Southend-on-Sea Borough Council

Report of the Corporate Director of Enterprise, Tourism & the Environment
To
Development Control Committee
On
17th August 2011

Report(s) on Planning Applications
A Part 1 Agenda Item

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<td>Proposal:</td>
<td>Erect part 3/ part 4 storey building, incorporating LED display screen, to use as library and for education purposes (Sui Generis) lay out landscaping and amenity area</td>
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<td>Address:</td>
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<td>Applicant:</td>
<td>Mr Mark Murphy on behalf of Southend Borough Council</td>
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<td>Agent:</td>
<td>Ms Liz Jarrett ADP Architecture</td>
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<td>Charlotte Galforg</td>
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<td>Recommendation</td>
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1 The Proposal

1.1 The development is a joint venture regeneration project between Southend Borough Council, the University of Essex and South Essex College. The proposals on the site of the former Farringdon Car Park are for an integrated municipal and academic public library (replacing the existing library on Victoria Avenue) alongside a modern teaching facility for the College and a research and learning environment for the University. It is proposed to erect a part three, part four storey building along the western boundary of the site along Elmer Avenue. The frontage of the building along Elmer approach would be three storeys in height, rising to four storeys where it fronts the large public square that is proposed to be created on the eastern side. A large LED screen is proposed to be installed on the north eastern side of the building, closing off the square. The proposed new building will create a new and complete town “block”, filling the whole of the Elmer Avenue frontage, right up to the Farringdon Access Road. Its main reading area would be over 40 per cent larger than in the existing library.

1.2 The main entrance to the building will be on the eastern facade, approximately two thirds down the length of the building. A second entrance will be created through the Focal Point Gallery. Other uses such as the cafe and children library will flow from inside to outside, with a small play area proposed outside the children’s library and seating proposed outside the cafe. The internal lecture theatre will be coloured red and would be visible along Elmer Approach. The lower level of the theatre will be contained within a semi basement.

1.3 Different uses will occupy different levels of the building: public uses at ground floor: lecture theatre; cafe; gallery and display spaces, children’s library, Focal Point Gallery, library, teaching space, plant and stores. The main library reading room and business centre would be at first floor; university uses at second floor and the college at the top level. The smaller footprint required by the college has allowed the building form to be stepped back from Elmer Avenue, thereby reducing the scale of the building. Screened plant will be provided in this area. Deliveries and collections will generally take place from the northern part of the building with refuse and delivery/holding areas incorporated into the built form.

1.4 Key features of the development will include:

- A 200 seat lecture theatre for the University and public use
- Ground floor public cafe
- The Focal Point Gallery
- Drop in IT points
- Wi-Fi throughout
- A new public square with a public LED screen for screenings and viewings
- University of Essex Learning Hub and office space
- South East Essex College Higher Education Centre
New Business Centre

1.5 The design of the building has evolved in response to the requirements of the occupiers. The east and west elevations contain large areas of glazing and incorporates curtain walling and reconstituted stone panels, typically spanning from floor to floor. Brise soleil will proved shading at upper floors. The colour scheme will be of a restricted palette with light/buff reconstituted stone panels and soft metal panels. This is intended to contrast with a strong internal colour palette. The upper floor of the east facade will be metal clad and contain circular windows.

1.6 The plant would be contained with areas screened by powder coated louvres. The roof would also contained solar panelling and rooflights to allow light into the building.

1.7 It is intended that the development will be fully accessible. Disabled parking will provided at the north entrance.

1.8 The development will include a new public square to the front (east) of the building, which will include a mixture of hard and soft landscaping including; a double row of sweet gum trees forming the start of a general grassed area mounded to a maximum height of 1m. Three copses of birch trees will be planted to provide a boundary screen to the delivery area and a wildflower meadow installed under the trees. This birch tree planting would be temporary until Phase 2 of the development is carried out. A new row of hornbeam trees will also be planted along the boundary with Elmer Avenue. The public square will extend the full 90m length of the building with enhanced pedestrian linkages to the High Street through Elmer Approach and Queens approach to the north. Floor lighting is proposed. The south of the square will contain the outside seating area to serve the cafe, the children’s library play area, and more traditional bench seating and cycle parking. There is a drop off point for the disabled in this area and a taxi rank. Access to this area for events will be via the southern end of the site via electronic telescopic bollards. Pavements will be designed to accommodate vehicle use.

1.9 It is intended that as well as providing a new area of public open space the square will be used as location for cultural and artistic events, with activities that compliment the use of the building, in particular the exhibitions at the Focal Point Gallery and the performing arts schools within the University and College. The square will also be used during key events in the town centre including the Christmas Lights switch on and the Southend Film Festival.

1.10 A key feature of the public square will be the provision of a 6.22m x 3.5m LED Display Screen at the northern end of the square. The screen is supported by a grid of steelwork with stainless steel curtains hanging to either side. The stainless steel mesh will allow wind and light to pass through but will also allow for top lighting to add interest. The cladding of the archway will be dark grey metal panels. It is intended that the solid panels to the rear will allow for a branding opportunity and further public art display.
1.11 It is intended that the screen will operate a *maximum* of 16 hours per day, with proposed operating hours 7am to 11pm Monday to Saturday and 9am to 10.30 pm on Sundays. The volume of the screen is intended to be at a low level pre 9am and post 6pm, although the volume might be increased post 6pm for specific events. The applicants have stated that noise levels will be tested to ensure the noise levels will not be intrusive and that they do not conflict with the proposed uses within the building.

1.12 The three partners in the development of Elmer Square are currently investigating options for facilities management and building governance including how the programming of the digital display screen will be overseen. It is envisaged that a form of content management committee will be established with responsibility for planning and programming the screen.

1.13 Some examples of what could be screened include:

- National Cultural events such as Royal Opera House relays, National Ballet relays and first and last night of the proms and Children in Need.
- Local community and cultural events such as the Southend Film Festival, Christmas lights switch on, Southend Festival Programme and University and College events including graduation ceremonies.
- Artistic content including works commissioned in partnership with Focal Point Gallery, METAL, White Bus and E15 Performing Arts School.
- Sporting events including Wimbledon, RBS six nation’s rugby, European Athletics Championships UEFA European Championships and FIFA world cup.

For certain events temporary seating will be provided within the northern area of the public square whilst others will operate on a more informal basis.

1.14 It is intended that the proposed Public Screen (which will cost approximately 300k) will constitute the main public art contribution for the development. In additional the project will include:

- Feature lighting to the north and south elevations of the elevations, with an option to design this in collaboration with Focal Point Gallery
- Provision of a zone for public art on the northern face of the structure supporting the digital display screen.

1.15 The proposals have been designed to take into account Secured by Design philosophies.

1.16 The development has been designed to meet a BREEAM “very good” rating. It is proposed to incorporate a number of energy saving measures including: low and zero carbon technologies, ground source heat pumps, and solar panels.

1.17 A two day public consultation session in relation to the development was carried out
in April 2011.

1.18 The applicant states that operation of the various parts of the building would vary, and would be subject to discussions between the Council, University and College. However it is envisaged that the library hours would be increased above the hours of use of the existing central library. Teaching hours within the building will typically be 9am to 6pm, although some teaching would continue to 9pm. The learning hub would operate 24hours a day for student access only. The cafe and Focal Point Gallery would be able to operate separately and hours of operation will vary.

1.19 The applicant has submitted the following documentation support of the application: Design and Access Statement; Draft Travel Plan; Acoustic report, Mechanical Ventilation report; Transport Statement; Ecology report; Geotechnical Report; Landscape and lighting report; Energy Statement; Daylight/Sunlight Report; Flood Risk Assessment; Drainage statement.

2.0 Site and Surroundings

2.1 The 0.867 hectare application site comprises the former Farringdon car park located at the junction of Elmer approach and Elmer Avenue. The majority of buildings on site have now been demolished for structural reasons, however part of the multi storey car park remains. The site is no longer available for public access. Previously the multi storey car park extended close to the back edge of footpath along Elmer Approach. The site is bounded by the Farringdon service road to the north and east.

2.2 To the south of the site along Elmer Approach lies the large SEEC building and associated basement car park and the existing Essex University campus building. Elmer Approach is pedestrianised to the east of Elmer Square and leads directly into the High Street to the east. To the west of the site lie the two storey terraced residential dwellings in Elmer Avenue. To the east lies the Farringdon service road, giving access to the rear of commercial properties within the High Street. The properties within the High Street also include some residential uses at first and second floors which back onto the site. To the north of the site lies the Farringdon Service Road. A number of residential properties which are located above the commercial properties within Queens Road back onto the site. An access road links the north of the site to Queens Road beyond. A number of mature trees are located within the site boundary; these would be lost as a result of the development.

2.3 The recently completed University Halls of residence and public car park at University Square lies to the north west of the site.
3.0 Planning Considerations

3.1 The main issues when considering this application are: the principal of loss of the car park and the development of library college and university space on this site; design and impact on the character of the area, traffic and transport issues, including loss of the Council car park; impact on the residential amenity of surrounding occupiers, sustainability issues.

4.0 Appraisal

Background to the Development

4.1 The Elmer Square Development Brief was adopted by the Council for development purposes in January 2009. The Brief seeks to deliver a scheme incorporating:

- A new 21st Century Library meeting both the requirements of a modern replacement for the current central library alongside the requirement of an expanding higher and further education sector in the town centre;
- A new building for South Essex College to meet their expansion and growth needs in Southend;
- A new building for the University of Essex incorporating new teaching space alongside growth in the University’s business incubation space.
- Accommodation for Southend Adult Community College to enable it to establish a presence within the town centre, and
- High quality public realm to be structured according to the main pedestrian route and vehicle routes and meeting points. A new public square of approximately 1,300m² will be created to act as a front door to the building and be a busy and vibrant location next to the High Street. The square is defined by the landmark SEEC building to the south.

Principle of development

Planning Policy Statements: PPS1, PPS 4, East of England Plan policies: SS1, SS2, SS3, SS5, SS6, E1, E5, ENV7, ETG1, ETG4, DPD1 (Core Strategy) policies: KP1, KP2, KP3; CP1, CP2, CP6, BLP policies; U8, U10; Southend Central Area Masterplan; Central Area Action Plan Issues and Options

4.2 Policy KP1: Spatial Strategy states that the Primary Focus for regeneration and growth within Southend will be: “to regenerate the existing town centre, as a fully competitive regional centre, led by the development of the University Campus”

4.3 Policy CP1 goes on to state that: “To promote economic regeneration, development will be expected to: enhance the town’s role as a cultural and intellectual hub, a higher education centre of excellence, visitor destination and cultural centre”. This approach is restated in Policy CP2
4.4 A development Brief for Elmer Square was approved by Cabinet in 2009 as set out in para 4.1 above.

4.5 For the avoidance of doubt it should be noted that the car parking spaces previously available on this site have been partly replaced by the recent University Square public car park development in College Way.

4.6 Thus it can be seen that the principle of redevelopment of this site for Educational and Library purposes has already been accepted in principle by the Council. The regeneration of this area by the introduction of the new building and associated square is considered to be a positive benefit to the town will increase the town’s position as an educational hub and provide a new state of the art Library premises. The proposal is therefore considered to be in accordance with Council policies and aspirations for Elmer Square and is strongly supported in principle.

Design and Impact on the character of the area

Planning Policy Statements: PPS1, PPS 3; East of England Plan policies SS1, ENV7; ETG4: DPD1 (Core Strategy) policies, KP1, KP2, KP3, CP4, CP7; BLP policies; C8, C11, C13, C14, C15. SPD1 Design and Townscape Guide.

4.7 PPS1 para iv states: “Planning policies should promote high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted”.

4.8 Para 33 states:” Good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning”.

4.9 Para 34 states “Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

4.10 The overriding aim of the Core Strategy is to secure a major refocus of function and the long term sustainability of Southend as a significant urban area which serves local people. One element of achieving this is by improving the quality of the natural and built environment focusing on the regeneration needs of the town and wider Thames Gateway.
4.11 Policy CP4: The Environment and Urban Renaissance outlines 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.

This will be achieved by, inter alia:
- promoting sustainable development of the highest quality and encouraging innovation and excellence in design to create places of distinction and a sense of place;
- providing for quality in the public realm through the use of imaginative and innovative design, sustainable and quality materials and landscaping and imaginative use of public art;
- 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;

4.12 The site is located within a town centre area characterised by a mix of educational, commercial and residential buildings of varying sizes and scales. Although now demolished, the application site previously contained a 4 – 5 storey car park development which extended close to the site boundary onto Elmer Avenue. This must be taken into account when considering the current application.

4.13 **Scale** - The proposed building will effectively result in the creation of a new “street block” along Elmer Avenue. The scale of the building reflects its importance within the townscape, whilst still reflecting the development which surrounds it. The height of the building is reduced on the eastern side to reference the residential properties on the western side of Elmer approach. The three storey development responds to the houses opposite with their small front gardens and building line only a short distance from the pavement. The design of the west elevation of the new building has been designed in such a way to reflect the rhythm and echo the design of these buildings, albeit with a contemporary interpretation.

4.14 Towards the east the height of the building increases as it fronts onto the public square. The development to the east of the new building is of similar scale and the new building will not appear out of place.

4.15 The scale of the proposed development is considered acceptable.

4.16 **Design** – the architects have taken a contemporary approach to the development, which is welcomed. The building utilises contemporary materials and methods of construction. The design is considered to reference both its commercial surroundings and the terrace of houses opposite. The domestic scale of the houses is reflected in the use of sunscreens at first and second floor levels. And the design of the western side reflects the rhythm of houses opposite.

On the eastern side the building increases in height which is considered appropriate opposite the new public square.
4.17 The public square is welcomed and its layout and proposed landscaping should encourage maximum public usage. The edge of the building and the square is blurred by virtue of the uses which spill out into the square. The proposed LCD screen will be a dominant feature; however it is shielded from wider view by the main building, and will form a visual stop to the north of the square, whilst still allowing access under it and beyond. The concept of the screen as public art is interesting and this will be complimented by feature lighting of the building and the potential for additional artwork on the rear of the screen.

4.18 Works to the highways are also proposed which will continue the paving from the square into the Queens Road area to the north, and will link with the existing pedestrianised Elmer Approach to the south. These works are welcomed and it is considered they will help link the building to the wider area and encourage footfall through the site. The building overall is quite subtle in its design approach and use of materials, and there is some concern that it may have limited impact from the High Street, although it is noted that the colourful lecture theatre inside the building at the southern end may be seen especially when it is lit in the evenings. Care needs to be taken to ensure that this view into the building is not obscured by café signage, menu boards etc. and therefore a condition restricting placement of such objects is proposed.

4.19 **Landscaping** – The proposed landscape details of the public square are considered to be high quality and appropriate to the function of the area. Although a number of existing mature trees will be lost, none of these is of exceptional quality and several are in poor health. The landscaping scheme includes numerous replacement trees, including a row along Elmer Avenue to the west of the new building and a birch copse, and rows sweet gum trees within the public square. The proposed landscaping scheme is therefore considered to mitigate against the loss of existing trees and would be beneficial to both the proposed development and the wider area.

4.20 The scale and design of the building is considered to meet the requirements of Policies KP2 and CP4 of the Core Strategy and the Design and Townscape Guide.

**Traffic and Transport Issues**

Planning Policy Statement: PPG13; East of England Plan policies: SS1, T1, T4, T9, T14; DPD1 (Core Strategy) policies: KP1, KP2, KP3; CP3: BLP Policies: T1, T8, T10, T11, T12, T13, T14, SPD2.
Traffic Congestion

4.21 The application site benefits from a good level of transport infrastructure provision that provides genuine opportunities for people to travel to the proposed development by non-car modes of transport. The site is considered to be extremely accessible. It is located within walking distance of two stations which connect with both London Liverpool Street and Fenchurch Street and is close to cycle routes and bus routes. The site is within ready walking distance of the town centre and its associated amenities and is also located close to the A13 and A127, Southend to London arterial roads.

4.22 The site is located adjacent to the existing University Gateway building, and the Colleges Luker Road campus and associated car park. The site is also located within approximately 100m of the University’s student residences at University Square.

4.23 The site was previously occupied by a multi storey car park. These car parking spaces have since been partially reprovided within the University Square car park. Thus traffic generation associated with the Farringdon site has been refocused elsewhere.

4.24 The application does not include any parking for general users, but does provide 3 parking spaces for disabled users.

4.25 The site is well served by a number of public car parks within a 5 minute walk (approximately 1000 car parking spaces) plus a further 1,200 privately owned and operated parking spaces. Evidence has been submitted to demonstrate that these car parks currently have spare capacity.

4.26 Total occupancy of the building would be 2309, this figures presumes that all areas of the building would be occupied at the same time – in reality this will not occur due to the different uses of the building. The new public square will also generate pedestrian and vehicle movements. Attendance numbers could typically be 500 depending on the nature of events taking place.

4.27 The applicants state that the Colleges higher education accommodation within the new building replaces provision elsewhere in the immediate town centre locality, whilst staff will continue to be principally based at the Luker Road. Therefore the impact of the SEEC accommodation on traffic generation should be limited.

4.28 The applicants state that based on existing University surveys it is likely that the development would result in approximately 100 additional vehicle movements per day generated by the University development part of the development.
4.29 The library element of the development will replace the existing library in Victoria Avenue and will therefore displace demand for car parking from the Victoria Avenue area towards the town centre. The applicants state that at peak times (Friday lunchtime) some 601 visits currently take place within a two hour period. The applicants state that the majority of those visits are part of multipurpose trips but that single purpose trips would generate approximately 28 additional vehicle movements.

4.30 The café and Focal Point gallery are not expected to generate a material increase in traffic movements.

4.31 The applicants state that therefore the development is likely to generate approximately 130 – 150 additional traffic movements in the town centre within the peak two hour period. The applicants state that this level of traffic can be accommodated within the highway network and parking demand will be addressed by existing town centre car parks. Submitted evidence demonstrates that there are numerous spaces available at peak times within the University Square car park which would be available to users of the site.

4.32 It must be emphasised that the principle of a substantial library and education development has already been accepted on this site by virtue of approval of the Elmer Square development brief. Therefore it would be unreasonable to object to the development on the grounds of traffic generation per se. Also it has been accepted within that brief that the development would be car free. Therefore it would be unreasonable to object to the development on parking grounds.

4.33 However it is vital that the development is supported by a robust and effective travel plan in order to encourage staff, students, and library users to use non car forms of transport. The University and College already have travel plans and these will need to be updated to take account of the new development. A travel Plan will need to be produced for the remaining development. The applicants have produced a draft Travel Plan, but this requires amendment before it could be considered to be robust. It is however considered that the requirement for a travel plan to serve the new building can be the subject of a condition.

4.34 The applicants have stated that the public square could accommodate up to 500 people in associated with particular events and screenings. Whilst it is accepted that these occasions are likely to be limited and that many users are likely to make linked trips with the town centre it is vital that visitors to the public square are managed. A management plan can be required by imposition of a suitable condition. It should also be noted that any substantial events would need to be the subject of an independent events licence.
**Cycle Parking**

4.35 Cycle parking is provided within the public square, towards to the south of the area. Stands for 78 cycles are proposed. A mix of stainless steel “Sheffield” type stands and covered spaces are proposed. The level and type of cycle parking is considered to be acceptable.

**Servicing**

4.36 Deliveries and servicing, including refuse collection, will be facilitated through the provision of a delivery bay to the north of the development alongside the Farringdon Service Road. Deliveries will be predominantly for the library with the main delivery taking place approximately 8am Monday to Friday. The University and College will continue to use their delivery facilities at the Gateway building and Luker Road Campus respectively. There would be provision for restricted time servicing for the cafe via the taxi drop off lay by at the south of the site. The type and timing of servicing of the site is considered acceptable.

**Car Park Office**

4.37 The existing car park office in the south of the car park is to be removed independently of this application

4.38 Taking all these factors into account the proposed development is not considered to have an adverse impact on traffic generation in the town centre. Parking spaces lost as a result of the demolition of the car park have already been partially replaced elsewhere and it has previously been accepted by Members that the proposed development would be car free in this sustainable location. Sufficient cycle parking is proposed and the site would be adequately serviced. Therefore it is considered that the development meets the requirements of the Core Strategy and BLP Policies in relation to traffic and transport.

**Impact on Residential Amenity**

**Planning Policy Statements:** PPS1; PPS 23; PPG 24; East of England Plan policies: East of England Plan policies ENV7; DPD1 (Core Strategy) policies: KP2, CP3, CP4; Borough Local Plan Policies - E5, S1, U2.

**Overbearing, sunlight and daylight**

4.39 It should first of all be noted that the proposed building replaces a multi storey car park that formally existed on site and extended close to the boundary with Elmer Avenue. This is a material consideration when assessing this application and considering the impact that the new development will have on surrounding occupiers.
4.40 The applicants have submitted a daylight and sunlight assessment in support of the application. The results show that in Elmer Avenue the new building would form a lesser obstruction to some houses and a slightly greater obstruction in others; notwithstanding this the slight reduction in daylight remains well within the British Research Institute guide level of retaining 80% of existing light. All windows in Queens Road see improvements in their daylight, some significantly so, moving from poorly lit to very well lit rooms. Similarly properties located opposite the car park in High Street see improvements in daylight and sunlight. Therefore the impact of the new development on the sunlight and daylight of existing residential properties is considered to be acceptable.

**Noise and increased activity at the site**

4.41 The applicants have submitted a noise assessment in support of their application. This examines the impact of the new building on occupiers. Again it is necessary to recognise that until recently the whole site was occupied by a multi storey car park, which produced significant levels of noise. The assessment demonstrates that the external noise climate is already dominated by relatively high levels of noise. Also that it is necessary to ensure that noise levels are kept to a minimum within the building itself to ensure that users are not disturbed by noise. External plant noise will be controlled by conventional attenuation measures. The building would not result in harm to surrounding residents.

4.42 The applicants have suggested that the LED screen will be controlled in terms of noise and also hours of use. It is suggested that the screen noise will be limited appropriately at different times of the day and week. The potential impact of noise from the screen on residents is recognised and it is important that this is achieved not just in terms of decibels, but also in terms of its tonal characteristics. It is considered that these matters can be properly controlled by condition.

4.43 With regard to the potential for disturbance of nearby residents, the existing car park generated a level of disturbance resulting from the movement of traffic and people. The application site is also a location where anti social behaviour takes place, causing disturbance. Therefore there are benefits associated with the loss of the car park. The primary activity associated with the proposed use of the site will be contained within the area to the east of the building. Therefore it is considered that provided a management plan is put in place for the activities within the public space which will generate a greater level of activity (eg concerts, special screening of events etc); the activities associated with the site will not cause an unacceptable level of disturbance to local residents.
Sustainability

Planning Policy Statement: PPS1; East of England Plan policies: SS1; ENG1 ENG1, WM6, DPD1 (Core Strategy) policies: KP1, KP2, CP4.

4.44 In relation to energy, the Southend-on-Sea Core Strategy provides a requirement to reduce energy consumption by 10% through decentralised or low and zero carbon technologies. The Sustainability Statement submitted with the application states that it is proposed to use a ground source heat pump and photovoltaic panels which would yield an annual carbon saving of 17.5% and an annual energy saving of 17.4%. The scheme also incorporates:

- High levels of natural day lighting
- Solar shading
- Heat recovery as part of the heating system
- High levels of insulation
- Flexible internal layouts
- Cycle parking and Showers
- Low flow sanitary ware
- A+ rated materials were possible
- Recycling provision
- Enhancing local biodiversity through drought tolerant planting

4.45 The proposed sustainability measures are considered to be acceptable and the development is therefore considered to meet the requirements of policy KP2. Implementation of these measures will be controlled by condition.

Decontamination

Planning Policy Statement: PPS 23: DPD1 (Core Strategy) policies: DPD1 (Core Strategy) policies KP2, CP4; BLP policy U2 Pollution Control.

4.46 The applicants have submitted a Geotechnical Report with the application. It concludes that there is a small chance of contamination on the site, which can be readily mitigated against; but that it is recommended that further investigations are carried out when the remainder of the car park is demolished. These matters can be addressed by condition to ensure that appropriate decontamination takes place. Provided the any required decontamination is carried out then the development is considered to be in accordance with the requirements of PPS 23 and policies KP2, CP4 and U2.
Archaeology

Planning Policy Statement: PPS5; East of England Plan policies: ENV7; DPD1 (Core Strategy) policies: DPD1 (Core Strategy) Policies KP2, CP4: BLP policy C2; SPD1

4.47 It is considered that as the site is previously developed land, in this instance there are unlikely to be any archaeological implications for this site.

Flood Risk


4.48 The applicants have submitted a flood risk assessment with the application. The site lies within Flood Zone 1 and therefore is classified as low risk, with a less than 0.01% chance of being flooded. Drainage within the site has been designed to take account of a range of events including a 1 in 100 year storm and also takes account of climate change.

4.49 The development is therefore considered to comply with the requirements of PPS25 and Core Strategy Policies in relation to flood risk.

Public Art

4.50 The applicant has stated that they will include public art provision within their development site. It is suggested that this will take the form of the LED Screen; lighting to the north and south elevations of the building and public art zone to the northern face of the structure supporting the digital display screen. The detail of the public art will be controlled by condition.

Other Matters

4.51 The application is made on behalf of the Council and it is not therefore appropriate to require a S106 Agreement as the Council would be entering into an agreement with itself. Matters such as the highways works that are required in association with the development, and provision of the screen etc, can be controlled by the use of suitable conditions.
Conclusion

4.52 The redevelopment of the site for education purposes and for a new library is wholly in accordance with Core Strategy aims and objectives and is welcomed. The principle of the library and university/college accommodation as well as a car free development was accepted by Members when a development brief for the site was previously agreed at full Council. The development is well designed. The level of traffic generation associated with the development is acceptable, and the impact on neighbouring residential properties is not materially worse that the existing situation and in many cases is an improvement. Matters relating to the impact of the use of the public square and proposed screen can be suitably controlled by the use of suitable conditions. The development is therefore considered to accord with Core Strategy and Borough Local Plan policies and is considered to be acceptable.

5.0 Planning Policy Summary


5.2 East of England Plan policies - SS1: Achieving Sustainable Development; SS2: Overall Spatial Strategy; SS3: Key Centres for Development and Change; SS5, Priority Areas for Regeneration; SS6: Cities and Town Centres; E1: Job Growth; E5: Regional Structure of Town Centres; C1 Cultural Development; T1: Regional Transport Strategy and Objectives, T4 (Urban Transport); T9 (Walking, cycling and other non motorised transport); T14 (Parking); ENV7 (Quality in the Built Environment); ENG1 (Carbon Dioxide Emissions and Energy Performance); ENG2 Renewable Energy Targets; WAT4 Flood Risk Management WM6 (Waste Management in Development); ETG1: Strategy for the sub Region; ETG4 (Southend on Sea Key Centre for Development and Change).

5.3 DPD1 (Core Strategy) policies - KP1: Spatial Strategy, KP2:- Development Principles; KP3: Implementation and Resources; CP1: Employment Generating Development; CP2: Town Centre and Retail Development; CP3: Transport and Accessibility; CP4: The Environment and Urban Renaissance; CP6: Community Infrastructure; CP7: Sport, Recreation and Green Space.

5.5 Supplementary Planning Document 1: Design & Townscape Guide.
5.6 Supplementary Planning Document 2: Developer Contributions
5.7 EPOA adopted Vehicle Parking Standards.
5.8 Southend Central Area Masterplan (2008).
5.9 Elmer Square Development Brief 2009
5.10 Central Area Action Plan Issues and Options June 2010
5.11 Large digital screens in public spaces - Joint guidance from English Heritage and CABE

6.0 Representation Summary

Police Architectural Liaison Officer
6.1 No objection

Asset Manager
6.2 No comment received

Property and Regeneration
6.3 No comment received

Parks and Open Spaces
6.4 No comment received

Children and Learning
6.5 This application will enhance the education offer for all age groups within the borough as well as for visitors and students from further afield. It is fully supported by the Children and Learning Department and as an educational enhancement. Educational S106 contributions do not apply.

Design and Regeneration
6.6 Character of Site and Area - The site is located on the cusp of two very different character areas - to the north, east and south is Southend Town Centre (including the retail premises in the High Street and the University and College Buildings to the south of the site of significant scale) and a low rise traditional housing area to the west. It is therefore important that the proposal provides a well considered transition between these two areas. The previous multi storey and surface car park
did not achieve this and the redevelopment of this site is an opportunity to significantly enhance the local townscape and contribute to the wider regeneration of the town centre.

6.7 Response to Context - The site is recognised as being within the town centre area and the use and amount of accommodation proposed is therefore considered appropriate, but it is pleasing to see that the design has been careful to ensure that scale and character of the adjacent housing area has been respected and balanced with the needs of the development. This has been achieved by restoring the lost building frontage, reducing the scale of the development on this side and referencing the strong rhythm of the terrace, a key aspect of its character.

6.8 As well as a positive relationship with the residential area the site also needs to provide a strong relationship to the town centre. This should include both strong visual and physical connections to the High Street to draw footfall to the new building and public space and help to widen the retail/walking circuits. It is unclear what the visual impact of the new development from the High Street will be (a view of this has been requested) especially as the building overall is quite subtle in its design approach and use of materials, and there is some concern that it may not have much impact, although it is noted that the colourful lecture theatre inside the building at the southern end may be seen especially when it is lit in the evenings. Care needs to be taken to ensure that this view into the building is not obscured by café signage, menu boards etc.

6.9 The proposed public art lighting on the southern end of the building will also be an effective focal point after dark although its impact in daylight hours will also be significantly less.

6.10 If this connection is found to be weak there may be an opportunity in the future to include an additional public art feature, possibly along Elmer Approach, to act as a waymarker.

6.11 In terms of the physical connection to the town centre it is pleasing to see that it the scheme includes the extension of the hard landscaping to both the north and the south of the site which will create a seamless pedestrian links to the new environmental enhancement works in Elmer Approach and to Queens Road. This will also help to reinforce the physical connections between the new building and the existing university and college buildings it is associated with. The extent of these works is a little unclear and this will need to be conditioned. The hard landscaping palette in these links and within the new square will reference the materials in Elmer Approach and this is welcomed and should help to ensure a seamless transition between the town centre and the new public open space.

6.12 It is also worth noting that the previous building on this site was also of significant scale and would have had a considerable impact on the surrounding houses. This scheme is therefore considered to be a huge improvement in townscape terms than the previous use.
6.13 The proposal spans north to south on the western side of the side but is an area has been identified for a possible phase II extension to the scheme on the north east corner of the site. This will enable greater enclosure of the public space and better screening of the backs of the High Street Buildings and is considered acceptable in principle. In the meantime this area will be landscaped to provide an attractive interim measure for this part of the site.

6.14 Pedestrian access is maintained around the whole building but is principally directed through the new public open space (on which is located the main entrance to the new development) and links to the existing pedestrian routes to the town centre at either end.

6.15 *Internal layout* - Flexible spaces and natural daylight are the drivers of the internal layout and this seems to work well. The atrium will create a well lit internal core within the building and will help to provide a legible layout to the development. Care has been taken to ensure that each part of the building can be adequately secured without compromising use of the rest of the building.

6.16 The buildings interaction with the outside has also be carefully considered with the quieter uses located on the west side which fronts residents in Elmer Avenue and the more active uses on the east side where they can have a strong physical connection with the public open space. The link with the open space will occur along the length of the building at the café, the children’s library and the focal point gallery and this should help to ensure that the square is alive with activity and interest and an attraction in itself. It is also worth noting that the building will act as a physical buffer to protect local residents from the noise associated with these activities and all in all this arrangement seems to be well considered.

6.17 *Building Appearance* - The building is a simple modern form and this is considered appropriate for the proposed uses and in this context. Although basically rectangular in shape, it is pleasing to see that care has been taken to ensure that the elevations are well articulated and detailed so that the building does not appear mundane and also that they have a positive relationship to the local context.

6.18 *East Elevation* - The east elevation is the main frontage of the building and will be the focus of activity. The treatment of the ground floor is very transparent and permeable to allow strong interaction with the public space. Shopfront style display windows are proposed for the focal point gallery at the northern end to enable exhibition pieces to be displayed. At upper levels the design includes full height feature bay windows which contain seating areas. As well as adding articulation on interest to the façade, these will also enable activity within the building at upper levels to be viewed from the square, further enhancing the vibrancy of the development. Robust solar shading has also been incorporated into this elevation and this adds further interest to the appearance as well as helping to ensure that the building is kept cool. At 4th floor level (which is only on the east side of the building) the architecture changes dramatically. This element appears much more solid and the fenestration is reduced to a series of playful portholes and rooflights. This provides a striking contrast to the much lighter and transparent lower floors
and adds further interest to the building. The staggered arrangement of bays and brise soleil has resulted in an attractive and interesting elevation which is further enhanced by the contrasting treatment of the top floor.

6.19 **South Elevation** - The bays from the east side have been replicated, although in a more formal arrangement, on the south side which addresses the existing university and college building and which may be seen from the High Street. Although a much simpler elevation this has ensured a continuity of design approach and quality. Also on this elevation is an area for public art lighting which will provide further visual interest on this important frontage.

6.20 **West Elevation** - The west elevation addresses Elmer Avenue and will restore the built frontage to this street that has been missing for a long time. Although still using similar elements, the appearance of the building is more ordered on this elevation to reference the formality and proportions of the terrace opposite and this appear to work well and provides an effective transition between old and the new whilst still maintaining a cohesive design approach. The proposed regular tree planting on this frontage will also reinforce this rhythm as well as providing softening to the building.

6.21 **North Elevation** - Although still with a public frontage, the north elevation is the least prominent of the all the elevations and will serve as the service entrance for the scheme. Its design follows the general pattern of the development utilising the same materials and including feature glazing at the upper levels. The focus of the development on this elevation will be the gateway created by the screen which aligns with the main pedestrian route from Queens Road. This aspect of the scheme will therefore need to be well detailed.

6.22 It is also noted that the bin store and sub station for the main building are located to the east side of the screen and this separates them from the more active frontages of the building. It also means that they are screened to some extent by the proposed landscaping and buildings to the rear of Queens Road and seems to work well.

6.23 **Roof Design** - Plant enclosures are proposed on the roof of the building which will be constructed of metal louvres. This is considered acceptable.

6.24 **Materials** - The materials have been chosen to have a civic emphasis and to provide a contrast metal clad university and college buildings opposite. This reflects its use as a more public building. The soft grey coloured metal cladding on the 4th floor will provide some linkage to the existing education buildings but will not appear dominant at ground level. The lower floors will be pre insulated reconstituted stone and glazing which will give a much lighter appearance to the building and should also be long lasting and robust. (The lower levels will have an anti graffiti coating for further protection.) The windows, brise soleil to the east side and the plant louvers will be metal. On the west side the brise soleil will be vertical stone fins which will help to give this elevation a softer appearance. Providing the building is well detailed and constructed these materials are considered appropriate for this use, design and setting and will help to ensure a high quality development.
6.25 **Signage** - Although it will be subject of a separate application, it is pleasing to see that the location of signage has been considered in the overall design of the development. The scheme proposes signage walls at ground level in the open space which will create additional features for the public space as well also providing the wayfinding for the entrances of the development.

6.26 **Landscaping, Public Art and Design of Public Open Space** - As mentioned above a new avenue of trees are proposed along the Elmer Avenue frontage which should soften the building and help to reinforce the rhythm of the street on this side. Extensive tree planting is also proposed in the public open space. This will provide enclosure and structure to the space and balance the hard surfacing in this area. The space will also include high quality street furniture which complements the design of the building. This should, as far as possible, seek to pick up on existing styles used in the Borough to enable more efficient maintenance of the space. The space will provide an additional venue for cultural activities associated with the new building including the display of art works and performance space for cultural events and this should help to ensure that it is a lively and exciting destination.

6.27 The focal point of the space is the proposed LED screen at the northern end which will also play an important role in the programme of cultural events taking place. The screen is of a significant size and is raised to first floor level enabling pedestrian access below and maintaining the visual connection with Queens Road to the north which is considered important to the overall development and its links with the surrounding area. The structure will effectively become a gateway to the square enclosing the northern end, and it is pleasing to see that the rear of the screen has been considered and will be used for public art / branding of the development. Details of this will need to be conditioned.

