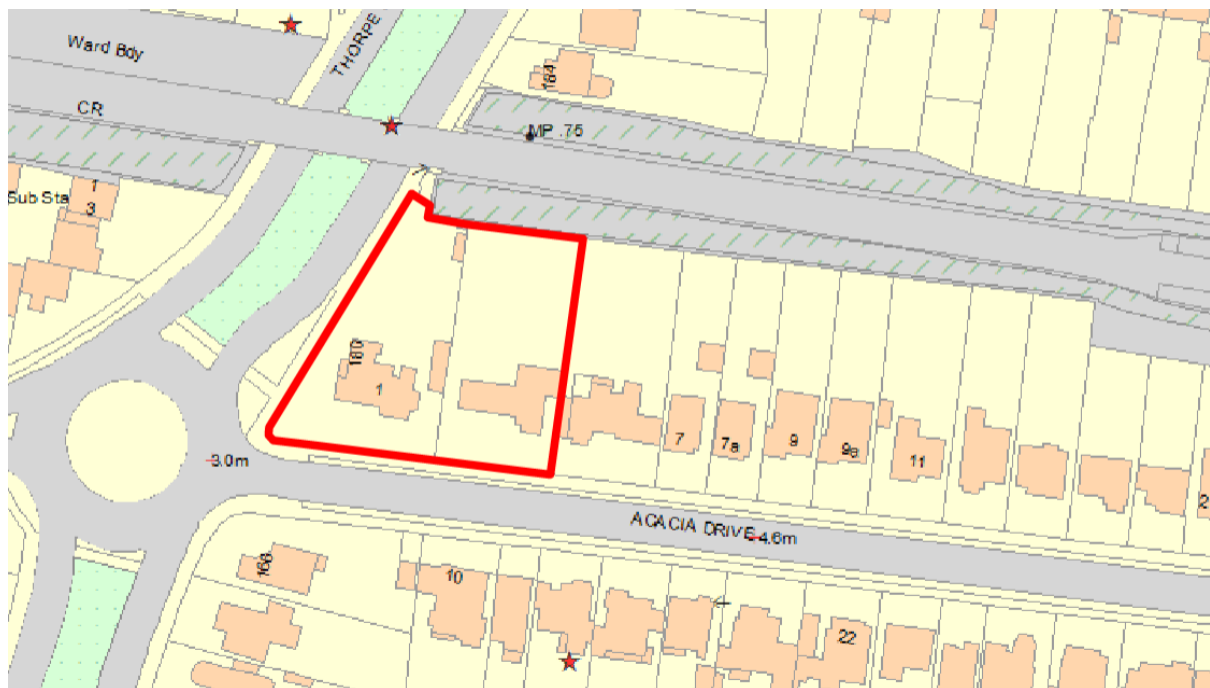


Reference:	16/02254/AMDT	
Ward:	Thorpe	
Proposal:	Application to vary condition 02 (Drawing Numbers) and 08 (Landscaping/Boundary Treatment) (Minor Material Amendment) of planning permission 14/01434/FULM Demolition of existing bungalow at 3 Acacia Drive, erect three storey building comprising fourteen self-contained flats, dated 28.01.2015	
Address:	Former 3 Acacia Drive, Thorpe Bay, Essex, SS1 3JU	
Applicant:	Elmore Homes Limited	
Agent:	N/A	
Consultation Expiry:	26.01.2017	
Expiry Date:	17.03.2017	
Case Officer:	Janine Rowley	
Plan Nos:	356.207.00; 356.206.02; 356.207.00; 356.208.00	
Recommendation:	GRANT PLANNING PERMISSION	



## **1 The Proposal**

- 1.1 Permission was granted in 2013 for the demolition of an existing bungalow at 3 Acacia Drive to a erect three storey building comprising fourteen self-contained flats, layout parking, amenity space, refuse store, cycle store and form vehicular access on to Thorpe Hall Avenue. The development has now been completed.
- 1.2 Condition 2 of 14/01434/FULM stated:

The development hereby permitted shall be carried out in accordance with the approved plans 732/01 H; 732/02 G; 732/03 G; 732/04 G; 732/05 G; 732/06 H; 732/07 H; 732/08 G; 732;09 G; Landscape and Management Plan.