6.28 For the screen to be considered a successful element of public art it is important to ensure that what is shown reflects the cultural ethos of the project and does not become a commercial venture dominated by advertising. The Design and Access Statement states that it will be restricted to visual art, cultural performances and national sporting and cultural events which would seem appropriate. This, however, also needs to be conditioned.

6.29 Other aspects of public art within the development include artistic lighting on north and south elevations (details not specified) and floor lighting to the public space. Both these are welcomed and will help to provide visual interest and excitement in the evenings. The space itself will also serve as an external exhibition space for the focal gallery. The public space also includes an external play area for the children’s library and a grassed area in the north east corner which will be the future expansion area for the development (see above).
6.30 **Sustainability** - The scheme must be built to BREEAM very good standard to achieve its funding and must also comply with Core Strategy Policy KP2 which requires that at least 10% of energy needs will be provided by on site renewables. It is intended to achieve this by incorporating the following environmental measures into the scheme:

- High levels of natural day lighting
- Solar shading
- Heat recovery as part of the heating system
- 200m2 of Photo Voltaic banks on the upper roof
- A Ground Source Heat Pump
- High levels of insulation
- Flexible internal layouts
- Cycle parking and Showers
- Low flow sanitary ware
- A+ rated materials were possible
- Recycling provision
- Enhancing local biodiversity through drought tolerant planting

It is pleasing to note that a qualified BREEAM Assessor has been involved with the project from an early stage which should ensure that these targets are met.

**Conclusion (Design and Regeneration)**

6.31 Overall this is a high quality sustainable development that will significantly enhance the local townscape and make a significant contribution to the regeneration of the wider town centre. The inclusion of a new public open space with a strong cultural identity will also be an asset to the town and to the development and will be key to the success of this development.

**Highways**

6.32 The site is in a sustainable location with regards to parking. The level of public parking within the town centre is considered adequate to accommodate the additional parking demand. There is capacity within the existing highway to accommodate the increase in vehicular traffic.

Proposed highways works: The provision of three disabled parking spaces; the provision of an assisted disabled and taxi drop off lay by (two spaces) on Elmer Approach; The relocation of the taxi rank (four spaces) to a lay by on the northern edge of Elmer Approach; The provision of a delivery bay adjacent to the Farringdon Service Road at the north of the building; Provision for restricted time servicing to the café via the taxi drop off lay by at the south of the site; All of the above is acceptable in highway terms.

Before construction work commences the appropriate highway licence/agreement should be in place and the works will need to be undertaken and paid for by the
Environmental Health

6.33 The application has been assessed in two parts – the Building and the Public Square including the screen. In relation to the building, conditions have been set out below. Very little detail has been provided concerning the external aspects of the development. This has proved difficult to assess the potential impacts this will have on nearby residential properties. At this stage the following conditions are required and further information is necessary in order to assess this further.

The Building - PA system – 2 separate systems to be installed within the building. For noise from internal activities we would seek inaudibility at residential facades. Cafe is to be fitted out by cafe tenant and a riser has been allocated for kitchen extract ducting. Details will be required regarding the extract ductwork and odour control measures. See conditions 2 and 3 below. Northern and southern plant enclosures – separate enclosures located at either end of the building at third floor roof space level. These enclosures are to be acoustically attenuated. In relation to the proposed plant an acoustic survey should show compliance with suggested condition 3. External lighting information has been provided. This is to be covered by suggested condition 4.

Public Square and Screen - There are concerns about noise arising from the screen/speakers adversely impacting on nearby residential properties. Proof is needed that the screen will not have adverse impact on residents. Judgement on this point relates to the frequency of use, times of use etc, but the rule of thumb is inaudibility at residential facades if this is not going to be achieved there would be concerns about suitability of the location for a screen, perhaps a skilled acoustic consultant can recommend a sound system adequate for patrons but with noise levels low enough to prevent adverse impact on residents, this may not be possible. An acoustic assessment submitted in connection with this matter should assess noise from use of the screen sound system; noise from people gathered in the square for an event, noise from entertainers etc and should be prepared by an acoustic consultant. The consultant should be qualified and experienced in the assessment of environmental and entertainment noise and should be a member of a suitable professional organisation such as the Institute of Acoustics. See suggested condition 5.

The design and access statement describes the square as a natural environment for street performers/market stalls. I believe this is to be controlled by the use of a management plan for the square. See suggested condition 6.

In relation to the screen, volume is to be used at all times the screen is operating. However as no predicted noise levels from the screen have been provided, suggested condition 7 is required.

Speakers are proposed to be placed in the street furniture in the square. Locations of these are required and sound distribution levels are necessary including
predicted noise levels at residential facades. See suggested condition 8

Further Issues - The site is classed as being potentially contaminated land. A Ground investigation report has been provided indicating that a supplementary investigation is required once demolition is complete. Therefore this issue is addressed by attaching condition 9. During the construction phase noise issues may arise which could lead to the hours of work being restricted.

1. Noise from internal activities shall be inaudible at nearby residential facades.

2. Extraction equipment details are to be provided and approved prior to installation

3. With reference to BS4142, the noise rating level arising from all plant and 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.

5. Prior to installation of external lighting an assessment using the Institution of Lighting Engineers Guidance Note for the Reduction of Obtrusive Light shall be submitted to and approved in writing by the LPA.

6. An acoustic assessment is required to be submitted assessing noise from use of the screen sound system, noise from people gathered in the square for an event, noise from entertainers etc and should be prepared by an acoustic consultant. The consultant should be qualified and experienced in the assessment of environmental and entertainment noise and should be a member of a suitable professional organisation such as the Institute of Acoustics. Inaudibility at residential facades would be required.

7. Prior to the use of the public square for any event a management plan is required detailing intended use and frequency of events on the site. Noise Control measures to be implemented are also required. No events are to take place until this plan has been submitted to and approved in writing by the LPA.

8. No music or amplified noise shall be provided to the external area or via the screen without obtaining prior written approval from the Local Planning Authority.

9. Speakers locations are required and sound distribution levels are necessary including predicted noise levels at residential facades.

10. Decontamination

11. Construction hours restricted to 7.30am – 6pm Monday to Friday, 8am – 1pm Saturday and not at all on Sundays or Bank Holidays.
12. During any Construction and Demolition. Given the site’s location to other properties no burning of waste material on the site.

7.0 Public Consultation

Advertisement published and site notices displayed.

7.2 Adjoining owners/occupiers - No consulted 125

7.3 4 letters of objection received objecting on the following grounds:

- Impact on residents of noise from the screen
- Impact on residents from lights and flashing from pictures on the screen
- The money for the development could be better spent on refurbishing the existing building
- Hours of operation for the screen area excessive
- Generation of more litter and rubbish
- No need for the screen – pubs show sporting events and cultural events could be shown in a cinema inside Focal Point Gallery,
- The screen should be located elsewhere
- Potential for drunk and disorderly behaviour from people using the square and watching the screen
- Crime/vandalism

8.0 Relevant Planning History

8.1 None relevant to this application

9.0 Recommendation

Members are recommended to:

GRANT PLANNING PERMISSION subject to the conditions listed below:

01 Condition: The development hereby permitted shall begin not 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 Condition: Unless otherwise agreed in writing with the local planning authority, the development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan numbers: Location Plan 010A, Proposed Layout and Elevations of Substation and Bin Store 115, Proposed Sections C-C/D-D 111G, Proposed Sections A-A/B-B 110J, Roof Plan 102J, Proposed First, Second and Third Floor 101Q, Proposed Lower Ground and Ground Floor

Reason: In the interests of residential amenity and to protect the character, function and amenities of the area; in accordance with East of England Plan 2008 policy ENV7, DPD1 (Core Strategy) policy KP1, KP2, CP3, CP4, Borough Local Plan 1994 policy, C11, C14, H5, T8, T12 and SPD1 (Design and Townscape Guide).

03 Condition: Prior to first occupation of the development a Waste Management Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail how the development will provide for the collection of general refuse and re-usable and recyclable waste and what strategies will be in place to reduce the amount of general refuse over time. 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. (C12C)

Reason: To protect the environment and ensure adequate and appropriate storage, recycling and collection of waste resulting from the development in accordance with East of England Plan 2008 policy SS1, DPD1 (Core Strategy) 2007 policy KP2 and CP4. (R12C)

04 Condition: 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. (C15B)

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 Planning Policy Statement 1 and 23; East of England Plan 2008 policy ENV7 and WAT4; and DPD1 (Core Strategy) 2007 policy KP2. (R15A)
05 Condition: Prior to first occupation of the development hereby approved a Servicing Strategy shall be submitted to and agreed in writing by the local planning authority, detailing monitoring and review arrangements for the servicing of the development and servicing shall take place in accordance with the strategy unless otherwise agreed in writing by the local planning authority. (C19H)

Reason: To ensure that the development does not have a detrimental impact on the surrounding highway network in accordance with East of England Plan 2008 policy T8, DPD1 (Core Strategy) 2007 policy KP2 and Borough Local Plan 1994 policy T8. (R19H)

06 Condition: No development approved by this permission shall be commenced until Southend Borough Council (as local planning authority and highway authority) has approved in writing a full scheme specification and programme of works, and all relevant highways approvals, consents and agreements are in place, in relation to the following highways works: Improved pedestrian connection to the High Street through an extension of the pedestrianisation of Elmer Approach; provision of a shared surface (pedestrian priority) along Queens Approach; the provision of three disabled parking spaces at the north east of the site; the provision of as assisted disabled and taxi drop off lay by (two spaces) on Elmer Approach; the relocation of the taxi rank (four spaces) to a lay by on the northern edge of Elmer Approach; the provision of a delivery bay adjacent to the Farringdon Service Road at the north of the building.

The development and the associated highway works shall thereafter be undertaken in accordance with the approved details prior to occupation of the development hereby approved unless otherwise agreed in writing by the local planning authority. (C21C)

Reason: In the interests of sustainability, accessibility, highways management, efficiency, safety and to enhance the appearance of the area in accordance with East of England Plan 2008 policy ENV7, SS1, T1, T2, T4 and T8, DPD1 (Core Strategy) 2007 policies KP2, KP3, CP3 and CP4, and Borough Local Plan 1994 policy C11 and T8. (R21C)

07 Condition: No development shall take place until samples of the facing materials to be used, including glazing, 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. (C23E)

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 East of England Plan 2008 policy ENV7, DPD1 (Core Strategy) 2007 policy KP2 and CP4,
08 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved 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;
   iii. other vehicle and pedestrian access and circulation areas;
   iv. hard surfacing materials;
   v. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
   vi. lighting within the public square
Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; (C27A)

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 East of England Plan 2008 policy ENV1 and ENV7, DPD1 (Core Strategy) policy KP2 and CP4, Borough Local Plan 1994 policy C11 and C14, and SPD1 (Design and Townscape Guide). (R27A)

09 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority. No development shall take place until details of earthworks have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The Development shall be carried out in accordance with the approved details. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before first occupation of the development. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority. (C27B)
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 East of England Plan 2008 policy ENV1 and ENV7, DPD1 (Core Strategy) policy KP2 and CP4, Borough Local Plan 1994 policy C11 and C14, and SPD1 (Design and Townscape Guide). (R27A)

10 Condition: A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority before occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule. (C27C)

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 East of England Plan 2008 policy ENV1 and ENV7, DPD1 (Core Strategy) policy KP2 and CP4, Borough Local Plan 1994 policy C11 and C14, and SPD1 (Design and Townscape Guide). (R27A)

11 Condition: No development shall take place until details of a scheme of public art, as described in the Design and Access Statement from ADP dated 31st May 2011 (ie LED Screen; lighting to the north and south elevations of the building and public art zone to the northern face of the structure supporting the digital display screen) including detailed elevations of the screen, have been submitted to and approved in writing by the local planning authority. The scheme must be carried out in accordance with the approved details before anyone moves into the building. The approved public art must be permanently retained on this site and not moved or removed unless otherwise agreed in writing by the local planning authority.

Reason: To secure the provision of public art and in the interests of visual amenity in accordance with DPD1 (Core Strategy) policy KP2 and CP4, and SPD1 (Design and Townscape Guide). (R32A)
12 Condition: The environmental sustainability measures as set out in the application (Design and Access Statement chapter 06 BREEAM) must be provided before any part of the development hereby approved is first used unless otherwise agreed in writing by the local planning authority. All of these measures must be permanently retained unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the environmental sustainability features detailed in the application are provided in the development to minimise its environmental impact through efficient use of resources and better use of sustainable and renewable resources in accordance with Planning Policy Statement 1, East of England Plan 2008 policy SS1, ENV7, ENG1, WAT1 and WAT4, DPD1 (Core Strategy) policy KP2 and CP4, and SPD1 (Design and Townscape Guide). (R35C)

13 Condition: Prior to first occupation of the building details of any external lighting of the building, including an assessment using the Institution of Lighting Engineers Guidance Note for the Reduction of Obtrusive Light, and hours of illumination shall be submitted to and approved by the LPA and the development shall be carried out in strict accordance with the approved lighting scheme. No additional external lighting shall be installed within any part of the site without the prior approval of the Local Planning Authority.

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with East of England Plan 2008 policy ENV7, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy C11, H5 and U2. (R11B)

14. Condition: Before the use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to, and approved in writing by, the local planning authority and the approved scheme shall be implemented. With reference to BS4142, the noise rating level arising from all plant and 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. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer’s instructions, unless otherwise agreed in writing by the local planning authority. (C11D)

Reason: To protect the environment of people in neighbouring properties and general environmental quality, and in the interests of visual amenity, in accordance with Planning Policy Guidance Note 24, East of England Plan 2008 policy ENV7, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy H5, U2; and C11, and SPD1 (Design and Townscape Guide). (R11FA)
15. **Condition:** Prior to commencement of any work on the ventilation system, detailed drawings of the design, construction and insulation of the whole ventilation system and any associated equipment must be submitted to and approved by the local planning authority. With reference to BS4142, the noise rating level arising from all plant and 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. The ventilation system must then be installed in accordance with the approved drawings and not altered unless other agreed in writing with the local planning authority. (C11F)

**Reason:** To protect the environment of people in neighbouring properties and general environmental quality, and in the interests of visual amenity, in accordance with Planning Policy Guidance Note 24, East of England Plan 2008 policy ENV7, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy H5, U2; and C11, and SPD1 (Design and Townscape Guide). (R11FA)

16. **Condition:** No part of the development shall be occupied until space has been laid out within the site for 78 bicycles to be parked in accordance with details which shall have previously been submitted to and agreed by the Local Planning Authority, and shall be permanently retained for cycle parking 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 East of England Plan 2008 policy T8, DPD1 (Core Strategy) 2007 policy KP2, Borough Local Plan 1994 policy T8 and T11, and SPD1 (Design and Townscape Guide). (R18E)

17. **Condition:** No use of the development hereby approved shall occur until a Travel Plan has been submitted to and agreed in writing by the local planning authority, the Travel Plan shall be implemented in accordance with the approved details.

**Reason:** In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with East of England Plan 2008 policy SS1, T1, T2, T4 and T8, DPD1 (Core Strategy) 2007 policy KP2, CP3 and CP4, Borough Local Plan 1994 policy T8, and SPD1 (Design and Townscape Guide). (R36A)
18 Condition: Prior to commencement of development an acoustic assessment shall be submitted to the Local Planning Authority, the report shall assess noise from use of the screen sound system, noise from people gathered in the square for an event, noise from entertainers and in particular the resulting impact on surrounding residential properties. The report should be prepared by a suitably qualified acoustic consultant. The report shall include details of speaker locations, and sound distribution levels, including predicted noise levels at residential facades.

Reason: In order to assess the impact of noise from the development and to protect the environment of people in neighbouring properties and general environmental quality in accordance with Planning Policy Guidance Note 24, East of England Plan 2008 policy ENV7, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policies H5 and U2.

19 Condition: No music or amplified noise shall be provided within the public square or via the screen unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with Planning Policy Guidance Note 24, East of England Plan 2008 policy ENV7, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policies H5 and U2. (R11B)

20 Condition: The building shall be open for use in accordance with the hours set out on submitted plan “hours of operation” drawing number 301 D rev A, except for areas marked “TBC” the hours of operation of which shall be agreed in writing with the Local Planning Authority prior to first occupation of the building, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with Planning Policy Guidance Note 24, East of England Plan 2008 policy ENV7, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policies H5 and U2. (R11B)

21 Condition: No signs(s) or advertisements(s) shall be displayed on the building or within the public square without the express consent of the local planning authority, notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007 or any equivalent provision in any statutory revoking and re-enacting those Regulations.
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 East of England Plan 2008 policy ENV7, DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy C11, and SPD1 (Design and Townscape Guide). (R23DB)

22 Condition: Prior to first operation of the screen a management strategy for the screen and public square shall be submitted to and approved by the Local Planning Authority, the screen and public square shall be operated only in accordance with the approved strategy which shall include details of, but shall not be limited to: nature of content, hours of operation; curation and operation of the screen on a day-to-day basis, and maintenance and repair of the screen and contingency plans in case of breakdown, management of events.

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with Planning Policy Guidance Note 24, East of England Plan 2008 policy ENV7, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policies H5 and U2. (R11B)

23 Condition: During construction and demolition there shall be no burning of waste material on the site.

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with East of England Plan 2008 policy ENV7, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policies H5 and U2.

24 Condition: Demolition or construction works shall not take place outside 7:30 – 6pm Mondays to Fridays and 8am – 1pm hours on Saturdays and at no time on Sundays or Bank Holidays. (C09A)

Reason: To protect residential amenity and general environmental quality in accordance with East of England Plan 2008 policy SS1, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy H5 and U2. (R09A)
Informatives

1 The Travel Plan subject of Condition 17 shall include measures to:
   • provide occupiers with a greater travel choice and to encourage healthier and more environmentally friendly travel.
   • Minimise financial and other incentives for occupiers to use private cars and maximise incentives to use sustainable alternatives
   • Minimise both journey to work and business travel, particularly in single occupancy vehicles.
   The travel plan shall also include targets for increasing sustainable modes of travel, and measures for mitigation.

2 Noise from the development should be inaudible at residential facades.

3 In relation to Condition 18 the consultant should be qualified and experienced in the assessment of environmental and entertainment noise and should be a member of a suitable professional organisation such as the Institute of Acoustics.

Reason for Approval
This permission has been granted having regard to East of England Plan 2008 policy SS1, SS2, SS3, SS5, SS6, E1; E5; C1; T1, T4; T9 T14; ENV7; ENG1; ENG2; WAT4; WM6; ETG1; ETG4, DPD1 (Core Strategy) policy KP1, KP2; KP3; CP1; CP2; CP3; CP4; CP6; CP7, Borough Local Plan 1994 policy, C8, C11, C13, C14, E5, L1; L5; U1, U2, U8; U10; T1, T8, T10, T11, T12, T13, T14. and SPD1 (Design and Townscape Guide) together with Government guidance and all other material considerations including any representations. The carrying out of the development permitted, subject to any conditions imposed, would accord with those policies and in the opinion of the local planning authority there are no circumstances which otherwise would justify the refusal of permission.
<table>
<thead>
<tr>
<th>Reference:</th>
<th>SOS/11/00652/FULM</th>
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<tbody>
<tr>
<td>Ward:</td>
<td>Belfairs</td>
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<tr>
<td>Proposal:</td>
<td>Part demolish existing building, erect part two/part three storey block comprising retail unit and ancillary storage (Class A1), 9 self-contained flats (Class C3) to ground, first and second floors with associated terraces, lay out 13 car parking spaces to front, 9 spaces to the rear and landscape (Amended Proposal)</td>
</tr>
<tr>
<td>Address:</td>
<td>1355 - 1369 London Road, Leigh-On-Sea, Southend-On-Sea, SS9 2AB</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Caneleigh Limited</td>
</tr>
<tr>
<td>Agent:</td>
<td>Dovetail Architects Limited</td>
</tr>
<tr>
<td>Consultation Expiry:</td>
<td>15th June 2011</td>
</tr>
<tr>
<td>Expiry Date:</td>
<td>22nd August 2011</td>
</tr>
<tr>
<td>Case Officer:</td>
<td>Janine Argent</td>
</tr>
<tr>
<td>Plan Nos:</td>
<td>2594_PL01; 2594_PL02; 2594_PL03; 2594_PL04a; 2594_PL06; 2594_PL05; 2594_PL25c; 2594_PL30D; 2594_PL29; 2594_PL26c; 2594_PL27b; 2594_PL28D; 2594_PL32; 2594_PL131; 2594_PL33; 2594_PL35; 2594_PL35</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>Refuse Planning Permission</td>
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</table>
The Proposal

1.1 Planning permission is sought to part demolish the existing building, erect two/part three storey block comprising retail unit and ancillary storage (Class A1) at ground floor, 9 self contained flats (Class C3) to ground, first and second floors with associated terraces, lay out 13 car parking spaces to front, 9 spaces to the rear and landscape (amended proposal).

1.2 It should be noted that this is an amended scheme submitted following the withdrawal of planning permission on the 8\textsuperscript{th} February to part demolish existing building, erect part two/part three storey block incorporating 16 integral car parking spaces and cycle store to lower ground, retail unit (class A1) and Doctors surgery (Class D1) to ground and first, 9 self contained flats (Class C3) to first and second with associated terraces, lay out 23 car parking spaces to front and rear and associated landscaping (SOS/10/02159/FULM).

1.3 The proposed scheme includes several amendments as detailed below:

- Omission of a doctors surgery
- Reduced number of bedrooms 2 x 1 bedroom flats and 7 x 2 bedroom flats
- Reduced height of building
- Reduced car parking numbers in line with LPA Standards
- Opening up front by removal of showroom building
- Traffic access to main road with ‘one way’ system to front car park
- 180m² amenity area to the rear of the building

1.4 Vehicular access will be from London Road and Flemming Avenue.

1.5 A letter from the agent has been received on the 18\textsuperscript{th} July 2011 stating that the re-use of the building is due to the current financial and economic market and the same scheme would be proposed if the economic climate was increasing. The applicant believes the revised design takes into account the various design criteria which needs to incorporate highways expectations, user requirements both for the retail and residential, adjacent neighbours and the developers risk/reward. The applicant contends that to wholly relate design to appearance and fitting in with the existing building line needs to achieve the tenant’s expectations/requirements and fit those in with the other parameters mentioned above.
1.6 The letters go on to suggest that cost is fundamental to achieving a successful development in any market but essential in making something happen in the current market climate. The applicant suggests that affordable living solutions suiting the occupier and the mortgage company have been provided to develop a viable scheme.

1.7 A letter accompanies this planning application received from George Chambers and Associates dated the 22nd July 2011 associated with a structural appraisal of the existing building structure with respect to the proposed use as a retail unit with flats above. The letter confirms that the building structure is sound, although there is one isolated external masonry column that will need attention. The change of use to residential flats will reduce the imposed loading on the first floor construction and it is not envisaged that any strengthening to the first floor will be required. The conversion of the existing building to residential usage above a retail area will require no major structural works and the existing foundations of substantial construction.

2 Site and Surroundings

2.1 The premises is currently vacant and was previously used as a car sales and workshop; West Leigh Motors. The site includes part single, part 2/3 storey flat roofed building located to the north side of London Road, at the junction with Flemming Avenue to the immediate west.

2.2 The site slopes downwards from south to the north, meaning that the residential area to the north and northwest, are set some 1 to 1.5m lower than the London Road frontage. Commercial properties lie adjacent to the west and east, with the Post Office Sorting Office building adjoining the west boundary. No. 15 Flemming Avenue to the immediate north is a semi-detached chalet bungalow, with no windows to habitable room’s in the flank wall facing the site. The boundary of the site varies where it meets this property, wrapping around part of the rear garage of 15 Flemming Avenue.

2.3 Leigh cemetery lies opposite the site, to the south on London Road, and a parking lay-by lies immediate south of the site, between it and the cemetery. Much of the London Road frontage is given over to vehicle crossovers.

2.4 The wider area is of mixed character, with a number of commercial, residential and public uses along this stretch of London Road, with domestic scale residential areas to the north.

3 Planning Considerations

3.1 The main considerations of this application are the principle of the development, design and impact on character of the area, traffic and transportation, impact on residential amenity, sustainable construction and flooding.
4 Appraisal

Principle of Development


4.1 The issue of the loss of the car showrooms/workshops and replacement with other commercial floorspace, albeit smaller, was dealt with under previous applications at this site (refer to paragraphs 7.2-7.4 detailed below) and considered acceptable. Since then the Core Strategy has been adopted, however the previous decision on this site afforded weight to the Core Strategy, and did not consider the loss of a car business a reason for refusal. It is considered the principle of development for commercial and residential uses has already been accepted. This amended scheme now includes a retail unit and 9 residential units.

4.2 This application proposes a gross retail floorspace (233m²) in the form of a small convenience food store. PPS4 sets out guidance when assessing the impact of new retail proposal and this is reinforced in Policy CP2 of the Core Strategy. The policy identifies a sequential approach for additional convenience goods floorspace which as follows:

- Within Southend Town Centre
- On the edge of Town Centre
- Expansion of provision in other existing centres which is keeping with the function and scale of the centre and facilitates their improvement
- Areas identified with a qualitative deficiency (specific locations identified)
- There are no unacceptable impacts on any other existing centres

4.3 It is not considered the site meets the above sequential preferences and therefore needs to satisfy the ‘exceptions’ as outlined in Policy CP2. These are as follows:

- There is a need for the development and it would contribute to the development needs and objectives of the policy or where it seeks to demonstrate other need, would not prejudice the achievement of those needs and objectives or the wider strategic objectives of the Core Strategy
- It would not prejudice the role of the town centre
- A sequential approach and test has been rigorously followed in the selection of the site
4.4 The applicant has submitted a retail assessment with the application to justify a convenience store in this location. A material consideration to the proposal is the Southend on Sea Retail Study (2010) carried out by Strategic Perspectives. The centre of Leigh is considered to be constrained and thus no retail capacity is identified. However, the site is located some considerable distance away from Leigh Centre and is considered to serve local needs. The proposed food store equates to a gross floorspace of 233m² and is considered to provide a convenience shopping facility that will meet local needs, as such it is not considered to prejudice the role of the town centre and the town’s main retail focus. Furthermore Policy CP2 of the Core Strategy identifies capacity for net additional convenience goods retail floorspace within the Borough which has not yet been met and this proposal will provide a quantitative need.

4.5 A sequential approach has been undertaken in selecting the site, which is in an accessible location and will therefore serve a local population catchment without compromising the vitality of Leigh district centre or the Southend Town Centre. The proposal, in principle, also meets wider Government guidance through PPS4 regarding the promotion of higher density mixed use development where more sustainable transport choices are available. The site is in a location on London Road where the character is predominantly commercial and the retention of this is acceptable in principle. It is considered that a retail use of this nature and scale in this location is reasonable and satisfies the requirements of PPS4 and Policy CP2 of the Core Strategy.

4.6 In light of the above, the principle of development is acceptable.

4.7 In terms of the residential mix, the proposal is for 9 Flats: 7 two bed flats and two 1 bed flats. Southend Borough has performed well in terms of overall housing delivery; the average split over the last few years between houses and flats has been 25% / 75% respectively. In terms of size of dwellings - completions to date are split as follows 26% one bedroom; 52% two bedroom; 14% 3 bedrooms; and 8% four bedroom or more. The Council endeavours to deliver a mix of dwellings. Proposed Policy DM7 of the publication of the Submission version of the Development Management DPD outlines that:

*Proposed DM7. 1. All residential development is required 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.*

4.8 The South Essex Thames Gateway Strategic Housing Market Assessment (SHMA) identified a shortage of family accommodation in Southend despite an acute demand for this type of dwelling. Strategic Planning would welcome a greater dwelling mix within the proposal to reflect the Borough’s housing need; however no objection has been raised previously to the principle of 1 bedroom and 2 bedrooms flats therefore no objections raised.
Design and impact on the character of the area

Planning Policy Statement 1, Planning Policy Statement 3; East of England Plan policy ENV7; DPD1 (Core Strategy) policies KP2, CP4; Borough Local Plan policies C2, C4, C11, C14, H5 and Design and Townscape Guide SPD1.

4.9 The proposed development will include part demolition and part reuse of the existing building together with various part two and part three storey extensions. The reuse of the building’s success depends on the quality and suitability of the building for the new purpose.

4.10 With respect to the site layout, the applicant contends that it cannot be argued that the buildings current location only suits that of a car show room as the proposed use clearly requires parking to the front of the building from the proposed tenants perspective as well as highways. By demolishing the showroom area and opening the frontage of the site as a whole, a space has been created which was a point raised and requested to be incorporated in our original scheme.

4.11 In terms of the site layout, the proposed retail element of the proposal is set back from adjacent properties and the residential units proposed are to the ground, first and second floors of the development. Car parking is provided to the front and rear. The proposed site layout failed to take the opportunity by infilling the uncharacteristic gap frontage of London Road. In the previously approved scheme 2007 the proposal was located to the street frontage restoring the gap and the bulk of the building and its forward location on the site minimised the impact on the existing residential buildings to the rear of the site. Furthermore, the access and gardens serving flats 1 and 2 create a ‘well’ area in front of the building. This is unsightly and will mean that the amenity areas and main living areas will be overlooked by a public parking area.

4.12 The Design and Townscape Guide states the focus for new buildings should be pedestrian and not car. The existing site layout has been designed to accommodate a car show room with an outside display area on the frontage and the main part of the building is set significantly back from the pavement. The existing open frontage is something that is specific to this use as a car show room and results in a weak street scene and leakage of space. In light of the above, the proposed car parking to the front of the site is considered to dominate the development and will have a detrimental impact on the character and appearance of the street scene contrary to the provisions of Policy CP4 of the Core Strategy, Policy C11 of the Borough Local Plan and advice contained within the Design and Townscape Guide. The pedestrian entrances in this scheme have street frontages which are welcomed.
4.13 In terms of the scale and design, additional information submitted by the applicant contends that the proposed design provides both a diverse frontage with a selection of materials as well as stepping elements in the vertical plain. The applicant suggests that the use of extensive glazing within the original scheme is considered unsuitable for a development within this location and market climate as this is both unsustainable (heating/cooling and difficult to meet the desired requirements of building regulations) and financially unviable. The material proposed is substantiated with a change in projection which adds articulation to the buildings overall appearance and in conjunction with the variation of roof levels, signage and the corner feature, the building provides both an interesting and considerate design to the surrounding area and could have achieved a similar design approach even if it was a new building. The materials to be used do not substantially vary from the previously approved scheme and are in keeping with the existing buildings and surrounding areas.

4.14 The overall scale of the development is 8.6m rising to 9.4m due to varying site levels to the south elevation (facing London Road) and 9.6m to the north elevation. The previously approved scale on this site is 9m to the south elevation (facing London Road) and 14m rising to 15m adjacent to no. 15 Flemming Avenue to the north of the site due to the varying site levels (SOS/07/01724/FULM). In light of the above, the proposed scale is considered acceptable.

4.15 The constraint of reusing the existing building has had a significant impact upon the detailed design and overall appearance of the proposal. The elevations generally lack interest and articulation and overall the scheme is not considered to be a high quality design. The proposed Juliette style balconies add little interest or articulation to the building. In addition to lack of interest on the overall elevational design there are a wide range of fenestration styles which leads to confused elevations which lack any structure. In terms of the proposed materials included brickwork, render and tile cladding, standing seam metal for the roof, aluminium and UPVC for windows and doors which do not provide a high quality design. The development by reason of poor design and materials is not considered acceptable particularly given the position of this key site along London Road.

4.16 The development will include landscaping with planting to the front and rear of the site which is welcomed including 180m² amenity space serving the residential flats. All landscaping issues can be dealt with by condition.

4.17 It is important that the proposal provides a high quality internal environment in order to contribute to a high quality of life and meet modern needs for residents. It is the Council’s aim to deliver good quality housing and ensure that new developments contribute to a suitable and sustainable living environment for now and future generations.
4.18 In terms of internal layout, the A1 retail unit and storage will be located to the ground floor, two flats will also be located to the ground floor of the building including the kitchen and dining area then the bedrooms and bathrooms will be located to the first floor (intermediate floor) to the rear of the flats are cycle storage and refuse storage. To the second floor 7 flats are to be located including balconies and 2 bedroom flats. It is considered in this instance that the proposed internal layout will result in a poor layout and appear small with poor visual outlook particularly with reference to the high level windows serving flat 3 and flats 5 and 9. Living conditions are discussed further at paragraph 4.28.

4.19 In light of the above, the proposed by reason of design, layout, living standards is considered unacceptable contrary to the provisions of Policy KP2 and CP4 of the Core Strategy, Policy C11 and H5 of the Southend on Sea Borough Local Plan and advice contained within the Design and Townscape Guide SPD1.

Traffic and Transportation

Planning Policy Statement 1, Planning Policy Guidance Note 13; East of England Plan policy ENV7; DPD1 (Core Strategy) policies KP2, CP4, CP3; BLP policies T8, T11; EPOA Parking Standards and the Design and Townscape Guide SPD1.

4.20 The proposed development is located along London Road with good access to public transport.

4.21 The site will include 22 car parking spaces, 13 to the front of the site serving the retail unit and 9 car parking spaces to the rear for the 9 residential flats. It is considered that the proposed parking provision is in accordance with

4.22 In terms of cycle storage the proposal accords with EPOA Vehicle Parking Standards (2001)

4.23 The Councils Highways Officer states that proposal will generate a very small increase in vehicular trips, and it is considered that the existing local traffic network will not be affected as a result of this.

4.24 The developer will be required to enter into appropriate highways agreement to ensure the existing vehicle crossovers are reinstated to the Councils highway standard together with an amendment of the existing TRO for the loading bay and agree load times. The extent of the highways reinstatement will be required to be agreed with the Highways Authority.
Refuse Storage and Servicing

4.25 In terms of servicing, it appears servicing for the retail unit will be located in the loading bay at the front of the store; the hours of servicing will need to be agreed by the Local Authority before the opening of the retail element. This matter can be dealt with by condition if the application is considered acceptable. The applicant contends that a dedicated refuse and plant area will be within the commercial unit.

4.26 Refuse storage is proposed to the ground floor for the residential properties. The planning statement accompanying this planning application states that the refuse will be collected from the local residential area from Flemming Avenue. The waste collection required from the commercial element of the design will be privately collected by delivery vehicles and returned to the warehouse for recycling. The applicant contends that the vehicles will use the dedicated loading bay outside of the application site; this can be dealt with by condition if the scheme is deemed acceptable.

4.27 In light of the above, no objections are raised to the proposal on highway grounds.

Impact on residential amenity


4.28 In terms of the impact on existing residential amenities, the development will be located 8.3m away from the nearest property to the north; 15 Flemming Avenue. The previously approved scheme included an obscure glazing screen to a balcony at ground floor level to ensure overlooking and loss of privacy had been mitigated against. In this instance the ground floor will include windows to refuse storage, a door to the residential flats and windows to the storage area of the A1 retail unit together with an emergency exit. The flats to the second floor will include terrace areas, it is considered necessary to impose a condition on the terraces areas serving flats 4 and 6 together with any obscure windows that are necessary to restrict to ensure the amenities of existing and future neighbours are preserved and to mitigate against any overlooking or loss of privacy.
4.29 Noise can have a significant effect on the environment and on the quality of life enjoyed by individuals and communities. Policy E5 of the Borough Local Plan states that development should not adversely affect residential amenity in terms of noise and smell and other such activities in this instance disturbance. The activity associated with such a A1 retail use particularly with respect to the impact on proposed flats 1 and 2 at ground floor and first floor together with flat 3, 5, 7, 9 at second floor use is considered to result in a detrimental impact on residential amenity for potential future occupiers of the site and existing residents adjacent to the site contrary to Planning Policy Guidance Note 24, Policies KP2 and CP4 of the Core Strategy and Policy E5 of the Borough Local Plan.

4.30 In terms of amenity space for future residential occupiers, two terrace areas are to be provided for flats plots 1 and 2 at ground floor ranging from 15-18sqm. At the second floor flats 4 and 6 have terraces together with 1.6m high offering a generous size and in addition, 180sqm of amenity space is provided to the ground floor for mixed use. It is considered the proposed amenity space is acceptable in terms of size, but the private terraces attached to flats 1 and 2 would be subject to noise and disturbance and not be of good quality.

Sustainability


4.31 The applicant has submitted a Sustainability Statement and an Energy Strategy to accompany this planning application. Various techniques are discussed to attempt to reduce energy usage within the building and also appropriate renewable energy sources. The findings suggest Air Source Heat Pumps (ASHPs) and Solar hot Water and Solar Photovoltaic are the most appropriate for this development. Full details will be required to be submitted to assess 10% renewable energy in accordance with Policy KP2 of the Core Strategy.

Land Contamination

4.32 Due to the previous commercial and industrial uses on the site, it is considered to be deemed potentially contaminated. However, the Environment Agency raise no objections to the proposal and have requested conditions to be imposed if the scheme is deemed acceptable.
5 Planning Policy Summary


5.2 East of England Plan (May 2008) ENV7 (Quality in the Built Environment), SS1 (Achieving Sustainable Development)

5.3 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance), CP3 (Transport and Accessibility)

5.4 Borough Local Plan Policies C8 (Shopfronts), C11 (New Buildings, Extensions and Alterations), T8 (Traffic Management and Highway Safety), T11 (Parking Standards), C14 (Trees, Planted Areas and Landscaping), H5 (Residential Design and Layout Considerations), E5 (Non Residential Uses Close to Housing), T3 (A13 and related routes), T12 (Servicing Facilities), T13 (Cycling and Walking), U2 (Pollution Control)

5.5 SPD1 Design & Townscape Guide 2009

5.6 EPOA Vehicle Parking Standards (2001)

5.7 Waste Management Guide

5.8 Southend on Sea Borough Council- Retail and Town Centre Study January 2010

6 Representation Summary

Design and Regeneration

6.1 This proposal is for part demolition and part extension of the existing building. It is unclear why the existing building is being retained as it is a poor quality building which is poorly located on the site but it is assumed that it must be for cost reasons. (It is also not clear in the documentation exactly how much of the existing building is being retained and this should be clarified.)
6.2 The layout of the existing building on the site has been designed to accommodate a car show room with an outside display area on the frontage and the main part of the building, the repair garage, to the centre of the site set significantly back from the pavement. This open frontage is something that is specific to this use and is out of character with the London Road generally (apart from other car show rooms) and is effectively an undesirable a gap in the frontage. In the proposal the intention is to demolish the front part of the building use the enlarged frontage area as a car park for the retail unit, which if approved, as well as being out of character, would set an unacceptable precedent for other sites along the London Road and could have a detrimental impact on the wider street scene in the longer term.

6.3 The build costs may be less but successful reuse of existing buildings depends on the quality and suitability of the building for the new purpose. In this case the existing building is a poor quality repair garage and has no architectural merit. It is not a new development and is likely to require substantial work to enable it to be reused and extended which would reduce its sustainability credentials. (It should be noted that the D&A statement comments that the building is deteriorating.)

6.4 Whilst it can be argued that reusing a building in principle may be more sustainable I am not convinced that this building is of good enough quality and or the potential to transform into a well laid out and designed mixed use scheme, particularly without infilling of the gap in the frontage.

6.5 The site is situated between two storey buildings on London Road. Immediately to the west is the post office which is quite an imposing traditional red brick building and on the opposite corner is a terrace of two storey flat roofed shops. To the rear of the development in Flemming Avenue are modest chalet style houses.

6.6 In 2007 a scheme was approved scheme was for a development of 4 storeys (plus basement parking). This was a mixed use development of 21 flats above offices at ground floor with 38 parking spaces. This proposal was located tight to the street frontage which restored the gap and the bulk of the building and its forward location on the site minimised the impact on the existing residential buildings to the rear of the site. There is therefore no objection in principle to two storeys on this site but there are still overlooking issues in this proposal and it would be better located to the front of the site where the overlooking impact of the surrounding houses would be significantly reduced.

6.7 The constraint of reusing the existing building has had a significant impact on the detailed design.
6.8 This proposal is a lost opportunity to repair the uncharacteristic gap frontage of London Road and construct a high quality design that will enhance the street scene. It is not considered that landscaping will not be sufficient to enclose the frontage and there are no guarantees as to its future existence or quality.

6.9 The ground level amenity area is welcomed although there are some concerns about the proposed balconies to flats 4 and 6. Whilst they do add the only articulation on the building their design seems a little odd and they do not seem to be an integral part of the building.

6.10 Internally there is concern that some of the flats are too small. 5 of the 9 flats are below the draft DM policy space standards. In addition the outlook for the bedrooms of flats 3 which is high level windows only is also considered to be undesirable.

6.11 Overall the design is poor and would be detrimental to the street scene. Retaining the existing building means that the gap in the frontage is enlarged rather than repaired and this is out of character with the street scene. This is a high profile site located on a main access into the town and a new building on a forward building line would be in character with the surrounding development, improve the relationship with the neighbours both the side and the rear, and would present a much greater opportunity for achieving a high quality design which could contribute to the regeneration of the wider area.

6.12 The scheme proposes that air source heat pumps be used to satisfy the requirement for 10% of energy needs to be provided by on site renewable, but whilst there is no objections in principle to this, there is no indication of their location on any of the plans and it is therefore impossible to assess the visual impact of this proposal. Further details are required. No other commitments to sustainable development are made.

Traffic and Transportation

6.13 The car parking proposals are in accordance with the EPOA Vehicle Parking Standards for residential and retail. Cycle Parking has been provided and is in accordance with current standards.

6.14 Refuse collection is also in accordance with the Council’s guidance for residential and commercial use. Servicing for deliveries will be located in the loading bay at the front of the store; the hours of servicing will need to be agreed by the local authority before opening of the retail element.

6.15 The proposal will generate a very small increase in vehicular trips; however it is felt that the existing local traffic network will not be affected as a result of the proposed development.
6.16 The developer will be required to enter into the appropriate highways agreement to ensure the existing vehicle crossovers are reinstated to the highway standard. The developer will also require street naming and numbering service and a TRO for the loading bay and agree load times.

**Environmental Health**

6.17 No comments received at the time of writing this report.

**Parks and Open Spaces**

6.18 The landscaping scheme is broadly acceptable. The inclusion of Sorbus Aucuparia tends to not grow within this part of the country. A substitute of Prunus would be more acceptable. It would also be beneficial with regard to amenity plant Betula Utilis var jaquemontii on the London Road side of the development where they would have greater visual impact, being the larger of the species selected for planting on the site. **[Officer Comment: This can be dealt with by condition if the scheme is deemed acceptable]**.

**Building Control**

6.19 No comments received

**Airport Director**

6.20 No objections

**Leigh Town Council**

6.21 No objection

**Environment Agency**

6.22 The proposed development would appear low risk to controlled waters in the wider environment with respect to contamination identified at the site. No recommended conditions are necessary in this instance in relation to land contamination.

6.23 The developer should address risks to controlled waters from contamination at the site, following the requirements of Planning Policy Statement 23 and the Environment Agency ‘Guiding Principles for Land Contamination’

**Anglian Water**

6.24 No comments received
Public Consultation

6.25 3 site notices have been displayed on the 25th May 2011 and 24 neighbours have been notified of the proposal. Two letters of representation have been received stating:

- One letter objecting to the proposal stating that the building is significantly taller than the existing building and the north facing balconies impact on the privacy of the neighbouring gardens and the provision of 6 foot trees at the rear of the property.
- One letter of support has been received stating the proposed development is more favourable to the previous approved application.

6.26 Councillor Walker has requested the application be dealt with by Development Control Committee due to concerns with respect to 13 car parking spaces to the front of the site given that London is a very busy road and if there is to be a wide entrance a number of kerb side parking spaces will be lost.

7 Relevant Planning History

7.1 Part demolish existing building, erect part two/part three storey block incorporating 16 integral car parking spaces and cycle store to lower ground, retail unit (class A1) and Doctors surgery (Class D1) to ground and first, 9 self contained flats (Class C3) to first and second with associated terraces, lay out 23 car parking spaces to front and rear and landscape- Withdrawn (SOS/10/02159/FULM)

7.2 Demolish existing buildings, erect 4 storey block of 21 flats with terraces and ground floor commercial units (376m2, Class A2/B1), lay out 38 car parking spaces, cycle stores and refuse stores at basement level, lay out landscaping and amenity area and new vehicular access onto Flemming Avenue (Amended Proposal)- Granted planning permission 14th July 2008 (SOS/07/01724/FULM)

7.3 Demolish existing buildings, erect 4 storey block of 22 flats with terraces and ground floor commercial units (376m2, Class A2/B1), lay out 38 car parking spaces, cycle stores and refuse stores at basement level, lay out landscaping and amenity area and new vehicular access onto Flemming Avenue (Amended Proposal)- Withdrawn 29th May 2007 (SOS/07/00339/FULM)
7.4 Erect part 3/part 4 storey block with lower ground floor comprising 23 flats and ground floor commercial units, with parking and vehicular access onto Flemming Avenue (Amended proposal) - Refused planning permission and dismissed at appeal 1st August 2006. The development was refused by reason of its bulk, design and massing is poorly related to adjacent development particularly residential properties to the north, and as such comprises overdevelopment of the site, contrary to Policies BE1 of the Essex and Southend Replacement Structure Plan and H5, H7 and C11 of the Borough Local Plan. (SOS/05/00151/FUL)

8 Recommendation

Members are recommended to:

8.1 REFUSE PLANNING PERMISSION for the following reasons:

01 The proposed development, by reason of its design, appearance, materials and layout (specifically in relation to parking to the front of the site) results in an unresolved and unsympathetic design, which would be an incongruous feature within the street scene to the detriment of the character and appearance of the locality contrary to Planning Policy Statement 1, Policies KP2 and CP4 of the Core Strategy, Policies C11, H5 and H7 of the Southend on Sea Borough Local Plan and the Design and Townscape Guide.

02 The development by virtue of poor outlook and noise and disturbance to future occupiers by virtue of the relationship of residents and commercial unit would result in a poor quality residential environment, contrary to Policy KP2 and CP4 of the Southend on Sea Core Strategy 2007, Policy H5, H7, E5 of the Southend on Sea Borough Local Plan 1994, and guidance contained within PPS3 and the Design and Townscape Guide (SPD1).
<table>
<thead>
<tr>
<th><strong>Reference:</strong></th>
<th>11/01018/FULM</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ward:</strong></td>
<td>Leigh</td>
</tr>
<tr>
<td><strong>Proposal:</strong></td>
<td>Erect building ranging from 4 to 8 storeys in height comprising 30 self contained flats, lay out 45 car parking spaces, cycle storage and refuse storage to basement, lay out landscaping and amenity terrace and widen vehicular access onto Rectory Grove</td>
</tr>
<tr>
<td><strong>Address:</strong></td>
<td>87 Rectory Grove</td>
</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td>Lacey Enterprises Ltd.</td>
</tr>
<tr>
<td><strong>Agent:</strong></td>
<td>Pomery Planning Consultants (Mr R Pomery)</td>
</tr>
<tr>
<td><strong>Consultation Expiry:</strong></td>
<td>8th August 2011</td>
</tr>
<tr>
<td><strong>Expiry Date:</strong></td>
<td>14th October 2011</td>
</tr>
<tr>
<td><strong>Case Officer:</strong></td>
<td>Dean Hermitage</td>
</tr>
<tr>
<td><strong>Plan Nos:</strong></td>
<td>117-TP-01-C; 1117-TP-02-A 1117-TP-02-8; 1117-TP-03; 1117-TP-07 1117-TP-04-A; 1117-TP-06-A; 117-TP-05-B; 2.317</td>
</tr>
<tr>
<td><strong>Recommendation:</strong></td>
<td>Delegate to the Group Manager or Head of Planning &amp; Transport to GRANT PLANNING PERMISSION subject to S106 Agreement</td>
</tr>
</tbody>
</table>
1 The Proposal

1.1 This application seeks full planning permission to erect a block of 30 flats in a building of up to eight storeys, including basement parking landscaping and private and communal terraces. The application is identical to a previous application submitted earlier this year, albeit this application includes provision for 20% affordable housing. The last application on this site (11/00313/FULM) was withdrawn.

1.2 The site currently has extant permission for a scheme of 20 flats plus a community hall, which was granted planning permission on appeal in 2008 (and was subsequently granted an extension of time for commencement in 2010). That permission remains extant until September 2013.

1.3 The details are summarised as follows (with the extant permission included for comparison):

<table>
<thead>
<tr>
<th></th>
<th>Proposed</th>
<th>Extant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Area</td>
<td>0.145 hectares</td>
<td>0.145 hectares</td>
</tr>
<tr>
<td>Height</td>
<td>8 storeys (26.3m)</td>
<td>(7 storeys – 26.2m)</td>
</tr>
<tr>
<td>No. of units</td>
<td>30 flats (27 x 2bed flats and 3 x 3bed flats)</td>
<td>(20 flats and community hall)</td>
</tr>
<tr>
<td>Parking</td>
<td>45 spaces (1.5/unit)</td>
<td>(46 spaces - 1.3/unit and 10/hall)</td>
</tr>
<tr>
<td>Refuse Storage</td>
<td>6 x 1100 litre bins</td>
<td>(5 x 1100 litre bins)</td>
</tr>
<tr>
<td>Amenity Space</td>
<td>165sqm communal terrace plus individual balconies/gardens of up to 150sqm</td>
<td>(420sqm communal terrace + balconies)</td>
</tr>
<tr>
<td>Residential density</td>
<td>206 dph</td>
<td>(137 dph)</td>
</tr>
</tbody>
</table>

1.4 The proposed building would have the same footprint as the extant scheme on this site, albeit there would be some nominal differences to the front of the site. The building would be approximately the same height, although contain an additional floor level within its envelope. This additional level (i.e. eight floors, as opposed to seven previously granted permission) is possible as the proposed scheme is purely residential, whereas the extant scheme included a community hall, with higher ceiling heights.
1.5 The flats proposed range from 75sqm – 170sqm in terms of floorspace and are a mix of 2 bed and 3 bed units. All but six of the flats would include private terraces of between 5sqm and 168sqm plus access to a second floor communal terrace of 165sqm.

1.6 Parking would be provided at basement level with access off Rectory Grove via a ramp down. A total of 45 parking spaces plus two motorcycle spaces would be provided. The flats would be reached from the basement by both a lift and staircase. Cycle storage and refuse storage would be located at ground floor level to the flank of the building.

1.7 The proposed design is contemporary and steps up from four stories at the rear (south) to eight storeys on the Rectory Grove frontage. Finishing materials would include facing brickwork, lead banding, curtain glazing and a metal cladding (copper).

1.8 The applicant has included a Design and Access Statement, which states “the proposals embrace and promote activities within a bustling area served by a vibrant community and seek to provide a public building that will be a recognisable meeting place…”. For clarity there would be no public element to the building. A Community Facilities Needs Assessment, Code for Sustainable Homes Report, Planning Statement and Engineers Report have also been submitted with the application.

2 Site and Surroundings

2.1 The site has been cleared and measures approximately 25m wide by 57m deep. It is of an irregular shape, and was previously the site of St Clements Hall, a community/church hall and a small Scout hut. The site is reasonably level, however the land to the rear of the site (Leigh Park Road and Library Gardens) falls away sharply.

2.2 To the immediate east of the site is St Clements court, a 7 storey residential block of 63 flats, dating from the 1930s. St Clements Court is on a sloping site, which results in the building being approximately 2.5m lower than the eastern boundary of the application site (which is located behind a retaining wall). Beyond St Clements Court is St Clements Court East, a 12 storey residential block in a typical 1950s ‘modern’ style.

2.3 To the immediate west of the site lies a bowling green, with no substantial buildings included with it. Beyond this and to the north are a mix of shops and other uses in buildings of a more domestic scale; typically 2 (occasionally 3) storey buildings along Rectory Grove. The lower land to the rear (south) of the site includes a dwellings and low-rise flats on Leigh Park Road.

2.4 The site adjoins (but is not within) the Leigh Conservation Area.
3   Planning Considerations

3.1   The main considerations in respect of this application are the principle of development, design, impact on the street scene and adjacent conservation area, impact on neighbours, and highways/parking considerations and planning contributions.

3.2   The 2008 appeal decision and subsequent permission for an extension of time are material considerations.

4   Appraisal

Principle of Development

Planning Policy Statement 1 and Planning Policy Statement 3; East of England Plan Policy H1 and C1, DPD1 (Core Strategy) policy KP1, KP2, CP4, CP6; BLP policies U1, U10.

4.1   The site was last occupied by a church hall and scout hut (D1 use), which were demolished in 2006. The site has an extant permission for a replacement hall and 20 residential units. The current application is seeking a wholly residential development (C3 use) and no replacement hall.

4.2   Policy KP2 of the adopted Core Strategy (through objective SO13) seeks to secure the social and physical infrastructure related to improving health, education, life-long learning and well-being of all sectors of the community. Policy CP6 seeks to safeguard existing community facilities, and Local Plan policies U1 and U10 are concerned with ensuring infrastructure provision and the retention of community facilities.

4.3   The applicant contends there are no individuals or groups within Leigh willing to purchase, manage and maintain the hall previously granted permission on appeal (reference 07/01771/FULM). It is also suggested there is no shortfall of provision in Leigh at present, and a Needs Assessment has been submitted in support of this assertion. The Council itself has not carried out a needs assessment of this kind, however Leigh is not identified as an area for improvement or an area of deficiency in the draft Southend on Sea Community Plan. Indeed since application 07/01771/FULM was determined planning permission has been granted for church halls at West Leigh Baptist Church and Our Lady of Lourdes Church in Leigh. These represent new facilities although not within easy reach of the application site and it surroundings.
4.4 Previously, consultees and other third parties have raised the issue of the lack of a replacement hall in their representations. An objection has been received on this ground in respect of the current application. In their consultation responses Leigh Town Council and the Leigh Society noted the inspector’s comments following the 2008 appeal, where he stated,

“There is strong positive support for the community hall which would occupy most of the ground floor and some of the basement parking area...It is a very welcome improvement to existing facilities in the town...Planning conditions will enable the Council to ensure its continued availability to the community, even if the Trust is disappointed in its fund-raising.”

4.5 It is clear from this statement that the inspector saw significant value in the inclusion of a replacement hall at the site. However, the applicant argues that in order for the Council to insist on the replacement hall it must demonstrate a need for the hall. It is argued that government guidance on conditions and planning obligations require any such obligation to be (amongst other things) “necessary to make the proposed development acceptable in planning terms”.

4.6 It is recognised the site had provided a community facility from the early 1900s up until it was sold by the church in 2006. The hall was known to hold private functions, local groups’ and clubs’ meetings, local scout group meetings, church events, music recitals and horticultural events. The site has not provided a community facility since 2006 and has been a vacant site for in excess of four years. The applicant has submitted evidence of the marketing of the site (by on-site advertisement board, an advert in Estates Gazette, direct mail to known developers and on property websites). The agent marketing the site confirmed “the response from the market was poor”.

4.7 The fact that the site is now cleared is significant in considering the issue of community uses. In the case of W E Black Ltd v S.O.S. & Chiltern D.C (12/04/2006) the court ruled it was wrong in law to treat a cleared site on which a facility had previously stood as an ‘existing facility’ that was subject to a local plan policy seeking to resist its loss. This planning application draws a number of parallels with the Chiltern DC case. Policy CP6 seeks to “safeguard existing” facilities and Policy U10 seeks to “prevent the loss of existing community hall facilities”.

4.8 In the Chiltern DC case it was concluded:

“The terms "existing recreational facility" and "existing sports facility" necessarily imply, in my judgment, a physical resource with particular features...they must be more than simply a reference to the site on which such a facility exists or previously existed....The facility had consisted of the building housing the health club, and the building has been demolished. The site is now a cleared site, and the facility does not continue to exist in any physical respect”.
4.9 The application site has long been cleared and there is no physical community facility present. The above case, in which the Court ruled an existing facility must be physically present to be protected, is a material consideration.

4.10 Development plan policy seeks to protect community facilities, and Leigh Town Council and Leigh Society support a replacement facility at this site. Since the appeal decision at the site new facilities have begun to be developed in Leigh. The applicant has carried out a Needs Assessment, which suggests there is capacity in the community facilities in the area (but also that some operators of such facilities believed there was a need for more). The site has not provided a facility since 2006 and has been cleared for in excess of four years, therefore cannot reasonably be called an ‘existing facility’ in law. The applicant has sought to demonstrate there has been no interest in purchasing or operating the hall and is under no obligation to offer the hall for free.

4.11 When the original application was made in 2007 (and determined in 2008) the site had only been vacant a relatively short period of time and had not been marketed. Therefore the Council had a strong case to insist on a replacement facility. In excess of three years has now passed and the circumstances have changed. Based on these changes, in particular the length of time the site has been vacant and has not provided a community facility for some time, the principle of developing the site for wholly residential can be considered acceptable. A density of 206dph is considered an efficient use of land, and would be a similar density to that exists on the neighbouring sites.

Design

Planning Policy Statement 1; Planning Policy Statement 3; Planning Policy Statement 22; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11, H5, H7 and U2; SPD1.

4.12 The proposed design is very similar to that which has already been granted permission. The only obvious differences is an increase in the height of the curtain glazing at the lower levels and minimal changes to the fenestration in the east flank elevation, when compared to that approved. The west flank elevation has been further simplified. The changes to the south elevation include the addition of a balcony at first floor.

4.13 In approving the 2007 application at appeal, the Inspector considered the proposed design was “modern and innovative” and that it would “enhance the neighbourhood”. The design is considered to be a striking piece of contemporary architecture and would relate well to the neighbouring St. Clement’s Court buildings. High quality external materials are proposed, and it these would need to be carefully controlled by condition to ensure the appearance of the building is not diminished.
4.14 Each flat would have a good level of internal floorspace and circulation space; the majority of flats would be very spacious by modern standards. The majority would have a private terrace, plus use of communal amenity space. The level of amenity space proposed is considered sufficient to serve the development, subject to adequate landscaping being provided.

4.15 The majority of the proposed flats would have a good outlook; three, located on the ground floor (Nos. 01, 02 and 03) would have a limited outlook over the car park ramp or narrow terrace. This is not an ideal situation, however would still provide an adequate internal living environment for the future residents of those three flats.

4.16 Refuse storage is provided to the east flank of the building and would include six 1100ltr bins behind a screened and gated service entrance. This is considered in accordance with policy.

4.17 In terms of sustainable development, policies KP2 and CP4 of the Core Strategy seek to maximize the use of sustainable and renewable resources. Specifically policy KP2 seeks all new development to include provision for 10% of a new development’s energy needs to come from renewable sources/ While this was not a requirement of the originally permitted scheme, that scheme was submitted prior to the adoption of the Core Strategy. Renewable energy is now a requirement. The application states the proposal has potential for photovoltaic cells on the south-facing roofslope and an air-source heat pump (which could provide 4Kw of energy for every 1Kw input). The Design & Access Statement accompanying the application also refers to Grey-water harvesting and insulation above Building Regulations standards. Full details can be secured via condition.

4.18 The applicant has submitted Code for Sustainable Homes assessment, which indicates the development would reach code level 3, in accordance with SPD1 guidance.

4.19 The proposal includes an open area to the front of the building. The Design & Access Statement submitted states:

“There are areas to sit and rest in shade or shelter surrounded by a number of strategically located installations of public works of art to be commissioned by the applicant”.

4.20 This will help integrate the building with its surroundings and improve the public realm in the immediate vicinity. The improvement works would be secured by way of a condition and an element of public art secured via a planning obligation.
Impact on the Street scene and Conservation Area

Planning Policy Statement 1; Planning Policy Statement 3; Planning Policy Statement 5; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11 and H5; SPD1.

4.21 The building would be positioned on the same footprint as the extant permission, forward of St. Clement’s Court, but would have an appropriate relationship with the road frontage, being on a bend. It would be set behind the building line on Rectory Grove, and bridge the difference between the building lines on Rectory Grove and Broadway West. It would result in a prominent building, but one which would sit well in this particular context.

4.22 The height of the proposed building, at approximately 26.3m, would be 0.1m higher than the previously approved scheme, however this additional 0.1m is not considered to materially affect the scale or appearance of the current proposal. It would be of a similar height to St. Clement’s Court and slightly lower than St. Clement’s Court East, and form a cluster of three tall buildings. This is considered appropriate.

4.23 The land to the south of the site falls away sharply, and thus any building on the site would form part of the backdrop to the Conservation Area. The St. Clement’s Court buildings can be seen from Leigh Conservation Area and Leigh Old Town, as well as from other vantage points within the surrounding area. The addition of a third tall building to the skyline would not be detrimental in terms of visual impact.

4.24 PPS5, and Core Strategy (CP4) and Local Plan (C4) seek to preserve and enhance heritage assets, such as conservation areas. The proposed building would drop down in height from front to the rear; which would respect of its clifftop setting. It would be significantly less bulky at the rear and would not detract from the character of the Leigh Conservation Area or Old Town beyond. It is noted the appeal Inspector commented that such a building on this site would screen St Clement’s Court East from some views within the Conservation Areas, which was considered a positive effect. The proposal is considered to comply with the above policies.

Residential Amenity

Planning Policy Statement 1; Planning Policy Statement 3; DPD1 (Core Strategy) policy CP4, Borough Local Plan Policies C11, H5 and SPD1.

4.25 The adjacent block, St Clement’s Court, includes a number of single aspect flats facing northwest, which serve living rooms, kitchens and bedrooms. Some have tripartite bay windows and some are set flush to the façade. The proposed building would project to within approximately 8m – at its closest point – to the west flank of St Clement’s Court at ground floor level. Concerns have been raised by third parties with regard to loss of light and views from these dwellings.
4.26 The policies above seek to protect general amenities, and loss of light and outlook are material considerations. The loss of a view is not. The issue of potential loss of light to dwellings at St. Clement’s Court was explored fully during the public inquiry held in respect of the 2007 application. The applicant employed a sunlight and daylight specialist (as did the Council) and the Inspector concluded that on balance the proposal was acceptable in terms of loss of light. It was considered that none of the existing flats would suffer a harmful loss of light, although 19 rooms would suffer a perceptible loss of direct light from the sky as a result of the development. It was considered that this loss did not outweigh the positive benefits of the scheme (being the development of the site, the provision of 20 dwellings and a community facility). This proposal does not provide the benefit of a community facility, however the level of the loss of light that would result from this development is not considered to warrant refusal of the application.

4.27 The two storey dwellings opposite the site are considered of sufficient distance from the proposal so as not to experience a significant loss of light or outlook.

4.28 The proposed building would include flank windows and balconies, in the approximately the same positions as previously approved. Subject to conditions requiring high level cills on some of the east flank windows in living rooms within flats 28, 25, 21, 16, 11 and 9, and requiring the raised amenity area to be screened on the east flank, there would be no material loss of privacy to neighbouring residents within St Clement’s Court. This is the same approach as recommended previously and by the appeal Inspector (see section 7.1).

**Parking and Highways Considerations**

*Planning Policy Guidance Note 13; Planning Policy Statement 3; DPD1 (Core Strategy) policies KP2 and CP3; BLP policies T8 and T11.*

4.29 Forty-five parking spaces are proposed to serve thirty flats. This equates to 1.5 spaces per unit, which is in accordance with EPOA (2001) adopted parking standards, and equates to more per unit than previously approved here. A number of larger bays would be provided for disabled drivers. This would be provided at basement level in a gated parking area.

4.30 Ten of the spaces would be ‘tandem’ spaces (i.e. could not be used independently and would be locked-in by another space). Highways Officers have stated this is not attractive, but has been accepted previously; this is considered acceptable only if a tandem space along with the space in front is allocated to a single flat. This can be adequately dealt with by condition and has been accepted previously at this site. Head space for four of the spaces would be limited. However, with these spaces the parking provision would still be within recommended parking standards, thus this is not considered to justify a reason for refusal.

4.31 Cycle storage (30 spaces) would be provided in a gated yard at ground floor level, and is considered acceptable. Full design details would be agreed by condition.
4.32 Some third parties have raised concerns with the increased number of flats in terms of traffic generation and congestion. It is not considered the proposed development would generate any more traffic than that previously granted permission. A correctly engineered access (and the closure of the redundant one currently in place) would ensure safe access and egress.

**Planning Contributions**

**DPD1 (Core Strategy) policies KP3, KP4, CP4, CP6 and CP8; SDP1; SPD2 (Planning Obligations)**

4.33 Government guidance contained within Circular 05/05 gives advice in relation to planning obligations. The Community Infrastructure Levy Regulations 2010 came into force on the 6th April 2010 and required obligations to be: necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

4.34 Policy CP8 of the Core Strategy requires all residential proposals of 10-49 dwellings or of site areas of 0.3 hectares up to 1.99 hectares make an affordable housing or key worker provision of not less than 20% of the total number of units on site. PPS3 states that proposals of affordable housing should reflect the type and size required. The Council has established a requirement for six units (1 x 3bed and 5 x 2bed) in relation to this development. The applicant has offered 6no two bedroom units which is considered acceptable in this instance and would comply with policy. The previous approval at this site did not include a 20% on site contribution, as the application was made prior to the adoption of the Core Strategy. The previously approved scheme (which did not any include any on-site affordable housing) could still be implemented.

4.35 The site falls within the catchment of Leigh Infants School and Belfair’s Community College. A 30 unit scheme would place additional pressure on these schools, and there is a lack of capacity at primary, secondary and pot-16 levels. A contribution of £75,065.15 has been requested and provisionally agreed by the applicant in accordance with policy.

4.36 In accordance with adopted SPD2, a section 106 monitoring fee is also sought to ensure any costs in relation to the monitoring of the above obligations do not fall on the Council.

The applicant has also committed a sum of £52,870 for a piece (or pieces) of public art (see 4.20) in accordance with Policy KP2 and SPD1.

4.37 The above planning contributions are considered to meet the tests set out in the CIL regulations 2010.
Other Issues

Planning Policy Statement 1; Planning Policy Statement 3; Planning Policy Statement 9; Planning Policy Statement 23; DPD1 (Core Strategy) policies KP2, KP3 and CP4; BLP policies H5, H7, C14 and U2.

4.38 The site is on the top of a low cliff and cliff instability has been a feature elsewhere in the borough. The applicant has undertaken an initial engineer’s report, and full detailed design calculations would be have to be submitted and assessed at the building control stage.

4.39 The ventilation ducting from the basement car park would expel to the rear of the site. This is proposed in the same position as previously approved, and its noise levels and discharge points can be controlled by condition.

4.40 A third party previously raised the question of the presence of badgers on the site. Anecdotal evidence suggests badgers were active in the area but there is no evidence at present (site inspected in June 2011) to suggest they occupy the site. Should any setts be found the applicant has a responsibility to protect them under wildlife legislation and information to address this issue would be provided by way of an informative.

Summary

4.41 The application is in many respects similar to that previously granted permission at the site. The notable difference is this application is entirely residential whereas previously a community hall was included. While the issue of the principle of development is a balanced one, it is considered due to the length of time the site has been vacant and cannot be considered an “existing facility”, the limited probability of an end user being found and the creation of improved facilities elsewhere in the borough, the principle can be considered acceptable.

4.42 In all other respects the development is little different from that previously granted planning permission. In terms of planning obligations, the applicant is willing to provide 20% affordable housing. Taking into account the above, and all other material considerations, the application is considered acceptable.

5 Planning Policy Summary

5.1 National Policy Guidance PPS1 (Delivering Sustainable Development); PPS3 (Housing); Planning Policy Statement 5: (Planning & the Historic Environment); Planning Policy Statement 22: (Renewable Energy); PPG13 (Planning & Transport).

5.2 East of England (RSS): H1 (Housing) and C1 (Cultural Provision).
5.3 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) and CP8 (Housing).

5.4 Borough Local Plan Policies C4 (Conservation Areas) C11 (New Buildings, Extensions and Alterations); H5 (Residential design and layout), H7 (Self-contained Flats) T8 (Highway Safety); T11 (Parking), U1 (infrastructure Provision) and U10 (Community Facilities).

5.5 SPD1 Design & Townscape Guide 2009.

5.6 SPD2 Planning Obligations 2010.

6 Representation Summary

Traffic and Transportation

6.1 Tandem spaces are not ideal and must be allocated to the same flat in order for the layout to work [this issue can be conditioned]; redundant crossover to be reinstated to Council specification and full design details of new crossover to be agreed. Details of new resurfacing and railings (conservation style) to be agreed.

Design & Regeneration

6.2 Externally the scheme is very similar to the appeal scheme although internally there has been an increase from 20 to 30 flats. This has been enabled by the removal of the community facilities which formed an integral part of the previous scheme and replaced a facility that was originally on this site. This will have a negative impact on the character of the building and the wider street scene especially in terms of activity levels and views into the building at lower levels.

6.3 The Design and Access Statement says ‘the application site is ideally located within a transitional position, siting between primary and secondary retail frontages.’ and that ‘the proposal provides a strong element of public activity that will inject diversity, vitality and create a meeting place at an important intersection in the town.’ Therefore the applicant acknowledges that the community facility is an important component of the development.

6.4 Although most (but not all) flats have useable balcony space they are family sized units and the overall communal amenity area has been significantly reduced and all of the ground floor amenity provision (previously 255m2) has been omitted in favour of private terraces to two units. Flats 2 and 3 on the ground floor have a poor outlook from all rooms, including the main living areas, which overlook the car park ramp.
6.5 The applicant should be made aware that the adjacent 2 trees (only shown as 1 on the plan but is in fact 2 (ash and a cedar) on the bowling club frontage are covered by TPO 1/2008 and will need to be protected during development. The scheme will need to confirm to policy KP2 which requires 10% renewables.

Children and Learning

6.6 The site falls within the catchment of Leigh Infants School and Belfair’s Community College. Additional pupils will put extra pressure on local schools and we would therefore require a contribution towards primary, secondary and post-16 provision. Contribution of £75,065.15 (primary £26,511.89, secondary £29,675.99 and post-16 £18,877.27).

Leisure Services

6.7 No comments

Enterprise & Innovation

6.8 The Council has not carried out any needs analysis in respect of community facilities in Leigh.

Leigh Town Council

6.9 Oppose the development; it is overdevelopment; development is out of character and does not respect the existing residential amenities, and overlooks part of the adjacent flats.

It is contrary to Policy C11 in that is does not create a satisfactory relationship with buildings opposite and to the West, in scale, form, massing, or design. It could be visually prominent, particularly being out of context close to the Conservation Area; refuse arrangements are unsatisfactory.

Strongly object to the loss of the community facilities which are badly needed in Leigh and which were to compensate the town for the loss of the original centrally located community hall. We refute the suggestions made by the applicant who has sought to justify their assertion that a hall is not needed by a ‘survey’ which itself shows that groups are having to go outside Leigh for facilities. A ‘community facility’ should be within the community it serves, easily and safely reached by all members of that community, not needing cars to access it.

Additional flats will have more impact on local services and highways.

Environment Agency

6.10 This application falls outside the scope on which the Agency comment.
The Leigh Society

6.11 To be reported.

Strategy and Planning (Housing)

6.12 In order to meet housing needs inline with the Borough’s, Core Strategy DPD, we would require Affordable Housing to be included, and which should also reflect the broad mix of accommodation in accordance with the Thames Gateway SHMA, August 2008.