Condition 8 OF 14/01434/FULM states:

*“The landscaping scheme as shown on drawing Thorpe Hall Landscape Revision A dated 08.10.2014 shall be implemented within the first planting season following occupation of the flatted development hereby approved, unless otherwise agreed in writing by the local planning authority. In the case of any trees, dead, dying or diseased replacement planting shall be provided”.*

- 1.3 The applicant has not implemented the approved landscaping scheme under application 14/01434/FULM with specific reference to the boundary treatment. The applicant states the boundary wall was demolished by a vehicle accident in July 2016 and mature trees removed. The wall to the east of the site was found to have no foundations and removed on safety grounds. New foundations could not be dug as services and tree roots were found in close proximity. The applicant has installed 0.9m high standard mild steel fencing galvanised with black powder coated finish and a privet hedge (*Ligustrum Ovalifolium*) and is seeking to retain the new boundary treatment with soft landscaping.

## **2 Site and Surroundings**

- 2.1 The site is located on the corner of Thorpe Hall Avenue and 3 Acacia Drive and the flatted development has been recently completed.
- 2.2 The streetscene to the east and south of the site is characterised by residential properties including single and two storey. To the west of the site is a flatted block. To the north is the railway line.

## **3 Planning Considerations**

- 3.1 The overall design, scale, layout and numbers of units of the development remain unaltered from 14/01434/FULM. The only issues for consideration in relation to this application are therefore the direct impacts of the proposed amendments described in paragraph 1.3 above in relation to design and impact on the character of the area, impact on residential amenity and developer contributions.

## 4 Appraisal

### Principle of the Development

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

- 4.1 The principle of residential development has been previously accepted under application 14/01434/FULM and recently completed thus no objection is raised in principle subject to the other material planning considerations discussed in detail below.

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

- 4.2 The design, layout, scale and height of the development remains as per the previously approved application 14/01434/FULM. The only change relates to the boundary treatments discussed in detail below. The landscaping in terms of planting remains the same as per the previously approved plan “*Thorpe Hall Landscape Revision A dated 08.10.2014*”.
- 4.3 As stated in paragraph 1.3 above, the existing boundary treatments including a number of mature specimens which included a low boundary wall where removed due to an accident that resulted in the wall becoming unsafe. The trees removed were not protected by tree preservation orders and previously not considered worthy of preservation. The applicant has installed 0.9m high mild steel galvanised with black powder coated finish and a privet hedge is planted behind the railings.
- 4.4 Policy DM1 of the Development Management Document DPD2 states that all proposals should seek to:
- “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 The railings installed do not appear out of place with the streetscene and the landscaping scheme as proposed and partially implemented is considered to still enhance the overall character and appearance of the area in accordance with the NPPF, policies KP2 and CP4 of the Core Strategy, policy DM1 of the Development Management Document and the Design and Townscape Guide.

## **Traffic and Transport Issues**

**The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP3; CP4; DPD2 (Development Management Document) policy DM1 and Design and Townscape Guide.**

- 4.6 The proposed amendments do not result in additional traffic generation or the need for additional parking from the original approved application 14/01434/FULM.

## **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.**

- 4.7 The proposed landscaping changes do not result in any impact on residential amenity from the original approved application 14/01434/FULM.

## **Community Infrastructure Levy**

- 4.8 As the application is made under S73 of the Town and Country Planning Act and does not result in the creation of any additional floorspace but relates to landscaping changes, although it is CIL Liable, it is not CIL chargeable. Thus a CIL contribution is not required.

## **Conclusion**

- 4.9 Having taking all material planning considerations into account, it is found the amended landscaping scheme and boundary treatments would be acceptable and compliant with the objectives of the relevant development plan policies and guidance enhancing the overall character and appearance of the area.

## **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), CP3 (Accessibility and Transport), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure) and CP8 (Dwelling Provision).
- 5.3 Development Management Document 2: 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), DM14 (Environmental Management), DM15 (Sustainable Transport Management)
- 5.4 Supplementary Planning Document 1: Design & Townscape Guide (2009)

## 6 Representation Summary

### Design and Regeneration

6.1 No objections.

### Highway Authority

6.2 There are no highway objections to this proposal

### Neighbour Notification

6.3 21 neighbours notified of the proposal and a site notice displayed on the 5<sup>th</sup> January 2017. One letter of representation has been received stating:

- The Council was wrong in allowing the developer to remove a wall and mature trees. Knowing that this has happened in contravention of planning permission granted all works should have stopped **[Officer Comment: The Council were made aware of this matter following an enforcement investigation reference 16/00219/BRCN\_B. once the enforcement query was received officers contacted the developer and informed them a formal application was required to vary the originally approved landscaping plan and the subsequent planning application was received];**
- Mature trees cannot be replaced and although the fencing and planting is attractive is still does not justify the loss and additional mature species should be planted **[Officer Comment: The trees removed were not protected by tree preservation orders and previously not considered worthy of preservation. The landscaping scheme as proposed and partially implemented is considered to still enhance the overall character and appearance of the area in accordance with policy DM1 of the Development Management Document DPD2];**
- The site is better than before but the applicant deliberately did not comply with planning permission.