Proposed number of units:- 30 units - Core Strategy DPD Requirement:- 6 Units (20%)

i.e. 2 x 1bed, 2 x 2bed, 2b x 3bed, 0 x 4bed. The affordable housing element % required within the borough: -

<table>
<thead>
<tr>
<th></th>
<th>1 bed</th>
<th>2 bed</th>
<th>3 bed</th>
<th>4+ bed</th>
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<tr>
<td></td>
<td>30%</td>
<td>25%</td>
<td>30%</td>
<td>15%</td>
<td>100%</td>
</tr>
</tbody>
</table>

We would expect a split to rent of: - 70/30 (70% rented, 30% shared ownership)

We would advise that affordable housing units must meet HCA minimum standard, for more information regarding Design & Standards for Affordable Housing, contact:- HCA, Block 2, Suite 3 Westbrooke Centre, Milton Rd, Cambridge, CB4 1YG. All Affordable Housing should meet Level 3 or 4 code for sustainable homes.

Structural Engineer

6.13 Full structural design calculations will be required for the proposed structure under The Building Regulations, including site investigations for foundation design; The applicant needs to submit their proposal/calculations to Highway Department for the construction of basement near highway; Party wall agreement will be required for the basement in relation to the existing foundations.
Airport Director

6.14 No safeguarding objections; however recommend a red dual obstruction light is fitted to the tallest part of the building.

Essex Fire and Rescue

6.15 No comments

Public Consultation

6.16 212 Neighbours notified by letter; site and press notices also displayed – No responses received at time of writing. Any responses received will be reported via a supplemental.

Ward Councillors

6.17 Cllr Crystal would like the application brought before the Development Control Committee.

6.18 Cllr Walker (Eastwood Park Ward) objects to the application on grounds of no replacement hall being proposed.

7 Relevant Planning History

7.1 11/00313/FULM - Erect building ranging from 4 to 8 storeys in height comprising 30 self contained flats, lay out 45 car parking spaces, cycle storage and refuse storage to basement, lay out landscaping and amenity terrace and widen vehicular access onto Rectory Grove – Withdrawn in June 2011.

7.2 Variation of condition 07 of planning permission 10/01426/EXTM dated the 23rd September 2010 for (erection of community hall and 20 flats) to allow for a revised basement parking area over one level - 10/01814/FULM – approved Dec 2010.

7.3 Application to extend the time limit for implementation following planning permission 07/01771/FULM allowed on appeal dated 08/09/2008) Erect part 3, part 4, part 5, part 6 and part 7 storey building comprising community hall to ground floor to 20 flats on upper floors, lay out car parking spaces, cycle storage and refuse storage at basement and lower basement levels, lay out landscaping and amenity terrace and widen vehicular access onto Rectory Grove - 10/01426/EXTM – Approved 2010.

7.4 10/00077/NON - Alterations to basement parking, including removal of lower basement level (non material amendment to permission 07/01771/FULM) – Refused 2010.
7.5 Erect part 3/part 4/part 5/part 6/part 7 storey building comprising community hall to ground floor to 20 flats on upper floors, lay out car parking spaces, cycle storage and refuse storage at basement and lower basement levels, lay out landscaping and amenity terrace and widen vehicular access onto Rectory Grove 07/01771/FULM – Refused by the Council (in 2007) but allowed on Appeal in 2008.

8 Recommendation

8.1 (a) Members are recommended to DELEGATE AUTHORITY TO THE GROUP MANAGER OF DEVELOPMENT CONTROL & BUILDING CONTROL, HEAD OF PLANNING & TRANSPORT or ETE CORPORATE DIRECTOR 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) to secure the following:

i) the provision of affordable housing in the form of 6no 2 bed units within the development;
ii) education contribution of £75,065.15
iii) public art to the value of £52,870
iv) S106 monitoring fee of £4,350

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

1. The development hereby permitted shall begin not 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)

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 117-TP-01-C; 1117-TP-02-A 1117-TP-02-8; 1117-TP-03; 1117-TP-07 1117-TP-04-A; 1117-TP-06-A; 117-TP-05-B; 2.317 (C01D)

Reason: To ensure that the development is carried out in accordance with the policies outlined in the Reason for Approval. (R01D)
3. No development shall take place until details including samples of the materials to be used on the external elevations; boundary treatments and hard surfaces have been submitted to and approved by the Local Planning Authority. The development shall only be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the character and visual amenities of the area, policies KP2 and CP4 of DPD1 (Core Strategy) and Policy C11 of the Southend-on-Sea Borough Local Plan and the Design and Townscape Guide SPD1.

4. No air conditioning, ventilation, heating or fume extraction, plant or machinery shall be installed until details of design, siting, discharge points and predicted acoustic performance have been submitted to and approved by the local planning authority. The equipment shall then be installed and operated only in accordance with the agreed details.

Reason: To minimise the impact of the proposals on the character and appearance of the street scene and amenities of adjacent occupiers in accordance with Policies H5 and C11 of the Southend on Sea Borough Local Plan 1994.

5. Vehicle parking for 45 cars, and 30 cycles, together with properly constructed vehicular accesses to Rectory Grove shall be provided in accordance with the approved plans, prior to first occupation or use of the development and shall permanently be retained and reserved for the parking of vehicles and cycles in connection with the use of the site thereafter.

Reason: To make adequate provision for parking in the interests of highway safety and efficiency, in accordance with policy CP3 of the Core Strategy and policy T11 of the Southend on Sea Borough Local Plan.

6. The parking spaces labelled “tandem” on approved plan TP-01-C shall only be allocated to a dwelling that is also allocated the space which each sits in front and shall not be allocated independently of those spaces.

Reason: To ensure adequate parking provision is made off the highway in the interests of highway safety and efficiency and in accordance with Policy T8 and T11 of the Southend on Sea Borough Local Plan and CP3 of the Southend on Sea Core Strategy 2007.

7. Full design details (including section drawings) of the vehicle ramps and parking area access gates and entry system shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on site. The access ramps and vehicle entry system and gates shall thereafter be implemented only in accordance with the agreed details.
Reason: To ensure access to the parking area can be controlled in the interests of highway safety and efficiency, in accordance with policy CP3 of the Core Strategy and policy T8 of the Southend on Sea Borough Local Plan.

8. Prior to the commencement of development, details for the redundant vehicle crossover on North Road to be re-instated to footpath, shall be submitted to and agreed in writing by the Local Planning Authority. The works as agreed shall thereafter be carried out prior to first occupation of the building.

Reason: In the interests of visual amenity and to provide adequate servicing arrangements, in accordance with Policy C11 and T12 of the Southend on Sea Borough Local Plan.

9. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved 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;

iii. planting;

iv. vehicle and pedestrian access and circulation areas;

v. hard surfacing materials;

vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);

vii. proposed and existing functional services above and below ground (e.g. drainage power);

viii. communications cables, pipelines etc. indicating lines, manholes, supports.;

ix. retained historic landscape features and proposals for restoration, where relevant.

Reason: To ensure a satisfactory standard of landscaping, pursuant to Policy C14 of the Southend on Sea Borough Local Plan and CP4 of the Core Strategy.
10. The plans and particulars submitted in accordance with condition 09; above shall include:

(a) a plan, to a scale and level of accuracy appropriate to the proposal, showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed;

(b) and in relation to every tree identified a schedule listing:
   i. information as specified in paragraph 4.2.6 of British Standard BS5837 - Trees in Relation to Construction - Recommendations);
   ii. any proposed pruning, felling or other work;

(c) and in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:
   iii. any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area (see paragraph 5.2.2 of BS5837)
   iv. all appropriate tree protection measures required before and during the course of development (in accordance with Clause 7 of BS5837)

(d) areas of existing landscaping to be protected from construction operations and the method of protection.

Reason: To make sure that the trees (including the tree subject of Tree Preservation Order 1/2008) on/adjacent the site are adequately protected during building works in the interests of visual amenity and in accordance with East of England Plan 2008 policy ENV1 and ENV7, DPD1 (Core Strategy) policy KP2 and CP4, Borough Local Plan 1994 policy C14, and SPD1 (Design and Townscape Guide).

11. No development shall commence on site until details of a 1.8m high obscure screen, to be erected along the east boundary of the first floor terrace/ formal garden area, have been submitted to and approved in writing by the Local Planning Authority. The screen shall be erected in accordance with the approved details prior to occupation of any residential units and shall be permanently retained thereafter.

Reason: To protect the privacy of adjoining residents, in accordance with Policy H5 of the Southend on Sea Borough Local Plan 1994 and Policy CP4 of the Southend on Sea Core Strategy 2007.

12. Living room windows in the east flank of the building serving apartment units 9, 11, 16, 21, 25 and 28 shall have a minimum cill height of 1.7m from the internal floor height of the unit, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To protect the privacy of adjoining residents, in accordance with Policy H5 of the Southend on Sea Borough Local Plan 1994 and Policy CP4 of the Southend on Sea Core Strategy 2007.

13. No dwelling shall be occupied until provision has been made for the storage of refuse and waste materials in accordance with the approved plan and a waste management scheme has been submitted to and approved by the Local Planning Authority.

Reason: To make satisfactory provision for refuse storage pursuant to Policies C11 of the Southend on Sea Borough Local Plan and KP2 and CP4 of the Southend on Sea Core Strategy 2007.

14. Demolition or construction works shall not take place outside 0800hours to 1800hours Mondays to Fridays and 0800hours to 1300hours on Saturdays and not at any time on Sundays or Bank Holidays.

Reason: To maintain the character of the area and the amenities of nearby occupiers in accordance with Policies H5 and C11 of the Southend on Sea Borough Local Plan 1994.

15. No development shall commence on site until a soil survey of the site has been completed and the results submitted in writing to the local planning authority. The survey shall be taken at such points and to such depth as the Local Planning Authority may stipulate. Prior to the commencement of works on site full structural design calculations relating to the foundation/piling (including a soil report and structural details of the basement retaining structure) shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be implemented in accordance with the approved details.

Reason: To ensure the safe and proper development of the site, in accordance with Policy C11 of the Southend on Sea Borough Local Plan 1994 and KP2 and CP4 of the Southend on Sea Core Strategy 2007.

16. Before the development hereby permitted is begun a scheme for generating not less than 10% of the predicted energy requirement of the development from decentralised renewable and/or low carbon sources (as defined in the glossary of Planning Policy Statement: Planning and Climate Change (December 2007) or any subsequent version) shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the development is first occupied and shall remain operational for the lifetime of the development unless otherwise agreed in writing by the local planning authority. (C35B)
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 Planning Policy Statement 1 and 3, East of England Plan 2008 policy SS1, ENV7, ENG1, WAT1 and WAT4, DPD1 (Core Strategy) policy KP2 and CP4, and SPD1 (Design and Townscape Guide). (R35B).

(c) In the event that the planning obligation referred to in part (a) above has not been completed by 14th October 2011 such that planning permission would have been granted, then the ETE Corporate Director, Head of Planning & Transport or Group Manager of Development Control & 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, the ETE Corporate Director, Head of Planning & Transport or Group Manager of Development Control & Building Control are authorised to determine the application and agree appropriate reasons for refusal under delegated authority.

INFORMATIVES

1. This permission is governed by a unilateral undertaking made by applicant pursuant to Section 106 of the Town and Country Planning Act 1990. The agreement relates to affordable housing, education contribution, public art and S106 monitoring.

2. The proposal is such that additional water supplies for fire-fighting may be required. The applicant is advised to contact the Water Technical Officer at Essex County Fire & Rescue Service on 01277 222531.

3. When you carry out the work, you must not intentionally kill, injure or take a badger, or intentionally or recklessly damage, destroy or block access to any structure or place that a badger uses for shelter. These would be criminal offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. For more advice contact: Essex Wildlife Trust – www.essexwt.org.uk; phone 01621 862960; Natural England – www.naturalengland.org; phone 0845 6003078
<table>
<thead>
<tr>
<th><strong>Reference:</strong></th>
<th>11/00252/TPO</th>
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<tbody>
<tr>
<td><strong>Ward:</strong></td>
<td>Eastwood</td>
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<tr>
<td><strong>Proposal:</strong></td>
<td>Fell 3 oak trees at the rear of 3, 5 and 6 Sunnybank Close (works to trees covered by a Tree Preservation Order)</td>
</tr>
<tr>
<td><strong>Address:</strong></td>
<td>5 Sunnybank Close, Eastwood, Leigh on Sea, Essex, SS9 5SP</td>
</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td>Marishal Thompson Group</td>
</tr>
<tr>
<td><strong>Agent:</strong></td>
<td>Not Applicable</td>
</tr>
<tr>
<td><strong>Consultation Expiry:</strong></td>
<td>29 March 2011</td>
</tr>
<tr>
<td><strong>Expiry Date:</strong></td>
<td>12 April 2011</td>
</tr>
<tr>
<td><strong>Case Officer:</strong></td>
<td>Claire Taylor</td>
</tr>
<tr>
<td><strong>Plan No’s:</strong></td>
<td>Arboricultural Report, Engineers Report, Site Investigations, Monitoring, Level Monitoring Readings submitted 18 April 2011</td>
</tr>
<tr>
<td><strong>Recommendation:</strong></td>
<td>GRANT CONSENT FOR WORKS TO TREES</td>
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</table>
1 The Proposal

1.1 The application was deferred by members at the committee on 13 April 2011 pending further information to determine whether it is the tree roots causing structural damage to 4 and 5 Sunnybank Close and not wider environmental factors such as drainage.

1.2 The agent has submitted three further sets of level monitoring readings taken from the perimeter of no. 4 Sunnybank Close. Readings were taken in September and November 2010 and March 2011. The readings continue to show that the rear of the property is still moving up and down in a seasonal nature. This type of movement confirms that the cause is vegetation extracting moisture from the soil. The information submitted further supports the applicant’s case and on balance, it is considered highly probable that it is the tree roots causing structural damage to 4 and 5 Sunnybank Close. The response of the agent is summarised below:

“Roots R1 and R2 were sampled in the bore hole in 4 Sunnybank Close and originate from oak tree T2 in the garden of 3 Sunnybank Close.

Roots R3 and R4 were sampled in the bore hole in 5 Sunnybank Close. R3 originates from oak tree T6 in the garden of 6 Sunnybank Close, and R4 originates from oak tree T4 in the garden of 5 Sunnybank Close.”

1.3 The application relates to three Oak trees located in the rear curtilage of the dwellings at 3, 5 and 6 Sunnybank Close. The applicant states that the trees have been implicated as contributory factor in subsidence damage to clay shrinkage resulting in damage to the property of 4 and 5 Sunnybank Close.

2 Site and Surroundings

2.1 The Oak trees are located in the rear gardens of 3, 5 and 6 Sunnybank Close, the closest is located approximately 12m from the rear elevation of 4 Sunnybank Close. The gardens are approximately 18m deep and north facing. Sunnybank Close is a residential cul-de-sac located to the east of Heycroft Road and characterised by semi-detached bungalows.

2.2 The application site where the trees are located are situated on the northern side of Sunnybank Close and backs onto Heycroft School playing fields. Along this boundary to the rear of residential properties are a number of large Oak trees which are prominent from the Sunnybank Close street scene. The crowns of these trees overlap one another so they appear as a group of trees.

3 Planning Considerations

3.1 The principal issues relates to the trees’ amenity value, and whether the applicant’s argument that the tree is causing structural damage to nearby foundations is sound.
4 Appraisal

Core Strategy Policies KP2 and CP4, Borough Local Plan Policy C14 and Design and Townscape Guide (SPD1)

4.1 Policy C14 of the BLP seeks to preserve trees and planted areas which contribute to the townscape of an area. Applications will be required to respect existing trees.

4.2 The trees provide a significant degree of amenity to Sunnybank Close and are highly visible in the street scene. Given also that they are mature and healthy, it is considered that the trees should be protected from felling unless it is absolutely necessary.

4.3 The applicant has submitted supporting documents advocating the felling of the trees for reasons of damage caused to the property. A previous application to fell the oak trees was refused on the basis, that whilst it was acknowledged that sufficient evidence to show that shrinkage of clay soil beneath the foundations of the property due to the presence of tree roots is the cause of the property damage, insufficient evidence had been submitted to warrant the removal of all three trees. It was recommended that specific DNA testing of the roots should be undertaken in order to establish, which, if any, of the trees was the cause of damage to the property.

4.4 The applicant has now carried out specific DNA testing of the roots and the results prove that the trees to the rear of 3, 5 and 6 Sunnybank Close (T2, T4 and T6) implicate the oak trees with the damage occurring to 4 and 5 Sunnybank Close.

4.5 Concerns have been raised as to what other solutions may be available to prevent the felling of the trees, such as the installation of root barriers, which the Council would be liable to pay for. The Council’s Arboricultural officer and Insurance officer have advised that the installation of root barriers is not a permanent solution to resolve the issue of property subsidence damage. It would involve digging a deep trench across the width of the garden to sever all of the tree roots heading to the property’s (No.s 4 and 5 Sunnybank Close). A barrier material would then be installed to a suitable depth to prevent any further roots growing to the property. Furthermore, an agreement with all of the property owners, including loss adjusters and insurers, that are or maybe affected by the Oak trees is required to install the root barriers. If one property occupier will not agree to the root barrier on their property, it nullifies the objective of the proposed works.
5 **Conclusion**

5.1 There is the potential that the Local Authority could be liable under the Town and Country Act 1990 (as amended) for costs as a result of property damage sustained if the application is declined, given the evidence provided by the applicant. It is acknowledged that the felling of the oak trees is regrettable, given their public amenity value. However, balanced against damage that has been caused to the property, it is considered that consent should be granted in this case. Therefore, it is considered necessary to impose a condition requiring them to be replaced with replacement trees, full details of which, including their location, size, species and time of planting to be agreed in writing by the Local Planning Authority prior to their removal.

6 **Planning Policy Summary**

6.1 Core Strategy DPD Policy KP2 (Development Principles), CP4 (The Environment and Urban Renaissance).

6.2 Borough Local Plan Policy C14 (Trees, Planted Areas and Landscaping).


7 **Representation Summary**

**Parks and Trees**

7.1 The additional information provided is three further sets of level monitoring readings taken around the perimeter of the property. The readings taken are displayed in metres within the table for the 8 monitoring stations. On the relative movement sketch the figure after the monitoring station number is the difference in level shown in millimetres between reading 1 taken in September 2009 and the last reading taken in March 2011. However this is not a gradual increase, the amount of movement changes over time in a cyclical manner depending on the time of year, as previously outlined. The readings continue to show that the rear of the property (closest to the implicated trees) is still moving up and down in a seasonal/cyclical nature. As outlined previously this type of cyclical movement confirms that the cause is vegetation extracting moisture from the soil. These readings provide continued support to this application.

7.2 Sufficient technical evidence has been supplied to show that shrinkage of clay soil beneath the foundations of the property due to the presence of tree roots is the cause of the property damage. We recommended that DNA analysis was performed to determine precisely which trees are involved. This has now been carried out with the following results provided:

Roots removed from trial hole 1 (TH1) of 4 Sunnybank Close
Roots R1 and R2 were identified as originating from oak tree T2 in the garden of 3 Sunnybank Close.
Roots removed from bore hole 2 (BH2) of 5 Sunnybank Close
Root R3 was identified as originating from oak tree T6 in the garden of 6 Sunnybank Close.

Root R4 was identified as originating from oak tree T4 in the garden of 5 Sunnybank Close.

7.3 **Summary**
Proof has now been provided to implicate the following three oak trees with the damage occurring at 4 and 5 Sunnybank Close:

- T2 – Oak in the rear garden of 3 Sunnybank Close
- T4 – Oak in the rear garden of 5 Sunnybank Close
- T6 – Oak in the rear garden of 6 Sunnybank Close

**Insurance Officer**

7.4 DNA testing has been done of the roots found under the foundations of the property and these have all been identified as belonging to the relevant trees in the respective rear gardens. If the trees are not felled, the Authority will become liable under the Town and Country Act for all damage caused to the property after the date the application is determined, if the applicants have provided sufficient evidence to implicate the trees, of which they have.

7.5 If the application is declined to fell the trees, the Authority are likely to receive a claim for property damage sustained from that date onwards, but also for any other properties in the vicinity that may be influenced by the trees roots.

7.6 An agreement would be required across all the properties that are/may be affected by the Oak trees and if one property owner will not agree to the root barrier on their property, it essentially renders the whole exercise worthless. It requires the agreement of all the property owners/loss adjusters/insurers involved and one may not agree. The other point to make is that root barriers are rarely a permanent solution, depending how deep you go, most trees will eventually find a way round or under the barrier.

**Structural Engineer**

7.7 No objection subject to Arboricultural Officer and Insurance Officer's recommendation.
Public Consultation

7.8 Site notice displayed and ten neighbours notified of the application. Four individual letters were received and allegedly a letter on behalf of residents in Sunnybank Close objecting for the following reasons:

- Loss of the trees would be detrimental to the amenity value they provide in the street scene, given their historical importance;
- Queries if root barriers could be installed in order to retain the trees and prevent them from being felled; [Officer Comment: Refer to section 4.5.]
- The damage to properties could be related to natural drainage of surface water, possibly due to work carried out to the drainage system at Heycroft School some years ago; [Officer Comment: The applicant has submitted three further sets of level monitoring which continue to show that the rear of the property is still moving up and down in a seasonal nature. This type of movement confirms that the cause is vegetation extracting moisture from the soil.]
- The loss of the oak trees would be detrimental to habitat for wildlife, such as squirrels, nesting crows and other species;
- The damage to the property is not very significant;
- The damage focal points, in the report submitted by Crawford and Co. Adjusters, is to the rear conservatory of no. 4 and to the rear extension of no. 5 Sunnybank Close, and queries whether this is due to inadequate foundations.

Ward Councillor

7.9 Cllr. Walker requested this application to be considered by the Development Control Committee.

8 Relevant Planning History

8.1 Refused consent to fell three oak trees on 31 October 2010 (SOS/10/01708/TPO).

9 Recommendation

Members are recommended to GRANT CONSENT FOR WORKS TO TREES subject to the following conditions:

01 The works covered by this consent must be begun not later than the expiration of two years beginning with the date of this consent.
Reason: To enable the circumstances to be reviewed at the expiration of the period if the consent has not been implemented, in the interests of Policy C14 of the Southend on Sea Borough Local Plan.

02 The works shall be carried out in accordance with BS 3998 (1989) by a suitably qualified person.

Reason: In the interests of visual amenity and to protect the tree(s), pursuant to Policy C14 of the Southend on Sea Borough Local Plan.

03 The Oak trees to be felled shall be replaced with replacement trees, full details of which, including its location, size, species and time of planting shall be first agreed in writing by the Local Planning Authority prior to the Oak trees removal. The replacement trees shall be planted and permanently retained in accordance with the agreed details.

Reason: In the interests of visual amenity and the character and appearance of the conservation area, in accordance with Policies C4 and C14 of the Southend on Sea Borough Local Plan.

**Reason for Approval**

This permission has been granted having regard to Core Strategy DPD Policies KP2 and CP4, Policy C14 of the Southend-on-Sea Borough Local Plan, the principles contained within the Design & Townscape Guide SPD and all other material considerations. The carrying out of the development permitted, subject to the conditions imposed, would accord with those policies and in the opinion of the Local Planning Authority there are no circumstances which otherwise would justify the refusal of permission.

**Informative**

01 The Council accepts no responsibility for any possible damage related to this permission.
<table>
<thead>
<tr>
<th>Reference:</th>
<th>11/00717/TPO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ward:</td>
<td>Eastwood</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Fell two oak trees to front (works to trees covered by a Tree Preservation Order)</td>
</tr>
<tr>
<td>Address:</td>
<td>87 Green Lane, Leigh on Sea, Essex, SS9 5QU</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Crawford and Company</td>
</tr>
<tr>
<td>Agent:</td>
<td>Marishal Thompson Group</td>
</tr>
<tr>
<td>Consultation Expiry:</td>
<td>6 July 2011</td>
</tr>
<tr>
<td>Expiry Date:</td>
<td>9 July 2011</td>
</tr>
<tr>
<td>Case Officer:</td>
<td>Claire Taylor</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>GRANT CONSENT FOR WORKS TO TREES</td>
</tr>
</tbody>
</table>
1 The Proposal

1.1 The application relates to two Oak trees (T1 and T2) located on the highway, owned by the Council, to the front of 87 Green Lane. The applicant states that the trees have been implicated as contributory factor in subsidence damage to clay shrinkage resulting in damage to the property of 87 Green Lane.

1.2 Planning permission was refused, under reference 10/01344/TPO, for the felling of two oak trees on 1 October 2010 for the following reason:

1. “The Oak trees positively benefit the character and appearance of the local area and have significant amenity value; the loss of which is only acceptable in exceptional circumstances. The evidence put forward is not considered satisfactory to warrant the loss of the trees, and their felling would therefore be unacceptable, harmful to visual amenity and in particular the amenity of Green Lane, contrary to Policies KP2 and CP4 of the Southend-on-Sea Core Strategy, Policy C14 of the Southend-on-Sea Borough Local Plan, and guidance contained within the SPD1.”

2 Site and Surroundings

2.1 The application site is located on the northern side of Green Lane; a predominantly residential street made up of similar size detached two storey dwellings. The Oak trees are located on the highway adjacent to the front garden of 87 Green Lane; the closest is located approximately 10m from the front elevation of the application property. Green Lane is characterised by a strong canopy of prominent trees along front boundaries, which contribute to its overarching green character which is enhanced by well planted front gardens and hedges.

3 Planning Considerations

3.1 The principal issues relates to amenity value of the trees, and whether the applicant’s argument that the tree is causing structural damage to nearby foundations is sound.

4 Appraisal

Core Strategy Policies KP2 and CP4, Borough Local Plan (BLP) Policy C14, and SPD1.

4.1 Policy C14 of the BLP seeks to preserve trees and planted areas which contribute to the townscape of an area. Applications will be required to respect existing trees.

4.2 The trees provide a significant degree of amenity to Green Lane and are highly visible in the street scene. Given also that they are mature and healthy, it is considered that the trees should be protected from felling unless it is absolutely necessary.
4.3 It was considered in the previous application that further level monitoring results were required to confirm the downward movement was continuing through the growing season. The applicant has submitted further supporting documents advocating the felling of the trees for reasons of damage caused to the property. Level monitoring readings have been taken until March 2011 and show a marked cyclical pattern of rising between January and March 2009, then falling between May and September 2009 and rising again in March 2011. This pattern of movement is strongly indicative that vegetation is causing the property movement via extraction of moisture from shrinkable clay soil below the foundation depth. Therefore, it is considered that sufficient evidence has been submitted to implicate the oak trees (T1 and T2) with the damage to 87 Green Lane.

4.4 It should be noted that the Council’s arboricultural officer considered that it was not reasonable in this case to ask for DNA testing of the trees roots, given that the two oak trees are clearly the same distance away from the application property. Only in cases where there are a number of trees at varying distances from a property would specific DNA testing of the trees roots be requested to determine if or how many of the trees are implicated with the damage occurring to a property.

4.5 Concerns have been raised as to what other solutions may be available to prevent the felling of the trees, such as underpinning or to rebuild the porch in order to improve the foundations to resist further movement. It should be noted that the Technical Report, dated November 2009, shows that the main damage to the property is to the front elevation and mid sections of the original house, not just to the front porch. Furthermore, the report lists and illustrates numerous internal and external cracks to the property and the house will be required to be underpinned as a result. The damage has been classified according to the Building Research Establishment: Digest 251 using cracks widths as being category 2, described as “slight”, with crack widths greater than 1.0mm and less than 5.0mm. However these were measured in November 2009 and may have changed since.

5 Conclusion

5.1 There is the potential that the Local Authority could be liable under the Town and Country Act 1990 (as amended) for costs as a result of property damage sustained if the application is declined, given the evidence provided by the applicant. It is acknowledged that the felling of the oak trees is regrettable, given their public amenity value. However, balanced against damage that has been caused to the property, it is considered that consent should be granted in this case. Therefore, it is considered necessary to impose a condition requiring them to be replaced with replacement trees, full details of which, including their location, size, species and time of planting to be agreed in writing by the Local Planning Authority prior to their removal.
6 Planning Policy Summary

6.1 Core Strategy DPD Policy KP2 (Development Principles), CP4 (The Environment and Urban Renaissance).

6.2 Borough Local Plan Policy C14 (Trees, Planted Areas and Landscaping).


7 Representation Summary

Parks and Trees

7.1 This new application has been made in the light of this new information that the trees are owned by Southend Borough Council. Most of the evidence provided is copies of that which was included in the previous application. However, additional monitoring results have been taken and are included.

7.2 The reported seat of damage to the property is in the front elevation and mid-sections of the building. This damage was first noted by the residents in October 2009. Numerous internal and external cracks are listed in the Technical Report with some photographs demonstrating their presence. The damage has been classified according the Building Research Establishment: Digest 251 using cracks widths as being category 2, described as “slight”, with crack widths greater than 1.0mm and less than 5.0mm. However these were measured in November 2009 and may have changed since.

7.3 Level monitoring was set up in January 2010 with 6 points externally and 2 points internally being measured to determine the relative movement of the property and to show whether it is falling or rising. Readings have been taken until March 2011 and show a marked cyclical pattern of rising between January and March 2009, then falling between May and September 2009 and rising again in March 2011. The trees are located to the front of the property and points 3, 4, 5 and 6 at the front show the greatest movement. This cyclical pattern of movement shows the property moving downwards in the late spring through to the early autumn (when vegetation is extracting moisture from the soil) and then rising in the winter period (when most vegetation is dormant and the soil moisture content increases). This pattern of movement is strongly indicative that vegetation, in this case the two Council owned oak trees, is causing the property movement via extraction of moisture from shrinkable clay soil below the foundation depth.

7.4 Summary
The above observations leads me to conclude that sufficient evidence has now been provided to demonstrate that shrinkage of the clay soil beneath the foundations of the property due to the presence of roots from the oak trees is the cause of the property subsidence damage. As such we can raise no objections to the application for removing both trees.
Design and Regeneration

7.5 The property has been significantly extended in the past, with extensions to the front (porch), two storey side extension, a single storey extension and conservatory to the rear. The reasons given for the felling of these two prominent oak trees is alleged subsidence damage. Having considered the engineers report (dated 2009) it seems as though it is the extensions to the property (the front porch) that have primarily been subject to cracking (external and internal).

7.6 Green Lane is characterised by a strong canopy of prominent trees along front boundaries, which contribute to its overarching green character which is enhanced by well planted front gardens and hedges. The loss of two prominent would alter the setting of the property impacting upon the definitive green character of the street scene. Their loss would therefore be regrettable.

7.7 If it is agreed that the retention of these trees is not viable, suitable replacements should be planted in their place. It would be desirable to see the trees retained if the Council’s arboricultural officer/structural engineer is in agreement.

Structural Engineer

7.8 Whilst tree roots were found at the front of the property, the damage to the property was classified as “slight” in the Technical Report dated November 2009 and the trees are significantly older than the property.

Public Consultation

7.9 Site notice displayed and five neighbours notified of the application. Two response received objecting for the following reasons:

- The front porch is only affected by slight structural damage as highlighted in the Technical Report, dated November 2009.
- The damaged area is a fairly lightweight structure.
- Queries if the porch could be rebuilt or underpinned to improve the foundations to resist further movement.
- The felling of the oak trees would result in the loss of habitat for local wildlife.

7.10 Ward Councillor

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

8 Relevant Planning History

8.1 11/00761/FULH - Alter roof and front elevation, erect roof extension to rear with glazed doors onto roof terrace (Amended Proposal) – pending.
8.2 11/00241/FULH - Alter roof and front elevations, erect roof extension to rear with glazed doors onto roof terrace (Amended Proposal) – refused 21 April 2011.

8.3 10/01816/FULH - Alter roof, erect roof extension to rear with glazed doors onto roof terrace –Withdrawn.

8.4 10/01344/TPO – Fell 2 oak trees – refused 3 September 2010.


8.6 86/0502 – Erect single storey rear extension – granted 2 June 1986

9 Recommendation

Members are recommended to GRANT CONSENT FOR WORKS TO TREES subject to the following conditions:

1. The works covered by this consent must be begun not later than the expiration of two years beginning with the date of this consent.

   Reason: To enable the circumstances to be reviewed at the expiration of the period if the consent has not been implemented, in the interests of Policy C14 of the Southend on Sea Borough Local Plan.

2. The works shall be carried out in accordance with BS 3998 (1989) by a suitably qualified person.

   Reason: In the interests of visual amenity and to protect the tree(s), pursuant to Policy C14 of the Southend on Sea Borough Local Plan.

3. The Oak trees to be felled shall be replaced with replacement trees, full details of which, including its location, size, species and time of planting shall be first agreed in writing by the Local Planning Authority prior to the Oak trees removal. The replacement trees shall be planted and permanently retained in accordance with the agreed details.

   Reason: In the interests of visual amenity and to protect the tree(s), pursuant to Policy C14 of the Southend on Sea Borough Local Plan.
**Reason for Approval**

This permission has been granted having regard to Core Strategy DPD Policies KP2 and CP4, Policy C14 of the Southend-on-Sea Borough Local Plan, the principles contained within the Design & Townscape Guide SPD and all other material considerations. The carrying out of the development permitted, subject to the conditions imposed, would accord with those policies and in the opinion of the Local Planning Authority there are no circumstances which otherwise would justify the refusal of permission.

**Informative:**

1. The Council accepts no responsibility for any possible damage related to this permission.
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<thead>
<tr>
<th>Reference:</th>
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</thead>
<tbody>
<tr>
<td>Ward:</td>
<td>Eastwood</td>
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<tr>
<td>Proposal:</td>
<td>Alter roof and front elevations, erect roof extension to rear with glazed doors onto roof terrace (amended proposal)</td>
</tr>
<tr>
<td>Address:</td>
<td>87 Green Lane, Leigh on Sea, Essex, SS9 5QU</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mr Anthony Martin</td>
</tr>
<tr>
<td>Agent:</td>
<td>Mr Mark Booker</td>
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<tr>
<td>Consultation Expiry:</td>
<td>10 August 2011</td>
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<td>Expiry Date:</td>
<td>21 September 2011</td>
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<tr>
<td>Case Officer:</td>
<td>Claire Taylor</td>
</tr>
<tr>
<td>Plan numbers:</td>
<td>MB/0087/001A, MB/0087/002C, MB/0087/003F, MB/0087/004E</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>Grant Planning Permission</td>
</tr>
</tbody>
</table>
1  The Proposal

1.1 Planning permission is sought to alter the roof and front elevations, erect roof extension to the rear with glazed doors onto the roof terrace at 87 Green Lane, Leigh on Sea. This is an amended proposal.

2  Site and Surroundings

2.1 The application site is located on the northern side of Green Lane; a predominantly residential street made up of similar size detached two storey dwellings. The application property is a modest, two storey dwelling characterised by a projecting front gable with a single storey, flat roof garage and porch extension to the frontage. Whilst the design of neighbouring properties is mixed, there are a number of key characteristics which provide a sense of unity. The building line in the street is consistent, with properties being set back from the street, allowing for front boundary walls, large front gardens and hard standing to the frontage. The majority of properties are defined by front or side gabled roofs with integral garages.

3  Planning Considerations

3.1 The main considerations of this application are the principle of the development, flood risk, design and impact on the character of the area, impact on residential amenity, traffic and transportation issues.

4  Appraisal

Principle of Development:

Planning Policy Statement 1, Planning Policy Statement 3; East of England Plan policy ENV7; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11, H5 and the Design and Townscape Guide SPD1 (2009)

4.1 The principle of the development is assessed against Planning Policy Statement 1, Planning Policy Statement 3; East of England Plan policies ENV7; DPD (Core Strategy) policies KP2, CP4; Borough Local Plan policies C11, H5 and the Design and Townscape Guide SPD1. The principle of development is considered acceptable subject to other detailed material planning considerations as outlined below.
Design and impact on the character of the area

Planning Policy Statement 1, Planning Policy Statement 3; East of England Plan policies ENV7; DPD1 (Core Strategy) policies KP2, CP4; Borough Local Plan policies C11, H5 and Design and Townscape Guide SPD1.

4.2 The proposal is considered in the context of the Borough Council policies relating to design including Core Strategy DPD Policy KP2 and CP4, Borough Local Plan Policy C11 (New Buildings, Extensions and Alterations) and H5 (Residential Design and Layout Considerations), and the Design and Townscape Guide. These policies require that alterations and extensions to properties respect the existing character and appearance of the building and the townscape. Specifically with regard to dormers, the Design and Townscape Guide requires that dormers should appear incidental to the roof slope.

4.3 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.

4.4 The application seeks permission to alter the existing roof from a hip to full gable on both flank walls of the existing property. The proposal is considered to relate successfully to the existing dwelling and will not appear out of character with the streetscene, given the neighbour to the west, no 85 Green Lane has a full gabled roof. However, it should be noted the design of properties in Green Lane is mixed.

4.5 It is proposed to create an area of additional floor space in the roof by the proposed flat roof dormer. Amended plans have been submitted following Officer concerns regarding the scale and bulk of the dormer. The scale and width of the rear dormer has been reduced and the size of the windows/openings reduced. Whilst the proposed dormer is still long, the scale and bulk has been reduced and as such, its visual impact will be minimised.

Impact on Residential Amenity

Planning Policy Statement 1, DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11, H5 and the Design and Townscape Guide SPD1

4.6 The proposal is considered in the context of Policy CP4 of the Core Strategy (DPD1) and Policy H5 of the Borough Local Plan, 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.
4.7 Third parties have raised concerns regarding the formation of additional glazed doors onto the existing first floor balcony and the erection of a roof terrace at second floor in relation to loss of privacy and overlooking of neighbouring properties. It should be noted that whilst three glazed doors will be created in the rear dormer, each of the doors will have a Juliette balcony and therefore will not project beyond the rear elevation of the dormer. Therefore, it is not considered there will be any additional impact on the neighbouring properties by way of loss of privacy or overlooking.

5 Development Plan

5.1 Planning Policy Statement 1 (Delivering Sustainable Development), Planning Policy Statement 3 (Housing).


5.4 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations).

5.5 SPD1 Design & Townscape Guide 2009.

6 Planning History

6.1 Fell two oak trees to front. Pending (11/00717/TPO).

6.2 Alter roof and front elevation; erect roof extension to rear with glazed doors onto roof terrace (amended proposal). Refused 21 April 2011 (11/00241/FULH) for the following reason:

“1. The proposed development, by reason of its unsatisfactory design, excessive scale and bulk would result in an overbearing and incongruous style of development out of character with and detrimental to the character and appearance of the dwellinghouse and wider street scene contrary to Policies KP2 and CP4 of the Core Strategy (DPD1), Policies C11, H5 and H6 of the Borough Local Plan and advice contained within the adopted Design and Townscape Guide (SPD1) and Planning Policy Statement 1 and Planning Policy Statement 3.”

6.3 Alter roof, erect roof extension to rear with glazed doors onto roof terrace. Withdrawn (10/01816/FUL).

6.4 Fell 2 oak trees. Refused 3 September 2010 (10/01344/TPO).

6.5 Erect conservatory at rear. Granted 19 March 2007 (07/00105/FULH).

7 External Consultation

The Airport Director

7.1 No comments received.

8 Internal Consultation

Design and Regeneration

8.1 The plans have been amended following previous discussions with Officers. The rear dormer although still long, has now been reduced in scale and as such the impact has been minimised. Concerns with the design roof form (i.e. full gable) as raised previously with the applicants have been addressed. No objections to a gable roof.

9 Publicity

9.1 Nine neighbouring properties have been consulted. Three responses have been received objecting to the proposal and one response in support of the application. The objections are as follows:

- The visual impact of the proposal is out of keeping with surrounding properties and a dominant/overbearing feature when viewed from nearby properties and in the street scene.
- The revised application is very similar to the previously refused proposal.
- The loft extension represents an overdevelopment of the site.
- Raising the side flank walls to form gable ends would create a crowded/overbearing appearance in relation to adjacent properties.
- The felling of the two oak trees to the front of the property would only exacerbate the scale and dominance of the proposal as it would lose its natural screening [officer comment: there is an application pending for the felling of two oak trees at the front of the property].
- The formation of one large balcony, serving not only a bedroom, landing area and bathroom, at second floor level will give rise to affecting neighbours privacy and enjoyment of their gardens.
- The proposal to install additional glazed doors onto the first floor balcony is similarly unacceptable for the same reasons with regard to loss of privacy. T
- The design of the front elevation will appear over bearing and dominant in the street scene and out of character with other properties in Green Lane.
- The property has already been extended to the rear at ground floor level by the addition of a living room and conservatory across the full width of the property. There is also a large roof terrace over the existing extension which overlooks neighbouring properties resulting in loss of privacy.
- A condition was attached to planning permission SOS/86/0502 for the erection of a single storey extension, which stated that the flat roof of the rear extension shall not be used as an amenity or sitting out area. The prohibition of usage should be permanently maintained and the condition
enforced. [Officer comment: Such works do not form part of the current application and will be subject to a separate enforcement investigation].

Ward Councillor

9.2 Cllr. Walker requested this application to be considered at Development Control Committee.

10 Recommendation

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

1. 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)

2. The development hereby permitted shall be carried out in accordance with the following approved plans: MB/0087/001A, MB/0087/002C, MB/0087/003F, MB/0087/004E (C01D)

   Reason: To ensure that the development is carried out in accordance with the policies outlined in the Reason for Approval. (R01D)

3. 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. (C23D)

   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 East of England Plan 2008 policy ENV7, DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy C11, and SPD1 (Design and Townscape Guide). (R23DA)
11  Reason for Approval

This permission has been granted having regard to East of England Plan Policy ENV7, Core Strategy DPD1 Policies KP2 and CP4, Policies C11 and H5 of the Southend-on-Sea Borough Local Plan, the principles contained within the Design & Townscape Guide SPD1 and all other material considerations. The carrying out of the development permitted, subject to the conditions imposed, would accord with those policies and in the opinion of the Local Planning Authority there are no circumstances which otherwise would justify the refusal of permission.

Informative

1. This decision does not grant planning permission for use of the flat roof of the rear extension to be used as an amenity or sitting out area.
Reference: SOS/11/00721/FUL

Ward: West Shoebury

Proposal: Demolish outbuildings, erect a three storey rear extension, construct a new second and third floor with alterations to the elevations to create a retail unit at ground floor level (class A1) and eight self-contained flats at first, second and third floor levels. In addition layout night car parking spaces and provide a cycle and bin store

Address: 101 Ness Road, Shoeburyness, Southend on Sea, Essex, SS3 9DA

Applicant: Daniel Nyman

Agent: ACS Design Associates

Consultation Expiry: 12 August 2011

Expiry Date: 26 August 2011

Case Officer: Claire Taylor

Plan numbers: 2513/SK/01, 2513/TP/01, 2513/TP/02, 2513/TP/03B, 2513/TP/04F, 2513/TP/05E, 2513/TP/07, 2513/TP/09

Recommendation: Refuse Planning Permission
1 The Proposal

1.1 An amended proposal has been submitted seeking to demolish the outbuildings at the rear of the site, erect a three storey rear extension and construct a new second and third floor and alter elevations of the former cinema building at the junction of Ness Road and Grove Walk. It is proposed to use the ground floor as a retail unit (Class A1) and form eight self-contained flats on the first, second and third floors and layout nine car parking spaces with a cycle and bin store. In terms of dimensions, it would measure 13m wide, by 26m deep and 11.5m high, occupying a plot of 13.5m deep by 35m wide. This follows a previously approved scheme although the application proposed to accommodate one additional residential unit replacing the retail storage area which was originally approved on the first floor.

1.2 The proposed building would have 266sqm of retail space within use class A1, integral bin storage, storage for nine bicycles and nine car parking spaces at ground floor with eight self-contained flats on the upper three floors. The flats consist of three no., three bedroom flats, four no., two bedroom flats and one no., one bedroom flat. Vehicular access to the site will be gained from Grove Walk to the rear.

1.3 The rectangular shaped, flat roofed building would be of a contemporary design with balconies, roof terraces and extensive use of glazing on both Ness Road and Grove Walk frontages.

2 Site and Surroundings

2.1 The site occupies a corner plot at the junction of Ness Road and Grove walk on a commercial strip to the southern end of Shoeburyness District Centre. The main entrance would be along Ness Road with vehicular access and parking provided via Grove Walk.

2.2 It is located between a residential area to the west and an industrial area to the east. To the north, along Ness Road lie 2 storey terraced properties with commercial uses at ground floor comprising a motor parts retail shop (A1), betting shop (A2), an estate agent (A2), a takeaway (A5) and a café (A3). The upper floors of these premises are either in residential use or used ancillary to the ground floor businesses. To the west, opposite the application site is the Conservative Club and a two storey block of residential properties further to the south. To the south east along Campfield Road are a public toilet, a pharmacy, GP surgeries and an ambulance station.

2.3 The building was designated a locally listed building on 22 April 2009, as it is considered to be an important part of the history and development of Shoeburyness. In particular the front façade with its distinctive curved moulding is an interesting example of early 20th century architecture that clearly indicates the building’s history. This façade makes a significant contribution to the local townscape.
2.4 The site lies within a Secondary Shopping Frontage as defined on the Local Plan and also within Flood Zone 3 in accordance with PPS25 and the Environment Agency’s (EA) Flood Risk Map.

3 Planning Considerations

3.1 The main considerations of this application are the principle of the development, flood risk, design and impact on the character of the area, impact on residential amenity, traffic and transportation issues.

4 Appraisal

Principle of Development:


4.1 The site lies in an area of mixed commercial and residential uses. Policy S5 of the Local Plan recognises the contribution which certain non-retail uses can make to the attraction of shopping centres. PPS4 advises that variety and activity are essential elements of the vitality and viability of town centres.

4.2 Policy S9 seeks to protect the character and value of retail frontages where they contribute to the retail function of an area. Within defined Secondary Frontages, Policy S5 recommends that non-retail uses would be permitted except where this would be likely to isolate other shops from the bulk of the shopping frontages or from the main pedestrian flows, would adversely affect residential amenities by way of noise, disturbance or the emission of smells and fumes.

4.3 It is noted that the proposal would retain the retail use at ground floor and as such the proposal would not result in the loss of retail use within this defined shopping frontage. It is also noted that adjoining commercial premises have residential uses at upper floor levels. This would suggest that the proposed mixed use development offering retail use at ground floor and residential at upper floors would be in keeping with the surrounding area and thus the proposed development is considered acceptable in principle, given a mixed use development has recently been granted planning permission at this site. The acceptability of the proposal however, is subject to other detailed material considerations outlined below.
Flood Risk

Planning Policy Statement 25; East of England Plan Policy SS9 and WAT4; DPD1 (Core Strategy) Policy KP2

4.4 The site lies within Flood Zone 3 (high risk zone). The applicant has submitted a Flood Risk Assessment (FRA) and Flood Evacuation Plan. Much discussion has previously taken place between the applicant, the Environment Agency (EA) and Officers in order to address the flood risk at the site.

4.5 PPS25 requires the proposed development to pass the requirements of the sequential test and exceptions tests (in order to identify whether the site is suitable for development). The site falls within Shoeburyness, as identified under Policy KP1 of the adopted Southend on Sea Core Strategy. This area is promoted as an area for regeneration and growth, and has been through Strategic Flood Risk Assessment which fed into the Core Strategy. This established that further development in this area may be acceptable, and a total of 1400 new homes have been earmarked for Shoeburyness up to 2021. Based on the Core Strategy allocation and an assessment of available sites within the area, the proposal is considered to pass the sequential test.

4.6 The proposal would also provide wider sustainability benefits, such as incorporating SUDS and sustainable construction techniques, as well as making more efficient use of the land. It would be on previously developed land and as such it is considered the proposal meets the sequential and Part A and B of the exceptions test, which is required by PPS25.

4.7 The development would have a finished floor level of 6.3m above ordnance datum (AOD), which will give a 0.1m above the EA’s recommended minimum level. All services (gas, electric etc) would be set above the flooding level set by the EA and thus in the event of a major flooding event, the habitable areas and the residential function of the building itself would remain operational.

4.8 Part C of the exception test set out in PPS25 requires development to be safe in the event of a flood. It is considered a safe haven should be provided which is above the 1:1000 flood level. The habitable residential units and communal terrace on the upper floors of the proposed development would provide such an area. The FRA was unable to demonstrate that dry access and egress could be provided to residents in the event of a flood caused by breaching of flood defences on the Shoebury Garrison site. Therefore, the effect this could have on safety must be considered. PPS25 paragraph 5 indicates that where new development is necessary in high risk areas, policy aims to make it safe without increasing flood risk elsewhere and, where possible, reducing the risk overall. Paragraph 8 refers to the inclusion of safe access and escape routes, “where required” and the 2009 Practice Guide to PPS25 at paragraph 4.61 advises that a means of safe access and escape may not be an absolute necessity in all circumstances if other measures are in place. The applicant has provided a drawing showing an escape route to a dry refuge area along Seaview Road to the west of the application site,
however, this would not remain dry. Although, this would require evacuees to pass through non-dry areas, evacuees would have 42 minutes to exit the application site before safe access and egress is cut off (by way of a flood warning system), which is considered to be a reasonable time to vacate the property in the event of a flood.

4.9 DEFRA/EA guidance recommends egress routes should remain dry at all times, however, where this is not possible the route should not have any service covers or other obstacles along its route that could be hidden by floodwater. The surface covers have been surveyed along the route and such a route is available along Seaview Road, which is included within the draft evacuation plan submitted. A condition is recommended requiring this to be made available to residents. Subject to this condition and flood warning measures being put in place the proposal is considered to pass part C of the exceptions test, and comply with the above policy.

4.10 Although, this is not an ideal situation, the risks associated in the event of a flood, are considered to be low taking into account the matters discussed above. This solution has been accepted at this site previously.

Design and impact on the character of the area


4.11 Policy H7 of the BLP recognises the importance of these types of development in making optimum use of the town's limited land resources, as long as new flat developments achieve good standard of accommodation, design and layout. This is reinforced by PPS3 which encourages the efficient use of urban land to provide “high quality housing that is well-designed and built to a high standard”.

4.12 Policy C11 of the BLP states that new buildings and extensions or alterations to existing buildings should be designed to create a satisfactory relationship with their surroundings in respect of form, scale, massing, height, elevational design and materials.

4.13 The site lies at a prominent corner location and is capable of accommodating a slightly increased scale than the adjoining two storey buildings. The proposed development will have the principle elevation facing onto Ness Road and therefore, will make a positive contribution to the street scene. In particular, the front façade, with its distinctive curved mouldings, has been designed to retain the existing historic frontage of the building and this has been used to inform the redevelopment of the rear of the site. The design of the proposed development is that of an art deco style addition which has captured the character of the original building and will make a positive contribution to the character of the area.
4.14 In terms of fenestration, the vertical windows which span the first and second floors on the side elevation (south) have been amended to reflect the proportions of the other windows on this south facing elevation. As such, the style of fenestration is more in keeping with the overall design and is more compatible with this style of architecture.

4.15 It is proposed to use different materials to create articulation and form an active frontage to both Ness Road and Grove Walk. The attention to detail, such as the use of materials and detailing (including the penthouse roof, windows, balconies, glazed stair enclosure, shop front and door detailing) will ensure the proposed development makes a positive contribution to the character of the street scene and wider area.

4.16 The building is locally listed as it is perceived by many as historically important with significant historical and architectural merit. Therefore, particular regard must be had to the design. For the reasons discussed above, it is considered that the proposed design is of a high quality that has captured the detailing and character of the original former cinema building.

4.17 The proposal therefore complies with the relevant policies contained in PPS1, PPS3, policies C11 and H5 of the BLP and Design & Townscape Guide SPD.

**Impact on Residential Amenity**

Planning Policy Statement 1, DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11, H5 and the Design and Townscape Guide SPD

4.18 There is a minimum distance of 6m between the side of the proposed development and existing residential occupiers on Ness Road, namely no. 97. Given the orientation of properties and internal arrangement of the residential units in terms of the siting of windows, the proposal will not give rise to overlooking or loss of privacy. This is also considered the case with regard to the commercial unit as the shop front will face Ness Road and Grove Walk.

4.19 The Design and Townscape Guide advises that services, ventilation and air handling equipments should be an integral element of the building design. It is noted that the ground floor retail area, by reason of its size (266sqm) and location within this vibrant district centre may attract a medium/large retail operator.

4.20 It is noted that no details of ventilation and air handling equipment have been submitted with this application. In the absence of these details it is not possible to assess whether such equipment would be satisfactorily accommodated within the building without creating adverse impact on the future occupiers of flats by reason of noise. However, should the application be approved, these issues can be safeguarded by the imposition of a condition.
Standard of Accommodation


4.21 In the previously approved scheme each residential flat has 65 to 92sqm in size, had its own private balcony and access to a communal terrace measuring 50sqm in size. All rooms were considered to be of adequate size suitable for their function and no objections raised to the internal room layouts. However, with regard to the additional two bedroom flat now proposed at first floor, each of the bedrooms would look out onto small voids created in the north west elevation of the proposal. This is also the case with the kitchen. Whilst it is acknowledged that a high level window is proposed on the rear elevation to serve the lounge to avoid overlooking and loss of privacy to residents to the north, this limits the outlook from this room, thereby creating a substandard level of living accommodation overall. This is considered to be to the detriment of the amenity of future occupiers of the proposed flat. Furthermore, no private amenity space is provided nor does it have its own private balcony unlike the previously approved units.

4.22 The commercial element is located at ground floor. The amended proposal seeks to replace the retail storage which was originally located on the first floor. Whilst, no details have been provided as to where the retail storage area will be relocated on the ground floor the standard of accommodation is considered to be acceptable for the proposed retail use of this building.

Highway Implications

Planning Policy Statement 1, Planning Policy Guidance Note 13; East of England Plan policies T1, T2, T3; DPD1 (Core Strategy) policies KP2, CP4, CP3; BLP policies T8, T11; EPOA Parking Standards and the Design and Townscape Guide SPD1.

4.23 Policy T11 of the Borough Local Plan states that permission will not normally be granted for any development which would be likely to give rise to additional demand for on-street parking, particularly in residential areas, unless satisfactory and convenient alternative provision is made.

4.24 Nine off street parking spaces are proposed for the mixed use development. This is considered to be acceptable given its district centre location, which is considered to be sustainable in terms of access to public transport. Shoebury Railway Station is within walking distance (approximately 700m) together with bus routes operating along Ness Road. The application site is also within walking distance of the town centre. Therefore, it is considered that the parking provision complies with policy and is not likely to result in on-street parking stress.
4.25 A cycle store is proposed at the rear of the commercial building which will provide secure parking for 9 cycles. It is considered that this is satisfactory provision, the details of which can be conditioned.

4.26 In light of the above, the proposal satisfies Policies T8 and T11 of the Local Plan.

**Sustainable Construction**

**Planning Policy Statement 1; East of England Plan Policy ENV7; DPD1 (Core Strategy) policies KP2 and the Design and Townscape Guide**

4.27 Whilst details relating to information on the use of renewable energy have not been submitted, it is considered policy requirements can be met. Full details can be conditioned in order to meet the provisions of Policy KP2 of the Core Strategy which states that at least 10% of the total energy needs of a new development should be provided through renewable energy sources.

4.28 In response to Sustainable Urban Drainage Systems (SUDS), the principles of this will be followed as far as possible in order to minimise the discharge of storm water from the site into the public drainage system. A full scheme of SUDS can be conditioned if planning permission were to be granted, for example to ensure that all new hard standing is constructed of a permeable material to prevent water run-off from the site.

5 **Development Plan**


5.2 East of England Plan (2007) ENV6 (The Historic Environment), ENV7 (Quality in the Built Environment), T3 (Managing Traffic Demand), ETG4 (Southend on Sea Key Centre for Development and Change).

5.3 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP8 (Dwelling Provision).


5.5 SPD1 Design & Townscape Guide 2009.

6 Planning History

6.1 Demolish existing outbuildings, erect a three storey rear extension, construct a new second and third floor with alterations to the elevations to create a retail unit at ground floor level (class A1) and seven self-contained flats at first, second and third floor levels. In addition layout eight car parking spaces and provide a cycle and bin store. Granted 9 February 2011 (09/01801/FUL).

7 External Consultation

The Environment Agency

7.1 The Flood Risk Assessment (FRA) submitted in support of the application has demonstrated that the site is defended to a level in excess of 1 in 200 year tide level including allowances for future climate change. Furthermore, all habitable residential areas within the building are proposed at levels above modelled floor levels in the event of a breach in the nearby flood defences.

7.2 Provided that the Local Planning Authority is satisfied that the development can be made safe and hence pass Part (c) of the Exceptions test through the Flood Response and Evacuation Plan submitted, our objection to this application on the grounds of flood risk can be removed. [Officer comment: see paragraphs 4.8 and 4.9 above.]

Shoebury Residents Association

7.3 No comments received.

EDF Energy

7.4 No comments received.

8 Internal Consultation

Design and Regeneration

8.1 The application includes some amendments to the previously submitted plans. To reiterate previous design comments it is pleasing to see the existing historic frontage of the building retained as part of this application. This has been used to inform the redevelopment of the rear of the site. Overall, the proposed design is an art deco style building which has captured the character of the original cinema building. Attention to detail should help to ensure it makes a positive contribution to the character of the streetscene.
8.2 The previously approved proposal has been amended to accommodate one additional residential unit. It is proposed that this replaces the retail storage area which was originally located on the first floor. Whilst there is no significant objection to the loss of the retail storage area at first floor (provided it is relocated in a suitable location on the ground floor) there are some concerns with the quality of residential accommodation provided in its place. The following issues are of concern:

- Outlook of bedrooms 1 and 2 and kitchen onto small voids created in the side of the building.
- High level window to lounge area giving also giving limited outlook
- Lack of any private amenity area i.e. balcony associated with this unit.

8.3 If this application (in its amended form) is considered acceptable then the following conditions should be included to ensure that the special historic character of this locally listed building is retained.

- All materials and detailing (including penthouse roof, windows, balconies, privacy screen, glazed stair enclosure, balustrade to communal terrace, shopfront, door detailing to residential entrances, shopfront and bin store).
- Colours
- Signage detailing to the main building including building name, residential and shopfront signage. No vinyl or atm to shopfront.
- Full details and agreement of proposed street trees to the frontage
- Minimum of 10% energy to be generated by on site renewable sources, in line with Policy KP2 of the Core Strategy
- Moulding details to match the existing building
- Details of hardstanding materials to car park, these should be good quality and permeable
- Detail of landscaping to terraces and the rear parking area
- Wording, design, materials and location of the historic information plaque
- Lighting

Traffic and Highways

8.4 Proposed parking provision meets current guidance. The proposed footway would need to be constructed either under licence or by way of a Section 278 agreement. Construction details of footway to be technically approved by the Council before construction work commences.

Parks and Open Spaces

8.5 No comments received at the time of writing this report.
Environmental Health

8.6 No comments received at the time of writing this report.

9 Publicity

9.1 Site notice displayed and thirteen neighbours have been notified of the proposal. One response has been received enquiring what the main planning considerations are in the determination of the application.

10 Recommendation

Members are recommended to REFUSE PLANNING PERMISSION for the following reason:

1. The proposed first floor flat, labelled ‘flat 4’, by reason of its poor outlook and lack of private amenity space would be to the detriment of living conditions of future occupiers and not respect a high standard of design contrary to Policies KP2, CP4 and CP8 of the Core Strategy, Policies C11, H5 and H10 of the Borough Local Plan, the Design and Townscape Guide and Government guidance contained within Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 3: Housing.
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<tr>
<td><strong>Ward:</strong></td>
<td>Eastwood Park</td>
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<tr>
<td><strong>Proposal:</strong></td>
<td>Fell one Oak Tree and prune Oak Tree closest to 21 Blatches Chase</td>
</tr>
<tr>
<td><strong>Address:</strong></td>
<td>23 Blatches Chase, Eastwood, Leigh-On-Sea, Essex</td>
</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td>Marishal Thompson Group</td>
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<td><strong>Agent:</strong></td>
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<td><strong>Case Officer:</strong></td>
<td>Darragh Mc Adam</td>
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**Plan or Document No’s:**
- Site Plan
- Engineers Report by GHG Engineers
- Site Investigation Report by MAT LAB (dated 14-Sep-09)
- Site Investigation Report by MAT LAB (dated 09-Dec-09)

**Recommendation:**
Grant Consent to Fell Tree (T1) and Prune Tree (TG1)
1. The Proposal

1.1 Permission is sought to fell an oak tree, and prune an oak tree (including removal of stem closest to No. 21) to the rear garden of 23 Blatches Chase. The trees are contained within an area Tree Preservation Order. The tree to be removed is referred to as T1 and the tree to be pruned is referred to as TG1.

1.2 It is claimed the proposed works to the two trees are necessary to as a result of structural damage caused to No. 21 Blatches Chase. This damage includes vertical separation cracking (internally and externally) between a rear single storey kitchen extension and the main property. It is also claimed there is evidence of minor movement to the front right hand corner of the main part of the property.

1.3 This application was deferred for consideration from the Development Control Committee meeting held on 20th July 2011, with the reason for deferral being to request DNA evidence from the applicant’s agent in order to connect roots under the dwelling with the tree in question which it is proposed to fell.

1.4 DNA evidence was requested, but the applicant’s agent has responded with the view that DNA evidence is unwarranted in this case. The response of the agent is summarised below:

‘T1 Oak is clearly within influencing distance of TH1 and as the only large Oak proximate to the rear of the property will be the source of the root material found; there can be no ambiguity over origin in this instance.

With regards to TG1, we have recommended the removal of only one of the two trees. This is based on the fact that the closer tree will likely have acted to deflect roots from the further tree away from the property.

That Oak is closer to the area of damage and therefore on the balance of probability will be the origin of the root material found.

DNA evidence may result in the removal of both trees as, should the root material be linked to the further tree then it is very likely insurers will seek the removal of both that and the CLOSER tree.

It is highly unlikely the council would be able to successfully defend any refusal to allow removal of the closer Oak tree whilst consenting to the further given they are both of equal stature.

From our observations on site it is clear that these trees are the origin of the root material found; DNA would only serve to confirm what is known (albeit at a significant extra expense) no further information would be provided on which the council could formulate a decision.

We will be advising our clients not to undertake DNA analysis and would ask that the
1.5 At the Development Control Committee meeting held on 20th July 2011, the issue of a root barrier was suggested which could possibly resolve damage to No. 21. However such a root barrier would need to be constructed in the grounds of No. 23 and on land outside the control of the applicant. It is noted that damage has not been reported to No. 23 as this property has been underpinned twice (in 1983 and 1999).

2 Site and Surroundings

2.1 Blatches Chase is a residential cul-de-sac located to the north of White House Road. The trees are located in the rear garden of No. 23 which is the furthest house to the north on Blatches Chase and adjoins playing fields belonging to Heycroft Primary School. No 21 Blatches Chase is located directly to the south of No. 23. There are a number of mature trees to the north of Blatches Chase. These trees line the southern boundaries of Heycroft Primary School lands and Scotts Park. Land in the area slopes down to the south.

2.2 Other than the primary school, land surrounding the trees is in residential use. Land in the area slopes down to the south.

3 Planning Considerations

3.1 The main planning considerations relates to whether the proposed works are considered essential to maintain the health and amenity value of the tree and whether the proposed works would be detrimental to the tree’s health and amenity value within the area. Also of consideration is whether the works to the tree are necessary for the prevention or abatement of a nuisance. Case law has concluded that a nuisance must be an actionable nuisance (i.e. causing damage) rather than simply causing a nuisance (i.e. causing leaf litter to fall into a property). Trees the subject of tree preservation orders should be protected from felling unless it is absolutely necessary.

4 Appraisal

Core Strategy Policies KP2 and CP4, Borough Local Plan (BLP) Policy C14, and SPD1.

4.1 Policy C14 of the BLP seeks to preserve trees and planted areas which contribute to the townscape of an area. Applications will be required to respect existing trees.

4.2 The subject tree is reasonably prominent from Blatches Chase. The tree is a mature species with large crown. The tree is part of a run of similar trees which have similar height and separation distances. The trees provide pleasant foliage and are considered to have amenity value.
4.3 Two trial pits and a bore hole were excavated at the property. A CCTV survey of drains was also undertaken. Roots of up to 1mm were located beneath the foundations in trial hole 1. No roots were located in trial hole 2. A borehole was dug in trial hole 1 and soil and root samples were taken. It was not possible to dig a borehole beneath trial hole 2. Section 7 of the Engineering Report submitted concludes that the rear extension is supported on reasonable depth foundations bearing onto cohesive clay which contained roots from nearby vegetation. The view is therefore formed that damage to No. 21 is most likely attributed to tree root induced clay shrinkage damage.

4.4 Two Site Investigation Reports submitted show evidence of 1mm oak tree roots under trial hole (at a depth between 0.55 – 4m). The applicant is of the view that tree T1 is causing the damage. In addition, due to the size and location of TG1, it is the opinion of the applicant that this is likely to be a significant factor relating to damage at the front right hand corner of the property.

4.5 It is considered that reasonable justification has been provided to fell T1 and prune TG1. The Council’s Arboricultural Officer and Structural Engineer have assessed the information submitted and have no objection.

5 Representation Summary

Public Consultation

5.1 Two neighbours notified of the application. A site notice was also displayed near the tree. One response was received on behalf of a number of residents in Sunnybank Close objecting to the application and raising the following points:

- Damage described suggests poor building quality and shallow strip foundations
- Engineering report suggests only a possible connection between damage and the oak trees.
- Drainage around the house should be investigated.

Design and Regeneration

5.2 No response received.

Parks / Trees

5.3 Summarised as follows:

- The tree roots sampled at both the rear and front of the property were analysed and identified as *Quercus* and possible other broadleaved species to the front, and *Quercus* and *Ceanothus* at the rear. There is agreement with the arboricultural report provided that the *Ceanothus* roots are of no consequence in the damage to the property being investigated. As the oak trees located in the rear and front garden are the only oaks in the vicinity the roots must originate from them.
• Soil samples taken from the rear extension right hand corner trial pit were tested and shown to be shrinkable clay in nature with a plasticity index ranging between 45 -50%, which is high potential for volume change. Further tests indicated that the soil is desiccated below the level of the foundation depth.

• The soil samples taken from the front right hand corner bore hole were tested and shown to be shrinkable clay in nature with a plasticity index ranging between 16% (low) and 45% (high). Suction tests on the soil showed a peak at a depth of around 2.25m, indicating that the soil is most desiccated at this point below the area of damage to the property. The foundation type and depth has not been provided for this area but as roots were found to a depth of 4.0m there will be tree roots active below foundation depth.

• The level monitoring readings show that a cyclical pattern of movement is occurring which confirms that the cause is vegetation extracting moisture from the soil beneath the foundations leading to clay shrinkage.

• In light of the above, it is considered that sufficient evidence has been provided to demonstrate that the oak trees in the garden of No. 23 Blatches Chase are causing the subsidence event to the property by extracting moisture from the soil beneath the foundations. Therefore there is no objection to the approval of the application.

**Structural Engineer Building Control**

5.4 Damage is classified as Category 3 (with Category 0 being a small level of damage and Category 5 being structural damage requiring major repair work).
- Both T1 and TG1 are slightly older than the property.
- The Engineer could not establish the cause of possible movement to the right hand corner of the property. CCTV drain survey was not carried out to downstream drainage from inspection chamber No. 3 and 4.
- Building Control Records show that No. 23 was built in the 1970s and underpinned in 1983 and 1999.
- The recent cracks could have been initiated by the Pyracantha at 0.1m from the wall and the Ash sapling.

5.5 **Ward Councillor**

Cllr. Walker has requested that this application go before the Development Control Committee for consideration.
6  Conclusion

6.1 The justification for wishing to fell the trees is considered acceptable and the Council’s Arboricultural Officer has agreed with the justification. The plasticity value of soil in vicinity of the property demonstrates that the soil has high potential for volumetric change, and on balance it is considered highly probable that it is the oak tree roots causing structural damage to No. 21 Blatches Chase.

6.2 There is the potential that the Local Authority could be liable under the Town and Country Act 1990 (as amended) for costs as a result of property damage sustained if the application is declined, given the evidence provided by the applicant. It is acknowledged that the felling of the oak tree is regrettable, given its public amenity value. However, balanced against damage that has been caused to the property, it is considered that consent should be granted in this case. Therefore, it is considered necessary to impose a condition to require a replacement tree, full details of which, including location, size, species and time of planting to be agreed in writing by the Local Planning Authority prior to its removal.

7  Planning Policy Summary


7.2 Planning Policy Statement 1 (Delivering Sustainable Development).

7.3 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (Environment & Urban Renaissance).

7.4 Southend-on-Sea Borough Local Plan Policies C14 (Trees, Planted Areas & Landscaping).


8  Relevant Planning History

8.1 No recent planning history.
Recommendation

Members are recommended to GRANT CONSENT FOR WORKS TO TREES subject to the following conditions:

1. The works covered by this consent must be begun not later than the expiration of two years beginning with the date of this consent.
   Reason: To enable the circumstances to be reviewed at the expiration of the period if the consent has not been implemented, in the interests of Policy C14 of the Southend on Sea Borough Local Plan.

2. The works shall be carried out in accordance with BS 3998 (2010) by a suitably qualified person.
   Reason: In the interests of visual amenity and to protect adjoining trees, pursuant to Policy C14 of the Southend on Sea Borough Local Plan.

3. The Oak tree to be felled shall be replaced with a replacement tree, full details of which, including location, size, species and time of planting shall be first agreed in writing by the Local Planning Authority prior to the Oak tree’s removal. The replacement tree shall be planted and permanently retained in accordance with the agreed details.
   Reason: In the interests of visual amenity and the character and appearance of the conservation area, in accordance with Policies C4 and C14 of the Southend on Sea Borough Local Plan.

Reason for Approval

This permission has been granted having regard to Core Strategy DPD Policies KP2 and CP4, Policy C14 of the Southend-on-Sea Borough Local Plan, the principles contained within the Design & Townscape Guide SPD and all other material considerations. The carrying out of the development permitted, subject to the conditions imposed, would accord with those policies and in the opinion of the Local Planning Authority there are no circumstances which otherwise would justify the refusal of permission.

Informative:
1. The Council accepts no responsibility for any possible damage related to this permission.
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<td>Kursaal</td>
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<td>Proposal:</td>
<td>Erect infill extension at side, use hotel (Class C1) as training, resource and accommodation centre (Sui Generis) and alter elevations</td>
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<tr>
<td>Address:</td>
<td>103 – 107 York Road, Southend-on-Sea, Essex</td>
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<td>H.A.R.P</td>
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<td>Building Design Associates</td>
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<td>Sophie Glendinning</td>
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![Floor plan diagram with highlighted property]
1 **The Proposal**

1.1 Planning permission is sought to change the use of the premises from a hotel (Class C1), known as the Darnley Hotel, to a training, resource and accommodation centre (Class Sui Generis), in addition to erecting a small infill ground floor extension to the side elevation. The application has been made on behalf of the Homeless Action Resource Project (H.A.R.P), and it is intended that the premises would be used as a combined short stay day centre and emergency night shelter. The centre would provide 24 hour assistance to disadvantaged and vulnerable homeless people and would accommodate 16 bedrooms (a total of 21 bedspaces), together with living spaces, kitchen, bathroom and laundry facilities, a medical office, administration offices and associated training rooms. It is intended that the centre would replace the existing HARP day centre in Valkyrie Road and the existing 14 bed night shelter in York Road.

1.2 The premises would be operative 24 hours with the day centre services likely to run from 9.00 – 17.00 and the night shelter to run from 17.00 – 09.00 (visitors to the day service can therefore stay on should they require the night shelter as well). All the accommodation is ‘emergency’ accommodation although the lengths of stays vary. Stays generally last between one night and a month although this can be longer if people are waiting for appropriate housing with longer stays up to a maximum of 6 months (for a maximum of 10 people). With regards to the night shelter, this is utilised by clients referred from the day shelter – the applicant has advised that clients are not accepted on a ‘drop in’ basis during night hours. Associated training and activity groups for residents would be run within the premises also. Residents would have use of the rear garden.