## 7 Relevant Planning History

7.1 Alleged breach of Condition 8 (Planning permission 14/01434/FULM)- (16/00219/BRCN\_B)

7.2 Approval of details pursuant to condition 07 (details of waste and cycle storage) and condition 12 (details of public art) of planning permission 14/01434/FULM dated 28.01.2015- Agreed (16/01075/AD)

7.3 Demolition of existing bungalow at 3 Acacia Drive and erect three storey building comprising four self-contained flats, layout parking, amenity space, refuse store, cycle store and form vehicular access onto Thorpe Hall Avenue- Granted (14/01434/FULM)

## **8 Recommendation**

### **8.1 Members are recommended to GRANT PLANNING PERMISSION subject to the following conditions:**

- 1 The development hereby permitted shall be carried out in accordance with the approved plans 732/01 H; 732/02 G; 732/03 G; 732/04 G; 732/05 G; 732/06 H; 732/07 H; 732/08 G; 732;09 G; Landscape and Management Plan.**

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

- 2 The development hereby approved shall be carried out in accordance with the Flood Risk Assessment carried out by Ambiental Technical Solutions Ltd referenced 1907 dated January 2014.**

**Reason:** 1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. 2. To reduce the impact of flooding on the proposed development and future occupants. 3. To ensure that the "Non Occupation and Evacuation Plan" is up to date with the Environment Agency's Flood Warning Service.

- 3 Fourteen car parking spaces shall be provided in accordance with plan no. 732/01 Revision H prior to the occupation of the flats hereby approved and shall thereafter be permanently retained in connection with the residential use of the site 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 DPD1 (Core Strategy) 2007 policy KP2, DPP2 (Development Management Document) and SPD1 (Design and Townscape Guide).

- 4 The waste management and cycle storage details submitted on the 01.07.2016 agreed under application 16/01075/AD shall be implemented prior to the first occupation of the development unless otherwise agreed in writing by the local planning authority and retained thereafter.**

**Reason:** To protect the environment and provide suitable cycle and waste storage in accordance with DPD1 (Core Strategy) 2007 policies KP2 and CP4 and policies DM1 and DM15 of the DPD2 Development Management Document.

- 5 The landscaping scheme as shown on drawing Landscape and Management Plan Revision A dated 08.12.2016 shall be implemented within the first planting season following occupation of the flatted development hereby approved, unless otherwise agreed in writing by the local planning authority. 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 DPD1 (Core Strategy) policy KP2 and CP4, DPD2 (Development Management Document) policy DM1, and SPD1 (Design and Townscape Guide).**

- 6 The details of the acoustic fence on the schedule of materials revision C and the landscaping scheme Revision A dated 08.10.2014 shall be implemented prior to occupation of the development, unless otherwise agreed in writing by the local planning authority and remain in perpetuity.**

**Reason: To safeguard the character and amenities of the area and in particular to protect the amenities of nearby residential properties in accordance with policy CP4 of the Core Strategy DPD1 and policy DM1 of the Development Management Document DPD2.**

- 7 The renewable energy measures as detailed in MH Energy Consultations Statement 08.10.2014 and drawing 732/01H, 732/08G; 732/05 Revision A, shall be installed prior to first occupation of the development and shall be permanently maintained thereafter.**

**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).**

- 8 The first and second floor windows in the north and east elevations 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 DPD1 (Core Strategy) 2007 policy CP4, DPD2 (Development Management Document) policy DM1 and SPD1 (Design and Townscape Guide).

- 9** The details of the public art received on the 15.12.2016 including a site plan and elevation drawing of the Celestial Armillary Sphere Pedestal agreed under application 16/01075/AD shall be implemented prior to the first occupation of the development unless otherwise agreed in writing by the local planning authority and retained thereafter.

**Reason:** In the interest of visual amenities of the townscape in accordance with policies KP2 and CP4 of the Core Strategy, the Design and Townscape Guide, 2009 (SPD1) and the Planning Obligations: A Guide to Section 106 and Developer Contributions (SPD2).

#### **Informatives**

- 1** You are advised that as the proposed external alterations does not result in the creation of new floorspace 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 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.