1.3 Security measures would include CCTV, a security guard on site at night 7 days a week in addition to general staff on site from 09.00 – 21.00. Visitors would access the building via buzzer entry system operated by staff. A total of 5 full time staff would be employed at the premises.

1.4 The premises would accommodate 21 bedspaces. Some 25 people would be catered for at lunchtimes and there would be up to an additional 40 visitors to the premises at various points during the day to use the facilities and attend training courses.

1.5 With regards to the proposed ground floor infill extension, this is a small area of some 4.02sqm along the eastern side elevation which will consist of continuation of the existing flat roof and rendered flank wall. The extension would accommodate a boiler cupboard.
2 Site and Surroundings

2.1 The application premises comprise of a terrace of 3 two storey Victorian style properties situated on the northern side of York Road close to its junction with Queensway to the west and opposite St Leonards Road. The property was used as a hotel/guesthouse providing accommodation from at least the mid 1970s until it was closed in October 2005. The premise has two areas of hardstanding to the front which provides 6 on-site parking spaces. The property has a rear garden some 18.5m deep.

2.2 To the east of the application site is 109 York Road which contains residential flats. Immediately to the west of the site is 101 York Road which contains a two storey semi-detached residential property. The surrounding area is characterised by mixed uses including residential dwellings and HMO’s. There is currently also a night shelter operated by HARP located at No. 58 York Road (although this would be replaced by the application site) in addition to HARP’s administration offices at 117 York Road.

3 Background and Context

3.1 The following is a summary of the supporting information the applicant has submitted regarding the proposed use:

3.2 H.A.R.P is a charity combining the services of the former Southend Centre for the Homeless and Southend Night Shelter for the Homeless. This venture offers a broad range of services aimed at tackling the issues facing Southend's homeless. The main objectives of the charity are to provide homeless people with help and advice in securing accommodation, and to alleviate homelessness through the provision of short-term emergency accommodation which is done in conjunction with other statutory and non-statutory agencies.

3.3 The application site would allow HARP to fully integrate their services by providing additional short-term accommodation and expanding the training programmes. Health and community services within the same building would enable them to create a Centre of Excellence. The Valkyrie Road Day Centre has been the heart of the operation for some years. However, this building is now in a seriously dilapidated state and is no longer fit for purpose. Additionally, the lease on the Night Shelter in York Road expires this year and whilst there is an opportunity for a short term extension this does not give the stability needed for this service provision to the local community. The proposed use of the Darnley Hotel would allow the core services currently provided (night shelter and day centre) in two separate locations (York Road and Valkyrie Road) to be combined in one location thereby reducing the need for clients to travel between two sites.
3.4 By transferring the Day Centre to York Road from Valkyrie Road in Westcliff, as part of the proposed Accommodation and Training Centre HARP would be providing services at the centre of the need, as there are a number of existing residents housed by various agencies without support in the area. Through advice and meals services, it is hoped to attract some of the vulnerable residents living in York Road. This will give an opportunity to establish positive relationships with them and encourage them to get involved in ‘meaningful activity’ programmes, which aim to give people purpose and structure leading to more positive lifestyles.

3.5 A needs analysis has also been carried out which found the following:

- Rough sleeping has increased year on year from 50 in 2004-05 to 118 in 2009-10
- The demand for the night shelter facilities has increased by 30%
- There are believed to be in the region of 12 rough sleepers in the Borough at any one time that there is no suitable accommodation for.
- The number of people using the service continues to be in the region of 1700 per annum. Of these 50% will be in accommodation but are at risk of losing their tenancy or living in inadequate accommodation i.e without cooking or washing facilities. 50% will be in need of accommodation and are likely to be either sofa surfing or rough sleeping.
- 40% are aged 30 or younger
- 26% will have drug or alcohol issues. This has increased by 6% compared with last year.

4 Planning Considerations

4.1 The main planning considerations are the principle of the development, impact on residential amenity, traffic and transportation issues and refuse storage.

Principle of the Development


4.2 The existing lawful use of the premises is as a hotel. Policy L7 of the Borough Local Plan states that development which would involve the loss of any form of hotel/guest house accommodation in the Central Seafront Area and in Visitor Accommodation Areas as defined in the Proposals Map, and elsewhere in establishments of 20 or more bedspaces, will not normally be permitted unless:

(i) There is an overriding need for the development which cannot be met elsewhere
(ii) The development will enhance the quality and viability of the hotel/guest house;
(iii) There are overriding environmental reasons for the development

The application site is not within the Central Seafront Area nor is it within a Visitor Accommodation Area however the hotel has in excess of 20 bedspaces and therefore the principle of the loss of the accommodation facility should be considered.

4.3 Strategically the Council aims to deliver more accommodation provision to encourage visitors for longer periods; which would therefore increase the value to the visitor economy. It is also noted that the Southend-on-Sea Hotel Futures Study (2010) has recently been published which encourages the retention of the existing hotel provision within the borough. This locality has however not been highlighted as an area for the main focus of regeneration or encouragement for the provision of new hotels.

4.4 Policy H6 of the Borough Local Plan seeks to protect the residential character of streets by limiting the number of converted residential properties (including residential institutions and non-self contained accommodation) to no more than 10% of the total residential frontage in the street block. In this case the application site is already a non-residential property and as such the proposal would not result in the loss of a residential dwelling.

4.5 The applicant has claimed that the use of the property as a hotel is no longer viable, and that several attempts have been made to sell the hotel with no sale made. The applicant has provided a summary of the marketing history of the premises as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 2005</td>
<td>The property was decommissioned as a hotel. Owner started marketing the property and site for sale via various business contacts, but received no responses as a hotel.</td>
</tr>
<tr>
<td>January 2006</td>
<td>Removed from the non-domestic rating list.</td>
</tr>
<tr>
<td>February 2006</td>
<td>Refusal of Planning Application 05/01671/FUL to convert the hotel into 3 houses. Due to the poor trading record owner was aware that it would be difficult to sell the hotel as a going concern and therefore made this application to retain one of the properties to live in and sell the other two.</td>
</tr>
<tr>
<td>May 2007</td>
<td>Partner Properties &amp; Holmes Pearman were appointed joint agents</td>
</tr>
<tr>
<td>January 2008</td>
<td>Sale agreed with prospective buyers at £1,000,000</td>
</tr>
<tr>
<td>May 2008</td>
<td>Purchaser’s withdrawal from the sale</td>
</tr>
<tr>
<td>May 2009</td>
<td>Entered into Auction with Dedman Property Auctions, but failed to sell.</td>
</tr>
<tr>
<td>February 2010</td>
<td>Sale agreed with prospective buyers at £610,000</td>
</tr>
<tr>
<td>April 2010</td>
<td>Purchaser failed to progress</td>
</tr>
<tr>
<td>June 2010</td>
<td>6 month option granted to HARP for £15,000</td>
</tr>
<tr>
<td>January 2011</td>
<td>Option extended for one month</td>
</tr>
<tr>
<td>April 2011</td>
<td>Exchange of contracts at £610,000 conditional upon</td>
</tr>
</tbody>
</table>
HARP obtaining change of use for a combined Accommodation and Training Centre

The applicant has also submitted evidence the property was marketed by Rightmove at £950,000 in 2009 and is currently advertised on Rightmove at £725,000.

4.6 The applicant has also stated that a significant amount of work would be required internally and externally in order for the premises to be useable as a hotel and its continued vacancy has resulted in vandalism.

4.7 It is also noted that the location of the premises is not considered to be in a location which is particularly successful for visitor accommodation given its relative distance from tourist facilities when compared to other accommodation in the town. It is noted that the Travelodge in the town centre have since opened in addition to the Park Inn hotel since the Darnley Hotel closed. It is noted that the premises is not within a visitor accommodation area and nor is it in the Central Seafront Area. Given the marketing information which has been submitted and the existing condition of the hotel and its location, it is considered that in this instance the loss of the hotel is acceptable in respect of Policy L7.

4.8 Policy H6 of the Borough Local Plan seeks to protect the residential character of streets by limiting the number of converted residential properties (including residential institutions and non-self contained accommodation) to no more than 10% of the total residential frontage in the street block. In this case the application site is already a non-residential property and as such the proposal would not result in the loss of a residential dwelling.

4.9 Core Strategy Policy CP6 advocates the need to ensure the needs of all social groups are met and that health and social care facilities are provided for. Policy U10 of The Borough Local Plan states that local community uses will normally be supported subject to safeguarding the character and amenity of residential streets.

4.10 As the proposed use would not result in the loss of a residential property to the detriment of the character of the street and it would provide a health and social facility in an area where this is needed the proposed use is considered acceptable in principle in this location.
Design and Impact on Streetscene

Planning Policy Statement 1; East of England Plan policy SS1, ENV7; DPD1 (Core Strategy) policies KP2, CP4; Borough Local Plan policies C11, H5, and the Design and Townscape Guide SPD1 (2009)

4.11 This proposal is considered in the context of the Borough Council policies relating to design including ENV7 (Quality in the Built Environment), Core Strategy DPD (adopted December 2007) Polices KP2 and CP4, Policies C11 (New Buildings, Extensions and Alterations) and H5 (Residential Design and Layout Considerations) and the Design and Townscape Guide.

4.12 The only changes proposed to the external elevations of the property under this application include a small ground floor infill extension on the eastern side elevation. This would not be visible from the streetscene and would not project out beyond the existing building line. The extension would be of a flat roof design and have a maximum height of 2.9m consistent with the existing flat roof here. It is proposed that matching materials would be used also. As such the proposed extension would not be harmful to the character and appearance of the building and is considered acceptable in design terms.

Impact on Residential Amenity


4.13 Policy E5 of the Borough Local Plan requires that non-residential activities within or adjoining housing areas will be required to respect the character of the locality and not adversely affect residential amenity in terms of appearance, noise, odour, parking, traffic or other activity.

4.14 The lawful use of the existing premises is a hotel (C1) and as such the proposed use should not adversely affect residential amenity above and beyond what would arise from a hotel use. The use sought would not necessarily result in a greater level of noise and general disturbance than a hotel use. The hotel (which is no longer in use) would've catered for guests for short and longer term stays, with guests being able to access the accommodation on a 24hr basis.
4.15 It is intended that the day centre would be run from 9.00 – 17.00 with the night shelter operative from 17.00 – 09.00. In addition to accommodation, the facility would provide employment training and outreach medical service. The applicant insists that the facility would be used primarily as an accommodation and training centre rather than a 'drop-in' facility. It is intended that by visiting the premises, vulnerable people would be able to benefit from the more comprehensive service to be provided thereby increasing their chances of rehabilitation into independent living.

4.16 In terms of security at the site, this includes CCTV in addition to overnight security staff on site at night 7 days a week. General staff would be on site from 09.00 – 21.00 to provide surveillance. Visitors would access the building via a buzzer entry system operated by staff. The applicant insists that improper behaviour and illegal substances would not be tolerated at the premises. Access would be through two entrance doors located to the front (one for day centre and a separate one for night shelter). There is a side access from the kitchen however this would only be used by kitchen staff.

4.17 With regards to the impact of noise and disturbance from visitors walking to/from the site, it is noted that the proposed use would allow both day and night services to be located within one place rather than these services being provided separately at two different premises as is currently the case. This would eliminate the ‘gap’ in the service and the need for visitors to walk from one premise to the next. On balance therefore the proposal would reduce the likelihood of service users ‘loitering’ or accumulating within York Road and outside of the premises whilst waiting for it to open.

4.18 The applicant has stated that visitors using the accommodation would have access to the garden to the rear which would be in line with the way it would be used were it a hotel or dwelling. As such this would not result in undue noise and disturbance.

4.19 With regards to the objection raised by neighbouring residents regarding consultation, it is noted that HARP have carried out extensive consultation within the area from 25th January to 19th April 2011. This included a 4 week public consultation started on the 28th February. This period was started on the 24th February with a consultation page on their website and the Southend Echo covered this in an article on the 25th February. HARP held an open day on Thursday 10th March where three presentations were held and a tour of the premises offered. A large banner was also erected at the site to advise residents of the proposal.

4.20 With regards to the impact of the proposed use on the character of the area the applicant has confirmed that they have committed to establishing a working group involving HARP other third sector local housing providers, and statutory partners within the Council to address the concerns raised by residents, and to create a Landlords Charter to operate within the York Road locality.
4.21 In terms of the impact of the proposed infill extension on the neighbouring property at No. 109, the extension would not result in any material loss of light or overlooking as the extension would not project out beyond the existing building line here, and would not contain any new windows.

4.22 On balance therefore, it is not considered that the proposed use of the premises would have a demonstrably harmful impact on residential amenity.

5 Highways and Parking Implications

Planning Policy Statement 1, Planning Policy Guidance Note 13; East of England Plan policies T1, T2, T3; DPD1 (Core Strategy) policies KP2, CP4, CP3; BLP policies T8, T11, T13; EPOA Parking Standards and the Design and Townscape Guide SPD1.

5.1 The application site is a reasonably sustainable one being located close to Southend town centre. It is intended that 5 full time staff would be employed at the site. 6 parking spaces (1 disabled space) would be provided within the existing parking bays to the front. Given the nature of the use, only staff would be likely to drive to the premises and as such this is considered to provide and acceptable level of on-site parking.

6 Planning Policy Summary

6.1 PPS1: Delivering Sustainable Development, PPG24: Planning and Noise, PPG13: Transport


6.3 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure)

6.4 Borough Local Plan Policy E5 (Non-Residential Uses Close to Housing), C11 (New Buildings, Extensions & Alterations), H5 (Residential Design and Layout Considerations), U10 (Provision of other Community Facilities), T8 (Traffic Management and Highway Safety), T11 (Parking Standards), L7 (Retention of Hotel and Guest House Uses)

6.5 EPOA Parking Standards 2001

7 Representation Summary

Highways and Transport

7.1 No objections

Private Sector Housing

7.2 From a housing point of view, we fully support it & see it as a benefit that they will be able to provide all of their services under one roof. The increased capacity will also be a huge benefit considering that the night shelter is generally always full. That end of York Road historically attracts more transient tenants due to the type of accommodation there, so siting the night shelter there would have less impact than in other residential areas with more established tenures, along with the fact that the current night shelter is already in York Road. Logistically, it means that the service users won't have to travel between Valkyrie Road & York Road, reducing the traffic of homeless clients along London Road which would be a benefit to the many businesses there. It also reduces the risk of injury of vulnerable clients moving between the locations in severe weather, and will make it quicker to process an applicant from risk assessment to accommodation. HARP are well established in the town & in this field of expertise and present themselves as a professional organisation that works in conjunction with the local authority. They are experienced in addressing anti-social issues as they arise, so there is no doubt that they will continue to act in this manner in their new premises and keep any disruption to the surrounding area to a minimum.

8 Public Consultation

8.1 Site notice posted and 55 neighbours notified – 12 representations received objecting to the proposal on the following grounds:

- Already enough bedsits/homeless shelters in York Road – become an area for accumulation of these sorts of properties and tenants
- Anti-social behaviour problems already exist and will likely increase through congregation/loitering
- Residents not been adequately consulted
- Charity already has two properties in disrepair
- Devaluation of property values
9 Relevant Planning History

9.1 SOS/05/01671/FUL – convert hotel (Class C1) into 3 dwelling houses (Class C3). Refused for the following reason:

- The proposal is contrary to Policy L7 of the Borough Local Plan and Policy LRT11 of the Essex and Southend-on-Sea Replacement Structure Plan which seek to restrict the loss of hotel and guest house facilities in the Borough and require such premises to remain in this use in order to maintain hotel and guest house facilities in the town, in the interests of ensuring that the town remains attractive as a seaside resort within this priority area for coastal tourism.

10 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

1 Condition: The development hereby permitted shall begin not 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).

2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans: 10-136-005, 10-136-002, 10-136-004 Rev C, 10-136-001, 10-136-004 Rev B, 10-136-003 Rev C.

Reason: To ensure that the development is carried out in accordance with the policies outlined in the Reason for Approval. (R01D)

3 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. (C23D)

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 East of England Plan 2008 policy ENV7, DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy C11, and SPD1 (Design and Townscape Guide). (R23DB)

4 6 car parking space(s) shall be provided to the front of the property prior to occupation of the building hereby approved and shall thereafter be permanently retained for the parking of vehicles of people working in the building or calling there for business purposes 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 people using the development in the interests of amenity and highways efficiency and safety, in accordance with East of England Plan 2008 policy T8, DPD1 (Core Strategy) 2007 policy KP2, Borough Local Plan 1994 policy T8 and T11, and SPD1 (Design and Townscape Guide). (R18A)

INFORMATIVE

Compliance with this decision notice 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.

11 Reason for Approval

This permission has been granted having regard to Core Strategy DPD Policies KP2, CP4, CP6, Policies C11, H5, E5, U10, C11, T8, L7 and T11 of the Southend-on-Sea Borough Local Plan, the principles contained within the Design & Townscape Guide SPD1 and all other material considerations. The carrying out of the development permitted, subject to the conditions imposed, would accord with those policies and in the opinion of the Local Planning Authority there are no circumstances which otherwise would justify the refusal of permission.
<table>
<thead>
<tr>
<th>Reference:</th>
<th>11/00961/FUL</th>
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</thead>
<tbody>
<tr>
<td>Ward:</td>
<td>Kursaal</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Erect decking (Retrospective)</td>
</tr>
<tr>
<td>Address:</td>
<td>Kiosk 10E, Darlows Green, Eastern Esplanade, Southend-on-Sea</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mrs J Gladwin</td>
</tr>
<tr>
<td>Agent:</td>
<td>RFH Associates Ltd</td>
</tr>
<tr>
<td>Consultation Expiry:</td>
<td>9.08.11</td>
</tr>
<tr>
<td>Expiry Date:</td>
<td>12 September 2011</td>
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<tr>
<td>Case Officer:</td>
<td>Sophie Glendinning</td>
</tr>
<tr>
<td>Plan Nos:</td>
<td>RG/S/0611/2, RG/S/0611/1,</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>REFUSE PLANNING PERMISSION</td>
</tr>
</tbody>
</table>
The Proposal

1.1 Retrospective planning permission is sought to erect timber decking onto the beach adjoining the kiosk at the above address.

1.2 The decking is used in association with the existing kiosk and provides a sitting out area for customers.

1.3 The decking is an L-shape adjoining the south and west elevations of the kiosk. The decking measures 3.4m wide and extends 9.5m along the rear of the kiosk and 9m along the side, back from the promenade. The decking is not raised being relatively level with the beach at 45mm high.

Site and Surroundings

2.1 The application site relates to a small kiosk located on the southern side of Eastern Esplanade. The kiosk is positioned on the beach, with the front elevation of the kiosk in line with the sea wall adjacent the footpath which runs along the seafront here. The kiosk is just south of the miniature golf course and the Sealife Centre. The decking surrounds the kiosk on two sides.

2.2 The site lies adjacent to a SSSI, SPA and Ramsar site.

Planning Considerations

3.1 The main planning considerations for this application are the principle of development, design, impact on the character of the foreshore and, environmental issues.

Appraisal

Principle of the Development

DPD1 (Core Strategy) Policies KP2 and CP4; Borough Local Plan Policies L1, C15 and C16

4.1 Local Plan Policy L1 encourages the improvement of existing tourist facilities where they enhance the resorts ability to attract and cater for visitors, increase local employment opportunities and provide for environmental improvements. The proposal is considered to be a visitor-related development providing improved facilities for customers and as such is considered acceptable in principle, but this needs to be balanced against the impact of the development on the wider area.
Design and Impact on the Character of the Foreshore

DPD1 (Core Strategy) Policies KP2 and CP4; Borough Local Plan Policies L1, C11, C15 and C16

4.2 Local Plan policy generally supports the improvement of tourist facilities in this area, where they do not conflict with other development plan policies. Policy C15 of the Borough Local Plan seeks to retain open spaces and open areas where their townscape or amenity value is important to the surrounding area. The development encroaches onto the beach, which is considered an important open public area (perhaps the most important public area in Southend, taking into account the significance of the tourist economy).

4.3 Policy C16 states that, “The open character of the seafront and adjoining public and private open spaces, including the cliffs, will be protected and where possible enhanced. Development south of the seafront road (outside the Central Seafront Area) and south of the towpath between Chalkwell and Leigh Old Town will be strictly limited to:

i. the replacement of older seafront kiosks with modern architecturally designed kiosks in character with the surroundings. Where appropriate the Council will support the replacement of two existing kiosks with one new one;
ii. the improvement or replacement of existing beach huts, buildings and other structures which cater for recreational needs, without increasing their existing floor area of reducing the area of beach available to the public;
iii. the provision of additional water recreation facilities in accordance with Policy L4.

The development does not comply with this policy and would affect the open character of the seafront contrary to Policy C16.

4.4 The development encroaches onto the beach, which is considered an important open public area. The proposal extends the demise of the kiosk, and result in the loss of open space. The open beach is considered to provide an important visual amenity contribution to the area and provides an important open space function. As the proposal results in the loss of approximately 42.5sqm of beach, it is considered contrary to Policy C15 of the Southend on Sea Borough Local Plan 1994.

4.5 It is also noted that this is the view recently taken by the Council regarding a proposed decking on the beach adjacent to the Roslin Hotel.
Environmental Issues

DPD1 (Core Strategy) Policies KP2 and CP4; Borough Local Plan Policies L1, C11, C15 and C16

4.6 Comments are awaited from Natural England and the Environment Agency and will be reported in the supplementary agenda.

Impact on Neighbouring Occupiers

DPD1 (Core Strategy) Policies KP2 and CP4; Borough Local Plan Policy C11

4.7 There are no residential properties in close proximity to the site that would be affected by the proposed development.

Human Rights Considerations

4.8 Taking enforcement action in this case may amount to an interference with the owner/occupiers Human Rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control land within its area. In this particular case it is considered reasonable, expedient and proportionate and in the public interest to pursue enforcement action to remove the decking. A compliance period of 2 months is considered reasonable in order to secure removal of the decking.

5 Planning Policy Summary

5.1 PPS9: Biodiversity and Geological Conservation

5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).

5.3 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), C15 (Retention of Open Spaces), C16 (Foreshore Views), L1 (Tourism).

5.4 Design & Townscape Guide, 2009 (SPD1).

6 Representation Summary

Asset Management

6.1 To be reported

The Environment Agency

6.2 To be reported
Pier and Foreshore Officer

6.3 To be reported

Public Consultation

6.4 Site notice posted and 3 neighbours notified – representations to be reported.

6.5 The application has been brought before the committee as this is a Council owned site. Objections have been raised to the application by Cllr Walker.

7 Relevant Planning History

7.1 2000 – Planning permission granted to layout seating on pedestrianised highway to front (amended proposal) (00/00337/FUL).

7.2 1999 – Planning permission refused to erect single storey side extension and lay out seating to front (99/01243/FUL).

8 Recommendation

A Members are recommended to REFUSE PLANNING PERMISSION for the following reason:

The decking area, by way of its extension out onto the beach, results in the loss of open space which is significant in terms of visual and public amenity. The proposal is therefore considered to detract from the amenity value and character of the area contrary to Policies C15 and C16 of the Southend on Sea Borough Local Plan 1994 and Policy CP4 of the Southend on Sea Borough Core Strategy 2007, and guidance contained with SPD1: The Design and Townscape Guide (2009).

B Members are recommended to AUTHORISE ENFORCEMENT ACTION to secure removal of the unauthorised decking on the grounds that the decking results in the loss of open space which is significant in terms of visual and public amenity contrary to Policies C15 and C16 of the Southend on Sea Borough Local Plan 1994, Policy CP4 of the Southend on Sea Borough Core Strategy 2007, and guidance contained with SPD1: The Design and Townscape Guide (2009).

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.
When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. For the reasons stated above in this case it is suggested that a 2 month compliance period should be allowed.
<table>
<thead>
<tr>
<th>Reference:</th>
<th>11/01001/DOV</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Type:</td>
<td>Deed of Variation</td>
</tr>
<tr>
<td>Ward:</td>
<td>Victoria</td>
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<tr>
<td>Proposal:</td>
<td>Modification of planning obligation dated 4 May 2011 pursuant to application 11/00087/FULM to remove the requirement to provide affordable housing, public art and a financial contribution towards education provision.</td>
</tr>
<tr>
<td>Address:</td>
<td>257 - 285 Sutton Road, Southend-On-Sea, Essex</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Sutton Road Properties Limited And Maywald Properties Ltd</td>
</tr>
<tr>
<td>Agent:</td>
<td>Mr C. Wickham, Christopher Wickham Associates</td>
</tr>
<tr>
<td>Consultation Expiry:</td>
<td>n/a</td>
</tr>
<tr>
<td>Determination Due Date:</td>
<td>14th July 2011</td>
</tr>
<tr>
<td>Case Officer:</td>
<td>Amanda Rogers</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>Refuse modification of planning obligation</td>
</tr>
</tbody>
</table>
1 The Proposal

1.1 On 4 May 2011 planning permission was granted to “Demolish existing buildings, erect two four and five storey blocks comprising 97 self-contained flats with basement parking, lay out communal amenity space, refuse store and landscaping, basement car parking for 99 cars, bicycle/motorcycle parking and form vehicular access onto Sutton Road”.

1.2 This permission was subject to a Section 106 (S.106) agreement, which secured the following:

- 30% affordable housing (12x1bed, 13x2bed, 2x3bed, 2x4bed)
- £39,767.84 towards education provision
- Public art provision to the value of £99,800
- £34,000 towards highway works
- £5,201 S106 monitoring fee

1.3 The Council has received an application from the developer, Sutton Road Properties Limited And Maywald Properties Ltd, seeking a modification to the existing S.106 agreement, namely to remove the affordable housing, education contribution and public art obligations (i.e. removal of all developer contributions except the £34,000 towards highway works).

1.4 The applicant has submitted a detailed Viability Assessment in support of the application indicating that it would not be viable for the approved scheme to deliver the developer contributions outlined above. This assessment has been independently appraised on behalf of the Council by DVS (District Valuer Services – the commercial arm of the Valuation Office Agency) – details included below.

2 Site and Surroundings

2.1 The site is located on the southern side of Sutton Road on the ‘S’ bend between Sycamore Grove and Redstock Road and has a frontage of some 116m. The site has been vacant for approximately 10 years and has recently been cleared of industrial units (including workshops and warehouses).

2.2 The ground level at the front of the site is level with Sutton Road. However, the land then falls away steeply from Sutton Road to the rear of the site which abuts the Greyhound Retail Park. The site is readily visible across the retail park.

2.3 Immediately to the north of the site the area consists predominantly of two storey houses and to the south is the Greyhound Retail Park. To the north west are further industrial/retail premises. To the south, along Sutton Road, there is a mix of commercial premises and residential properties. To the west is an operational industrial use with residential properties beyond.

2.4 It has previously been accepted by the Council that the site is no longer viable for industrial purposes and this is reflected in the residential permissions granted.
The draft submission version of the Southend Central Area Action Plan (SCAAP) is soon to go out to public consultation. In this emerging LDF document the site is identified as "Proposal Site PS10b Sutton Road", which forms part of the area known as the “Sutton Gateway Neighbourhood" as Sutton Road is immediately north of Southend Town Centre. The Action Plan notes that redevelopment of this site for high quality housing with supporting uses at ground floor such as a café bar/community facilities be supported to assist in forming a thriving sustainable neighbourhood with a diverse mix of uses including residential, employment areas and retail areas.

3 Planning Considerations

3.1 The main issues to be considered are whether the scheme is viable with or without the S.106 contributions and whether the Council considers there are exceptional circumstances to grant planning permission for a scheme which is non-compliant with planning policy in terms of planning obligations.

4 Appraisal

Planning Policy Statements 1, 3 and 4; East of England Plan Policy SS1, E1, H1, H2, ENV7, ETG4 and ETG5; DPD1 Strategic Objective 4, 5, 6 and 7; DPD1 Policies KP1, KP2, KP3, CP1, CP4, CP6 and CP8; BLP Policy U1 Infrastructure Provision; SPD1 and SPD2

Viability

4.1 This application is supported by information in respect of viability, which has been independently appraised by DVS (District Valuer Services) the Council’s behalf. The key conclusions from the report produced by DVS are as follows:

- With 17.5% profit the residual land value is: –£73K (i.e. a negative value)
- With 20% profit (reasonable profit level considering risk of development) the residual land value is: –£417K
- Applicant has failed to provide a benchmark land value (i.e. existing/alternative use value) for the site, which is considered best practice in terms of assessing viability to compare to the residual land value, but to include such a value is only likely to demonstrate that the scheme will make an even greater loss should it be constructed than that shown above.
- In addition, the applicant has used what are considered to be overly optimistic values in terms of the residential revenue (i.e. revenue from sale of flats) but, once again, to adjust these values is only likely to demonstrate that the scheme will make an even greater loss should it be constructed than that shown above.
- The scheme as designed is clearly not viable, even without the developer
contributions specified.

Alternative Options for the Site

4.2 As the scheme to which the extant permission relates (a residential flatted development above a basement car park) is clearly unviable the developer has been asked whether or not alternative schemes for this site have been explored (e.g. houses or part retail/part flats).

4.3 The applicant has stated that the general approach to the development site, which has been enshrined in two previous permissions, reflects the location, shape and topography of the site.

4.4 Whilst it is acknowledged that this site may not lend itself to family houses particularly due to the slope of the land and backdrop onto the Greyhound Retail Park, it would appear that the option of a mixed use scheme has not been explored.

Sustainability

4.5 Recent ministerial guidance relating to the presumption being in favour of development relies upon it being demonstrated that a development would be sustainable. Hence, during the course of this application a further statement in relation to the development’s sustainability credentials were requested.

Environmental Impact

4.6 As a vacant site it is acknowledged that it is not making a positive contribution to the townscape and acts as a dead frontage on an important route into the town centre.

4.7 In addition, the redevelopment of this brownfield site, which is potentially contaminated from the previous industrial use, will have clear environmental benefits. However, it is considered that the visual enhancement of the locality and decontamination of the site do not necessarily outweigh concerns relating to the lack of community infrastructure that should be delivered if the scheme were to go ahead with the proposed modification to the planning obligation.

Social Impact

4.8 The applicant has stated that the increased provision of market housing that would result from the proposed modification will assist the Council in delivering new housing at a time when construction is at a very low level and annual provision is falling well below target level. Whilst this is not disputed it is considered that this is not sufficient reason to allow the modification (see details below for further comments in respect of ‘Housing Need and Delivery’).
4.9 The applicant is of the view that the absence of affordable housing on this site cannot be regarded as an impact that renders the scheme unsustainable on the basis that no actual affordable housing will be lost and the creation of market housing does not in itself create a need for affordable housing. However, the supply of land within the Borough is limited and therefore development of this site without the provision of affordable housing is a lost opportunity to meet the pressing need for housing that meets the needs of everyone in the Borough (see details below for further comments in respect of ‘Housing Need and Delivery’). And if this site were to be allowed to proceed without sufficient justification in relation to the exception to policy then it is likely that other sites will follow suit therefore risking the Council’s ability to meet the affordable housing needs of the Borough currently and in years to come.

**Economic Impact**

4.10 Presuming that future residents of this development are new to the town, it is acknowledged more residents will generate additional economic activity within the town. It is also acknowledged that providing labour is sourced locally, which could only be controlled through a planning condition or a legal agreement, the development will have economic benefits for the local construction industry. However, some reservations remain in respect of whether or not it is economically sustainable for a development to go ahead when it will make a substantial financial loss.

4.11 Notwithstanding the financial losses that the developer is prepared to make by pressing ahead with developing the site in the current economic climate, the potential financial impact on the Council is also substantial. Whilst the loss of the public art contribution would be regrettable due to the clear benefits such a provision can have on the public realm, this is less of a concern than the other provisions of the S.106 agreement. If the scheme is allowed to go ahead without the £39,767.84 towards education provision and without the 29 affordable housing units (as approved) this provision in terms of community infrastructure will have to be met by the Council. The need for additional school places as a result of the development and affordable housing needs within the Borough remain evident.

4.12 The applicant has acknowledged that the absence of the education contribution will place some pressure on Council funding; however, they have highlighted the fact that the delivery of the scheme will ensure that the Council does not miss out on the New Homes Bonus (NHB), which is a real possibility should the Council fail to meet annual housing targets. The applicant notes that based on the CLG calculator the funding the Council is likely to receive should the scheme be sold within one financial year is £127,000 in the first year and £761,000 over the six years. In response to this it is noted that the actual amount of this bonus is based on net Council Tax numbers and occupied properties, and there is a risk in the current economic climate that once built the properties will remain vacant for some time so the NHB is by no means guaranteed. The applicant has also failed to take into consideration the £350 per annum per unit the Council would receive for each affordable unit thereby increasing the annual figure to £137,000 and £821,000 over
the 6 years.

4.13 An important point to highlight in respect of the New Homes Bonus is that it is not intended to encourage development that would be inappropriate in planning terms, it is envisaged that it can be used to enhance the location where the housing development will take place, making the new development more acceptable to local residents. This could be for a community project, infrastructure or street scene enhancement (including bringing empty homes back into use). The Coalition Government is keen to see residents involved in the decisions on how the monies are spent. The NHB cannot be spent on providing affordable housing and it is also unlikely that expenditure on increased education provision would be acceptable in terms of the spending criteria. Most importantly, the NHB is not designed to subsidise the community infrastructure that is secured through S.106 as part of mitigating the impact of a development (i.e. a developer contribution that is stated as a requirement in planning policy).

**Commitment to Completion of the Scheme**

4.14 Despite the fact that the developer would make a significant loss should they go ahead with building the scheme, they have stated that they are committed to completing the scheme within 4 years of any modification to the S.106 being allowed despite it making a financial loss. However, such a completion clause within a legal agreement would be difficult to enforce should the developer run into financial difficulties.

4.15 It is understood that the developer's commitment to go ahead with construction of the scheme, despite the fact that it is currently unviable to do so, is related to the financing of the development. An undeveloped site incurs substantial holding costs and also the land value will increase on completion of a development. In addition, the developer has noted that there are finance agreements linked to additional redevelopment in the town that are reliant on this site being redeveloped in the first instance. However, this has not been substantiated and no details have been provided in writing in respect of binding financial links with another site.

**Housing Delivery and Need**

4.16 National, regional and local planning policy seeks to deliver both market housing and affordable housing, and the Council has clear targets to be met in respect of delivery of housing over the Development Plan period 2001-2021. Planning policy is also clear that new development should have regard to the needs and well being of all sectors of the community. It is noted that Core Strategy policy for affordable housing provision is predicated on an understanding of the nature and size of sites and the regeneration requirements in Southend. It therefore already takes into account viability issues as far as it can whilst still seeking to deliver sustainable communities and meet high demand.

**Housing Delivery**

4.17 The position of the Council is that it has:
i. Performed well in housing delivery during the first half of the plan period with housing completions in excess of planned targets. Over a 9 year economic cycle, which forms a substantial part of the first half of the 2001-2021 plan period (including economic growth period times and the start of the economic slow down), 3,268 net additional housing units have been delivered. This represents 50% of the plan requirements over 9 years.

ii. Identified more than sufficient housing supply to deliver the provisions as outlined in the adopted Core Strategy policy through the economic cycle of the plan period, taking into account potential 'boom' periods and economic downturns.

iii. Ensured a rolling supply of housing in the Borough through the grant of planning permissions and performs well against any measure of target supply (5 years, +20%, 15 year supply).

iv. Demonstrated through its ‘managed housing target trajectory’ as set out in the Annual Monitoring Report (AMR) 2010 that reduced completions rates over the next three years due to the economic downturn will not put at risk the delivery of the Development Plan’s housing provision over the full plan period.

4.18 The housing delivery projections in the AMR 2010 are based on the previous delivery of housing within the Borough, the current housing market conditions and on the expected market recovery following the economic downturn.

4.19 Following a period of relatively high dwelling completion rates (an average of 391 dwellings per annum since 2001) the total net additional homes built during 2009/10 fell to 144. It can be assumed that the downturn in the housing market has started to affect the housing building rates within the Borough. Based on current local knowledge and the nature of identified deliverable sites, it is expected that net dwelling completions will not start to recover until at least 2012/13. The increase in completions shown in the AMR projections from 2014 onwards is based on the effect of the implementation of the Southend Central Area Action Plan and the Shoeburyness Area Action Plan in addition to improving market conditions.

4.20 Based on previous and anticipated future performance it is considered that the current housing downturn will not present a serious risk to delivery of housing within the adopted plan period (and any roll forward) across the economic cycle. It is also considered that this performance provides a degree of certainty that the scale and distribution of growth and regeneration set out in the Core Strategy can be delivered within the longer plan period.

**Affordable Housing Needs Within the Borough**

4.21 Whilst the delivery of housing generally within the Borough has been above average since 2001, the delivery of affordable housing has been particularly poor.
Only 11% (352) of the total housing completions (3268) in the Borough over an eight year period between 1st April 2001 and 31st March 2010 were affordable. Between 2001 and 2007, the amount of affordable housing has remained consistently below the target levels in emerging regional and local plans.

4.22 The main reason for the lower delivery in the monitoring years prior to 2007 and the adoption of the Core Strategy was that requirements for affordable housing in Southend were based only on PPG3, which required 20% affordable housing on qualifying sites of 25 units or more. During that period, as now, most of the town’s housing development was on sites of less than 25 units on which there was no policy requirement to provide an affordable element.

4.23 In the most recent years (2008/09 and 2009/10) the amount of affordable housing delivered has increased, but this has not been due to the new affordable housing policy in the adopted Core Strategy (due to the building out of a significant number of sites with planning permission granted prior to adoption). The increase has been due mainly to direct delivery of new affordable housing on garage sites in the ownership of Southend Borough Council in conjunction with registered social landlords and a development at Olive Avenue and the completion of 45 affordable housing units at a new development scheme at Shoebury Park.

4.24 The provision of affordable housing in Southend is a key issue owing to an increasing polarisation between household income and house prices. According to the Thames Gateway South Essex Strategic Housing Market Assessment (TGSE SHMA) 2010 update, 61% of Southend residents were unable to Buy or Rent within lower quartile prices. Whilst not creating a need for more affordable housing this site presents an opportunity to provide quality affordable housing to meet both current and future needs of residents who cannot afford to buy or rent a property on the open market.

Conclusion

4.25 Notwithstanding the arguments put forward by the developer in respect of viability and sustainability, it is considered that this is not a case where the Council should depart from its usual policy requirements in respect of S.106 contributions i.e. this site is not considered to be a key regeneration site such that the Council should allow the scheme to go ahead with only the highways S.106 contribution.

4.26 Recent Government guidance states that local authorities should be flexible in negotiating and renegotiating the terms of S.106 agreements to take into account financial viability so as not to unreasonably discourage development. It is considered that the Council has acted in accordance with this guidance even though the conclusion of these negotiations is that the modification to the planning obligation should be refused. Although this site is identified as one on which the Council would support high quality housing with supporting uses at ground floor such as café bar/community facilities as it forms part of the Sutton Gateway into the town centre, this should not be at any cost to the Council.

4.27 The financial viability of the scheme has been assessed in detail and shows that if
developed at this time significant financial losses will be incurred even without developer contributions. It is acknowledged that ultimately it is a developer’s decision whether or not to proceed with a development whilst making a financial loss, the likelihood of a development being completed is an important consideration in deciding whether to make exceptions to policy in terms of S.106 contributions. Although we could secure a commitment to complete the development within 4 years as part of any Deed of Variation this would be difficult to enforce should a developer run into financial difficulties.

4.28 The applicant has stated that the absence of the S.106 contributions would not render the development unacceptable in planning terms but this is disputed. Whilst exceptions can always be made to planning policy, such exceptions will only be made if there is a clear justification. It is only on grounds of there being an identified pressing need for the development to come forward that the Council would make an exception to policy requirements in respect of affordable housing and other S.106 contributions (e.g. need for a particular use or essential regeneration of an area). Although development of this long vacant brownfield site would clearly be beneficial in terms of townscape improvements, it is considered that this is not an essential regeneration site, and approval of this scheme without the previously agreed developer contributions would not constitute sustainable development for the Borough in the long term.

4.29 The applicant has stated that the amended scheme would be Development Plan compliant on the basis that the removal of the affordable housing requirement in particular is consistent with the requirement in PPS3 to take the economics of a development into account. However, the economics of the development have been taken into account and without the affordable housing the scheme still remains unviable.

4.30 The applicant has quoted from a DCLG statement, summarising the principles of “Planning for Growth”, and states that the test in respect of planning helping to deliver “strong, vibrant and healthy communities, by providing an increased supply of housing to meet the needs of present and future generations; and by creating a good quality built environment…that reflects community needs…” would not be violated by the proposed variation to the S.106 agreement. However, it is considered that to allow a scheme to go ahead without affordable housing, in a situation where it would still be financially unviable, would be failing to meet the housing needs of the Borough. Whilst it can be argued that providing no affordable housing units would not decrease the amount of affordable housing in the Borough, to bring forward a development such as this without an affordable housing contribution would go against both national and local policy objectives.

4.31 For the reasons outlined above in relation to the Borough’s housing delivery trajectory, there is no requirement to jeopardise delivery of much needed affordable housing delivery in the short term in favour of market housing thus risking the long term requirements of the Development Plan in relation to affordable housing provision. If allowed, the proposed modification would set a precedent for other developments that are in a similar situation in the current economic climate. Therefore, there is a significant risk that the land will not be available to meet future
affordable housing need if what has been secured across the Borough is not protected.

4.32 In relation to other S.106 contributions aside from affordable housing it is important to note that if a number of schemes are allowed to reduce/remove their planning obligations, in the interests of consistency, the Council could end up having to pay for the supporting community infrastructure (e.g. additional educational provision) for which there is limited/no funding.

4.33 Taking into account the above and all other material considerations, the application to modify the S.106 agreement is considered unacceptable and it is recommended that the modification be refused.

5 Planning Policy Summary

5.1 Planning Policy Statement 1 (Delivering Sustainable Development); Planning Policy Statement 3 (Housing); Planning Policy Statement 4 (Planning for Sustainable Economic Growth)

5.2 East of England Plan (May 2008) – Policies SS1 (Achieving Sustainable Development); E1 (Job Growth); H1 (Regional Housing Provision 2001-2021); H2 (Affordable Housing); ENV7 (Quality in the Built Environment); ETG4 (Southend on Sea Key Centre for Development and Change); ETG5 (Employment Generating Development).

5.3 Development Plan Document 1 – Core Strategy Strategic Objectives 4, 5, 6 and 7; Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP1 (Employment Generating Development), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP8 (Dwelling Provision).

5.4 Borough Local Plan – Policy U1 Infrastructure Provision.

5.5 Supplementary Planning Documents – SPD1 'Design & Townscape Guide' 2009 and SPD2 'A guide to Section 106 and Developer Contributions' 2010.

6 Representation Summary

Strategic Planning

6.1 Comments incorporated in paragraphs 4.16-4.24 above.

Housing

6.2 Comments incorporated in paragraphs 4.16-4.24 above.

Councillors

6.3 Application called in by Cllr Walker.
7 Relevant Planning History

257-285 Sutton Road

7.1 4 May 2011 (11/00087/FULM): Conditional permission granted to “Demolish existing buildings, erect two four and five storey blocks comprising 97 self-contained flats with basement parking, lay out communal amenity space, refuse store and landscaping, basement car parking for 99 cars, bicycle/motorcycle parking and form vehicular access onto Sutton Road” subject to a S.106 agreement.

257-283 Sutton Road

7.2 15 April 2008 (07/00602/FULM): Conditional permission granted to “Demolish existing buildings and erect part 3/ part 4/ part 5 storey block of 66 flats with associated private balconies, communal amenity space, including roof terraces, refuse store and landscaping, lay out car parking, cycle storage and motor cycle storage at lower ground level, form lay - by within Sutton Road and form vehicular access onto Sutton Road (Amended Proposal)” subject to a S.106 agreement.

285 Sutton Road

7.3 5 October 2010 (11/01190/FULM): Conditional planning permission granted to “Demolish existing building and erect part 3/ part 4 and basement storey block of 32 self contained flats, communal amenity space, including roof terraces, refuse store and landscaping, lay out car parking, cycle storage and motor cycle storage at lower ground level, and form vehicular access onto Sutton Road (Amended Proposal)” subject to a S.106 agreement.

7.4 March 2010 (09/02138/FULM): Application to “Demolish existing building and erect part 3/ part 4/ part 5 and basement storey block of 35 flats with associated private balconies, communal amenity space, including roof terraces, refuse store and landscaping, lay out car parking, cycle storage and motor cycle storage at lower ground level, and form vehicular access onto Sutton Road” withdrawn prior to consideration by Committee. Application was recommended for refusal for reasons relating to the impact of the adjacent industrial use on future occupiers, lack of satisfactory amenity space, inadequacy of servicing, lack of a suitable highways contribution and lack of a completed S.106 agreement.

8 Recommendation

8.1 Members are recommended to REFUSE MODIFICATION OF PLANNING OBLIGATION for the following reason:

The applicant has failed to demonstrate that there are sufficient exceptional circumstances to justify a modification of the S.106 agreement. As such the proposal is contrary to Planning Policy Statements 1 and 3; East of England Plan Policy SS1, H1, H2, ENV7 and ETG4; DPD1 Strategic Objective 4 and 7; DPD1 Policies KP1, KP2, KP3, CP4, CP6 and CP8; BLP Policy U1
Infrastructure Provision; and Supplementary Planning Document "Planning Obligations" (SPD2).
**Reference:** SOS/11/00894/CAC  
SOS/11/00890/FUL

**Ward:** Chalkwell

**Proposal:**
1. Demolish existing building  
2. Demolish existing building, erect four storey block of four self contained flats with balconies and basement parking, erect three two storey dwellinghouses, lay out car parking spaces, cycle/bin stores, decking and amenity area

**Address:** 30 The Leas, Westcliff on Sea, Essex, SSO 8JB

**Applicant:** Fiona and Lloyd Baylis

**Agent:** Peter Emptage Architects

**Consultation Expiry:** 27th July 2011

**Expiry Date:** 22nd August 2011

**Case Officer:** Janine Argent

**Plan Nos:**
1. 10690 P04A, 10690 P05  
2. 10690 P04A, 10690 P01, 10690 P02, 10690 P03A, 10690 P05, 10690 Street scene 1, 10690 Street scene 2

**Recommendation:** Refuse Planning Permission
The Proposal

1.1 Conservation area consent is sought to demolish an existing building. Planning permission is sought to demolish an existing building, erect four storey block of four self contained flats with balconies and basement parking, erect three two storey dwellinghouses, lay out car parking spaces, cycle/bin stores, decking and amenity area.

2 Site and Surroundings

2.1 The property which is within the Crowstone Conservation Area is the only dwellinghouse within the street block between Crowstone Avenue and Grosvenor Road. The plot is very deep and extends some distance north up to the end of Grosvenor Mews and behind a number of properties fronting Crowstone Avenue and Grosvenor Mews.

2.2 The street block in which the application site sits has undergone significant redevelopment over the last 10 years. However, the existing building in accordance with the Crowstone Conservation Area Appraisal provides a positive contribution to the unity of the group of buildings and streetscape.

2.3 In terms of access the property currently has a vehicular access to the forecourt with off street parking. There is also vehicular access to the rear of the application site from Crowstone Avenue and Grosvenor Mews.

3 Planning Considerations

3.1 The main considerations of this application are the principle of the development, design and impact on character of the area, traffic and transportation, impact on residential amenity, sustainable construction and flooding.

4 Appraisal

Principle of Development


4.1 Government guidance – PPS5 – advocates the need to retain buildings and states that "loss affecting any designated heritage asset should require clear and convincing justification."
4.2 Policy CP4 of the Core Strategy advocates the need to safeguard and enhance the historic environment, heritage and archaeological assets including conservation areas. Policy C4 of the Borough Local Plan states demolition and development will normally be permitted only where they would not be detrimental to the local scene and the character of the area.

4.3 Therefore there is a presumption against the demolition of a building within a conservation area, particularly given that the existing building makes a positive contribution to the Crowstone Conservation Area through its design, age, materials or detailing. It is acknowledged that the building's quality has been partially eroded by unsympathetic alterations as detailed within the Crowstone Area Appraisal.

4.4 The Council has previously considered the redevelopment of 30-32 The Leas under reference SOS/08/00712/FULM which was refused. The refusal stated: *The proposed development will result in the loss of buildings which make a significant contribution to the character of the Crowstone Conservation Area and historical reference to seafront architecture within Westcliff-on-Sea, furthermore the proposed building by reason of its scale, bulk, mass, siting and design would fail to integrate with the street scene and wider seafront and would fail to preserve or enhance the character of the Crowstone Conservation Area to the detriment of the character of the area contrary to policies KP1, KP2 and CP4 of the Core Strategy (DPD1), Policies C4, C11 and H5 of the Borough Local Plan and the Design and Townscape Guide (SPD1).*

4.5 The Design and Access Statement accompanying this planning application states that unsympathetic alterations have been carried out at 30 The Leas. It states the property exhibits few quality features that enhance the character or historic value of the area. Crowstone Conservation Area has been reappraised by Essex County Council Historic Environment Section and in this instance the appraisal concluded that the conservation area was worthy of retention. This appraisal was formally adopted by the Council in November 2009. Within this document the appraisals of 30 The Leas note that, although the windows and balcony details have been replaced with unsympathetic materials this is mitigated by their relatively simple design. It also notes that the building has retained a number of attractive original details (tile hanging, front door with decorative fanlight, and elegant chimney) and concludes that the building makes a positive contribution to the unity of the group of buildings and the streetscape.

4.6 The proposal would result in the loss of a dwellinghouse, however this is the only remaining house within the street block which otherwise is entirely converted to flats. While it is recognised the architectural merit of the house contributes to the conservation area, it is not considered that the principle of the loss of a dwellinghouse can be objected to under Policy H6 of the Borough Local Plan.
4.7 In light of the above, there must be a good case in order to overcome the presumption for the retention of the building. The proposed development must preserve or enhance the character and appearance of the conservation area. It is therefore considered that the proposed scheme is unacceptable as the overall design of the proposal fails to preserve or enhance the Crowstone Conservation Area.

**Design and impact on the character of the area**

Planning Policy Statement 1, Planning Policy Statement 3; East of England Plan policy ENV7; DPD1 (Core Strategy) policies KP2, CP4; Borough Local Plan policies C2, C4, C11, C14, H5 and Design and Townscape Guide SPD1.

4.8 The Crowstone Conservation Area occupies a small part of the seafront on the Chalkwell Esplanade, focussed on Crowstone House, a landmark building erected around 1900 and conspicuous for an exuberant display of varied architectural features, including a corner turret with a belvedere, timber framing, balconies dormer windows and gables. Another building within the Conservation Area and on the seafront are in the same character, notably numbers 31-32 The Leas, which also have corner turrets, gables and bay windows and are to the west of the application site. The conservation area is important as it preserves part of the original character of the seafront which has been under intense pressure for redevelopment.

4.9 The proposed development includes the demolition of the existing dwellinghouse to the front of the site to erect a four storey block with four self contained flats and a basement for car parking, cycle storage and refuse storage.

4.10 The existing dwelling house was built by 1922 and differs from its neighbours to the west as it is in an Arts and Crafts style, though the basic building materials and architectural forms are similar. It has a tiled roof with ridge tiles, a tile hung gable, a tall chimney, and preserves its basic original appearance, although the front has had its windows and balcony renewed, albeit in a way that is simple and not out of keeping. The Crowstone Conservation Area Appraisal judged the house to make a positive contribution to the Conservation Area.

4.11 The overall scale of the proposed development has referenced the undulation of the development to the east, being angular and flat roofed with glazed balconies. The overall height equates to 14m, due to the overall narrowness of the site being little more than 9m in width this has resulted in the proposed building to be deeper and taller than neighbouring buildings. The scale of the development has resulted in overtly vertical proportions and the overall bulk of the development would be exposed particularly to the side elevations.
4.12 The design details of the proposal are considered to be well resolved but they are simplistic in form, and relate to more the modern development to the east of the site which is outside of the conservation area. The roof form includes a flat roof which relates to the developments to the east of the site rather than with the modern development outside of the conservation area. It is noted that the applicant has referenced existing features including bay window proportions in the detail enclosing the 3 lowest balconies but the overall tall narrow proportions of the building appear more dominant within the street scene and is uncharacteristic of the conservation area. The richness of textures, details and floor alignments of buildings in the conservation area are not picked up in the proposal.

4.13 The Design and Townscape Guide advocates the need for all developments to have main focal points for pedestrian use and the entrance is on the street frontage and characteristic of the properties within the conservation area and the wider area. The entrance does project further than that of existing buildings therefore affecting the existing building line of the Crowstone Conservation Area and will result in an incongruous feature within the street scene.

4.14 The internal arrangement will include a cycle store, refuse storage, vehicle parking spaces, lift and car turntable to the basement, a 2 bedroom flat including a lounge/dining room, kitchen, bathroom, store and study to the ground, first and second floor. The proposed living accommodation is considered acceptable.

4.15 The proposal will also include amenity space in accordance with the Design and Townscape Guide in the form of balconies to the front and rear of each individual flat together with a landscaped deck area including raised planters along boundary edges followed by a landscaped area to provide a buffer zone between the proposed flatted block and mews development.

4.16 Planning Policy Statement 5 states local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration should include scale, height, massing, alignment, materials and use.

4.17 In light of the above, the proposed demolition of the existing building and the proposed flatted development fails to preserve or enhance the Crowstone Conservation Area contrary to the provisions of Planning Policy Statement 5, Policy ENV6 of the East of England Plan, Policy KP2 and CP4 of the Core Strategy and Policy C4 and C11 of the Southend on Sea Borough Local Plan.

4.18 The proposed mews development is located to the rear of the site and there are no objections in principle to this part of the development and the proposed mews is overall well designed and articulated.
4.19 The design of the mews development of 3 dwellings is well designed and articulated, the mono pitch style roofs form a distinctive part of the design and will help to mitigate the overall scale of the properties to the neighbours to the west. The overall height of the development rises from 5.7m-6.8m.

4.20 In terms of the detailing, the fenestration on the principle (east) elevation is simple and relates to the overall design of the development. The fenestration to the southern elevation is not as successful due to the high level windows and contrasts with the rest of the scheme. However, due to the location and the elevation not visible from any public vantage point it is considered acceptable.

4.21 The materials to be used are of concern in terms of metal cladding proposed to the wall of the terrace and a more appropriate material could be used to contrast between the proposed render. The windows will be constructed from dark grey metal window frames, with polyester powder coated finish, render to the elevations, low profile metal roof covering, solar panels. Materials could be dealt with by condition to ensure the metal cladding is altered to a material in keeping with the character and appearance of the surrounding area and the Crowstone Conservation Area.

4.22 The internal living arrangement includes 3 bedrooms to the ground floor including store and bathroom together with a terrace area, kitchen, and living/dining area to the first floor. The upper terrace areas provide good levels of daylight and outlook for the residents.

4.23 In terms of amenity area, two landscaped areas are proposed to the north and south of the development and are considered acceptable in addition to the upper terrace areas serving the proposed mews.

4.24 In light of the above, no objection is raised to the proposed mews development and this aspect of the proposal is considered to the above policy.

**Traffic and Transportation**

Planning Policy Statement 1, Planning Policy Guidance Note 13; East of England Plan policy ENV7; DPD1 (Core Strategy) policies KP2, CP4, CP3; BLP policies T8, T11; EPOA Parking Standards and the Design and Townscape Guide SPD1.

4.25 EPOA Vehicle Parking Standards (2001) state that 1.5 parking spaces should be available for residential dwellings and cycle provision for flats. In this instance, the proposed flatted development will include cycle storage per flat together with 4 vehicle parking spaces within the basement together with two additional parking allocations to the rear of the site accessed from Grosvenor Mews (6 in total therefore 1.5 parking spaces per flat). In terms of the mews development, vehicle access will be via Grosvenor Mews and 3 vehicle parking spaces are proposed together with a cycle store located to the rear of an existing garage which are considered acceptable. Given the location of the site it is considered that the proposed parking and cycle provision is acceptable.
4.26 The Councils Highways Officer has confirmed that the existing vehicular crossover will need to be re-instated at the developer’s expense together with the street naming and numbering if the scheme is deemed acceptable.

4.27 There is a query with respect to the right of access over the private road, however the applicant has confirmed that there are rights of access.

**Refuse Storage**

4.28 The refuse storage is to be sited to the ground floor of the flatted development and to the rear of existing garages of 29 The Leas serving the mews development. It is considered to be in accordance with the Waste Management Guide SPD1.

**Impact on residential amenity**


4.29 In terms of impact on to adjacent residential occupiers, the proposed flatted development is sited 1.5m away from the boundary of 31 The Leas. The development proposed will project 2.5m beyond the rear wall of 31 The Leas (4m including the balcony which is stepped in). In terms of the impact on 29 The Leas, the development will be located 0.2-0.3m away from the boundary whereby 29 The Leas is located 1.2m away from the boundary between 29 The Leas and 30 The Leas. The overall height of the development is 12.8m rising to 14m due to the varying site levels. Furthermore, the proposed balconies will be enclosed from the view of 31 The Leas to protect the private amenity space and there is approximately 3m separation distance from the boundary of 29 The Leas. It is considered that the proposed flatted development will not have a harmful impact on residential amenity for existing or future occupiers.

4.30 With respect to overlooking or loss of privacy, windows are proposed to the flank elevations and therefore a condition can be imposed to ensure the windows are obscure glazed and fixed shut. Existing windows exist within the flank elevations of 29 The Leas and 30 The Leas however; they appear to be obscure glazed.

4.31 The proposed mews development will include windows to the east elevation overlooking existing garage blocks serving 29 Hadleigh Road and high level windows are proposed to the south elevation and no windows to the west elevation.

4.32 In terms of separation distance, the mews are located 18m-30m away from the nearest properties to the west along Crowstone Avenue, 28m to the east along Grosvenor Mews, 10m to the southwest from 8 Crowstone Avenue and
45m from the 30 The Leas to the south. The overall height of the development equates to 5.7m rising to 6.8m. It is not considered the proposed development will be overshadowing on the adjacent residential occupiers or give rise to overlooking or loss of privacy.

4.33 In light of the above, the proposed mews development is considered to accord with Policy KP2 and CP4 of the Core Strategy.

**Sustainability**


4.34 The Design and Access Statement accompanying this planning application states that the apartment block and houses will include the provision of solar roof panels. The north/south locations of the buildings will provide ideal conditions for utilising this technology to supplement the energy requirements of the buildings. It is therefore considered that the proposed development will meet the requirements of 10% of renewable energy technologies being used in accordance with the provisions of Policy KP2 of the Core Strategy.

4.35 In addition, the applicant contends that the development will utilise timber from sustainable sources and wherever possible the use of locally sourced materials. The undercroft deck design will incorporate a green roof, the benefits to increased the life span, reduce heat loss, reduction of storm water runoff and filtering pollutants and CO² emissions.

**Flood Risk**

4.36 Flood risk is a material planning consideration and is relevant to this application give its proximity to the seafront, and the proposed site falls within Flood Zone 2, the medium risk zone as defined by Table D1 of Planning Policy Statement 25.

4.37 In terms of Council’s view the site falls within the seafront, as identified under Policy KP1 of the adopted Southend on Sea Core Strategy. This area is promoted as an area for regeneration and growth, and has been through Strategic Flood Risk Assessment which fed into the Core Strategy. Policy KP1 of the Core Strategy states that appropriate the primary focus of regeneration and growth within Southend will be in Southend Town Centre and Central Area with appropriate regeneration and growth focussed in Seafront, Shoeburyness and Priority Urban Areas. 550 new dwellings have been earmarked for the seafront area between 2001-2021. It is considered further development in the central seafront area can be considered acceptable subject to a site specific investigation. The proposal is considered to pass the requirements of the sequential test.

4.38 For the exceptions test to be passed the development must provide
wider sustainability benefits, be on previously developed land and by way of a Flood Risk Assessment, demonstrate the development will be safe. The proposal would provide sustainability benefits by resulting in a more efficient use of land, including sustainable/renewable energy use which would contribute to reducing energy needs and non-renewable energy use. The site is also previously developed land. Parts A and B of the exceptions test are therefore considered to be satisfied.

4.39 The Environment Agency have assessed the submitted Flood Risk Assessment, prepared by Ambiental Technical Solutions Limited and raise an objection to the application. The objection is in relation basement area whereby the proposed development would result in over 2.5 metres of flood water within the basement area which is not considered acceptable. Details of the automated flood gate have not been included within the Flood Risk Assessment. The basement area as it currently stands could be subject to significant hazards if flooded and therefore poses a significant risk to anyone using the parking area.

4.40 The building should be designed to withstand the hydrostatic and hydrodynamic pressures of flood water against the building and confirmation is required from a structural engineer.

4.41 In terms of the floor levels, the ground floor accommodation of the first flat is provided below the extreme flood level and does not therefore provide refuge above the extreme level. As the ground floor flat is single-storey, ideally the floor level would be set above the level of the 1 in 1000 year flood. This should be considered in any future correspondence as refuge within the building may from an integral part of the flood response plan where access to and from the development cannot be guaranteed.

4.42 The FRA suggests that a flood plan should be drawn up for the site, although no such plan has been submitted. As the access to and from the development is from the front of the development, which involves entering the floodplain, a flood plan should be drawn up which recommends that site users evacuate the development on receipt of a flood warning. This is particularly important as the ground floor flats are proposed below the flood level and the access to and from the development is within flood zone 2.

4.43 The submitted flood risk assessment has not included details of the flood risk on site following a breach and/or overtopping of the defences. The flood risk assessment is based upon still water levels rather than considering in more detail the depth of water on site. The proposal is therefore considered contrary to the above policy.

5 Planning Policy Summary

5.1 Planning Policy Statement 1 (Delivering Sustainable Development), Planning...

5.2 East of England Plan (May 2008): SS1 (Achieving Sustainable Development), ENV6 (Historic Environment), ENV7 (Quality in the Built Environment)

5.3 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance)

5.4 Borough Local Plan Policies: C11 (New Buildings, Extensions and Alterations), T8 (Traffic Management and Highway Safety), T11 (Parking Standards), C14 (Trees, Planted Areas and Landscaping), H5 (Residential Design and Layout Considerations), T12 (Servicing Facilities), T13 (Cycling and Walking), U2 (Pollution Control)

5.5 SPD1 Design & Townscape Guide (2009)

5.6 EPOA Vehicle Parking Standards (2001)

5.7 Waste Management Guide

6 Representation Summary

Design and Regeneration

6.1 There is a presumption against the demolition of a building within a conservation area, particularly where the existing building makes a positive contribution to it through design, age, materials or detailing.

6.2 The Design and Access Statement comments that a draft appraisal was carried out in 2003 which recommended de designation of the conservation area however, it should be noted that this was only a consultation draft and never taken forward for adoption. Since this time, in 2009, the conservation area has been reappraised by Essex County Council Historic Environment Section and in this instance the appraisal concluded that the conservation area was worthy of retention. This appraisal was formally adopted by the Council in November 2009. Within this document the appraisals of 30 The Leas note that, although the windows and balcony details have been replaced with unsympathetic materials this is mitigated by their relatively simple design. It also notes that the building has retained a number of attractive original details (tile hanging, front door with decorative fanlight, and elegant chimney) and concludes that the building makes a positive contribution to the unity of the group of buildings and the streetscape.

6.3 Thus, there must be a good case to overcome the presumption for the
retention of the building. Whilst the details of the proposal have been refined since the pre application meeting, I am not confident the scheme as currently proposed would preserve and enhance the character of the conservation area.

6.4 In terms of the proposed mews development to the rear of the site, no objections are raised to the principle of this development subject to it being a high quality design. This land is within the conservation area but is currently a vacant site.

6.5 **Frontage Building**
The overall scale of the proposed development at 30 Leas has picked up the undulation of the development to the east but there are still concerns that the narrowness of the site has resulted in a proportion that it too ‘vertical’ and out of character with the conservation area. Blank sides of the development will be exposed above its neighbours when seen from the sides.

6.6 It is noted that the applicant has tried to mitigate the height by setting back the top floor but the long public views will enable the building to be viewed in its entirety from a wide area and this site will lessen the effectiveness of this technique.

6.7 In terms of design details the proposal is well resolved but is a simplistic modern form which, whilst not a poor design, relates more to the modern development to the east of the site, which are outside the conservation area. References like the richness of textures and details and the floor alignments of buildings in the conservation area are not picked up in the proposal.

6.8 The roof form of a flat roof works with the overall design of the building; however, this style of building has a much stronger relationship with the modern development outside the conservation area. There is concern with the proposed entrance which projects forward of the neighbour quite significantly and when viewed together with the associated ramp, these features become rather dominant on the frontage.

6.9 The internal space and amenity provision are considered to be acceptable but it is worth noting that the underground parking area may detrimentally affect the large trees on the neighbouring land. These trees do not provide any public amenity but they do provide significant private amenity for the surrounding neighbours and make a valuable contribution to local biodiversity. Any works to existing trees will require a tree application.

6.10 Overall, whilst the present building is not the most striking in the conservation area, it provides an effective transition between the historic properties and the newer high density development. The proposed development, whilst not a poor design, would be more associated with the newer development to the east, and would effectively truncate the conservation area rather than preserving or enhancing it.

6.11 **Mews development**

The mono pitch styles roofs, as well as being a distinctive part of the design, will help to mitigate the scale of the properties on the neighbours to the west and this works well. The upper terrace areas help to ensure that good levels of daylight are able to penetrate into the living areas as well as provide a useable private amenity area for each unit. The fenestration to the principle elevation is simple but relates well to the overall design of development. The design of the south elevation is not as successful as the high level windows to the south elevation seem to be a little at odds with the rest of the scheme.

6.12 The loss of existing trees in this area is regrettable but the public views of these are minimal and therefore there is no objections in principle provided this area is well landscaped.

Traffic and Transportation

6.13 The existing vehicular crossover will need to be re-instated at developers expense.
6.14 Street naming and number will need to be involved there is a small charge for this service approx £500.

6.15 There are concerns with respect to the right of access [Officer Comment: The applicant has confirmed that they have rights of access to the mews development from Grosvenor Road. Therefore no objection raised]

Parks and Open Spaces

6.16 A tree survey is required for the site and a detailed landscaping plan. [Officer Comment: A separate application would be required for any works to the trees].

Waste Management and Street scene

6.17 No comments received at the time of writing this report.

Essex County Council (Historic Buildings and Conservation Areas)

6.18 The Crowstone Conservation Area occupies a small part of the seafront on the Chalkwell Esplanade, focused on Crowstone House, a landmark building erected around 1900 and conspicuous for an exuberant display of varied architectural features, including a corner turret with a belvedere, timber framing, balconies dormer windows and gables. Other buildings in the Conservation Area and on the seafront are in the same character, notably numbers 31-32 The Leas, which have corner turrets, gables and bay windows, and are to the west of the application site. The Conservation Area is important as it preserves part of the original character of the seafront which has been under intense pressure for redevelopment. This is reflected in the undistinguished modern block to the east of the application site, and the development on the corner opposite Crowstone House which is architecturally more interesting but takes little account of its surrounding context.
6.19 This application would see the demolition of number 30 and its replacement with a block of flats and the construction of a terrace of three mews houses at the end of its long garden, with access from the rear. 30 The Leas was built by 1922. It differs from its neighbours to the west due to the Arts and Crafts style, though the basic building materials and architectural forms are similar. It has a tiled roof with ridge tiles, a tile hung gable, a tall chimney, and preserves its basic original appearance, although the front has had its windows and balcony renewed, albeit in a way that is simple and not out of keeping. The Crowstone Conservation Area Appraisal judged the house to make a positive contribution to the Conservation Area.

6.20 The proposed replacement block of flats takes its cue from the modern blocks to the east, being angular and flat roofed, with glazed balconies. A major problem is the narrowness of the site, little more than 9m, a constraint which has led the proposed building to be deeper in plan and taller than the neighbouring buildings. The bulk would be considerable, especially when seen from the east, as it would be one storey higher than the building on that side. The front garden and access arrangements would be very contrived, as the building would have to be raised slightly because of flood risk, and ramps up to the front door, and down to the basement parking, together with a platform lift, are proposed. It is doubtful whether a small area of landscaping would mitigate the built form required for these features.

6.21 It is difficult to see that this scheme would preserve or enhance the Conservation Area, in the sense that it would replace 30 The Leas with a building that was more in keeping and architecturally distinguished. PPS5 Planning for the historic environment says that “Local Planning Authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use”. The application for the frontage building does not meet these criteria and therefore recommend that it be refused.

6.22 The proposed mews development is another matter. These buildings would not have immediate neighbours with strong architectural character. The houses could be seen as a modern interpretation of the mews buildings to be found in other parts of Southend. If asymmetrical in design, the repetition of the same house type would give the terrace balance and regularity. Their bulk has been kept down by low pitched roofs. I would therefore have no objection to this part of the application. The use of metal cladding on the walls does not appear suitable and the fenestration of the south elevation could be better balanced, but these are minor matters which could be given further consideration.

**Environment Agency**

6.23 **Flood Risk**
The proposed site falls within Flood Zone 2, the medium risk zone, as defined by Table D1 of PPS25 and illustrated by our Flood Zone maps. Further, the proposed use of the site as residential accommodation is classified, in table D2 of PPS25, as 'more vulnerable'. Therefore, in accordance with PPS25, the application should pass the Sequential Test and be supported by a Site Specific Flood Risk Assessment (FRA).

6.24 **Sequential Test**
We would advise the Local Planning Authority (LPA) that they have a responsibility to ensure that all new development is situated in sustainable locations, in line with Planning Policy Statement 25, Development and Flood Risk (DCLG, December 2006).

LPA’s applying the sequential test to development should be able to demonstrate that there are no reasonably available sites in areas of a lower probability of flooding, that would be appropriate for development (PPS25, para. 16). The sequential test should be applied at all levels of the planning process. To date, we have received no information to demonstrate that the LPA has applied the sequential test (PPS25, paras 14-17 and Annex D) to this application. Until we are satisfied that the sequential test has been applied we will **object** to the proposal. The LPA should be able to demonstrate that the sequential test has been applied. [Officer Comment: The Environment Agency has now confirmed that the sequential test is now accepted].

6.25 **Site Specific Flood Risk Assessment (FRA)**
**Basement area**
We note that it is intended to provide an undercroft/basement parking area. According to drawing 10690 P03A, the finished floor level of this area will be 3.316m AOD. This would result in over 2.5 metres of flood water within the basement area which is not considered acceptable, particularly where this risk is being designed into the development as this risk does not currently exist. If the inclusion of a basement area is integral to the design of the development, then further consideration will need to be given to how this risk may be managed. Ideally the basement area would be designed so that it does not flood. Designs often involve tanking the basement area to prevent the ingress of water through the walls and providing an automatic flood barrier to the entrance of the basement. Drawing 10690 P03A shows an automated flood gate on the plan but no further details are contained within the FRA. Details of how the gate will be operated should be included. The basement area as it currently stands could be subject to significant hazards if flooded and therefore poses a significant risk to anyone using the parking area.

6.26 **Hydrostatic and hydrodynamic pressures**
The building should be designed to withstand the hydrostatic and hydrodynamic pressures of flood water against the building. Confirmation should be provided from a structural engineer to confirm that the building will be designed to withstand these pressures.

6.27 **Floor levels**
Ground floor accommodation of the first flat is provided below the extreme flood level and does not therefore provide refuge above the extreme level. As the ground floor flat is single-storey, ideally the floor level would be set above the level of the 1 in 1000 year flood. This should be considered in any future correspondence as refuge within the building may from an integral part of the flood response plan where access to and from the development cannot be guaranteed.

6.28 Flood response plan
The FRA suggests that a flood plan should be drawn up for the site, although no such plan has been submitted. As the access to and from the development is from the front of the development, which involves entering the floodplain, a flood plan should be drawn up which recommends that site users evacuate the development on receipt of a flood warning. This is particularly important as the ground flood flats are proposed below the flood level and the access to and from the development is within the floodplain.

6.29 Surface water
As the site is less than 1 hectare in size we have made no comments on the surface water drainage from the site.

6.30 Breach and overtopping analysis
The FRA has not included details of the flood risk on site following a breach and/or overtopping of the defences. The FRA is based upon still water levels rather than considering in more detail the depth of water on site, allowing for the spread of water over the floodplain. If it can be demonstrated through flood mitigation measures (e.g. raising of floor levels, flood response plan) that the still water levels used can be appropriately managed, then it may not be necessary to undertaken further modelling. Useful information may be found within the Southend-on-Sea Strategic Flood Risk Assessment which has considered breach and overtopping of the defences along the Southend frontage.

Leigh Society

6.31 No comments received at the time of writing this report.

Conservation Association Westcliff Seaboard

6.32 Object to the proposal on the following reasons;

- The demolition of this building and the erection of another block of flats would detract further from the overall look, feel, sense of height and humanness for this precious part of the Crowstone Conservation seafront area. There are already 4 new blocks of flats and this would make a 5th unbalancing the flats to house ratio.
- The building line of this new proposal would sit further forward than the buildings on either side of the development and would be overbearing
and would spoil the long and short views of Crowstone House, a key building within the Crowstone Conservation Area.

- The proposed front wall of the property would result in an overbearing feature.
- The Grosvenor Mews area is already overcrowded with parking. This along with a loss of light and loss of privacy to lower level buildings seems to be an important issue for residents in the nearby area.
- One parking space per flat would not be adequate to cover the needs of these flats.
- The proposed design of the flats are faceless and do not sit well within the Crowstone Conservation Area,
- The proposal would result in overdevelopment of this part of the seafront and Crowstone Conservation Area in particular.

Public Consultation

6.33 2 site notices have been displayed on the 6th July 2011. Two letters of representation have been received at the time of writing this report stating:

- The area is already overdeveloped and another development would detract further from the overall look and feel of this precious part of the Conservation Sea Front Area.
- The developer has already plans to demolish 31 and 32 The Leas and is letting the buildings fall into disrepair which would further destroy this conservation area. Leaving the buildings in disrepair is irresponsible.
- The design of the flats and houses are of modern design and the proposals do not relate to the Crowstone Conservation Area.
- There are parking problems at The Leas and to the rear of the site at Grosvenor Mews and given the number of parking spaces proposed this will exacerbate the existing issue.
- The block of flats will result in loss of privacy and light.
- The plan shows a solid wall in front which destroys the open nature of the area.
- The submitted plan gives a false depiction of the boundary.

7 Relevant Planning History

Demolish dwellings (Conservation Area Consent)- Refused 13th October 2008 (08/00714/CAC)

Demolish dwellings, erect eight storey block of 21 self contained flats with basement parking and swimming pool at rear, form cycle and refuse stores and layout amenity areas- Refused 9th October 2008 (08/00712/FULM)

8 Recommendation

Members are recommended to:
8.1 REFUSE CONSERVATION AREA CONSENT for the following reason:

01 The proposal would result in the loss of a historic building that is a heritage asset in Southend Borough, without provision for an acceptable alternative, and fails to preserve or enhance the character and appearance of the Crowstone Conservation Area. As such it is contrary to national policy guidance contained in PPS1, PPS3, PPS5; East of England Plan Policies: SS1, ENV6 & ENV7; Borough Local Plan Policies: C2, C4, C11, H6; Core Strategy DPD Policies: KP2, CP4 & CP8; and the Supplementary Planning Document: Design & Townscape Guide.

REFUSE PLANNING PERMISSION for the following reasons:

01 The proposal would result in the loss of a heritage asset and the proposed block of flats by reason of its form and detailing is inconsistent with the historic character of the surrounding area of Crowstone Conservation Area and as such does not represent the quality of design required by PPS1, PPS5 and the Council's Development Plan policies. In this regard, the development would have a detrimental impact on the character and appearance of the Crowstone Conservation Area and the surrounding locality contrary to guidance in PPS1, PPS5 and Policies ENV6, ENV7 of the East of England Plan, KP2 and CP4 of the Core Strategy and Policies C4, C11, H5 of the Borough Local Plan and the Design and Townscape Guide (SPD1).

02 The Local Planning Authority is not satisfied that the proposed development would provide a safe refuge area and safe access and egress route to and from the site in the event of a flood, would not result in a safe residential environment in flood risk terms and would compromise the ability of the emergency rescue services to evacuate residents in this respect. This would be contrary to Planning Policy Statement 25 and Policies KP1 and KP2 of the Southend on Sea Core Strategy 2007.

Reference: 11/00810/FUL

Ward: St Lawrence
<table>
<thead>
<tr>
<th><strong>Proposal:</strong></th>
<th>Erect fourth floor extension incorporating 8 self-contained flats, lay out car parking spaces, cycle and refuse store</th>
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<tbody>
<tr>
<td><strong>Address:</strong></td>
<td>Manners Court, Manners Corner, Southend-on-Sea, Essex, SS2 6QR</td>
</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td>Manners Corner Management Co Ltd</td>
</tr>
<tr>
<td><strong>Agent:</strong></td>
<td>ACS Design Associates Ltd</td>
</tr>
<tr>
<td><strong>Consultation Expiry:</strong></td>
<td>18 August 2011</td>
</tr>
<tr>
<td><strong>Expiry Date:</strong></td>
<td>24 August 2011</td>
</tr>
<tr>
<td><strong>Case Officer:</strong></td>
<td>Matthew Leigh</td>
</tr>
<tr>
<td><strong>Plan Nos:</strong></td>
<td>2600/TP/02, 2600/TP/03, 2600/TP/05, 2600/TP/06, 2600-10-Proposed Elevations and 2600-11-Proposed Elevations</td>
</tr>
<tr>
<td><strong>Recommendation:</strong></td>
<td>Delegate to the Group Manager of Development Control &amp; Building Control, the Head of Planning and Transport or ETE Corporate Director to Grant Planning Permission subject to the expiry of the neighbour consultation period.</td>
</tr>
</tbody>
</table>

1 The Proposal
1.1 The propose development involves the construction of an additional fourth floor, which would incorporate eight additional flats on site. The proposal would provide a new maximum height of 12.8m.

1.2 The residential accommodation would be made up of 2no. one bedroom flats and 6no. two bedroom flats.

1.3 The development would also involve the lay out of car parking spaces and the provision of a refuse and cycle store.

2 Site and Surroundings

2.1 The site consists of a three storey building on Manners Corner, at the junction of Manners Way and Oaken Grange Drive. The building comprises retail units at ground floor with two floors of residential flats above. The building is prominent in the streetscene and highly visible from both Manners Way and Oaken Grange Drive.

2.2 The streetscene in the area is mixed. The building immediately adjacent on Oaken Grange Drive is two storeys with gabled ends, whilst dwellings further down this street are bungalows. Directly opposite the site, on the corner of Oaken Grange Drive and Manners Way are two large gable fronted two story houses with bungalows facing the application site on the opposite side of Manners Way and two storey properties on the same side to the north.

3 Planning Considerations

3.1 The key considerations are the principle of the development, the design and impact on the character of the area, impact on residential amenity and impact on future occupiers. The planning history of the site is also a material consideration.

4 Appraisal

Background to the application

4.1 A planning application (SOS/10/00802/FUL) for the erection of a fourth floor extension comprising of eight flats was refused planning permission on the 18th June 2010. The application was refused and subsequently dismissed at appeal. This application has been submitted in an attempt to overcome the previous reasons for refusal.

Principle of the Development

4.2 Government advice in PPS3 currently states that all sites should be examined in order to determine their potential for redevelopment for residential purposes. It should also be noted that Government policy is to optimise the use of urban land. The proposed development involves the provision of further accommodation through the provision of an additional storey to an existing building and so is considered to be previously developed land. In this context it is considered that a refusal of the application could not be justified on the provision of a residential property, provided the development meets all other policy requirements and is in line with all relevant Government guidance.

Design and Impact on the Character of the Area:

Planning Policy Statement 1, Planning Policy Statement 3; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C7, C11, H5 and H7.

4.3 It should be noted that good design is fundamental to high quality new development and its importance is reflected in PPS1 and PPS3 as well as Policies C11 and H5 of the Local Plan and Policies KP2 and CP4 of the Core Strategy. Also the Design and Townscape Guide (SPD1) states that the Council is committed to good design and will seek to create attractive, high-quality living environments.

4.4 In determining an appropriate contextual relationship with surrounding development, factors such as massing and siting are material considerations. Details such as its relationship with adjoining properties are also fundamental in ensuring the appearance of any new development is sympathetic to its surroundings and therefore wholly appropriate in its context. The principles of contextualism do not pretend to shape a design but do surround the development with cautionary guidelines.

4.5 The existing building which is locally listed, is designed in a highly distinctive art deco style, symmetrically arranged around the splayed corner, and is a prominent feature in the street scene. The proposed additional floor has referenced the design of the existing building and has proposed to used identical materials. The additional storey would not unduly increase the scale or bulk of the building to the extent that it would become a dominating or overbearing feature in the streetscene.

4.6 The additional storey adds to the vertical emphasis of the building. However the impact of the increase in height is softened by setting the building line back from the front elevation. It is noted that some of the proposed windows do not follow the consistent proportions and alignment of the lower floors, however, on balance it is not considered that the development would have a detrimental impact on the character or appearance of the parent building or the wider character of the area.
Traffic and Transportation Issues:

Planning Policy Statement 1, Planning Policy Guidance Note 13; DPD1 (Core Strategy) policies KP2, CP4; BLP policies T8 and T11.

4.7 Policy T11 requires the provision of adequate parking and servicing facilities. The Essex Planning Officers Association (EPOA) set out the requirements for each use. The Parking Standards are expressed as maximum standards and public transport is available in the locality. It should also be noted that the authority also takes into account Government guidance contained within Planning Policy Guidance Note 13: Transport (PPG13) which encourages the reduction in the reliance of the car and promote methods of sustainable transport.

4.8 The proposed development would involve alterations to the existing car park to provide an additional eight car parking spaces. This is identical in nature to the previous application and is therefore considered acceptable.

Impact on Residential Amenity:

PPS1, PPS3; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11, H5 and the Design and Townscape Guide.

4.9 The proposed development would have a similar relationship with surrounding properties in terms of overlooking, dominance and overshadowing as the previously refused scheme. No objection was raised at this time to the impact upon the amenity of the adjoining residents. It is considered the proposal is not materially different in this respect and therefore no objection is raised.

4.10 It should also be noted that the Inspector, in his decision letter, stated “it appears to me that other dwellings are at such a distance from the proposed new flats that there would be no significant overlooking or loss of privacy.”

4.11 Outdoor amenity space would be available through the existing ground floor garden, which is a well maintained outdoor space, with good sized grass areas bounded by vegetation and trees of varying heights; It is considered that this space would provide adequate outdoor space for any residents, including families.

Sustainable Construction:

PPS1, PPS3; DPD1 (Core Strategy) policies CP4 and CP8; BLP policies C11, H5 and the Design and Townscape Guide.

4.12 PPS3 (Housing) states that new development should:

“Facilitate the efficient use of resources, during construction and in use, and seeks to adapt to and reduce the impact of, and on, climate change.” Whilst 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).”

4.13 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. This applies during both construction and the subsequent operation of the development. 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”.

4.14 The proposed involves the provision of eight additional flats and it is considered reasonable to require the provision of at least 10% of the energy needs of new development from on-site renewable resources. Whilst the provision of renewable energy resources should be considered at the earliest opportunity to ensure an intrinsic design it is considered reasonable and appropriate to impose a condition on any approval requiring details of renewable options (and/or decentralised renewable or low carbon energy sources) to meet 10% of the developments energy needs to be submitted in accordance with Policy KP2 and Government guidance.

Other Matters:

DPD1 (Core Strategy) policies KP2 and CP4 and BLP policies C11, H5 and H7.

4.15 The applicant has supplied a location for the proposed refuse store and cycle store, but has not provided details of its height and appearance. However, further details can be controlled by way of a condition and therefore no objection is raised in principle to the provision of the stores.

5 Conclusion

5.1 The development is considered to make a more efficient use of the site. The current proposal is considered to have overcome the previous reason for refusal in relation to design and it is therefore considered, on balance, that subject to appropriate conditions, the development is in accordance with the Council’s Development Plan.

6 Planning Policy Summary


6.2 East of England Plan Policies H1 (Regional Housing Provision 2011- 2021), ENV7 (Quality in the built Environment) and SS1 (Achieving Sustainable Development).

6.3 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance) and CP8 (Dwelling Provision).

6.5 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), H7 (Formation of Self-contained Flats), T8 (Traffic Management and Highway Safety) and T11 (Parking Standards).

7 Representation Summary

Highway Authority

7.1 No comments received at time of writing the report.

Parks and Open Space

7.2 No comments received at time of writing the report.

Waste Management

7.3 No comments received at time of writing the report.

The Airport Director

7.4 No comments received at time of writing the report.

Essex County Council

7.5 No comments received at time of writing the report.

Design and Regeneration

7.6 The building is a local landmark and makes a positive contribution to local character. Despite the loss of some original features (windows and some shopfronts), the building has significant presence in the streetscene and architectural integrity and is considered to be a good example of interwar development. It has been designated a Locally Listed Building. It is therefore important that any extension respects its special architectural and historical quality.

The revised approach follows closely the design of the existing building and is considered to be generally acceptable and subject to high quality detailing, that exactly matches the materials and proportions of the existing building, should ensure that the special architectural character of this locally listed building is preserved. There are just a couple of minor issues with the proposed design that could be improved:

- It is noted that the windows of existing building are of a consistent width (except for curved ones which are slightly larger). The proposed design includes 4 windows of shorter width which seem at odds with the rest. It is noted that as the extension is set back there will be less wall space available but it would be
preferred if these windows could be at least one panel wider

- It also seems a shame that two of the large curved windows have obscure glazing to bathrooms and that these do not relate to rooms with an outlook.

These are however minor issues and overall the design is considered to be acceptable.

**Materials and Detailing**
The materials and detailing of this design will be key to ensuring its successful integration with the existing building. The proposed brick will need to be a very close match to the existing and is likely to require a site visit to determine its acceptability at an appropriate stage in the development process. The render colour also needs to coordinate with the existing building unless there is a proposal to paint all the render on the frontage.
The windows need to be of high quality and it is noted in paragraph 7.2 of the Design and Access Statement that the windows to new floor to have horizontal bars – this is not what is shown on the plans and although historically accurate for this age of building as all the other windows are consistent it is considered that it would be most appropriate for the extension windows to match these in proportion and not introduce additional glazing bars (that is unless of course all the windows for the entire block can be reinstated to the original form.) They should be of a high quality (metal preferred) without top fanlights as this further detracts from the simplicity of the design. The curved windows must be properly curved and not flat windows angled round the corner.
The detailing of the stair tower extension features (glazing and parapet detail) will also be key to its integration with the existing and this needs to replicate the lower floors. Details of this also need to be conditioned.
The roof profile is another element that is key to its successful integration and this needs to be the exact width of the horizontal banding on the existing building. If too thick this will be detrimental to the scheme. It is assumed that rainwater goods will be concealed and this also need to be conditioned.

**Sustainable Development**
The Core Strategy policy KP2 requires that all new development be of sustainable construction and that at least 10% of energy needs be provided by on site renewables. No details of this have been submitted. It would be helpful to have this information before the application is determined so that the Council can ensure that this requirement can be satisfactorily incorporated into the scheme. It seems that the most likely outcome is the utilization of the flat roof or ASHP built into the structure and facing to the rear but confirmation of which technology is proposed and how it will be integrated into the design (including room for associated plant) should be sought at this stage.

**Public Consultation**

7.4 At the time of writing the report three letters had been received which raise the following comments and observations:

- Loss of privacy
• Impact on parking
• Out of character
• Totally change the look of the building
• Impact on light
• Impact on television reception
• Damage to low flying aircraft
• Greed by the owners
• Devaluation of property
• More congested
• Impact on the commercial units at ground floor

8 Relevant Planning History

8.1 2010 - A planning application (SOS/10/00802/FUL) for the erection of a fourth floor extension comprising of eight flats was refused planning permission was refused planning application. The Council’s decision was subsequently appealed and the appeal was dismissed.

9 Recommendation

Members are recommended to:

9.1 Members are recommended to DELEGATE AUTHORITY TO THE GROUP MANAGER OF DEVELOPMENT CONTROL & BUILDING CONTROL, HEAD OF PLANNING & TRANSPORT or ETE CORPORATE DIRECTOR TO GRANT PLANNING PERMISSION subject to the expiry of the neighbour consultation period and 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: 2600/TP/02, 2600/TP/03, 2600/TP/05, 2600/TP/06, 2600-10-Proposed Elevations and 2600-11-Proposed Elevations. (C01D)

Reason: To ensure that the development is carried out in accordance with the policies outlined in the Reason for Approval. (R01D)

03 No development shall take place until samples of the facing material to be used, including glazing, 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. (C23E)
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 East of England Plan 2008 policy ENV7, DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy C11, and SPD1 (Design and Townscape Guide). (R23DA)

04 8 additional car parking space(s) shall be provided in accordance with plan no. 2600/TP/04 prior to occupation of the dwelling(s) hereby approved and shall thereafter be permanently retained for the parking of private motor vehicles solely for the benefit of the occupants of the dwelling(s) of which it forms part and their visitors and for no other purpose unless otherwise agreed in writing by the local planning authority. (C18B)

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with East of England Plan 2008 policy T8, DPD1 (Core Strategy) 2007 policy KP2, Borough Local Plan 1994 policy T8 and T11, and SPD1 (Design and Townscape Guide). (R18C)

05 No development shall take place until there has been submitted to and approved by the local planning authority details, including materials, of the cycle and refuse stores proposed. The development shall only be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. The development shall not be occupied until the agreed cycle and refuse stores have been constructed and will be retained in perpetuity.

Reason: To make satisfactory provision for refuse and cycle storage in accordance with Policies C11 and H7 of the Southend on Sea Borough Local Plan and the Design and Townscape Guide SPD1.

06 No development shall take place until a scheme detailing measures to supply at least 10% of the total energy needs of the development by using on-site renewable resources has been submitted to and approved in writing by the local planning authority. None of the development hereby permitted shall be occupied until the scheme has been implemented in accordance with the approved details, and the measures forming part of the scheme shall be retained thereafter, unless otherwise approved in writing by the local planning authority.

Reason: To ensure a satisfactory level of on site renewable resources are used in the construction of the dwelling, in accordance with Policy KP2 of the Core Strategy DPD1.

07 The rear external staircases and platforms shall not be used as balconies or sitting out areas.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with East of England Plan 2008 policy.
SS1, DPD1 (Core Strategy) 2007 policy CP4, Borough Local Plan 1994 policy H5, and SPD1 (Design and Townscape Guide). (R17A)

08 No development shall commence until details of the all new windows are submitted and agreed in writing by the LPA. This should include plans and cross sections at a scale of 1:20 showing a cross-section profile of the windows. The development shall only be constructed in accordance with the agreed details.

Reason: To safeguard the visual amenities of the area, in accordance with Policy CP4 of the Core Strategy and Policies C11 and H5 of the Southend on Sea Borough Local Plan

09 No development shall commence until details of the roof design are submitted and agreed in writing with the LPA. This should include dimensions at a scale of 1:20 to clarify that this matches the banding width of the rendered strip below and the location of rainwater goods. The development shall only be constructed in accordance with the agreed details.

Reason: To safeguard the visual amenities of the area, in accordance with Policy CP4 of the Core Strategy and Policies C11 and H5 of the Southend on Sea Borough Local Plan

10 No development shall commence until details of the parapet to the staircase extension feature are submitted and agreed in writing by the LPA. This should include plans and cross sections at a scale of 1:20 showing the cross-section profile of the parapet. The development shall only be constructed in accordance with the agreed details.

Reason: To safeguard the visual amenities of the area, in accordance with Policy CP4 of the Core Strategy and Policies C11 and H5 of the Southend on Sea Borough Local Plan

REASON FOR APPROVAL:

01. This permission has been granted having regard to East of England Plan (May 2008) Policies H1 (Regional Housing Provision 2011-2021), ENV7 (Quality in the built Environment) and SS1 (Achieving Sustainable Development); the Core KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance) and CP8 (Dwelling Provision); and Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), H7 (Formation of Self-contained Flats), T8 (Traffic Management and Highway Safety) and T11 (Parking Standards) of the Borough Local Plan together with, the Design and Townscape Guide SPD, Government guidance and to all other material considerations. The carrying out of the development permitted, subject to the conditions imposed, would accord with those policies and in the opinion of the Local Planning Authority there are no circumstances which otherwise would justify the refusal of permission.
Informatives

01 You are advised that the development hereby approved is likely to require approval under Building Regulations. Our Building Control Service can be contacted on 01702 215004 or alternatively visit our website http://www.southend.gov.uk/info/200011/building_control for further information. (I77)

02 If this application is for a new property/properties or for a conversion of an existing property, you will need to have the development officially street named and numbered. The street naming & numbering form is available on the Southend-on-Sea Borough Council’s website at www.southend.gov.uk. If you have further queries, please contact the street naming and numbering service (Highway and Traffic Management Services) on 01702 215003 or email: council@southend.gov.uk. (I64)
<table>
<thead>
<tr>
<th><strong>Reference:</strong></th>
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<tr>
<td><strong>Ward:</strong></td>
<td>Shoeburyness</td>
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<tr>
<td><strong>Proposal:</strong></td>
<td>Erect part single/part two storey extension to east elevation of industrial building incorporating 1500sqm of additional industrial floorspace and 330sqm of office floorspace, lay out 87 parking spaces, re-locate compactors into the front of the industrial building; erect 2m boundary fencing, lay out bin stores, staff recreational areas and landscaping (Amended Proposal)</td>
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<tr>
<td><strong>Address:</strong></td>
<td>Cumberland Packaging, Campfield Road, Shoeburyness, Southend-on-Sea, Essex, SS3 9BX</td>
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<tr>
<td><strong>Applicant:</strong></td>
<td>Cumberland Packaging Ltd</td>
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<tr>
<td><strong>Agent:</strong></td>
<td>Betterview Building Division</td>
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<tr>
<td><strong>Consultation Expiry:</strong></td>
<td>11 August 2011</td>
</tr>
<tr>
<td><strong>Expiry Date:</strong></td>
<td>26 September 2006</td>
</tr>
<tr>
<td><strong>Case Officer:</strong></td>
<td>Matthew Leigh</td>
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<tr>
<td><strong>Plan Nos:</strong></td>
<td>BVB-00206-1 (Issue 4), BVB-00206-2 (Issues 2), BVB-00206-3 (Issue 6) and BVB-00206-4 (Issue 1)</td>
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<td><strong>Recommendation:</strong></td>
<td>Grant Planning Permission</td>
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</table>
1 The Proposal

1.1 The application seeks to erect a part single storey and part two storey extension to the east elevation of the existing industrial building incorporating 1500m² of additional industrial floorspace and 330m² of office floorspace.

1.2 The development also involves the layout of 58 parking spaces, re-location of the existing compactors into the front of the industrial building, the erection of a 2m boundary fence, layout bin stores, staff recreational areas and landscaping.

1.3 At the time of the submission of the application the development had not been commenced. However, it should be noted that the development has now been completed.

2 Site and Surroundings

2.1 The property is an end unit (number 6) of a large industrial warehouse. The building is two storeys with some office use but the primary use of the site is industrial and warehousing. The building is brick built with metal cladding and the roof is pitched with a central ridge. The adjoining property to the west is in use as an industrial unit.

2.2 To the east of the site are residential properties. Whilst to the south of the site is the Shoebury Garrison site.

3 Planning Considerations

3.1 The key considerations are the principle of the development, design and impact on the character of the area, impact on residential amenity and traffic and parking.

4 Appraisal

Background to the application

4.1 An application was originally submitted in 2006. The Development Control Committee agreed to grant planning permission subject to the completion of a S106 agreement; no agreement was ever completed. The S.106 agreement required the submission of a Travel Plan and a traffic regulation order to prevent articulated vehicles parking on the highway outside the site.
Principle of the Development


4.2 The Borough Local Plan and Core Strategy policies seek to protect existing employment generating uses. Policy CP1 of the Core Strategy states ‘Industrial and distribution uses will be supported on existing and identified industrial/employment sites, where this would increase employment densities and/or reinforce their role in regeneration.’ Policy E4 of the Borough Local Plan states that permission will not be granted for proposals involving the loss of industrial warehousing or other business uses on land identified for such uses.

4.3 The proposal involves the extension and improvement of the existing building. It is not considered that an objection can be raised to the principle of extending or improving an existing industrial unit.

Design and Impact on the Character of the Area:

Planning Policy Statement 1, DPD1 (Core Strategy) policies KP2 and CP4; BLP policy C11.

4.4 It should be noted that good design is fundamentally important to new development and this is reflected in PPS1 as well as Policy C11 of the Local Plan, policies KP2 and CP4 of the Core Strategy and the Design and Townscape Guide.

4.5 The area is characterised by industrial style building of varying standards and design. The extension is considered to integrate with the existing building. This can be seen through the choice of materials and fenestration.

4.6 The development includes the provision of glazing and a canopy at the entrance which is considered to improve the appearance of the original building. It is considered that design if of an acceptable standard and therefore no objection is raised.

Traffic and Transportation Issues:

Planning Policy Statement 1, Planning Policy Guidance Note 13; DPD1 (Core Strategy) policies KP2, CP4; BLP policies T8 and T11.

4.7 Policy T11 requires the provision of adequate parking and servicing facilities. The Essex Planning Officers Association (EPOA) set out the requirements for each use. The Parking Standards are expressed as maximum standards and public transport is available in the locality. It should also be noted that the authority also takes into account Government guidance contained within Planning Policy Guidance Note 13: Transport (PPG13) which encourages the reduction in the reliance of the car and promote methods of sustainable transport.
4.8 The development would provide an additional 28 on site car parking spaces. The EPOA guidelines would seek the provision of a maximum of 30 extra spaces. However, this would be a maximum and taking into account Government guidance in relation to sustainable transport and the reduction in the reliance of the car it is not considered that an objection to the proposal in relation to on site car parking provision could be sustained upon appeal.

4.9 The application was originally deferred from Development Control Committee in October 2006 so that transport issues could be further reviewed. The application was deferred subject to the completion of a S.106 agreement in relation to a financial contribution to fund a traffic regulation order and the provision and monitoring of a Travel Plan. Whilst the Council has made a number of attempts to communicate with the applicant to resolve this matter, no S106 has been forthcoming.

4.10 Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010 and under regulation 122 planning obligations must meet the following statutory tests:

   a) necessary to make the development acceptable in planning terms; and
   b) directly related to the development; and
   c) fairly and reasonably related in scale and kind to the development.

4.11 The Highway Authority no longer considers that the provision of a traffic regulation order would be appropriate or would overcome the concerns with the development in relation to highway safety. It is therefore considered that the current S106 provision would not meet the statutory tests.

4.12 It is considered that the provision of appropriately worded condition would address the concerns and require the provision and monitoring of a Travel Plan.

**Impact on Residential Amenity:**

PPS1, PPS3; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11, E5 and the Design and Townscape Guide.

4.13 The site already involves the provision of compactors, lorry movements and bin stores which are considered to be primary sources of noise and disturbance from within the site. Whilst it is noted that the development will lead to an intensification of the use within the site the development involves the relocation of the compactor within the building which would reduce the potential for noise and disturbance.

4.14 It should also be noted that the current building, and level of use, has been in place for around three years. There is already a restriction on the site in relation to the hours of use. The proposed hours of use would match the existing hours of operation at the site, which are 6:00 to 23:00 Monday to Friday and Saturday mornings. It is not considered that this would have an undue impact upon the amenity of the adjoining residents.
4.15 Whilst it is noted that the extension would result in a reduction in the separation distance it would still be in excess of 20m, which is considered capable of mitigating against any potential overlooking.

5 Conclusion

5.1 It is considered the requirement for a Travel Plan can be sought by condition and the requirement of a TRO is now unreasonable. On this basis, subject to appropriate conditions it is considered that the development is in accordance with the Council’s Development Plan.

6 Planning Policy Summary


6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).


6.4 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), E1 (Employment Promotion), E4 (Industry and Warehousing), E5 Non Residential Uses Located Close to Housing), U2 (Pollution Control), T8 (Traffic Management, Highway Safety) and T11 (Parking Standards).

7 Representation Summary

Highway Authority

7.1 Concerns and complaints have been raised regarding vehicle movements accessing the site. Video evidence has been provided of what can only be described as potentially dangerous situations including large vehicles reversing into the site at a sharp bend, vehicles using a small residential street to turn and reverse into the main road, large vehicles waiting on the highway at extremely inappropriate locations such as on a bend and fully obstructing the footways.

Waiting restrictions do not affect stopping and waiting on the highway, this is a permitted practice (subject to vehicles not causing an obstruction) therefore would not prohibit the practice.

While not substantiated, it is believed that these issues arise from several factors. Inadequate access – the driveway is positioned so that access from the west could be difficult for the size of vehicles attempting the manoeuvre. Inadequate room within the site to accommodate the numbers of vehicles delivering/collecting.

Potential solutions could be to realign the vehicular access enabling access from the west and providing and maintaining adequate room within the site for vehicles to wait and also to turn. Robust management of numbers of vehicles needing to access the site, undertake delivery pick ups to ensure that waiting on the highway
Environment Agency

7.2 Flood Risk Assessment is not needed. The site lies just outside the Flood Risk Zone.

Essex County Fire and Rescue Service

7.3 No comments received.

Essex Police

7.4 No comments received.

Design and Regeneration

7.5 No objection.

Environmental Health

7.6 No objection.

Public Consultation

7.7 Three letters were received which raise the following comments and observations:

- Noise from the relocation of the compactors
- Higher traffic levels in the area
- Overlooking
- Loss of privacy
- Visually intrusive
- Relocation of compactors
- Insufficient landscaping

8 Relevant Planning History

8.1 2005 – An outline application (SOS/04/01639/OUT) to erect a part two storey and part three storey extension to factory (2972.8 sqm) with ancillary offices (557.4sqm) and covered parking, re-locate compactors, erect 2.5m high acoustic fencing, erect covered cycle store, lay out additional parking spaces, bin stores and landscaping areas was approved.

8.2 2006 – A planning application to erect a part single storey and part two storey extension to the east elevation of an existing industrial building incorporating 1500sqm of additional industrial floorspace and 330sqm of office floorspace, lay out 87 parking spaces, re-locate compactors into the front of the industrial building; erect 2m boundary fencing, lay out bin stores, staff recreational areas and
landscaping was refused planning permission for the following reasons:

“The proposed relocation of the waste compactors to the front of the building and the proposed appearance of the extension, as a result of its unsympathetic design, inappropriate fenestration, poor entrance language and inconsistent roof form would be out of keeping with the existing building and overall the proposals would be detrimental to the visual amenities of the streetscene and neighbouring areas, contrary to Policy C11 of the Borough Local Plan and Policy BE1 of the Essex and Southend Replacement Structure Plan.”

“The application has not been supported by a Transport Assessment to demonstrate the proposal would not have a detrimental impact upon the existing transport network and no Travel Plan has been submitted to demonstrate sustainable alternatives. Consequently, the application is therefore contrary to PPG13 (Transport), Policies T1, T3, T6 and T11 of the Essex and Southend Replacement Structure Plan and Policies T1, T11 T12 and T13 of the Borough Local Plan and the Essex Planning Officers Association guidelines.”

“The proposed parking layout, as a result of the siting of parking spaces numbered 68 to 81, which are within close proximity to the gardens of adjoining residential properties, would result in noise, disturbance and emissions to the detriment of the neighbouring residential properties to the east of the site, contrary to Policies C11 and H5 of the Borough Local Plan and Policy BE1 of the Essex and Southend Replacement Structure Plan.”

9 Recommendation

Members are recommended to:

9.1 GRANT PLANNING PERMISSION subject to the following conditions:

01 The development hereby permitted shall be carried out in accordance with the following approved plans: BVB-00206-1 (Issue 4), BVB-00206-2 (Issues 2), BVB-00206-3 (Issue 6) and BVB-00206-4 (Issue 1) (C01D)

Reason: To ensure that the development is carried out in accordance with the policies outlined in the Reason for Approval. (R01D)

02 The car parking spaces provided in accordance with plan no. BVB-00206-1 shall be permanently retained for the parking of vehicles of people working in the building or calling there for business purposes 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 people using the development in the interests of amenity and highways efficiency and safety, in accordance with East of England Plan 2008 policy T8, DPD1 (Core Strategy) 2007 policy KP2, Borough Local Plan 1994 policy T8 and T11, and SPD1 (Design and Townscape Guide). (R18A)
03 The cycle store provision located on site shall be retained in perpetuity unless otherwise agreed in writing with 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 East of England Plan 2008 policy T8, DPD1 (Core Strategy) 2007 policy KP2, Borough Local Plan 1994 policy T8 and T11, and SPD1 (Design and Townscape Guide). (R18E)

04 Any artificial lighting provided to external areas including the new car park area for cars shall be designed, siting, directed and screened so as not to cause detrimental intrusion of light into nearby residential properties.

Reason: In the interests of safeguarding the amenity of the adjoining residential properties. This is as set out in East of England Plan 2008 policy ENV7, DPD1 (Core Strategy) 2007 Policy KP2 Borough and Local Plan 1994 policy E5.

05 The rating level of noise from the development subject of this application determined by the procedures in BS:4142:1997, should be at least 5dB(A) below the background noise LA90 1hr for the hours 07:00 to 23:00 and LA90 5mins for the hours 23:00 to 07:00 measured at 3.5m from ground floor facades and 1m from all facades above ground floor level to residential premises. The afore-mentioned requirement is applicable to noise from the compactor and associated storage bins and noise that may arise from any plant or activity noise within the building.


06 (a) Within three months of the date of this decision a Travel Plan shall have been submitted for the approval of the local planning authority and the scheme shall include the following details:

i) Description of the development and all potential users of the site;

ii) Details of how the travel needs of all users of the development will be met and monitored

iii) Targets and measures relating to the reduction of single car occupancy trips to the site and promotion of non-car modes of travel, and provision for remediation measures should targets not be met;

iv) Details of how commercial vehicle movements to and from the site will be managed (including waiting arrangements for vehicles visiting the site) to avoid any detrimental impact on neighbouring streets;

v) Commitment to join Southend Borough Council ‘Move Easy’ initiative;
vi) Details of a Travel Plan Coordinator and staff resources in respect of overseeing the Travel Plan;

vii) Details of how the Travel Plan will be regularly monitored.

(b) At the end of the first and third years of the life of the Travel Plan, reports monitoring the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified problems must be submitted to and approved in writing by the local planning authority.

(c) The Travel Plan must be approved and implemented within six months of the date of this decision. The Travel Plan must be implemented in accordance with the approved details unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that the development does not have a detrimental impact on the surrounding highway network in accordance with East of England Plan 2008 policy T8, DPD1 (Core Strategy) 2007 policy KP2 and Borough Local Plan 1994 policy T8. (R19I)

REASON FOR APPROVAL:

01. This permission has been granted having regard to East of England Plan (May 2008) Policies SS1 (Achieving Sustainable Development) and ENV7 (Quality in the Built Environment), the Core Strategy KP1 (Spatial Strategy), KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance); Policies C11 (New Buildings, Extensions and Alterations), E1 (Employment Promotion), E4 (Industry and Warehousing), E5 Non Residential Uses Located Close to Housing), U2 (Pollution Control), T8 (Traffic Management, Highway Safety) and T11 (Parking Standards) of the Borough Local Plan together with, the Design and Townscape Guide SPD, Government guidance and to all other material considerations. The carrying out of the development permitted, subject to the conditions imposed, would accord with those policies and in the opinion of the Local Planning Authority there are no circumstances which otherwise would justify the refusal of permission.